

2011 No. 207

HARBOURS, DOCKS, PIERS AND FERRIES

**The Harwich Haven Authority (Pension Fund) Harbour Revision
Order 2011**

<i>Made</i> - - - -	<i>2nd February 2011</i>
<i>Laid before Parliament</i> -	<i>7th February 2011</i>
<i>Coming into force</i> - -	<i>1st March 2011</i>

The Harwich Haven Authority has applied in accordance with section 14(2)(a) of the Harbours Act 1964(a) (“the Act”) for a harbour revision order under section 14 of the Act.

The Secretary of State, as the appropriate Minister for the purposes of that section, has by an order(b) made under section 42A of the Act(c) delegated the functions of the appropriate Minister under section 14 of the Act(d) to the Marine Management Organisation(e).

The Marine Management Organisation, being satisfied as mentioned in section 14(2)(b) of the Act and in exercise of the powers conferred by section 14(1), (2A) and (3), makes the following Order.

Citation, commencement and citation

1.—(1) This Order may be cited as the Harwich Haven Authority (Pension Fund) Harbour Revision Order 2011 and shall come into force on 1st March 2011.

(2) The Harwich Harbour Acts and Orders 1973 to 2008(f) and this Order may be cited together as the Harwich Harbour Acts and Orders 1973 to 2011.

Pensions

2. For section 70 (contributory pensions fund) of the Harwich Harbour Act 1974(g) substitute—

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- (a) 1964 c.40; section 14 was amended by the Transport Act 1981 (c.56), section 18 and Schedule 6, paragraphs 2 to 4(1) and 14 and section 40 and Schedule 12 (Part II); by the Transport and Works Act 1992 (c.42), section 63(1) and Schedule 3, paragraph 1; by S.I. 2006/1177, regulation 2 and the Schedule (Part 1); by the Planning Act 2008 (c.29), section 36 and Schedule 2, paragraphs 8 and 9; and by S.I. 2009/1941, article 2 and Schedule 1, paragraph 12. Section 54 (orders and regulations) was amended by the Transport Act 1981 (c.56) sections 18 and 40 and Schedule 6, paragraph 5(3) and Schedule 12 (Part II) and by the Marine and Coastal Access Act 2009 (c.23), section 315 and Schedule 21, paragraphs 1 and 3(2).
- (b) See S.I. 2010/674.
- (c) Section 42A was inserted, in relation to England and Wales, by the Marine and Coastal Access Act 2009 (c. 23) section 315 and Schedule 21, paragraphs 1 and 3(1).
- (d) For the definition of “the Minister” (mentioned in section 14(7)), see section 57(1).
- (e) The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 (c.23), section 1.
- (f) See S.I. 2008/2359, article 1(2).
- (g) 1974 c.i. Section 70 refers to “the Board” which was defined by section 3(1) as meaning the Harwich Harbour Conservancy Board. This name was changed to the Harwich Harbour Board by S.I. 1984/59, article 3(1) and to the Harwich Haven Board.

“70. Without prejudice to the powers conferred on the Board by section 69 (gratuities, etc.) of this Act, the Board may establish, continue and maintain one or more pension funds which shall be regulated by such rules as are from time to time made by the Board or consented to by the Board in accordance with those rules, and shall from time to time contribute to any such fund, out of the revenues of the Board, such sums as the Board is required to contribute in accordance with those rules.”.

Signed by authority of the Marine Management Organisation

A. S. Beattie

2nd February 2011

An authorised employee of the Marine Management Organisation

Authority by the Harwich Harbour Act 1988 (c. xxxiv), section 12(1). Section 12(3) provides for enactments in which reference is made to the Authority by its former name to have effect as if the reference were to “the Harwich Haven Authority”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order substitutes a new section 70 of the Harwich Harbour Act 1974 (1974 c.i). The original section provided for the Harwich Haven Authority to continue and maintain a contributory pensions fund.

The new section empowers the Authority to establish, continue and maintain one or more pension funds. The section does not specify that funds be contributory or non-contributory.

Pension funds are to be regulated by rules made or consented to by the Authority. The new section requires the Authority from time to time to contribute to such pension funds out of its revenues such sums as it is required to contribute under those rules.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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£4.00