

2000 No. 2255

HARBOURS, DOCKS, PIERS AND FERRIES

**The Milford Haven Port Authority Harbour Revision Order
2000**

Made - - - - *22nd August 2000*

Coming into force *5th September 2000*

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

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

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

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

Citation and commencement

1. This Order may be cited as the Milford Haven Port Authority Harbour Revision Order 2000 and shall come into force on 5th September 2000.

Interpretation

2. In this Order—

“the 1983 Act” means the Milford Haven Conservancy Act 1983(e);

“the Authority” means the Milford Haven Port Authority.

Borrowing powers

3.—(1) For section 38 of the 1983 Act there shall be substituted—

“**Borrowing powers.**

38.—(1) The Authority may borrow such sums of money as they think necessary on the security of all or any of the revenues and property of the Authority or on an unsecured basis and by any method or methods they see fit.

(a) 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.

(b) Schedule 3 was substituted by the Schedule contained in Schedule 3 to the Harbour Works (Environmental Impact Assessment) Regulations 1999 (S.I. 1999/3445).

(c) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).

(d) S.I. 1981/238 and S.I. 1997/2971.

(e) 1983 c. xix.

(2) The amount outstanding in respect of monies borrowed under this section shall not at any one time exceed—

- (a) £50,000,000; or
- (b) (with the consent of the Secretary of State) such greater sum as the Authority may require.

(3) In calculating for the purpose of this section the amount outstanding in respect of monies borrowed by the Authority there shall be excluded any sums borrowed for the purpose of repaying within twelve months of the date of receipt any sum for the time being outstanding by way of principal on any amount previously borrowed.

(4) Subject to section 43 (Power to invest) of this Act, monies borrowed by the Authority under this section shall be applied only—

- (a) to purposes to which capital money is properly applicable; or
- (b) to meeting liabilities or penalties incurred by the Authority as a result of any order or sentence of the court in any proceedings; or
- (c) to such other purposes as the Secretary of State may approve.

(5) For the purposes of subsection (4)(a) above, but without prejudice to the generality thereof, purposes to which capital money is properly applicable shall be deemed to include:—

- (a) the payment of any interest falling due within the five years immediately following the date of the borrowing of any sum of money borrowed by the Authority under this section; and
- (b) the payment of the expenses of the creation and issue by the Authority of any stock or any other security; and
- (c) the repayment within twelve months of the date of borrowing of any sum for the time being outstanding by way of principal on any amount previously borrowed; and
- (d) the purchase of any of the Authority's stock; and
- (e) the payment or repayment of any monies for any purpose previously sanctioned by the Secretary of State.

(6) The provisions of Schedule 4 to this Act shall have effect with respect to any stock created under this section.

(7) In this section, references to borrowing include the raising of money by any method.”

(2) Section 39 (Temporary loans) of the 1983 Act is amended by the addition, at the end of subsection (2) of the following subsection—

“(3) In subsection (1) above, references to borrowing include the raising of money by any method.”

Overdrafts

4.—(1) The Authority may borrow temporarily, by way of overdraft, such sums as the Authority may require.

(2) The total overdraft facility which may be enjoyed by the Authority at any one time shall not exceed—

- (a) £5,000,000; or
- (b) such greater sum as may be agreed by the Secretary of State.

(3) The power conferred by this article shall be in addition to any other borrowing power for the time being enjoyed by the Authority.

(4) For the purpose of the provision of any overdraft facility to the Authority by any person and of any rights and liabilities with respect to that facility and drawings made by the Authority under that facility, a certificate signed at the time of the provision of the facility by the secretary

and any two members of the Authority that the enjoyment of that facility is authorised by this Article shall be sufficient evidence of the validity of the provision of that facility and of the drawing of any amount under it.

(5) A certificate signed under paragraph (4) above shall continue to be sufficient evidence of the validity of the provision of an overdraft facility and of the drawing of any amount under it if any term of the facility is altered (other than an alteration increasing the amount of the facility).

(6) The 1983 Act is amended as follows:—

(a) in section 39 (Temporary loans), in subsection (1) the words “by means of overdraft from any bank or” are repealed;

(b) in section 41 (Evidence of loans), the following subsection is inserted after subsection (1):—

“(2) For the purposes of this section “making any loan” does not include paying any amount from an account which is overdrawn or which becomes overdrawn when the amount is paid.”.

Payment to members

5. The proviso to paragraph 19 of Schedule 1 to the 1983 Act^(a) is hereby repealed.

Signed by authority of the Secretary of State for the Environment,
Transport and the Regions

Stephen Reeves
Head of the Ports Division,
Department of the Environment,
Transport and the Regions

22nd August 2000

^(a) The proviso was substituted by the Milford Haven Port Authority Act 1986 (c. xx).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Milford Haven Conservancy Act 1983 and makes provision altering the borrowing powers of the Milford Haven Port Authority and removing the restriction on the amount of salaries, fees, allowances and other expenses which may be paid to members of the Authority.

£1.50

© Crown copyright 2000

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 1461 08/00 ON (MFK)