

HARBOURS (NORTHERN IRELAND) ORDER 2002

S.I. 2002 No. 3155 (N.I. 9)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Article 3: Designated harbour authorities

This Article designates certain harbour authorities and provides the Department with the power to amend the list following consultation with the relevant harbour authority. It specifically excludes the designation of a fishery harbour, a district council owned harbour or a harbour owned by a company having share capital, or a body, which is not a harbour authority.

Article 4: Power of Department to issue directions

This Article provides the Department with the power to issue directions to a designated harbour authority in relation to the exercise of its functions and sets out the arrangements for doing so. The Department is required to consult with a designated harbour authority before giving any directions. A duty is placed on the designated harbour authority to comply with any directions given.

Article 5: Power of Department to obtain information

This Article provides the Department with the power to obtain such information as it may reasonably require from a designated harbour authority by the serving of a notice in writing. The Article creates an offence where any person in purported compliance with the notice knowingly or recklessly makes any statement or produces any document, which is false. It allows for a person to be convicted on indictment and to be liable to a fine or to imprisonment or both. In addition it creates an offence with the same penalties, where any person without reasonable excuse fails to comply with a notice. The Article relates to information that has come into the possession of the designated harbour authority after the coming into effect of the Order.

Article 6: Code of practice

This Article provides the Department with the power to issue or amend codes of practice intended for the guidance of members of designated harbour authorities. It places a duty on the designated harbour authority to take account of the relevant provisions of the code when exercising its functions. The Department is required to publish the code.

Article 7: Making and approval of code of practice

This Article requires the Department to prepare a draft of the code or amendment to the code and to consult with such persons as it thinks necessary. The Department will lay the code or the amendment to the code before the Assembly. The Department shall specify the day on which the code or amendment shall come into effect within the code or amendment.