STATUTORY RULES OF NORTHERN IRELAND

2010 No. 126

HARBOURS

The River Bann Navigation Order (Northern Ireland) 2010

Made - - - - 25th March 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, 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 Coleraine 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 River Bann Navigation 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 River Bann Acts and Order 1879 to 2002 (**4**).

(3) The River Bann Navigation Acts and Order 1879 to 2002 and this Order may be cited together as the River Bann Navigation Acts and Orders 1879 to 2010.

Interpretation

2. In this Order—

"the Commissioners" means the Coleraine Harbour Commissioners incorporated under the River Bann navigation Act 1879;

"the Department" means the Department for Regional Development;

"the harbour" means the River Bann and the sea within the limits set out in Article 3 of the River Bann Navigation Order (Northern Ireland) 2002(**5**).

Byelaws

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

(**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**) 42 & 43 Vict. C. clxxv; 48 & 49 Vict. C. cxxxv; 17 & 18 Geo. 5 c.iv (N.I.); 2 Geo. 6c.ii; 5 Eliz.2 c.v; S.R. No.395
(**5**) S.R. 2002 No. 395

(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 and lights;

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

(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 secretary to the Commissioners;

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

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

Modification of Harbours, Docks and Piers Clauses Act 1847

4. In relation to the Commissioners, the provisions of section 83 to 90 of the Harbours, Docks and piers Clauses Act 1847(**7**) shall cease to have effect.

Repeals

5. Section 88 of the River Bann Navigation Act 1879 is hereby repealed.

(**6**) 1972 c.9 (N.I.)
(**7**) 10 & 11 Vict. c. 27