STATUTORY RULES OF NORTHERN IRELAND

2002 No. 42

HARBOURS

The Warrenpoint Harbour Authority Order (Northern Ireland) 2002

Made - - - - 12th February 2002
Affirmed by resolution of the Assembly - - - - 20th May 2002

Coming into operation in accordance with Article 1(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 I of Schedule 2 to, the Harbours Act (Northern Ireland) 1970(**2**) and now vested in it(**3**) and of all other powers enabling it in that behalf, after consultation with the Warrenpoint Harbour Authority 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.—(1) This Order may be cited as the Warrenpoint Harbour Authority Order (Northern Ireland) 2002 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 Warrenpoint Harbour Authority Orders (Northern Ireland) 1971 to 1974(**4**) and the Warrenpoint Harbour Authority (Amendment) Order (Northern Ireland) 1994(**5**).

(3) The Warrenpoint Harbour Authority Orders (Northern Ireland) 1971 to 1974, the Warrenpoint Harbour Authority (Amendment) Order (Northern Ireland) 1994 and this Order may be cited together as the Warrenpoint Harbour Authority Orders (Northern Ireland) 1971 to 2002.

Interpretation

2. In this Order—

(**1**) S.I.1999/283 (N.I. 1) Article 3(1)
(**2**) 1970 c. l (N.I.)
(**3**) S.R. 1999 No. 481 Article 6(*d*) and Schedule 4 Part IV
(**4**) S.R. & O. (N.I.) 1971 No. 136; S.R. & O. (N.I.) 1973 No. 4; S.R. 1974 No. 215
(**5**) S.R. 1994 No. 399

"the Authority" means the Warrenpoint Harbour Authority incorporated under the Order of 1971;

"the Department" means the Department for Regional Development;

"the harbour" means the harbour at Warrenpoint

"the harbour undertaking" means the business of the Authority and includes all activities which the Authority is by the Orders authorised to carry on;

"the Order of 1971" means the Warrenpoint Harbour Authority Order (Northern Ireland) 1971(**6**);

"the Orders" means the Warrenpoint Harbour Authority Orders (Northern Ireland) 1971 to 2002.

General powers and duties in respect of harbour

3.—(1) The Authority may take such steps from time to time as it considers necessary or expedient for the improvement, maintenance and management of the harbour and the accommodation and facilities afforded therein or in connection therewith.

(2) For those purposes, and without prejudice to the generality of paragraph (1), the Authority may—

(a) improve, maintain, regulate, manage, mark and light the harbour and provide accommodation and harbour facilities therein;

(b) construct, alter, demolish and reconstruct structures and works in the harbour;

(c) lend money to any person for the purposes of any undertaking carried on by him or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate;

(d) maintain such reserve funds as it thinks fit;

(e) invest any sums not immediately required for the purposes of the harbour undertaking; and

(f) do all other things which in its opinion are necessary or expedient to facilitate the proper carrying on or development of the harbour undertaking.

(3) This Article is without prejudice to any powers of the Authority under or by virtue of any other enactment (including any other provision of this Order).

Further powers with respect to land

4.—(1) The Authority may—

(a) retain any land acquired by it for such time as it thinks fit; and

(b) dispose of any land acquired by it which is no longer required for the purposes of its functions in such manner and for such consideration and on such terms and conditions as it thinks fit.

(2) The powers of the Authority under sub-paragraph (1)(*b*) shall be exercisable in accordance with arrangements made by the Department.

(3) The Authority may for the purposes of the harbour undertaking manage, use or develop land belonging to it as it thinks fit.

(4) Any capital money received by the Authority in respect of any transaction under this Article shall be applied in or towards the repayment of monies borrowed by the Authority or for other purposes of the Authority for which capital money may properly be applied.

(**6**) S.R. & O. (N.I.) 1971 No. 136

Subsidiaries

5.—(1) The Authority may form and promote a wholly-owned subsidiary for carrying on any activities which the Authority has power to carry on.

(2) The Authority shall secure that any company formed in exercise of the powers conferred by paragraph (1) remains such a wholly-owned subsidiary.

(3) The Authority may enter into arrangements with a company formed in exercise of the powers conferred by paragraph (1) for the transfer to that company from the Authority or from any other company so formed, in such manner and on such terms (including payments by any of the parties to the arrangements to any of them) as may be provided for by the arrangements, of any property, rights, liabilities or obligations of the Authority or of that other company, which are relevant to the carrying on of the activities to be carried on by the first-mentioned company.

