

1977 No. 2125

HARBOURS, DOCKS, PIERS AND FERRIES

The Blyth Harbour Revision Order 1977

Made - - - - - 30th July 1977

Laid before Parliament 3rd November 1977

Coming into Operation 15th December 1977

The Secretary of State for Transport in exercise of the powers conferred upon him by section 14 of the Harbours Act 1964(a) and now vested in him (b) and of all other powers enabling him in that behalf, and on the application of the Blyth Harbour Commissioners, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Blyth Harbour Revision Order 1977 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Blyth Harbour Acts 1858 to 1957, the Blyth Harbour (Amendment of Local Act) Order 1969(d) and this Order may be cited together as the Blyth Harbour Acts and Orders 1858 to 1977.

Interpretation

2.—(1) In this Order “the Commissioners” means the Blyth Harbour Commissioners.

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

(3) Except where the context otherwise requires, any reference in this Order to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by any subsequent enactment, including this Order.

(4) This Order and the Blyth Harbour Act 1957(f) shall have effect as if this Order were part of that Act.

(a) 1964 c. 40.

(c) 9 & 10 Geo. 6 c. 18; 1965 c. 43.

(e) 1889 c. 63.

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

(d) S.I. 1969/1652.

(f) 1957 c. vi.

Borrowing powers

3.—(1) The Commissioners may from time to time borrow upon the security of their assets for the time being and of their revenues, by any methods they see fit—

- (a) such sums of money as they think necessary not exceeding in the aggregate three million pounds; and
- (b) with the consent of the Secretary of State, such further sums of money as they may require.

Provided that in calculating for the purpose of this article the aggregate sums of money borrowed by the Commissioners there shall be excluded any sums borrowed for the purpose of repaying within twelve months of the date of borrowing any sum for the time being outstanding by way of principal on any amount previously borrowed.

(2) Moneys borrowed by the Commissioners under this article shall be applied only to purposes to which capital money is properly applicable.

(3) For the purposes, but without prejudice to the generality, of paragraph (2) of this article, purposes to which capital money is properly applicable shall be deemed to include—

- (a) the payment of any interest falling due within five years immediately following the date of borrowing on any sum of money borrowed by the Commissioners under this article; and
- (b) the repayment within twelve months from the date of borrowing of any sum for the time being outstanding by way of principal on any amount previously borrowed.

Pensions, etc.

4.—(1) The Commissioners may make provision for the payment to or in respect of a person who is or has been in their employment of such pension, grant, allowance, gratuity, or like benefit as they may determine, and may maintain such schemes (whether contributory or not) for the payment of such pensions, grants, allowances or gratuities as may be so determined.

(2) When exercising their powers under paragraph (1) of this article, the Commissioners may—

- (a) amalgamate any existing scheme with a scheme established under paragraph (1) of this article;
- (b) transfer in whole or in part, or wind up, any fund held for an existing scheme;
- (c) make any arrangements supplemental to, or consequential upon, the matters referred to in sub-paragraphs (a) or (b) of this article.

(3) When exercising their powers under the preceding paragraphs of this article, the Commissioners shall secure that persons having rights under an existing scheme are not placed in any worse position by reason of the exercise of those powers.

Amendment to Act of 1882 and Act of 1912

5.—Section 57 of the Commissioners Clauses Act 1847(a) shall cease to be incorporated with the Blyth Harbour Act 1882(b) and the Blyth Harbour Act 1912(c) and accordingly section 2 of the said Act of 1882 and section 2 of the said Act of 1912 shall be amended by substituting, in each section, for the words “(section 57 being construed as if the amount required therein were five hundred pounds instead of one hundred pounds)” the words “(except section 57)”.

Increase of fines

6.—There shall be substituted for the penalties set out in column (2) of the Schedule to this Order, as prescribed in relation to the enactments respectively specified in column (1) thereof, the penalties prescribed in relation thereto in column (3) of the Schedule.

Repeals

7.—The following enactments are hereby repealed—

In the Blyth Harbour Act 1912—

section 141 (Commissioners may grant pensions, &c.);

In the Blyth Harbour Act 1957—

section 10 (Power to borrow);

section 16 (Power to reborrow);

section 17 (Application of moneys);

section 20 (Saving for powers of Treasury).

Costs of Order

8.—The costs, charges and expenses of and incidental to the preparing and obtaining of this Order, and otherwise in relation thereto (other than costs, charges and expenses which any person is lawfully ordered to pay by the Secretary of State or a Joint Committee of both Houses of Parliament for any costs incurred in opposing this Order), shall be paid by the Commissioners.

30th July 1977.

William Rodgers,
Secretary of State for Transport.

(a) 1847 c. 16.

(b) 1882 c. liv.

(c) 1912 c. cix.

SCHEDULE
INCREASE OF FINES.

Article 6

(1) Enactment	(2) Existing Penalty	(3) New Penalty
<i>The Blyth Harbour & Dock Act 1858</i>		
Section LIV (Exemption of certain vessels)	£10	£100
Section LXXIX (Penalty for breaking lamps)	Forty Shillings	£20
Section LXXXI (Penalty for throwing ballast overboard within certain limits)	£10	£100
Section LXXXIII (Penalty on Masters of Lighters improperly discharging or taking up Ballast).. ..	£10	£100
Section LXXXIV (Occupiers of Wharves not to allow Ballast to remain near edge of Wharf)	£5	£50
<i>Blyth Harbour Act 1912</i>		
Section 77 (Penalties on persons practising frauds) ..	Forty Shillings	£20
Section 78 (Penalties in case of offences by toll collectors)	£10	£100
Section 148 (Report to collectors of rates of vessels entering or leaving harbour): subsection (4) (penalty of master of any vessel failing to make any such report)	£10	£100
Section 149 (Master to deliver account in writing of fuel and ballast)	£10	£100
Section 150 (Master to deliver a copy of Bill of Lading or manifest)	£10	£100
Section 153 (Harbour Master may prevent sailing of vessels when rates have not been paid)	£10	£100
Section 154 (Regulations with respect to timber logs, rafts, etc.)	Forty Shillings	£20
Section 158 (Power to licence and make charges in respect of certain river craft)	£5	£50
Section 161 (No rubbish to be thrown on quays without permission)	£5	£50
Section 162 (Additional byelaws)	£5	£50

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order—

- (a) enables the Blyth Harbour Commissioners to borrow upon the security of their assets and revenues, by any methods they see fit, such sums of money as they think necessary not exceeding three million pounds, and with the consent of the Secretary of State such further sums as they may require;
- (b) increases the powers of the Commissioners to provide pensions and related benefits to or in respect of their employees and former employees;
- (c) removes the restriction on the contractual powers of the Commissioners contained in section 57 of the Commissioners Clauses Act 1847 which prevents the Commissioners from entering into contracts involving the expenditure of £500 or more without first inviting tenders by public notice; and
- (d) increases the penalties for certain offences.