



Ports Act 1991

1991 CHAPTER 52

PART I

TRANSFER OF STATUTORY PORT UNDERTAKINGS

Procedure for schemes

11 The annual turnover requirement for the purposes of section 10.

- [^{F1}(1) A relevant port authority meet the annual turnover requirement mentioned in section 10 above at the time when any direction is given to that authority by the Secretary of State under that section if the annual turnover of the authority's port undertaking exceeded the turnover limit in the case of at least two of the last three accounting years of the authority ending before that time.
- (2) References in this section, in relation to a relevant port authority, to the authority's port undertaking are references to all activities of the authority in relation to which the authority are required under section 42(1) of the ^{M1}Harbours Act 1964 to prepare annual statements of accounts.
- (3) For the purposes of subsection (1) above, the annual turnover of a relevant port authority's port undertaking for any accounting year of the authority is the aggregate, as stated in any statement of accounts prepared under section 42(1) in respect of that accounting year, of all sums received by the authority during that year.
- (4) The reference in subsection (3) above to sums received by the authority does not include sums received by way of grant from any public authority or any capital receipts or loans.
- (5) Where a relevant port authority are required under section 42(2) of the ^{M2}Harbours Act 1964 to prepare annual statements of accounts relating to activities carried on by the authority and subsidiaries of the authority—
- (a) the reference in subsection (2) above to activities of the authority shall be read as including a reference to activities of any subsidiary of the authority;

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- (b) the references in subsections (2) and (3) above to section 42(1) shall be read as references to section 42(2); and
 - (c) the reference in subsection (3) above to sums received by the authority shall be read as including a reference to sums received by any subsidiary of the authority which are shown in the statement of accounts there mentioned (and subsection (4) above shall apply accordingly).
- (6) For the purposes of this section—
- (a) the turnover limit, in relation to any accounting year of a relevant port authority, is the turnover limit applicable to the reference year in which that accounting year ends;
 - (b) the reference years are the year ending immediately before the date on which this Act is passed (“the base date”), the year beginning with that date and each succeeding year beginning with an anniversary of that date; and
 - (c) the turnover limit applicable to a reference year is £5 million unless subsection (7) below applies, in which case it is the amount determined under that subsection.
- (7) Where in the case of any anniversary of the base date the retail prices index for the month in which that anniversary falls shows a percentage increase over that for the month in which the base date falls, the turnover limit applicable to the reference year beginning with that anniversary shall be an amount arrived at by—
- (a) increasing the sum of £5 million by a percentage equal to that percentage increase; and
 - (b) rounding the result to the nearest £100,000.
- (8) The Secretary of State shall publish in the London Gazette and the Edinburgh Gazette the turnover limit applicable to any reference year beginning with an anniversary of the base date as soon as practicable after that anniversary.
- (9) The reference in subsection (7) above to the retail prices index is a reference to the general index of retail prices (for all items) published by the [^{F2}Statistics Board]; and if that index is not published for any month relevant for the purposes of that subsection that reference shall be read as a reference to any substituted index or index figures published by [^{F3}the Board] for that month.]

Textual Amendments

- F1** S. 11 repealed (S.) (3.12.2015) by [Harbours \(Scotland\) Act 2015 \(asp 13\)](#), **ss. 1(2)(b)**, 3
- F2** Words in s. 11(9) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 3 para. 7(a)**; S.I. 2008/839, art. 2
- F3** Words in s. 11(9) substituted (1.4.2008) by [Statistics and Registration Service Act 2007 \(c. 18\)](#), s. 74(1), **Sch. 3 para. 7(b)**; S.I. 2008/839, art. 2

Marginal Citations

- M1** 1964 c. 40.
- M2** 1964 c. 40.

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