STATUTORY RULES OF NORTHERN IRELAND

2015 No.22

HARBOURS

The Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015

Made - - - - 28th January 2015
Affirmed by resolution of the Assembly on 2nd March 2015

Coming into operation in accordance with Article 1.

The Department for Regional Development(**1**), in exercise of the powers conferred by section 1(1) and (2) of, and Schedule 1 and Part 1 of Schedule 2 to, the Harbours Act (Northern Ireland) 1970(**2**) and now vested in it(**3**), after consultation with the Donaghadee Harbour Commissioners, and such harbour authority or local authority, which the Department considered likely to be affected by the Order in accordance with section 1(6) of that Act hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Interpretation

2. In this Order —

"the 1820 Act" means the Donaghadee Harbour Act 1820(**4**)

"the Commissioners" means the Donaghadee Harbour Commissioners appointed for the execution of the 1820 Act;

"the Department" means the Department for Regional Development;

"district council" means the North Down and Ards District Council;

"the Harbour" means the harbour at Donaghadee;

"the transfer date" means 1st April 2015.

(**1**) S.I. 1999/283 (N.I.1) Article 3(1)
(**2**) 1970 c.1 (N.I.)
(**3**) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV
(**4**) GEORGII REGIS CAP CXIII

Transfer of functions, property, rights, liabilities and obligations

3.—(1) On the transfer date there shall be transferred to, and vested in, the district council all the functions of the Commissioners under the 1820 Act and all property, rights, liabilities and obligations to which, immediately before the transfer date, the Commissioners were entitled or subject.

(2) The vesting of functions, property, rights, liabilities and obligations under this Article shall have effect, notwithstanding:—

(a) anything to the contrary in, or

(b) any condition relating to the transfer of such property, rights, liabilities or obligations contained in any enactment, rule of law or obligation.

(3) References to the Commissioners:—

(a) in any agreement, deed, bond, instrument or notice;

(b) in any action or proceeding pending or existing at the transfer date by or against the Commissioners before any court or other tribunal; and

(c) in any other document whatsoever relating to or affecting any property, right, liability or obligation of the district council which vests by virtue of this Article in the district council

shall be taken on or after the transfer date as referring to the district council.

Winding up and dissolution of the Commissioners

4.—(1) The Commissioners shall be dissolved on the transfer date.

(2) The Department shall publish notice of the dissolution in the Belfast Gazette.

Harbour Limits

5.—(1) With effect from the transfer date the limits within which the district council and its officers may exercise their powers and the area within which any dues for the time being leviable may be charged, shall be that area shown on the map bounded by —

(a) a straight line drawn from reference point A (Latitude 54° 38.68 North, Longitude 05° 32.28 West) (Shore Street Baths) to reference point B (Latitude 54° 39.00 North, Longitude 05° 31.75 West);

(b) a straight line drawn from reference point B (Latitude 54° 39.00 North, Longitude 05° 31.75 West) to reference point C (Latitude 54° 38.78 North, Longitude 05° 31.30 West);

(c) a straight line drawn from reference point C (Latitude 54° 38.78 North, Longitude 05° 31.30West) to reference point D (Latitude 54° 38.52 North, Longitude 05° 31.70 West) (Dormans Point);

(d) and on its landward sides by the level of high water from reference point D (Latitude 54 38.52 North, Longitude 05° 31.70 West) (Dormans Point), extending in a westerly direction to reference point A (Latitude 54° 38.68 North, Longitude 05° 32.28 West) (Shore Street Baths);

together with all docks, landing places and other works and land of the Commissioners for the time being held by them for the purposes of or in connection with the Harbour.

(2) In this Article "the map" means the map marked "Donaghadee Harbour" which has been signed and sealed by the Department with reference to this Order and deposited at the office of the Department for Regional Development at Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB, at which office the map may be inspected at all reasonable hours.

(3) This Article shall cease to have effect on 1st October 2016.