
STATUTORY INSTRUMENTS

1996 No. 1419

HARBOURS, DOCKS, PIERS AND FERRIES

The Cromarty Firth Port Authority
Harbour Revision Order 1996

Made - - - - 31st May 1996
Coming into force - - 21st June 1996

Whereas the Cromarty Firth Port Authority have applied for a harbour revision order under section 14 of the Harbours Act 1964(1);

And whereas an objection to the application made pursuant to paragraph 3(a) of Schedule 3 to the said Act(2) has been withdrawn;

And whereas the Secretary of State for Transport is satisfied as mentioned in subsection (2)(b) of the said section 14:

Now, therefore, the Secretary of State for Transport (being the appropriate Minister under subsection (7) of the said section 14(3)), in exercise of the powers conferred by that section and now vested in him(4), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Cromarty Firth Port Authority Harbour Revision Order 1996 and shall come into force on 21st June 1996.

(2) The Cromarty Firth Port Authority Order 1973(5) and this Order may be cited together as the Cromarty Firth Port Authority Orders 1973 and 1996.

Interpretation

2. In this Order, unless the context otherwise requires—

“the Order of 1973” means the Cromarty Firth Port Authority Order 1973;

(1) 1964 c. 40; section 14 was amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2, 3, 4(1) and 14 and by the Transport and Works Act 1992 (c. 42), Schedule 3, paragraph 1.
(2) Schedule 3 was amended by the Transport Act 1981, section 18 and Schedule 6, paragraphs 4(2) to (7) and 12 and by the Transport and Works Act 1992, Schedule 3, paragraph 10.
(3) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).
(4) S.I.1981/238.
(5) See 1973 c.xvi.

- “the Authority” means the Cromarty Firth Port Authority;
 “the undertaking” means the undertaking for the time being of the Authority.

Amendment of Order of 1973

3. The Order of 1973 shall be amended—
- (a) by omitting from section 3(1) the words “the county council' means the council of the administrative county of Ross and Cromarty;” and substituting therefor the words “the council' means the Highland Council;”;
 - (b) by omitting from items (iii) and (v) of the second proviso to section 4(1) the words “one hundred pounds” and substituting therefor the words “level 2 on the standard scale”;
 - (c) by omitting from item (vi) of the said second proviso the words “fifty pounds” and substituting therefor the words “level 2 on the standard scale”;
 - (d) by omitting from section 6(1) the words “six” and “seven” and substituting therefor respectively the words “seven” and “eight”;
 - (e) by omitting from section 6(3)(a) the word “county”;
 - (f) by omitting from section 6(3)(b) the word “three” and substituting therefor the word “four” and by omitting therefrom the words “after consulting the National Ports Council”;
 - (g) by omitting from section 6(4) the word “county”;
 - (h) by substituting for section 7(2) the following subsection—

“(2) The Authority may do all other things which in their opinion are necessary or expedient to facilitate the proper carrying on or development of the undertaking and for those purposes, and without prejudice to the generality of the foregoing, the Authority may—

 - (a) acquire any undertaking or part of an undertaking;
 - (b) subscribe for or acquire shares or securities of any body corporate;
 - (c) lend money to any person for the purposes of any undertaking carried on by him or, where that person is a body corporate, any undertaking carried on by that body corporate or any subsidiary thereof;
 - (d) maintain such reserve funds as they think fit;
 - (e) invest any sums not immediately required for the purposes of the undertaking; and
 - (f) turn their resources to account so far as not required for those purposes.”;
 - (i) by inserting in section 8 after the word “appoint” the words “a chief executive,”;
 - (j) by omitting from section 46(3) the words “fifty pounds” and substituting therefor the words “level 2 on the standard scale”;
 - (k) by omitting from section 48(2)(b) the word “county”;
 - (l) by omitting from section 58 the word “county” in both places where it occurs;
 - (m) by inserting in section 59(1)(a) after the word “warehouses,” the words “storage facilities,”;
 - (n) by inserting in section 59(1)(c) after the words “concerned with the” the words “warehousing, storage”;
 - (o) by inserting in section 59(1) after the words “the Authority may” the words “(without prejudice to any of the other powers conferred on the Authority by this Order)”;
 - (p) by substituting for section 83 the following section—

“Saving for SEPA.

83. Nothing in this Order shall affect prejudicially any powers conferred on the Scottish Environment Protection Agency by or under any enactment.”

Subsidiaries

4.—(1) The Authority may form and promote a wholly-owned subsidiary for carrying on any activities which the Authority have power to carry on.

(2) The Authority shall secure that any company formed in exercise of the powers conferred by paragraph (1) above remains such a wholly-owned subsidiary.

(3) The Authority may enter into arrangements with a company formed in exercise of the powers conferred by paragraph (1) above for the transfer to that company from the Authority or from any other company so formed, in such manner and on such terms (including payments by any of the parties to the arrangements to any of them) as may be provided for by the arrangements, of any property, rights, liabilities or obligations of the Authority or of that other company which are relevant to the carrying on of the activities to be carried on by the first-mentioned company.

(4) In this article, “wholly-owned subsidiary” has the meaning given by section 736 of the Companies Act 1985⁽⁶⁾.

Development, etc., of certain land

5.—(1) The Authority may form and promote, or join with any other person in forming and promoting, a company (“the company”) for using or developing for any purpose, or carrying on any business on, any land within or formerly within the Port (but not required for the purposes of the undertaking) not being an activity which may be carried on by a company formed under article 4 of this Order.

(2) Except as is otherwise provided by any enactment or rule of law, the powers of the company may include power to do anything necessary or expedient for the purposes of the objects mentioned in paragraph (1) above or for purposes incidental to those purposes, notwithstanding that the Authority would not themselves have the power to do that thing.

Constitution of the Authority: Transitional provision

6.—(1) The Secretary of State shall, as soon as reasonably practicable after the coming into force of this Order, appoint a person to serve until 31st December 1997 as the additional member of the Authority under section 6(1) of the Order of 1973 as amended by article 3(d) above.

(2) That person shall be appointed from among such persons as are mentioned in section 6(3)(b) of the Order of 1973 as amended by article 3(f) above.

Repeals

- 7.** The following provisions of the Order of 1973 are hereby repealed—
section 12 (Power to acquire undertakings); and
section 74 (For protection of The British Aluminium Company Limited).

(6) 1985 c. 6; section 736 was substituted by the Companies Act 1989 (c. 40), section 144(1).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Transport

31st May 1996

J D Henes
An Under Secretary in the
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the constitution of the Cromarty Firth Port Authority by increasing the total membership of the Authority from six or seven to seven or eight, of whom the number to be appointed otherwise than on the nomination of the Highland Council will be increased from three to four. The power of the Highland Council to nominate three persons for appointment and the power of all the appointed members to co-opt a member are not affected.

In addition to making minor and consequential amendments, the Order amends the general powers of the Authority in section 7(2) of the Cromarty Firth Port Authority Order 1973. The Order also empowers the Authority to appoint a chief executive, to form wholly-owned subsidiaries for carrying on activities which the Authority have power to carry on, and to form companies for developing or carrying on any business on land within (or formerly within) the port but no longer required for the purposes of the Authority's undertaking.