

SHL Possession

Explanatory notes

Southwold Borough Council (SBC), the original Corporation under the 1933 Harbour Order, ceased to exist and Waveney District Council (WDC) and Southwold Town Council (STC) were created on local government reorganisation following the Local Government Act 1972.

WDC took the position that the harbour undertaking transferred to WDC under the Local Authorities (England) (Property etc.) Order 1973 and that the effect of the 1972 Act was to apply the functions of the Corporation under the Harbour Order to WDC.

The Local Authorities (England) (Property etc.) Order 1973 is at <http://www.legislation.gov.uk/uksi/1973/1861/made>. Article 16 and Part II of Schedule 4 provide, subject to various exceptions, for all property and liabilities vesting in or attaching to *“the Corporation or council of any other non-county borough or the council of any other urban or rural district”* to *“by virtue of this order”* be transferred to and vest in or attach to *“the council of the district in which the area of the borough or district is comprised”*, and for all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, the former to have full force and effect in favour of, or against, the latter.

The Department for the Environment was consulted and agreed with WDC, advising on 6 December 1973 that, if WDC reached any agreement with STC to change this and allow STC to operate the harbour instead of WDC, an exemption from the 1973 Order and an order changing the effect of the 1972 Act on the Harbour Order would be needed. No such exemption or order was sought.

A copy of the letter of 6 December 1973 from the Department for the Environment is appended:

On 4 January 1974, SBC confirmed that it had decided to agree to the harbour undertaking transferring to WDC as at 1 April 1974. WDC duly informed the Department for the Environment. On 1 April 1974, SBC ceased to exist.

Copies of this letter of 4 January 1974 from SBC, and the letter from WDC informing the Department for the Environment, are appended:

WDC has, from 1974 to date, been in exclusive possession, managing, collecting the rents and other harbour revenue from and maintaining/improving the SHL.

SHL Possession



Room P1/135
Department of the Environment
2 Marsham Street London SW1P 3EB

Direct line 01-212 4644
Switchboard 01-212 3434

The Chief Executive
Waveney District Council
Town Hall
LOWESTOFT
Suffolk

Your reference

DRM/BAA.WM.1.21

Our reference

IGL/915/1

Date

6 December 1973

Dear Sir

LOCAL GOVERNMENT ACT 1972
SOUTHWOLD HARBOUR

1. I am sorry I have not been able to reply earlier to your letter of 13 November.

2. The future of Southwold Harbour is a matter for agreement between yourselves and Southwold. Such an agreement would need to take account of local circumstances and therefore there is little that the Department can offer by way of useful service.

3. As you say an agreement that Southwold Parish Council should operate the harbour would necessitate an exception to the Transfer of Property Order. It would also require an order changing the effect of section 262 of the 1972 Act on the local Act relating to Southwold Harbour. If such an agreement is reached the request for an order and exception to the Transfer of Property Order should be sent to the Department as soon as possible and in any event no later than 15 January 1973.

Yours faithfully

K S HARRISON

SHL Possession

BOROUGH OF SOUTHWOLD

JF L. 1.21



H. TOWNSEND, D.P.A. (LOND.)
TOWN CLERK
Tel.: Southwold 2366

Town Clerk's Office,
Town Hall,
Southwold,
IP18 6EF.

WM. 1.21

185/1

1974

1974

Our ref: HT/JF

4th January, 1974.

Dear Sir,

Transfer of Property and Functions to the
Successor Parish Councils

hat the
the
Council.

Further to my letter of the 31st December and in confirmation of our telephone conversation this morning, I would inform you that the Borough Council last evening reversed its decision concerning the Southwold Harbour undertaking, and decided to agree to the Harbour undertaking transferring to the Waveney District Council at 1st April, 1974. Will you please therefore ignore the contents of the second paragraph on page 3 of my letter of the 31st December.

such

Yours faithfully,

H. Townsend

Town Clerk.

P. A. Taylor, Esq, LL.B., D.P.A.,
Chief Executive,
Waveney District Council,
Town Hall,
LOWESTOFT,
Suffolk.

SWIP JEB

SHL Possession

LG4/915/1
DS/KC: WM.1.21

10 January 1974

Dear Sir,

Local Government Act 1972
Southwold Harbour

I refer to your letter of the 6th December 1973 and would for the record, advise that the Southwold Parish Council has now conceded that the Waveney District Council should operate the Southwold Harbour and that the land associated therewith is transferred to the District Council by the Order.

Yours faithfully,



District Secretary.

The Secretary,
Department of the Environment,
2 Marsham Street,
LONDON SW1P 3EB.