

1977 No. 1725

**HARBOURS, DOCKS, PIERS AND FERRIES****The National Ports Council Provision of Funds  
Scheme 1977 (Confirmation) Order 1977**

<i>Made - - - -</i>	<i>25th October 1977</i>
<i>Laid before Parliament</i>	<i>26th October 1977</i>
<i>Coming into Operation</i>	<i>16th November 1977</i>

The Secretary of State for Transport in exercise of the powers conferred by section 4(5) and (7) of the Harbours Act 1964(a) hereinafter referred to as ("the Act") and now vested in him(b) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) The Secretary of State hereby confirms with modifications made after consultations with the National Ports Council the Scheme for the imposition by that Council of charges on harbour authorities made and submitted to him by that Council in pursuance of section 4(1) of the Act.

(2) The Scheme is set out in Schedule 1 to this Order and shall come into force on the date specified in Article 2(1) of this Order.

2.—(1) This Order may be cited as the National Ports Council Provision of Funds Scheme 1977 (Confirmation) Order 1977 and shall come into operation on 16th November 1977.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The Orders set out in Column 1 of Schedule 2 to this Order are hereby revoked.

25th October 1977.

*William Rodgers,*  
Secretary of State for Transport.

(a) 1964 c. 40.

(b) S.I. 1970/1681 (1970 III, p. 5551).

(c) 1889 c. 63.

## SCHEDULE 1

NATIONAL PORTS COUNCIL  
SCHEME UNDER SECTION 4 OF THE HARBOURS ACT 1964

The National Ports Council, in exercise of their powers under section 4 of the Harbours Act 1964, hereby make the following Scheme:—

1. This Scheme may be cited as the National Ports Council Provision of Funds Scheme 1977.

2.—(1) In this Scheme:—

“accounting period” means a period of one year beginning on the 1st January;

“the Act” means the Harbours Act 1964;

“the contributing authorities” means the first contributing authority and the second contributing authorities and “contributing authority” shall be construed accordingly;

“the Council” means the National Ports Council;

“the Council’s expenditure” means any expenditure incurred, or to be incurred, by the Council in respect of the matters included in section 4(1) of the Act;

“financial year” means, in relation to each of the second contributing authorities, the year for which their annual accounts are normally made up;

“the first contributing authority” means the British Transport Docks Board;

“the last financial year” means, in relation to each of the second contributing authorities, the financial year ending last before the 1st July last preceding the beginning of an accounting period;

“relevant receipts” means, in relation to each of the second contributing authorities, all receipts by way of revenue arising from or in connection with the improvement, maintenance or management by that second contributing authority of the harbour or harbours (other than a fishery harbour or marine work) for which they are the harbour authority, but shall exclude—

(a) receipts in respect of cargo handling;

(b) receipts in respect of pilotage;

(c) investment income from—

(i) investments required to be shown in the accounts of the second contributing authority (other than investments in subsidiary companies);

(ii) loans or deposits made for a period of sixty calendar months or less;

(iii) investments in companies engaged wholly or mainly in cargo handling and not falling within either of the two preceding items;

(d) rents from tenancies granted by the second contributing authority in connection with the improvement, maintenance or management of the harbour or harbours in question except in so far as those rents in any financial year exceed ten per cent. of the sum arrived at after deducting the excluded items (a), (b) and (c) above from all receipts by way of revenue arising from or in connection with the improvement, maintenance or management of the harbour or harbours in question by the second contributing authority;

(e) receipts from the sale of fish by the second contributing authority;

“the second contributing authorities” means the harbour authorities specified in the Schedule to this Scheme and “second contributing authority” shall be construed accordingly.

In the application of the definition of “relevant receipts”, receipts in respect of cargo handling shall be taken to be—

- (a) in the case of an undertaking to which the Statutory Harbour Undertakings (Form of Accounts etc.) (Local Authorities) Regulations 1969 apply, the revenue from cargo handling indicated separately in the revenue account under paragraph 13(1)(a) of Schedule 2 to the said Regulations;
- (b) in the case of an undertaking to which the Statutory Harbour Undertakings (Form of Accounts etc.) (Companies) Regulations 1969 apply, the revenue from cargo handling indicated separately in the profit and loss account under paragraph 2(a) of Schedule 2 to the said Regulations; and
- (c) in any other case, the revenue from cargo handling indicated separately in the revenue account under paragraph 15(1)(a) of Schedule 2 to the Statutory Harbour Undertakings (Form of Accounts etc.) (General) Regulations 1969 or which would have been so indicated if those Regulations had applied to the undertaking.

