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for the Transport Act 1981, Part II. (See end of Document for details)*

SCHEDULES

SCHEDULE 5

PROVISIONS SUPPLEMENTING SECTIONS 15 TO 17

PART II

FURTHER PROVISIONS WITH RESPECT TO CHARGING SCHEMES

Preliminary

- 16 In the following provisions of this Schedule “charging scheme” and “harbour authority” have the same meaning as in section 17.

Procedure for making charging scheme

- 17 (1) Before he makes a charging scheme the Secretary of State shall publish in such manner as he thinks fit a notice—
- (a) stating that he proposes to make the scheme;
 - (b) specifying a place where copies of the draft scheme may be obtained free of charge by harbour authorities affected by the scheme; and
 - (c) stating that a harbour authority who desire to make to the Secretary of State objections to the scheme should do so in writing before the expiration of such period from the date of publication of the notice (not being less than 42 days) as may be specified in the notice,
- and shall send a copy of the scheme to each harbour authority known to him whom he believes to be affected by the scheme.
- (2) The Secretary of State shall consider any objections duly made to him with respect to the draft scheme and may, if he thinks fit to do so, make the scheme either without modification or with such modifications as he thinks fit (but not including any that in any way increase the charges proposed in the draft scheme).
- (3) A charging scheme shall come into operation on such date as may be specified in the scheme.

Supplementary and incidental provisions

- 18 A charging scheme may include such supplementary and incidental provisions as appear to the Secretary of State to be necessary or expedient.

Information

- 19 (1) Without prejudice to the generality of paragraph 18, a charging scheme may provide for requiring a harbour authority to whom the scheme relates to furnish to the

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Secretary of State, and if so required to verify, such information as he may require for the purposes of the scheme, being information relating to—

- (a) any harbour (within the meaning of the ^{M1}Harbours Act 1964) which that harbour authority are engaged in improving, maintaining or managing; or
- (b) any activities carried on by them at such a harbour; or
- (c) any property used by them for the purpose of such a harbour,

and may provide that failure to comply with any such requirement is an offence punishable on summary conviction with a fine not exceeding such sum (not greater than £500) as may be specified in the scheme.

(2) No person shall disclose any information furnished to him in pursuance of a requirement imposed under sub-paragraph (1) except—

- (a) with the consent of the person by whom it was furnished; or
- (b) in the form of a summary of information so framed as not to enable particulars relating to the businesses of individual persons to be ascertained from it; or
- (c) for the purpose of enabling the Secretary of State to discharge his functions under this Part; or
- (d) for the purposes of any legal proceedings.

(3) It is an offence for a person—

- (a) to make in response to a requirement imposed under sub-paragraph (1) a statement which is false in a material particular and which he knows to be so false;
- (b) to disclose any information in contravention of sub-paragraph (2).

(4) An offence under sub-paragraph (3) is punishable—

- (a) on summary conviction with imprisonment for a term not exceeding six months, or a fine not exceeding the prescribed sum (within the meaning of section 32 of the ^{M2}Magistrates' Courts Act 1980 or section 289B of the ^{M3}Criminal Procedure (Scotland) Act 1975), or both;
- (b) on conviction on indictment, with imprisonment for a term not exceeding two years, or a fine, or both.

Marginal Citations

M1 1964 c. 40.

M2 1980 c. 43.

M3 1975 c. 21.

Repayments and avoidance of over-payments

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If it appears to the Secretary of State that the contributions paid or to be paid under charging schemes made by him exceed or are likely to exceed the amount necessary for the purpose mentioned in section 16(1), he shall by order made by statutory instrument make such provision as appears to him necessary or expedient for—

- (a) terminating or reducing liabilities imposed by virtue of those schemes; or
- (b) entitling authorities who have paid contributions imposed by virtue of those schemes to repayment of such proportion of those charges as may be determined by the Secretary of State;

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and such an order may contain such supplementary and incidental provisions as appear to the Secretary of State to be necessary or expedient, including provision for modifying so much of any of those schemes as relates to the manner of payment of contributions payable under the scheme.

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