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STATUTORY INSTRUMENTS

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**1989 No. 490**

**The Lagside Development(Northern Ireland) Order 1989**

**PART III**

**OBJECT AND POWERS OF THE CORPORATION**

*Powers in relation to the river*

**Power to execute works in relation to the river**

**17.**—(1) The Corporation may execute such works in, on, across, over, alongside or adjacent to the river as it considers appropriate for the purposes of—

- (a) improving the quality of water in the river;
- (b) improving the immediate environment of the river;
- (c) promoting the recreational use of the river;
- (d) facilitating access to the river; and
- (e) otherwise furthering the object of the Corporation.

(2) Without prejudice to the generality of paragraph (1), the Corporation may—

- (a) construct embankments, quays and footpaths alongside, or adjacent to, the river;
- (b) dredge, reclaim land from, and alter or divert the channel of, the river;
- (c) operate, maintain, repair, alter, extend or remove any works executed under this Order and any existing works; and
- (d) provide such buildings, amenities, machinery, plant, apparatus and appliances as it considers appropriate in connection with any works executed under this Order and any existing works.

(3) In paragraph (2) “existing works” means works in, on, across, over, alongside or adjacent to the river which were executed at any time before the coming into operation of this Order and which, had this Order been in operation at that time, could have been executed by the Corporation.

(4) Schedule 2 shall have effect in relation to works under this Article.

**Construction of bridges, weirs, locks and barrages**

**18.**—(1) The Corporation—

- (a) may, if so authorised by an order under paragraph (2), construct a bridge over, or weir, lock or barrage across, the river;
- (b) shall not, unless so authorised by such an order, have power by virtue of any other provision of this Order to construct any such bridge, weir, lock or barrage.

(2) The Department may by order authorise the Corporation to construct a bridge over, or weir, lock or barrage across, the river and an order under this paragraph—

- (a) shall describe the nature and extent of the works authorised by the order;
  - (b) shall include such information as may be necessary to indicate (within such limits of deviation as may be specified in the order) the situation, lines, levels and dimensions of the works;
  - (c) shall include such conditions relating to the works and their execution as the Department thinks fit;
  - (d) may include provision as to the management and operation of the completed works;
  - (e) may make such other provision as seems to the Department to be necessary or expedient in relation to, or in connection with, the works and their execution.
- (3) Before making an order under paragraph (2) the Department shall take into consideration the reasonable requirements of navigation on the river.
- (4) References in this Article to a bridge include references to a road, footway or railway over the bridge and to the approaches of any road, footway or railway to the bridge.
- (5) The carrying out of works authorised by an order under paragraph (2) shall for the purposes of this Order be taken to be within the object of the Corporation; and it shall be the duty of the Corporation in carrying out any such works to comply with the provisions of the order.
- (6) Paragraphs 2, 3, 5 and 6 of Schedule 2 shall have effect in relation to works under this Article.

#### **Power to make byelaws as to use of river**

- 19.**—(1) Subject to paragraph (3), the Corporation may make byelaws regulating—
- (a) the use of the river for recreational purposes;
  - (b) the conduct of persons using the river for recreational purposes;
  - (c) the movement of vessels on the river;
  - (d) the use of lights on the river.
- (2) Without prejudice to the generality of paragraph (1), byelaws under this Article may provide for the levying by the Corporation of tolls in respect of vessels using any lock which is under the management of the Corporation and in particular such byelaws may—
- (a) fix, or make provision for the fixing by the Corporation, of the amount of such tolls;
  - (b) make provision for the collection of such tolls and for exemptions from such tolls;
  - (c) make such other provision in connection with such tolls as the Corporation thinks necessary or expedient.
- (3) Byelaws under this Article shall not apply in relation to any part of the river within the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1967.
- (4) Byelaws under this Article shall be made and have effect as if sections 91 (except subsection (6)), 92, 93 and 94(1) of the Local Government Act (Northern Ireland) 1972(1) applied to them as those provisions apply to byelaws made by a district council, and as if—
- (a) for any reference in those provisions to a council or to the clerk of a council there were substituted a reference to the Corporation or to the chairman of the Corporation; and
  - (b) for any reference to the Ministry concerned there were substituted a reference to the Department and the Department of Agriculture acting jointly.