(2) The Interpretation Act 1889 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

3.—(1) The Council shall not later than the 1st December last preceding the beginning of each accounting period:—

- (a) estimate the amount which (having regard to article 5 of this Scheme) should be raised by charges under this Scheme in the accounting period in question to enable the Council to meet the Council’s expenditure in so far as it cannot be met by revenue accruing to them in consequence of the exercise of powers conferred by provisions of the Act other than section 4 of the Act (which amount is hereinafter referred to as “the estimated amount”);
- (b) apportion the estimated amount among the contributing authorities in the manner described in paragraph (2) below;
- (c) issue to each of the contributing authorities a demand for payment of a charge equal to the amount apportioned under the last preceding sub-paragraph:
  - Provided that—
  - (i) if the amount apportioned to a contributing authority as aforesaid is not a whole number of pounds the fraction of a pound shall be ignored;
  - (ii) if the amount so apportioned to a contributing authority is less than £25 no demand shall be issued to that contributing authority under the foregoing provisions of this paragraph.

(2) The estimated amount shall be apportioned among the contributing authorities in the manner following, that is to say:—

- (a) the Council shall apportion to the first contributing authority a sum equal to twenty-two per cent. of the estimated amount;
- (b) the Council shall apportion to the Port of London Authority and the Mersey Docks and Harbour Company respectively a sum equal to two and a half per cent. of the estimated amount and in the case of each of these two contributing authorities the sum so apportioned shall be added to the sum apportioned to them as a second contributing authority under sub-paragraph (c) below;
- (c) after deducting from the estimated amount the total of the sums apportioned to the first contributing authority, the Port of London Authority and the Mersey Docks and Harbour Company respectively under sub-paragraphs (a) and (b) above the Council shall apportion to each of the second contributing authorities a sum which bears to the balance of the estimated amount the same proportion as the amount of that authority’s relevant receipts in the last financial year bears to the total of the relevant receipts of all the second contributing authorities in the last financial year as applicable to them respectively.

4.—(1) Each of the second contributing authorities shall furnish the Council with information reasonably required by the Council for the purpose of ascertaining or confirming the amount of relevant receipts in any financial year which is relevant for the purposes of this Scheme.

(2) An apportionment made by the Council in accordance with article 3(2)(c) of this Scheme shall not be invalid on the grounds that it is based on information furnished by a second contributing authority which subsequently proves to be inaccurate.

(3) If it appears to the Council that a second contributing authority has failed to furnish them with reliable information as to the relevant receipts in a financial year they may, for the purposes of making an apportionment in accordance with article 3(2)(c) of this Scheme, estimate as best they can the amount of relevant receipts in that year and the apportionment shall not for that reason be invalid.

(4) A person who fails to furnish the Council with information reasonably required by them under paragraph (1) above (unless he proves that he had reasonable cause for the failure), or who furnishes the Council with information which he knows to be false, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 or in the case of a second or subsequent conviction to a fine not exceeding £200.

5. The amount to be raised by the Council by means of charges under this Scheme to meet expenditure to be incurred by them during any accounting period shall not exceed £1,250,000.

6. Each of the contributing authorities shall pay the charge for which a demand is issued to them under article 3 of this Scheme either, at their option, by one lump sum payment to be made before the beginning of the accounting period in question or by four equal instalments the first to be paid before the beginning of the accounting period in question and the subsequent instalments to be paid not later than, respectively, 1st April, 1st July and 1st October in the accounting period.

7.—(1) A demand for payment issued by the Council to any of the contributing authorities under the provisions of this Scheme shall be duly served on that contributing authority if it is sent by post by means of the recorded delivery service to their clerk or secretary.

(2) For the purposes of this article and of section 26 of the Interpretation Act 1889 in its application to this article the proper address of the clerk or secretary of a contributing authority shall be the registered or principal office of that authority.

8. Where a second contributing authority change the year for which their financial accounts are normally made up and, as an incident of that change, their accounts are made up for a transitional period which is greater or less than a year, the period of twelve months the end of which coincides with the end of the transitional period shall be deemed to be a financial year for the purposes of this Scheme.

9.—(1) The National Ports Council Provision of Funds Scheme 1965 as in force immediately before the commencement of this Scheme is hereby revoked.

(2) Any demand for payment of a charge under the said National Ports Council Provision of Funds Scheme 1965 issued by the Council in respect of the accounting period beginning on 1st January 1978 shall cease to have effect and any payment made in respect of such charge shall be credited by the Council against the charge made on the harbour authority in question under this Scheme in respect of that accounting period. If any such payment as aforesaid exceeds the amount of the charge made on the harbour authority in question under this Scheme the Council shall repay the balance as soon as reasonably possible:

Provided that the foregoing provisions of this paragraph shall not have effect if this Scheme does not come into operation before the end of November 1977.

