**1973. No. 313** **[C]**

# LOCAL GOVERNMENT

## Modification and Repeal of Transferred Provisions relating to Harbours

ORDER, DATED 10TH SEPTEMBER 1973, MADE BY THE MINISTRY OF COMMERCE UNDER SECTION 134 OF THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972.

The Ministry of Commerce, on behalf of the Secretary of State and in exercise of the powers conferred on it by section 134 of the Local Government Act (Northern Ireland) 1972(a) and of every other power enabling it in that behalf, hereby makes the following Order:—

*Citation and commencement*

**1.** This Order may be cited as the Local Government (Modification and Repeal of Transferred Provisions relating to Harbours) Order (Northern Ireland) 1973 and shall come into operation on 1st October, 1973.

*Modification and repeal of transferred provisions relating to the harbour of Bangor*

**2.** The enactments specified in columns 1 and 2 of Schedule 1 shall be modified or repealed to the extent specified in column 3 of that Schedule.

*Modification of transferred provisions relating to the port of Belfast*

**3.**—(1) For any reference or any reference which is to be construed as such a reference to the lord mayor, aldermen and citizens of the city of Belfast or to the Belfast Corporation in the Belfast Harbour Acts 1847 to 1961(b) there shall be substituted a reference to the Belfast District Council and the said Acts with that substitution and any other necessary modification shall apply except so far as that application is inconsistent with the provisions of those Acts.

(2) For any reference to an officer of the Belfast Corporation in the said Acts however worded there shall be substituted a reference to the officer of the Belfast District Council who corresponds as nearly as may be to the first mentioned officer or where applicable to the corresponding officer of a Government department or a public body if the function to which the said reference relates has been transferred thereto by virtue of the Local Government (Transfer of Functions) Order (Northern Ireland) 1973(c) or the Water and Sewerage Services (Northern Ireland) Order 1973(d) or the Electricity Supply (Northern Ireland) Order 1972(e).

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(a) 1972. c. 9 (N.I.).
(b) 10 & 11 Vict. c. lii; 15 & 16 Vict. c. cxxi; 17 & 18 Vict. c. xlv; 33 & 34 Vict. c. xcvii; 34 & 35 Vict. c. xli; 45 & 46 Vict. c. clxxi; 46 & 47 Vict. c. lix; 56 Vict. c. xliv; 61 & 62 Vict. c. cv; 1 Edw. 7. c. cxxxiii; 8 & 9 Geo. 5. c. xviii; 9 & 10 Geo. 5. c. ix; 12 & 13 Geo. 5. c. i. (N.I.); 21 & 22 Geo. 5. c. i (N.I.); 2 Geo. 6. c: iv (N.I.); 1950. c. iv; 1956. c. iv; 1961. c. iii.
(c) S.R. & O. (N.I.) 1973, No. 140.
(d) S.I. 1973, No. 70 (N.I. 2).
(e) S.I. 1972, No. 1072 (N.I. 9).

*Modification and repeal of transferred provisions relating to the harbour of Carrickfergus*

**4.** The enactments specified in columns 1 and 2 of Schedule 2 shall be modified or repealed to the extent specified in column 3 of that Schedule.

*Modification of transferred provisions relating to the harbour of Coleraine*

**5.**—(1) In section 5 of the River Bann Navigation Act 1879 (**f**) (hereinafter referred to as "the Act of 1879") "the district councillors of the Coleraine District Council" shall be substituted for the meanings given in the said section for "The town commissioners", "The Coleraine town commissioners", "The Coleraine guardians" and "The Ballymoney guardians" and "all the area within the Borough of Coleraine as it existed immediately before the 1st October 1973" shall be substituted for the meaning given in that section for "The town of Coleraine".

(2) In section 94 of the Act of 1879 the reference to the treasurer of the Coleraine union or Ballymoney union shall be construed as a reference to the Coleraine District Council.

(3) Section 27(2) of the River Bann Navigation Act (Northern Ireland) 1927(**g**) (hereinafter referred to as "the Act of 1927") shall be read and construed as if "the Coleraine District Council" were therein referred to in place of "the Coleraine Urban Council" or "the Portstewart Urban Council" or "the County Council".