Borrowing

6.—(1) The Authority may borrow money upon the security of all or any of the revenues and property of the Authority and by any method or methods it sees fit.

(2) The total amount of monies borrowed under this Article and outstanding at any one time shall not exceed £2,500,000 or such greater amount as may be approved by the Department in writing.

(3) In calculating for the purposes of paragraph (2) the amount of money borrowed by the Authority and outstanding at any one time there shall be excluded any monies borrowed for use within 3 months of the date of borrowing for repayment of any sum for the time being outstanding by way of principal on any amount previously borrowed.

(4) Monies borrowed by the Authority under this Article shall be applied only to purposes to which capital money is properly applicable.

(5) For the purposes of paragraph (4), but without prejudice to the generality thereof, purposes to which capital money is properly applicable shall be deemed to include—

(a) the payment of any interest falling due on a sum of money borrowed under this Article within the five years immediately following the date of that borrowing; and

(b) the repayment within 12 months of the date of borrowing of any sum for the time being outstanding by way of principal on any amount previously borrowed.

Temporary borrowing

7.—(1) The Authority may borrow temporarily, by way of overdraft or otherwise, such sums as the Authority may require for meeting its obligations or discharging its functions under or in pursuance of any enactment.

(2) The total amount of monies borrowed under this Article and outstanding at any one time shall not exceed such amount as may be approved by the Department in writing.

(3) The power conferred by this Article shall be in addition to any other borrowing power for the time being exercisable by the Authority.

Power to license pleasure craft and boatmen

8.—(1) The Authority may grant, upon such terms and conditions as it thinks fit, licences for pleasure craft to be let for hire to the public in the course of trade or business or to be used for carrying passengers for hire within the harbour, and to the boatmen or persons assisting in the charge or navigation of such craft.

(2) Any such licence may be granted for such period as the Authority may think fit, and may be suspended or revoked by the Authority whenever it shall deem such suspension or revocation to be necessary or desirable in the interests of the public.

(3) The existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.

(4) A person shall not within the harbour—

(a) let for hire to the public a pleasure craft which is not licensed in accordance with this Article; or

(b) carry, or permit to be carried, passengers for hire in a pleasure craft unless the craft, and the boatmen in charge thereof and the navigator, are so licensed.

(5) This Article shall not be taken to require a person to be licensed as a boatman who takes on hire a pleasure craft for purposes other than for profit.

(6) A licence under this Article shall not be required for any craft which has a passenger certificate issued by the Maritime and Coastguard Agency and valid for the voyage intended or, in the case of hovercraft within the meaning of the Hovercraft Act 1968(**7**), a certificate of safety valid for the voyage intended.

(7) A person shall not carry or permit to be carried in any pleasure craft a greater number of passengers for hire than shall be specified in the licence applying to such craft, and every owner of any such craft shall before permitting the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than three centimetres in height and one half centimetre in breadth, on a conspicuous part of the said craft, his own name and also the number of persons which it is licensed to carry, in the form "Licensed to carry-persons".

(8) Any person who shall act in contravention of paragraph (4) or (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(9) Any person aggrieved by the withholding, suspension or revocation of any licence or by any term or condition subject to which a licence has been granted under the provisions of this Article may appeal to a Court of summary jurisdiction.

(10) In this Article "pleasure craft" means any vessel of not more than 100 tonnes gross used wholly or mainly for recreation or for the carriage of passengers for reward and includes pleasure boats.

Amendment of the Warrenpoint Harbour Authority Order (Northern Ireland) 1971

9.—(1) In Article 3 of the Order of 1971(**8**) the reference to section 23 of the Harbours, Docks and Piers Clauses Act 1847(**9**) shall be deleted.

(2) For Schedule 1 to the Order of 1971, there shall be substituted the provisions set out in Schedule 1 to this Order.

Repeal

10. The statutory provision specified in columns 1 and 2 of Schedule 2 is hereby revoked to the extent specified in column 3 of that Schedule.

(**7**) 1968 c. 59
(**8**) S.R. & O. (N.I.) 1971 No. 136; amended by S.R. 1994 No. 399
(**9**) 10 & 11 Vict. c. 27