

1989 No. 875

HARBOURS, DOCKS, PIERS AND FERRIES

**The Yarmouth (Isle of Wight) Harbour Revision Order
1989**

Made - - - - - *17th May 1989*

Coming into force *1st June 1989*

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) (being the appropriate Minister under that section for the purposes of making this Order) and of all other powers enabling him in that behalf, and on the application of the Yarmouth (Isle of Wight) Harbour Commissioners, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Yarmouth (Isle of Wight) Harbour Revision Order 1989 and shall come into force on 1st June 1989.

(2) The Yarmouth (Isle of Wight) Harbour Orders 1931 to 1985 and this Order may be cited as the Yarmouth (Isle of Wight) Harbour Orders 1931 to 1989.

Increase in borrowing powers

2.—(1) In section 36 of the Yarmouth (Isle of Wight) Pier and Harbour Order 1931(c) (borrowing powers), as substituted by article 2 of the Yarmouth (Isle of Wight) Harbour Revision Order 1980(d), in subsection (1)(a), for “two hundred and fifty thousand” there shall be substituted “three million”.

(2) In section 37 of the said Order of 1931 (temporary borrowing), as substituted by the said article 2, for “one hundred thousand” there shall be substituted “three hundred thousand”.

Penalty for evading payment of charges

3. In article 15 of the Yarmouth (Isle of Wight) Harbour Revision Order 1971(e) (penalty for evading payment of charges), the words “on summary conviction” and “or £100, whichever is the less” shall be omitted and after the word “them” there shall be inserted “in the same manner as penalties imposed by the Harbours, Docks and Piers Clauses Act 1847(f) may be recovered or by action”.

(a) 1964 c.40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4 and 14.

(b) See S.I. 1981/238.

(c) 1931 c.1xxxix.

(d) S.I. 1981/318.

(e) Section 57(1) of the Harbours Act 1964 and S.I. 1972/300.

(f) 1847 c.27.

Penalty for contravention, etc. of byelaws

4. In article 18 of the Yarmouth (Isle of Wight) Harbour Revision Order 1971 (byelaws) in paragraph (2)–

- (a) for “£5” there shall be substituted “£50”; and
- (b) the Proviso shall cease to have effect.

Signed by authority of the Secretary of State

17th May 1989

J. D. Noulton
An Under Secretary in the Department of Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases to £3 million the maximum amount which the Yarmouth (Isle of Wight) Harbour Commissioners may borrow for the purposes of the harbour on the security of their assets and reserves and increases to £300,000 the maximum amount which the Commissioners may borrow temporarily by way of overdraft or otherwise.

The Order also amends provisions in the Yarmouth (Isle of Wight) Harbour Revision Order 1971 relating to byelaws and to the penalty for evading payment of charges.

The applicants for the Order are the Yarmouth (Isle of Wight) Harbour Commissioners.

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