(4) Section 28(3) of the Act of 1927, as amended by section 17(3) of the River Bann Navigation Act (Northern Ireland) 1938 (**h**), is hereby repealed and the following sub-section shall be substituted therefor:—

"(3)(i) The Commissioners shall, on or before the 20th January in each year, prepare and send to the Coleraine District Council an estimate of the moneys other than borrowed moneys to be carried to credit of the River Bann Fund during that year and of the sums required to be paid out of that Fund during that year in pursuance of the provisions of section 100 (application of moneys other than borrowed moneys constituting River Bann Fund) of the Act of 1879, as amended by this Act.

(ii) If it appears from the said estimate that the moneys to be carried to credit of the said Fund during the year to which the estimate relates will, after payment of the expenses for that year of the Commissioners and their Officers in executing the Act of 1879 and this Act and in maintaining and regulating the harbour, be insufficient for the payment in full of the following charges for that year (in this section referred to as "the specified charges"), that is to say: the interest payable on mortgages made under the authority of the Act of 1879 or on mortgages made under the authority of this Act, and any annual sums payable to any Government Department in respect of loans or advances, and the annual contributions to the sinking funds to be provided for the repayment of the principal moneys secured by mortgages under the Act of 1879 and this Act respectively, then and in every such case the amount of such insufficiency (in this section referred to as "the requirement") shall be contributed and paid to the Commissioners to the extent and in the manner hereafter in this section provided by the Coleraine District Council, provided that for the purpose of arriving at

(**f**) 42 & 43 Vict. c. clxxv.
(**g**) 17 & 18 Geo. 5. c. iv (N.I.).
(**h**) 2 Geo. 6. c. ii (N.I.).

the requirement for each year the amount estimated as to be carried to credit to the River Bann Fund during the year shall be increased or reduced (as the case may be) by the sum (if any) by which the requirement for the next preceding year when added to the amount of the moneys other than borrowed moneys actually carried to credit of the said Fund during such next preceding year proved more or less than sufficient to meet the sums actually paid out of that Fund during such next preceding year for the specified charges.

(iii) Along with the estimate hereinbefore mentioned for each year the Commissioners shall send to the Coleraine District Council an estimate of the requirement for that year in accordance with the provisions of this section.

(iv) The amount of the requirement which the Coleraine District Council shall be required to pay in respect of any year shall not exceed the amount which would be raised by means of a rate in the pound upon the rateable value of the rateable property in the district of the Council in accordance with the valuation thereof then in force under the Acts relating to the valuation of rateable property in Northern Ireland the said rate to be calculated as provided for in Schedule 3 and for the purposes of this paragraph the expression "rateable value" shall have the meaning assigned to it in the Rates (Northern Ireland) Order 1972(i).

(v) Forthwith after receipt of the said estimate for any year the Coleraine District Council shall, by means of a rate or assessment to be made in its district for the next ensuing financial year in like manner as if it were a rate made in accordance with the Rates (Northern Ireland) Order 1972 and any Acts for the time being in force affecting or amending the same, assess the amount required for payment of the requirement for that year required to be contributed by it and the said Council shall also include in such assessment the amount of the expenses of and incident to the making, levying and applying of such rate as aforesaid. The amount of such assessment shall be deemed to be part of a district rate as defined in Article 2 of the said Order and shall be levied as provided for in that Order.

(vi) At such time or times during any year as they may think fit the Commissioners shall by requisitions in writing under their seal, addressed to the Coleraine District Council, require the said Council to pay to the Commissioners the sums stated in such requisitions, which shall be sums together making up the requirement for that year. The said Council shall pay to the Commissioners the sums stated in such requisitions within three months from the date of receiving such requisitions.".

*Modification of transferred provisions relating to the port of Londonderry*

**6.** For any reference or any reference which is to be construed as such a reference to the mayor, aldermen and burgesses of the city of Londonderry or to the Londonderry Corporation in the Londonderry Port and Harbour Acts 1854 to 1920(j) there shall be substituted a reference to the Londonderry District Council and the said Acts with that substitution and any other necessary modification shall apply except so far as that application is inconsistent with the provisions of those Acts.

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(i) S.I. 1972, No. 1633 (N.I. 16).
(j) 17 & 18 Vict. c. clxxviii; 37 & 38 Vict. c. xlix; 45 & 46 Vict. c. cxlii; 9 & 10 Geo. 5. c. lxviii; 10 & 11 Geo. 5. c. lxxv.