
STATUTORY INSTRUMENTS

1997 No. 325

HARBOURS, DOCKS, PIERS AND FERRIES

The Llanelli Harbour Revision Order 1997

Made - - - - - *11th February 1997*

Coming into force - - - - - *25th February 1997*

Whereas the Llanelly Harbour Trust, the Carmarthenshire County Council and the Llanelli Town Council have applied for a harbour revision order under section 14 of the Harbours Act 1964(1);

And whereas no objection to the application has been made pursuant to paragraph 3(a) of Schedule 3 to the said Act(2);

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:—

Preliminary

Citation and commencement

1.—(1) This Order may be cited as the Llanelli Harbour Revision Order 1997.

(2) The Llanelly Harbour Acts and Orders 1858 to 1954 and this Order may be cited together as the Llanelly Harbour Acts and Orders 1858 to 1997.

(3) This Order shall come into force on 25th February 1997.

Interpretation

2. In this Order—

“the Council” means the Carmarthenshire County Council;

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- (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 (c. 56), section 18 and Schedule 6, paragraphs 4(2) to (7) and 12 and by the Transport and Works Act 1992 (c. 42), 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.

“the harbour” means the port and harbour of Llanelli;

“the harbour undertaking” means the undertaking of the Trust as it exists immediately before the transfer date;

“the transfer date” means the day after the day on which expires the period of four weeks beginning with the day on which this Order comes into force;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the Trust” means the Llanelly Harbour Trust.

Transfer of undertaking

Establishment of Council as harbour authority for the harbour

3. On the transfer date the Council shall become the harbour authority for the harbour and the Trust shall cease to be the harbour authority for the harbour.

Transfer of harbour undertaking and functions to Council

4.—(1) On the transfer date all the property, rights and liabilities of the Trust shall be transferred to and become property, rights and liabilities of the Council.

(2) On and from the transfer date the Council shall have in respect of the harbour all the duties and powers imposed or conferred on the Trust by any provision of the Llanelly Harbour Acts and Orders 1858 to 1954, and on that date the Trust shall cease to have any such duties or powers in respect of the harbour.

(3) In consequence of paragraph (2) above, on and from the transfer date any statutory provision of local application or document whatsoever (other than a document referred to in article 6 of this Order) shall, so far as it relates to the harbour, have effect (except where the context otherwise requires and subject to any necessary modifications) as if, for any reference however worded and whether expressed or implied—

- (a) to the Trust, there were substituted a reference to the Council; and
- (b) to any officer or servant of the Trust, there were substituted a reference to the officer or servant of the Council who corresponds as nearly as may be to the first mentioned officer or servant.

Byelaws, etc.

5. On and from the transfer date any byelaw, regulation, licence or consent made, issued or granted by the Trust in relation to the harbour and in force immediately before that date shall continue in force and be deemed to have been made, issued or granted by the Council.

Saving of agreements, etc.

6. All sales, conveyances, leases, grants, assurances, deeds, contracts, bonds, agreements, notices and demands affecting the harbour undertaking and in force immediately before the transfer date (other than any such document the parties to which include both the Trust and the Council) shall (insofar as they relate to that undertaking) on and from that date be as binding and of as full force and effect as respects anything occurring or falling to be done on and after the transfer date and may be enforced as fully and effectively against or in favour of the Council as if (except in any case where the Council as agent for the Trust is already a party thereto or bound thereby or entitled to the benefit thereof) the Council instead of the Trust had been a party thereto or bound thereby or entitled to the benefit thereof and as if in any case where the Council as agent for the Trust is already a party

thereto or bound thereby or entitled to the benefit thereof the Council had been a party thereto or bound thereby or entitled to the benefit thereof in its own right and not as agent for the Trust.

Continuance of proceedings

7. Nothing in this Order shall release, discharge or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the transfer date—

- (a) by or in favour of or against the Trust; or
- (b) by or in favour of or against the Council as agent for the Trust;

in relation to the harbour undertaking, and any such action, arbitration or other proceeding or cause of action, arbitration or other proceeding may be maintained, prosecuted or continued with the substitution of the Council as a party to the proceedings in lieu of the Trust and any such proceedings may be amended in such manner as may be necessary for that purpose.

Dissolution of Trust

Final accounts of Trust up to transfer date

8.—(1) Where the financial year dealt with in the last statement of accounts prepared by the Trust before the transfer date does not end immediately before that date, the statutory accounts prepared by the Council in respect of a period which includes or consists of the whole or any part of the residual accounting period shall deal with the affairs of the Trust during so much of the residual accounting period as falls within that period as well as, and as one with, the affairs of the Council so far as relating to the harbour undertaking.

(2) In this article—

“financial year”, in relation to the Trust, means any period of twelve months ending with 31st March;

“statutory accounts” means—

- (a) in relation to the Trust, any statement of accounts prepared by the Trust under section 42 of the Harbours Act 1964⁽⁵⁾; and
- (b) in relation to the Council, any statement of accounts relating to the harbour undertaking prepared by the Council under section 42 of the Harbours Act 1964;

and references in this article to the residual accounting period of the Trust are references to the period, if any, beginning with the day after the end of the financial year of the Trust dealt with in the last statement of accounts prepared by the Trust under section 42 of the Harbours Act 1964 before the transfer date and ending with the day before the transfer date.

Dissolution of Trust

9. The Trust shall be dissolved on the transfer date.

(5) 1964 c. 40: section 42 was substituted by the Transport Act 1981 (c. 56), section 18(1) and Schedule 6, paragraph 10, and amended by the Companies Act 1989 (c. 40), Schedule 10, paragraph 26.

Supplementary

Saving for Trinity House

11. Nothing in this Order shall prejudice or derogate from any of the powers, rights, duties or privileges of Trinity House.

Repeals and revocations

12.—(1) The following provisions are hereby repealed on the transfer date—

- (a) sections 17, 22 and 23 of the Llanelly Harbour Act 1904⁽⁶⁾; and
- (b) the Pier and Harbour Order (Llanelly) Confirmation Act 1954⁽⁷⁾(and the Order scheduled to it).

(2) Article 4(4) of the Local Authorities etc. (Miscellaneous Provisions) (No. 2) Order 1974⁽⁸⁾is hereby revoked on the transfer date.

Signed by authority of the Secretary of State for Transport

11th February 1997

S. Reeves
Head of Ports Division,
Department of Transport

⁽⁶⁾ 1904 c. cvi.
⁽⁷⁾ 1954 c. xxxiii.
⁽⁸⁾ S.I. 1974/595.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Carmarthenshire County Council as the harbour authority for Llanelli Harbour and transfers to the Council the undertaking of the Llanelly Harbour Trust together with all statutory functions hitherto exercised by the Trust in respect of that undertaking. Provision is made for the dissolution of the Llanelly Harbour Trust.