

ELIZABETH II



1986 CHAPTER xv

An Act to extend the time for the completion of the works authorised by the Ipswich Dock Act 1971; to increase and amend the borrowing powers of the Ipswich Port Authority; to confer further powers on the Authority; to accord priority of passage to certain vessels passing to and from the port of Ipswich over certain other vessels not so passing; and for connected and other purposes.
[25th July 1986]

WHEREAS—

- (1) By the Ipswich Dock Act 1852, the Acts relating to the port of Ipswich were consolidated and amended and the Ipswich Dock Commissioners were constituted and incorporated:
- (2) By the Ipswich Dock Act 1913, the Ipswich Dock Commissioners were reconstituted and it was provided that they and their successors should continue incorporated by the name of The Ipswich Dock Commission:
- (3) By the Ipswich Dock Act 1971, The Ipswich Dock Commission were authorised to acquire certain lands and to construct certain works in the county borough of Ipswich in the county of Suffolk:

S.I. 1973/2136.

(4) By the Ipswich Port Authority Order 1973, the name of The Ipswich Dock Commission was changed to the Ipswich Port Authority (hereinafter referred to as "the Authority") and the Authority were thereby reconstituted:

1979 c. ix.

(5) By virtue of the Ipswich Port Authority Act 1979 the powers granted for making and completing the works authorised by the said Act of 1971 were extended until 31st December 1986:

(6) It is expedient that the time so extended should be further extended as by this Act provided:

(7) By the Ipswich Dock Acts and Orders 1852 to 1979, powers and authorities have been conferred on the Authority and their predecessors for the improvement of the port of Ipswich including powers to borrow certain sums of money:

(8) By virtue of the said Act of 1979 the Authority were authorised to borrow a further sum not exceeding £14,500,000 and it is expedient to empower the Authority to borrow further moneys for the purposes of their undertaking:

(9) By virtue of the Bill referred to in section 2 of this Act the limits of jurisdiction respectively of the Felixstowe Dock and Railway Company and of the Harwich Harbour Board are intended to be extended as therein provided and if those limits are so extended, it is expedient to accord to certain traffic passing to and from the port of Ipswich such priority as is in this Act provided over vessels trading to or from the works which are intended to be constructed pursuant to provisions contained in the said Bill:

(10) The Felixstowe Dock and Railway Company and the Harwich Harbour Board have agreed to accord such priority to the traffic referred to in paragraph (9) above:

(11) It is expedient that the other provisions of this Act be enacted:

(12) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Citation and commencement.

1.—(1) This Act may be cited as the Ipswich Port Authority Act 1986 and the Ipswich Dock Acts and Orders 1852 to 1971 and this Act may be cited together as the Ipswich Dock Acts and Orders 1852 to 1986.

(2) The Harwich Harbour Act and Orders 1973 to 1984 and sections 2, 8 and 9 of this Act may be cited together as the Harwich Harbour Acts and Orders 1973 to 1986.

(3) Sections 1 to 7, 10 and 11 of, and the Schedule to, this Act shall come into operation at the end of the period of two months beginning with the date on which it is passed and sections 8 and 9 of this Act shall come into operation on the same day as the Act consequent upon the Bill referred to in section 2 of this Act comes into operation.

2. In this Act the following expressions have the meanings hereby assigned to them respectively:—

“the Authority” means the Ipswich Port Authority;

“the Board” means the Harwich Harbour Board;

“the Company” means the Felixstowe Dock and Railway Company;

“the Felixstowe work” means any work which may be authorised by the Act the Bill for which was deposited by the Company in Parliament in the Session 1984/85;

“the harbour master” has the same meaning as in section 3 of the Harwich Harbour Act 1974.

1974 c. i.

3. The period now limited by the Ipswich Dock Act 1971, as extended by the Ipswich Port Authority Act 1979, for the completion of works authorised by section 10 (Power to construct works) of the said Act of 1971 is hereby extended until 31st December 1996 and accordingly section 14 (Period for completion of work) of the said Act of 1971 shall be read and have effect as if for “31st December 1986” there were substituted “31st December 1996”.

Extension of time.
1971 c. xiv.
1979 c. ix.

4.—(1) The Authority may borrow money upon the security of all or any of the revenues and property of the Authority and by any method or methods they see fit:

Power to borrow.

Provided that—

(a) the total amount of monies borrowed under this section and outstanding at any one time shall not exceed £30,000,000; and

(b) in calculating for the purposes of paragraph (a) above the amount of money borrowed by the Authority and outstanding at any one time there shall be excluded any monies borrowed for use within 12 months of the date of borrowing for repayment of any sum for the time being outstanding by way of principal on any amount previously borrowed.

(2) Monies borrowed by the Authority under this section shall be applied only to purposes to which capital money is properly applicable.

(3) For the purposes of subsection (2) 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 repayment within 12 months of that date of any sum for the time being outstanding by way of principal on any amount previously borrowed.

Temporary borrowing.

5.—(1) The Authority may borrow temporarily, by way of overdraft or otherwise, such sums as the Authority 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 the money so borrowed shall not exceed £3,000,000.

(2) The power conferred by this section shall be in addition to any other borrowing power for the time being exercisable by the Authority.

Subsidiaries.

1985 c. 6.

6.—(1) The Authority may form and promote a wholly-owned subsidiary (within the meaning of section 736 of the Companies Act 1985) for carrying on any activities which the Authority have power to carry on.

(2) The Authority shall secure that any company formed in exercise of the powers conferred by subsection (1) above remains a wholly-owned subsidiary.

