



# Harbours Act (Northern Ireland) 1970

## 1970 CHAPTER 1

### PART III

#### MISCELLANEOUS

##### POWERS OF HARBOUR AUTHORITIES

#### **23 Power of harbour authorities to provide inland clearance depots.**

- (1) A harbour authority may provide, maintain and operate, either alone or together with any other person and either on harbour land or with the consent of the Ministry elsewhere, depots for the sorting of goods, with facilities for the reception, storage, weighing and handling of goods, and may do anything appearing to the authority to be requisite, convenient or advantageous for or in connection with the discharge of that function.
- (2) A harbour authority which maintains a depot for the sorting of goods may make and recover from the persons using the depot or any services or facilities provided thereat charges for their use.
- (3) Nothing in this section shall affect the power of the Commissioners of Customs and Excise under the enactments relating to customs and excise to approve places for the loading, unloading, deposit, keeping or securing of goods or the conditions and restrictions subject to which approval may be given to any such places.

#### **24 Power of harbour authorities to acquire a harbour business or shares in a harbour business.**

- (1) Subject to subsection (3), a harbour authority may acquire by agreement any business or undertaking which consists wholly or mainly of the carrying out of harbour operations or of the provision, maintenance or operation of any such depot as is mentioned in section 23 or so much of any business or undertaking as consists of the

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carrying out of such operations or of the provision, maintenance or operation of any such depot.

- (2) Subject to subsection (3), a harbour authority may subscribe for or acquire any securities of a body corporate which is wholly or mainly engaged or which it is proposed should become wholly or mainly engaged in carrying out harbour operations or in providing, maintaining or operating any such depot.
- (3) A harbour authority shall not by virtue of this section acquire a business or undertaking which consists of or includes the provision, maintenance or operation of any such depot, or subscribe for or acquire any securities of a body corporate which is engaged or which it is proposed should become engaged in providing, maintaining or operating any such depot, without the consent of the Ministry.
- (4) In this section “securities” , in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate.

## **25 Miscellaneous powers of harbour authorities.**

- (1) Subject to section 10, a harbour authority may for the purpose of any of its statutory functions by agreement acquire or take on lease any land wherever situated or acquire land compulsorily in accordance with section 26.
- (2) A harbour authority may carry out any harbour operations either within the limits within which the authority has jurisdiction or on harbour land.

## **26 Compulsory acquisition of land by harbour authorities.**

- (1) Where a harbour authority desires to acquire, otherwise than by agreement, any land for the purposes of its functions, it may apply to the Ministry for an order vesting in it the fee simple or any lesser estate in that land, and—
  - (a) the Ministry may make the vesting order in respect of the whole of the land or any part of it;
  - (b) on an application for an order vesting the fee simple in the land, the Ministry may make an order vesting in the harbour authority such lesser estate in the land or in any portion thereof as may be specified in the order.
- (2) Section 22(2) of, and Schedule 2 to, the Local Government Act (Northern Ireland) 1934 shall, subject to the modifications specified in Schedule 4, have effect for the purposes of an order under subsection (1).
- (3) For the purposes of this section and of the application, by subsection (2), of the enactments mentioned in that subsection, the interest of a grantee under a fee farm grant shall be taken to be a lesser estate than a fee simple.
- (4) The Ministry shall not make a vesting order under subsection (1) in respect of any land owned or occupied by or on behalf of the [<sup>F1</sup> Northern Ireland Housing Executive], a local authority, a public utility undertaking or, <sup>F2</sup> . . . the Post Office.
- (5) In this section—
 

“local authority” means the council of a county, county or other borough or of an urban or rural district;

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“public utility undertaking” includes any body corporate carrying on a<sup>F3</sup> . . .  
<sup>F4</sup> . . . . . public transport undertaking and any undertaking for providing or improving drainage.

- F1** 1981 NI 3
- F2** 1981 c. 38
- F3** 1996 NI 2
- F4** S. 26(5): words in definition of "public utility undertaking" repealed (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(2), **Sch. 13** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

**27 Water supplies.**

<sup>F5</sup> . . . . .

- F5** S. 27 repealed (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(2), **Sch. 13** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2023 c. 8 s. 9\(7\)](#)