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STATUTORY INSTRUMENTS

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1986 No. 137

**HARBOURS, DOCKS, PIERS AND FERRIES**

**Cattewater 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 Cattewater Harbour Commissioners hereby makes the following Order:—

*Citation and Commencement*

1.—(1) This Order may be cited as the Cattewater Harbour Revision Order 1986 and shall come into operation on 1st February 1986.

(2) The Cattewater Harbour Orders 1915 to 1950 and this Order may be cited together as the Cattewater Harbour Orders 1915 to 1986.

*Interpretation*

2. In this Order:

“the Commissioners” means the Cattewater Harbour Commissioners;

“the Order of 1915” means the Cattewater Harbour Order 1915(c);

“the Order of 1925” means the Cattewater Harbour Order 1925(d); and

“the Order of 1950” means the Cattewater Harbour Order 1950(e);

*Incorporation of Commissioners Clauses Act 1847*

3. The provisions of the Commissioners Clauses Act 1847(f) as to mortgages other than section 84 (Sinking fund) shall be incorporated with and form part of this Order.

*Borrowing Powers*

4. The Commissioners may from time to time borrow in addition to such sums as they are authorised to borrow under the Order of 1915 such further moneys as may be required by the Commissioners for the purposes of their undertaking not exceeding, together with any sums previously borrowed and not repaid, the sum of one million pounds.

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(a) 1964 c. 40; section 14 and schedule 3 were amended by the Transport Act 1981 (c. 56) section 18 and schedule 6 paragraph 4(1) to (8).

(b) S.I. 1981/238.

(c) *see* 1915 c. xcix.

(d) *see* 1925 c. lxxiii.

(e) *see* 1950 c. xxxvi.

(f) 1847 c. 16.

*Application of the provisions of Order of 1915*

5. The following provisions of the Order of 1915 shall extend and apply to the exercise of the powers of this Order as if the same were with all necessary modifications re-enacted in this Order:—

section 42 (Application of money borrowed);

section 44 (Protection of lenders);

section 47 (Appointment of receiver);

section 49 (Application of harbour revenue):

Provided that the said section 47 shall have effect as if for the words “two thousand pounds in the whole” there were substituted the words “one-tenth of the amount for the time being borrowed by the Commissioners”.

*Sinking Fund*

6.—(1) As from the commencement of this Order, the Commissioners shall cease to be under any obligation to appropriate revenue to the sinking fund formed pursuant to section 18 of the Order of 1950.

(2) The Commissioners may, at any time, apply the whole or any part of the sums standing to the credit of the sinking fund referred to in paragraph (1) above in or towards the discharge of the moneys borrowed by them which are mentioned in subsection (1) of section 18 of the Order of 1950.

(3) If all the moneys borrowed by the Commissioners which are mentioned in subsection (1) of section 18 of the Order of 1950 have been repaid, the Commissioners may apply all moneys then remaining in the sinking fund formed pursuant to that section for the general purposes of their undertaking and the Commissioners shall cease to be under any obligation to maintain a sinking fund.

(4) Section 49(4) of the Order of 1915, section 4(3) of the Order of 1925 and section 18 of the Order of 1950, which make provision for a sinking fund, shall cease to have effect.

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

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

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EXPLANATORY NOTE

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

This Order increases from £100,000 to £1,000,000 (one million pounds) the maximum amount of money which the Cattewater Harbour Commissioners may borrow and makes provision for the discontinuance of the sinking fund maintained by them.