(3) The Authority may enter into arrangements with a company formed in exercise of the powers conferred by subsection (1) above for the transfer to that company from the Authority or from any other company so formed, in such manner and on such terms (including payments by any of the parties to the arrangements to any of them) as may be provided for by the arrangements, of any property, rights, liabilities or obligations of the Authority or of that other company which are relevant to the carrying on of the activities to be carried on by the first-mentioned company.

General powers in respect of port.

7.—(1) Subject to the provisions of this Act, the Authority may take such steps from time to time as they consider necessary for the improvement, maintenance and management of the port of Ipswich and the facilities afforded therein or in connection therewith.

(2) For those purposes, and without prejudice to the generality of subsection (1) above, the Authority may—

- (a) improve, maintain, regulate, manage, mark and light the port and provide port facilities therein;
- (b) alter, demolish and reconstruct structures and works in the port;
- (c) acquire any undertaking or part of an undertaking;
- (d) subscribe for or acquire shares or securities of any body corporate;
- (e) lend money to any person for the purposes of an undertaking carried on by him or, where that person is a body corporate, any undertaking carried on by a subsidiary (within the meaning of section 736 of the Companies Act 1985) of that body corporate; and 1985 c. 6.
- (f) do all other things which in their opinion are necessary or expedient to facilitate the proper carrying on or development of their undertaking.

(3) The Authority may—

- (a) maintain such reserve funds as they think fit;
- (b) invest any sums not immediately required for the purposes of their undertaking; and
- (c) turn their resources to account so far as not required for those purposes.

(4) This section is without prejudice to any powers of the Authority under or by virtue of any other enactment (including this Act).

(5) In the exercise of the powers of paragraph (b) of subsection (2) above the Authority shall not interfere with, damage or injuriously affect any apparatus belonging to or maintained by the British Gas Corporation.

8.—(1) Notwithstanding anything in the Harwich Harbour Regulation Act and Orders 1973 to 1984 or in any byelaw or direction of traffic made or given thereunder, any tidally constrained vessel, or any vessel operating in a regular scheduled service the delay of which would materially affect the performance of that service, being in either case a vessel trading to or from the port of Ipswich and passing through the area of jurisdiction of the Board shall not be delayed or impeded by vessels trading to or from the Felixstowe work; and to that end any such vessel trading to or from the port of Ipswich shall be given absolute priority over vessels trading to or from the Felixstowe work and the powers of the Board and the harbour master shall be exercised accordingly, subject to the obligation to ensure the safety of shipping.

(2) If the Board or the harbour master fail to comply with the requirements of subsection (1) above, the Authority shall be entitled to recover from the Board compensation for any loss thereby occasioned to the Authority.

Indemnification
of Board.

9.—(1) The Company shall indemnify the Board against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from, or incurred by the Board by reason, or in consequence, of the duty imposed on the Board and the harbour master by section 8 of this Act.

(2) The Board shall give to the Company reasonable notice of any claim or demand referred to in subsection (1) above and no settlement or compromise thereof shall be made without the prior consent of the Company.

Saving for
Trinity
House.

10. Nothing in this Act shall prejudice or derogate from any of the rights or privileges or the jurisdiction or authority of the Corporation of Trinity House of Deptford Strond.

Repeals.

11. The enactments specified in the Schedule to this Act (which include enactments that were obsolete or spent before the passing of this Act) are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULE

Section 11.

REPEALS

Chapter	Title or short title	Extent of repeal
7 Will. 4 & 1 Vict. c. lxxiv. (1837).	An Act to amend an Act of the Forty-fifth Year of the Reign of King George the Third, for improving and rendering more commodious the Port of Ipswich, and for constructing a Wet Dock there.	The whole Act.
4 & 5 Vict. c. lii. (1841).	An Act to enable the Ipswich Dock Commissioners to raise a further Sum of Money.	The whole Act.
6 & 7 Vict. c. xx. (1843).	An Act to enlarge the Powers of the Ipswich Dock Commissioners.	The whole Act.
15 & 16 Vict. c. cxvi.	Ipswich Dock Act 1852.	Sections 67 to 73.
40 & 41 Vict. c. ccxvi.	Ipswich Dock Act 1877.	Sections 32 to 37, 41 and 43.
61 & 62 Vict. c. cxciii.	Ipswich Dock Act 1898.	Sections 15 to 19 and 21.
4 Edw. 7 c. xvii.	Ipswich Dock Act 1904.	Sections 12 to 18.
3 & 4 Geo. 5 c. cvi.	Ipswich Dock Act 1913.	Sections 71 and 75 to 77.
8 & 9 Geo. 5 c. lvii.	Ipswich Dock Act 1918.	Sections 22 and 23.
14 Geo. 6 c. xlv.	Ipswich Dock Act 1950.	Section 18.
4 & 5 Eliz. 2 c. xlv.	Ipswich Dock Act 1956.	Section 3.
1971 c. xiv.	Ipswich Dock Act 1971.	Sections 4 to 9, 38 and 39.
1979 c. ix.	Ipswich Port Authority Act 1979.	The whole Act.

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£1.90 net

ISBN 0 10 511586 X



Ipswich Port Authority Act 1986

CHAPTER xv

ARRANGEMENT OF SECTIONS

Section

1. Citation and commencement.
2. Interpretation.
3. Extension of time.
4. Power to borrow.
5. Temporary borrowing.
6. Subsidiaries.
7. General powers in respect of port.
8. Regulation of traffic.
9. Indemnification of Board.
10. Saving for Trinity House.
11. Repeals.

SCHEDULE—Repeals.