STATUTORY RULES OF NORTHERN IRELAND

2010 No. 141

HARBOURS

The Donaghadee Harbour Order (Northern Ireland) 2010

Made - - - - 1st April 2010

Coming into operation in accordance with Article 1

Affirmed by resolution of the Assembly on 8th June 2010

The Department for Regional Development (**1**), makes the following Order in exercise of the powers conferred by section 1(1) and (2) of, and Schedules 1 and 2 to, the Harbours Act (Northern Ireland) 1970 (**2**), and now vested in it (**3**).

In accordance with section 1(6) of that Act the Department has consulted with the Donaghadee Harbour Commissioners, and such harbour authority or local authority which the Department considered likely to be affected by the Order.

Citation and commencement

1.—(1) This Order may be cited as the Donaghadee Harbour Order (Northern Ireland) 2010 and shall come into operation on the day after that on which it is affirmed by resolution of the Assembly.

(2) This Order shall be construed as one with the Donaghadee Harbour Act 1820 (**4**) and the Donaghadee (Harbour Area) Order (Northern Ireland) 2008 (**5**).

(3) The Donaghadee Harbour Act 1820, the Donaghadee (Harbour Area) Order (Northern Ireland) 2008 and this Order may be cited together as the Donaghadee Harbour Act and Orders 1820 to 2010.

Interpretation

2. In this Order —

"the Commissioners" means the Donaghadee Harbour Commissioners established by the Donaghadee Harbour Act 1820;

"the Department" means the Department for Regional Development;

"the harbour" means the harbour at Donaghadee described in Article 3 of the Donaghadee (Harbour Area) Order (Northern Ireland) 2008; and

"the harbour master" means any person appointed as such by the Commissioners and includes that persons deputies and assistants and any other person for the time being authorised by the

(**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 1V
(**4**) 1 Geo 4c.cxiii
(**5**) S.R. 2008 No. 143

Commissioners to act, either generally or for a specific purpose, in the capacity of harbour master.

Byelaws

3.—(1) The Commissioners may make byelaws for all or any of the following purposes —

(a) for regulating the use of the harbour;

(b) for regulating the conduct of persons;

(c) for regulating the exercise of the powers vested in the harbour master;

(d) for regulating the movement of vessels;

(e) for controlling vehicles;

(f) for preventing the obstruction of, or injury to, the harbour;

(g) for regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of all goods within the harbour;

(h) for regulating with the consent of the Commissioners of Her Majesty's Revenue and Customs, the hours during which the gates, entrances or outlets to the harbour will be open;

(i) for regulating the functions of any person not being an officer of Her Majesty's Revenue and Customs, employed (whether by the Commissioners or any other person) in the harbour;

(j) for regulating the use of fires or lights;

(k) for preventing damage or injury to any vessel or goods; and

(l) for regulating the use of cranes and other equipment belonging to the Commissioners.

(2) Sections 91 to 94 of the Local Government Act (Northern Ireland) 1972 (**6**) shall apply to any byelaws made under subsection (1) as they apply to any byelaws made under that Act, subject to the following modifications —

(a) for any reference to a council or to the clerk of such a council there shall be substituted a reference to the Commissioners or to the secretary to the Commissioners;

(b) for the reference to the common seal in subsection (1) of section 91 there shall be substituted the requirement for the byelaws to be made under signature of any three of the Commissioners;

(c) for any reference to the Ministry there shall be substituted a reference to the Department; and

(d) for the reference in section 92 to level 2 there shall be substituted a reference to level 4.

Harbour master

4. Notwithstanding the terms in section 33 of the Donaghadee Harbour Act 1820 the Commissioners may appoint the harbour master.

(**6**) 1972 c.9 (N.I.)