
STATUTORY INSTRUMENTS

1986 No. 124

HARBOURS, DOCK, PIER AND FERRIES

The Littlehampton Harbour Revision Order 1986

Made - - - - - 23rd January 1986
Coming into Operation 1st February 1986

The Secretary of State for Transport, in exercise of the powers conferred 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 Littlehampton Harbour Board, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Littlehampton Harbour Revision Order 1986.

(2) This Order shall come into operation on 1st February 1986.

(3) The Littlehampton Harbour and Arun Drainage Outfall Act 1927^(c), Part II of the West Sussex County Council Act 1972^(d), and this Order may be cited together as the Littlehampton Harbour Acts and Order 1927 to 1986.

Interpretation

2. In this Order—

“the Act of 1972” means the West Sussex County Council Act 1972;

“the Board” means the Littlehampton Harbour Board.

General borrowing powers

3.—(1) The Board may borrow money upon the security of all or any of the revenues and property of the Board and by any method or methods they see fit:

Provided that—

(a) the total amount of monies borrowed under this article and outstanding at any one time shall not exceed £5,000,000;

(b) in calculating for the purpose of proviso (a) above the amount of money borrowed by the Board and outstanding at any one time there shall be excluded any monies borrowed for use within twelve months of the date of borrowing for repayment of any sum for the time being outstanding by way of principal on any amount previously borrowed.

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

(a) 1964 c.40 section 14 as amended by the Transport Act 1981 (c.56) Schedule 6, paragraphs 2,

3, 4(1) and 12.

(b) S.I. 1981/238.

(c) 1927:17 & 18 Geo. V c.1xvii.

(d) 1972 c.l.

(3) For the purposes of the last foregoing paragraph, but without prejudice to the generality thereof, purposes to which capital money is properly applicable shall be deemed to include:—

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

Temporary borrowing

4. The Board may borrow temporarily, by way of overdraft or otherwise, such sums as the Board may require for meeting their obligations or discharging their functions under or in pursuance of any enactment:

Provided that the total amount outstanding at any one time of the money so borrowed shall not exceed £150,000.

Existing borrowing

5. Any monies borrowed by the Board under or by virtue of any enactment repealed by this Order and outstanding at the commencement of this Order shall be deemed for the purposes of article 3 of this Order to have been borrowed under that article.

Repeals

6.—(1) The following provisions of the Act of 1972 are hereby repealed:—

Section 25 (application of Local Government Act 1933 to borrowing of money by harbour board);

Section 26 (mode of borrowing by harbour board);

Section 27 (power for West Sussex County Council to lend money to harbour board);

Section 34 (saving for powers of Treasury).

(2) Section 48 of the Harbours Docks and Piers Clauses Act 1847(a) (collector of Customs may withhold clearance to any vessel until certificate is produced that the rates are paid etc.) shall cease to be incorporated with the Littlehampton Harbour Acts and Order 1927 to 1985.

Supplemental amendments

7. In the Act of 1972—

(a) in section 5 for the definition of “the Littlehampton Council” there shall be substituted the following definition:—

“the Arun Council” means the Arun District Council;

(b) In section 6(1)(a) and in section 28(2) wherever appearing for the word “Littlehampton” there shall be substituted the word “Arun”;

(c) in section 31 (Inspection and audit) for subsections (2) and (3) there shall be substituted the following subsection —

“(2) The provisions of sections 12 to 25, and 30 (which relate to accounts and audits of the Local Government Finance Act 1982(b))

(a) 1847 c.27.

(b) 1982 c.32.

shall with any necessary modifications apply to the harbour board as if the Board were specified in section 12(2) of that Act.”

Cost of Order

8. The costs, charges and expenses of and incidental to the preparing, applying for and obtaining of this Order and otherwise in relation thereto (other than those which any person may be ordered by the Secretary of State or a joint committee of both Houses of Parliament to pay, or any costs, charges and expenses incurred in opposing this Order) shall be paid by the Board.

Signed by authority
of the Secretary of State
23rd January 1986.

J. W. S. Dempster,
An Under Secretary
in the Department of Transport.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Order fixes the limit on borrowing by, and changes the borrowing powers of, the Littlehampton Harbour Board. The Secretary of State's consent, which was previously required for any borrowing by the Board, was abolished as a result of section 3 of the Ports (Finance) Act 1985. The Order sets a maximum limit of £5m, which sum can be borrowed without the Secretary of State's consent. The Order also authorises temporary borrowing up to a maximum of £150,000. It further disapplies section 48 of the Harbours Docks and Piers Clauses Act 1847 from the local legislation of the Board and substitutes the audit provisions (with any necessary modifications) of the Local Government Finance Act 1982 for those of the Local Government Act 1933 which are incorporated with the local legislation of the Board.

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