
STATUTORY INSTRUMENTS

1995 No. 1627 (N.I. 10)

NORTHERN IRELAND

The Ports (Amendment) (Northern Ireland) Order 1995

<i>Made</i>	- - - -	<i>28th June 1995</i>
<i>Laid before Parliament</i>		<i>17th July 1995</i>
<i>Coming into operation</i>		<i>29th August 1995</i>

At the Court at Buckingham Palace, the 28th day of June 1995
Present,
The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of subsection (1) of section 159 of the Finance Act 1995⁽¹⁾:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974⁽²⁾ (as modified by subsection (3) of section 159 of the said Act of 1995) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Ports (Amendment) (Northern Ireland) Order 1995 and shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Payment of levy: supplementary provisions

3. After Article 17 of the Ports (Northern Ireland) Order 1994⁽⁴⁾ (duty to provide information for purposes of levy) there shall be inserted the following Article—

(1) 1995 c. 4
(2) 1974 c. 28
(3) 1954 c. 33 (N.I.).
(4) 1994 NI 16.

“Notice of assessment: supplementary provisions

17A.—(1) Where a notice of assessment has been served under Article 16(2) on a former relevant port authority (“the authority”), the authority may, within the period mentioned in Article 16(3), by notice in writing request the Department to reconsider the amount of the assessment. The request shall set out the grounds on which the authority alleges that the amount assessed is incorrect.

(2) If it appears to the Department that there are reasonable grounds for believing that the amount of the assessment may be excessive, the Department may direct that Article 16(3) and (4) shall not apply to the whole amount of the assessment but only to such lesser amount as the Department may specify.

(3) If a request for reconsideration is duly made, the Department shall reconsider the amount of the assessment and may confirm or reduce it. An appeal lies to the High Court from any decision of the Department under this paragraph.

(4) The Department may reconsider the amount of an assessment under Article 16(2) in any other case, if the Department thinks fit, and may confirm or reduce it.

(5) When the amount of the assessment is finally determined—

- (a) if the amount of the assessment is less than the amount paid by the authority, the Department shall make such payment to the authority as is required to put the authority in the same position as if the reduced amount had been specified in the original assessment;
- (b) if a further amount is payable by the authority, Article 16(3) and (4) shall apply in relation to that amount as if the reference to the date of issue of the notice of assessment were a reference to the date of the determination.

(6) Except as provided by this Article a notice of assessment under Article 16(2) shall not be questioned in any legal proceedings whatsoever.”.

N. H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to those of section 159(1) of the Finance Act 1995.

Article 3 inserts a new Article in the Ports (Northern Ireland) Order 1994. The new Article provides that the Department of the Environment or the Department of Agriculture may reconsider the amount of levy assessed under Article 16 of that Order.