
STATUTORY INSTRUMENTS

1980 No. 365

HARBOURS, DOCKS, PIERS AND FERRIES

**The Great Yarmouth Port and Haven Revision
Order 1979**

<i>Made</i> - - - -	9th November 1979
<i>Laid before Parliament</i>	29th January 1980
<i>Coming into Operation</i>	10th March 1980

The Minister of 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 Great Yarmouth Port and Haven Commissioners, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Great Yarmouth Port and Haven Revision Order 1979 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Great Yarmouth Port and Haven Acts and Orders 1866 to 1975, the Great Yarmouth Port and Haven (Revision of Charges) Order 1976(d) and this Order may be cited together as the Great Yarmouth Port and Haven Acts and Orders 1866 to 1979.

Interpretation

2. In this Order, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

“the Commissioners” means the Great Yarmouth Port and Haven Commissioners;

“enactment” means any enactment, whether public, general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“the Order of 1975” means the Great Yarmouth Port and Haven Revision Order 1975(e).

Borrowing powers

3.—(1) In addition to the existing borrowing powers of the Commissioners, the Commissioners may from time to time, for the general purposes of their

(a) 1964 c. 40.

(b) S.I. 1970/1681 and 1979/571.

(c) 1945 c. 18; 1965 c. 43.

(d) S.I. 1976/470.

(e) S.I. 1975/2207.

undertaking, of meeting their obligations and of carrying out their functions under any enactment, borrow upon the security of their assets for the time being and of their revenues, by any method they see fit—

- (a) such sums of money as they think necessary not exceeding in the aggregate fifteen million pounds; and
- (b) with the consent of the Minister of Transport such further sums of money as they may require:

Provided that, in calculating for the purpose of sub-paragraph (a) of this paragraph the aggregate sums of money borrowed by the Commissioners, there shall be excluded any sums borrowed for the purpose of repaying within twelve months of the date of borrowing any sum for the time being outstanding by way of principal on any amount previously borrowed.

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

(3) For the purposes, but without prejudice to the generality, of paragraph (2) of this article, purposes to which capital money is properly applicable shall be deemed to include—

- (a) the payment of any interest falling due within five years immediately following the date of borrowing on any sum of money borrowed by the Commissioners under this article; and
- (b) the repayment within twelve months from 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 Commissioners may for the general purposes of their undertaking borrow temporarily, by way of overdraft or otherwise, such sums as the Commissioners 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 money so borrowed shall not exceed one million pounds.

Costs of Order

5. All costs, charges and expenses of, or in connection with, the preparation, submission and making of this Order (other than costs, charges and expenses which any person is lawfully ordered to pay by the Minister of Transport or a joint committee of both Houses of Parliament, or any costs, charges and expenses incurred in opposing the Order) shall be paid by the Commissioners.

Norman Fowler,
Minister of Transport.

9th November 1979.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order authorises the Great Yarmouth Port and Haven Commissioners to increase their borrowing powers to a maximum of £15m. or, with the consent of the Minister of Transport, such greater amount as the Commissioners may require. It also empowers the Commissioners to borrow temporarily by overdraft or otherwise such sums not exceeding £1m. as they may require.

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