STATUTORY INSTRUMENTS

2002 No. 3155 (N.I. 9)

The Harbours (Northern Ireland) Order 2002

Made - - - -	*17th December 2002*
Coming into operation	*18th February 2002*

Title and commencement

1.—(1) This Order may be cited as the Harbours (Northern Ireland) Order 2002.

(2) This Order comes into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

"the Department" means the Department for Regional Development;

"fishery harbour" has the meaning given in Article 1(2) of the Ministries (Transfer of Functions) Order (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No. 128);

"harbour authority" has the meaning given in the Harbours Act (Northern Ireland) 1970 (c. 1).

Designated harbour authorities

3.—(1) This Order applies to any designated harbour authority.

(2) Subject to paragraph (3), "designated harbour authority" means any of the following harbour authorities—

(a) the Belfast Harbour Commissioners;

(b) the Coleraine Harbour Commissioners;

(c) the Harbour of Carlingford Lough Improvement Commissioners;

(d) the Londonderry Port and Harbour Commissioners;

(e) the Warrenpoint Harbour Authority.

(3) The Department may by order subject to negative resolution amend paragraph (2) by making additions or amendments to, or omissions from, the list of harbour authorities for the time being set out in that paragraph.

(4) Nothing in paragraph (3) authorises the inclusion in the list of harbour authorities for the time being set out in paragraph (2) of—

(a) a district council, a company having share capital or a harbour authority for a fishery harbour; or

(b) a body which is not a harbour authority.

(5) Before making an order under paragraph (3), the Department shall consult any harbour authority to which the order will apply.

Power of Department to issue directions

4.—(1) The Department may give to a designated harbour authority directions of a general or specific nature as to the exercise by that authority of its functions.

(2) Before giving any directions to a designated harbour authority under this Article the Department shall consult the authority to which the directions are to be given.

(3) Directions given under this Article to a designated harbour authority must be in writing and must specify a date on which the directions come into operation.

(4) It shall be the duty of a designated harbour authority to comply with any directions given to it under this Article.

Power of Department to obtain information

5.—(1) The Department may serve notice in writing on a designated harbour authority—

(a) requiring it to supply to the Department, either periodically or on one occasion or more, such information in the possession of the authority—

(i) as the Department may reasonably require for the performance of its functions; and

(ii) as may be specified in the notice; and

(b) specifying the time, place, manner and form in which any such information is to be supplied.

(2) Any person who in purported compliance with a notice under paragraph (1) knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—

(a) on summary conviction to a fine not exceeding the statutory maximum;

(b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

(3) Any person who without reasonable excuse fails to comply with a notice under paragraph (1) shall be guilty of an offence and liable—

(a) on summary conviction to a fine not exceeding the statutory maximum;

(b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

(4) This Article only applies to information coming into the possession of a designated harbour authority after the coming into operation of this Article.

Code of practice

6.—(1) The Department may issue, and may from time to time amend, a code of practice containing such guidance as the Department thinks appropriate in relation to the discharge by a designated harbour authority of its functions.

(2) The code may include guidance setting out aims, objectives and other matters in relation to the discharge of its functions by a designated harbour authority.

(3) It shall be the duty of a designated harbour authority to take account of any relevant provisions of the code when exercising its functions.

(4) The Department shall publish the code as for the time being in force.

(5) The Department may under paragraph (1) make separate provision (by means of separate codes of practice) in relation to different designated harbour authorities and references in this Article to "the code" shall have effect, in relation to any such separate code of practice, as references to that code.

(6) The Department may withdraw the code issued under paragraph (1).

Making and approval of code of practice

7.—(1) Where the Department proposes to issue or amend a code of practice under Article 6, it shall prepare a draft of the code (or amendment).

(2) The Department shall consult such persons about the draft as it thinks fit.

(3) If the Department determines to proceed with the draft (either in its original form or with such modifications as the Department thinks fit) the Department shall issue the code or amendment to the code in the form of the draft and lay the code or the amendment to the code before the Assembly.

(4) The code or amendment shall come into force on such day as may be specified in the code or, as the case may be, the amendment.

Changes to legislation:
There are currently no known outstanding effects for the The Harbours (Northern Ireland) Order 2002.