IN WITNESS whereof the Common Seal of the National Ports Council is hereunto affixed on the 22nd day of July 1977.

**J. MORRIS GIFFORD**  
Member and Director General.

C.S.

**R. C. LIVESEY**  
Assistant Director General  
and Joint Secretary.

## SCHEDULE

## Second Contributing Authorities

Aberdeen Harbour Board	Lancaster Port Commission
Ardrossan Harbour Company Limited	Lerwick Harbour Trust
Berwick Harbour Commissioners	Littlehampton Harbour Board
Blyth Harbour Commissioners	Maldon Harbour Improvement Commission
Boston Borough Council	Manchester Ship Canal Company
Bristol City Council	Medina Borough Council
British Railways Board	Medway Ports Authority
British Waterways Board	Mersey Docks and Harbour Company
Caernarvon Harbour Trust	Milford Docks Company
Canterbury City Council	Milford Haven Conservancy Board
Carrick District Council	Montrose Harbour Trust
Cattedown Wharves Limited	Neath Harbour Commission
Cattewater Harbour Commission	Newport Harbour Commission
Chichester Harbour Conservancy	North Devon District Council
Clyde Port Authority	Orkney Islands Council
Colchester Borough Council	Padstow Harbour Commission
Cowes Harbour Commissioners	Penwith District Council
Cromarty Firth Port Authority	Poole Harbour Commission
Crouch Harbour Authority	Port of London Authority
Cumbria County Council	Port of Tyne Authority
Dart Harbour and Navigation Authority	Portsmouth City Council
Dover Harbour Board	Preston Borough Council
Dundee Port Authority	Sandwich Port and Haven Commissioners
Dwyfor District Council	Seaham Harbour Dock Company
Exeter City Council	Sedgemoor District Council
ECC Ports Limited	Shetland Islands Council
Exmouth Docks Company	Shoreham Port Authority
Falmouth Docks and Engineering Company	Sunderland Borough Council
Falmouth Harbour Commission	Sutton Harbour Improvement Company
Felixstowe Dock and Railway Company	Tayside Regional Council
Fenland District Council	Tees and Hartlepool Port Authority
Forth Ports Authority	Teignmouth Harbour Commission
Fowey Harbour Commission	Teignmouth Quay Company Limited
Gillingham Borough Council	Thanet District Council
Gloucester Harbour Trustees	Torbay Borough Council
Great Yarmouth Port and Haven Commissioners	Torrige District Council
Harwich Dock Company Limited	Unilever Limited
Harwich Harbour Conservancy Board	Warkworth Harbour Commission
Ipswich Port Authority	West Somerset District Council
Irvine Harbour Company	Weymouth and Portland Borough Council
Isle of Anglesey Borough Council	Whitehaven Harbour Commission
King's Lynn Conservancy Board	Yarmouth (Isle of Wight) Harbour Commission

## SCHEDULE 2

(1) Orders revoked	(2) References
The National Ports Council Provision of Funds Scheme 1965 (Confirmation) Order 1965	S.I. 1965/2196 (1965 III, p. 6417).
The National Ports Council Provision of Funds (Variation) Scheme 1966 (Confirmation) Order 1966	S.I. 1966/989 (1966 II, p. 2369).
The National Ports Council Provision of Funds (Variation) Scheme 1967 (Confirmation) Order 1967	S.I. 1967/1392 (1967 III, p. 4066).
The National Ports Council Provision of Funds (Variation) Scheme 1968 (Confirmation) Order 1968	S.I. 1968/1402 (1968 II, p. 4048).
The National Ports Council Provision of Funds (Variation) Scheme 1969 (Confirmation) Order 1969	S.I. 1969/1348 (1969 III, p. 4021).
The National Ports Council Provision of Funds (Variation) Scheme 1970 (Confirmation) Order 1970	S.I. 1970/1460 (1970 III, p. 4794).
The National Ports Council Provision of Funds (Variation) Scheme 1973 (Confirmation) Order 1973	S.I. 1973/1620 (1973 III, p. 5060).
The National Ports Council Provision of Funds (Variation) Scheme 1975 (Confirmation) Order 1975	S.I. 1975/1612 (1975 III, p. 5607).

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

By this Order the Secretary of State for Transport confirms a Scheme made and submitted to him by the National Ports Council under section 4 of the Harbours Act 1964 for imposing on harbour authorities charges to provide funds for the Council for the purposes mentioned in section 4(1). The Scheme is confirmed subject to modifications made by the Minister after consulting the Council and as so confirmed is set out in Schedule 1.

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