



# Transport Act 1981

## 1981 CHAPTER 56

### PART III

#### DISSOLUTION OF NATIONAL PORTS COUNCIL AND AMENDMENT OF THE HARBOURS ACT 1964

#### **15 Dissolution of National Ports Council**

- (1) On such day as the Secretary of State may appoint by order made by statutory instrument the functions of the National Ports Council shall determine, and—
  - (a) so much of any enactment as requires any person to consult, or do anything else in relation to, the Council, or makes consultation with, or the doing of anything else in relation to, the Council a condition precedent to the taking of any action by any person, shall cease to have effect; and
  - (b) all the property, rights, liabilities and obligations which immediately before the appointed day were property, rights, liabilities and obligations of the Council shall, by virtue of this section, become property, rights, liabilities and obligations of the Secretary of State.
- (2) Subsection (1) has effect subject to Part I of Schedule 5 which contains further provisions relating to the dissolution of the Council.
- (3) The Secretary of State shall repay to the National Loans Fund an amount equal to the debts of the Council to the Secretary of State outstanding immediately before the appointed day.
- (4) Sums received by the Secretary of State by virtue of subsection (1)(b) or by virtue of paragraph 4(2)(b) of Schedule 5 shall, if not applied in making the repayment mentioned in subsection (3), be paid into the Consolidated Fund.
- (5) In this section and Part I of Schedule 5—
  - " the appointed day " means the day appointed by the Secretary of State under subsection (1);
  - " the Council " means the National Ports Council;

" enactment" means any provision of a public general Act, of a local, private or personal Act, of a provisional order confirmed by an Act or any regulations, order, scheme, byelaws or similar instrument made under an Act.

## **16 Levy of contributions from harbour authorities**

- (1) The Secretary of State shall levy from harbour authorities such contributions as appear to him necessary to meet the expenses specified in subsection (2) after making allowance for the contribution made by him in accordance with subsection (3).
- (2) The expenses referred to in subsection (1) are—
  - (a) the expenses of the Secretary of State in making the repayment to the National Loans Fund mentioned in section 15(3);
  - (b) his expenses in discharging any debts or other liabilities to which he becomes subject by virtue of section 15(1)(b) or paragraph 4(2)(b) of Schedule 5 ; and
  - (c) expenses incurred by him under paragraph 4(3) or (5), 7, 8(4)(b) or 9(5) of Schedule 5.
- (3) The Secretary of State's contribution to those expenses is—
  - (a) all sums received by him by virtue of section 15(1)(b) or paragraph 4(2)(b) of Schedule 5, and
  - (b) a further contribution of £1.5 million, made by such instalments as he may determine with the consent of the Treasury.
- (4) Sums received by the Secretary of State by virtue of this section shall be paid into the Consolidated Fund.
- (5) In this section and section 17 " harbour authority " means a person engaged (whether or not in the exercise of statutory functions) in improving, maintaining or managing a harbour within the meaning of the Harbours Act 1964.

## **17 Charging schemes**

- (1) Contributions under section 16 shall be levied by means of one or more schemes made by the Secretary of State, referred to in this section as " charging schemes ".
- (2) A charging scheme shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A charging scheme may apply to all harbour authorities, subject to subsection (4), to harbour authorities of a particular class or to particular harbour authorities, and may make provision for levying different contributions from different harbour authorities to whom it applies.
- (4) No contribution shall be levied from a harbour authority under a charging scheme if the only harbour being improved, maintained or managed by them is a fishery harbour or marine work within the meaning of the Harbours Act 1964.
- (5) The provisions of Part II of Schedule 5 have effect with respect to charging schemes.

## **18 Amendments of the Harbours Act 1964**

- (1) The Harbours Act 1964 is amended in accordance with Schedule 6.

- (2) With the exception of paragraph 10, the provisions of Schedule 6 come into force on the day appointed by the Secretary of State under section 15(1).
- (3) Paragraph 10 of Schedule 6 comes into force on such day as the Secretary of State may appoint by order made by statutory instrument.
- (4) So far as may be necessary for the purposes of any amendment by this Act of the Harbours Act 1964, references in that Act to the Minister shall be construed as references to the Secretary of State.