

1994 No. 399

HARBOURS, DOCKS, ETC.

**The Warrenpoint Harbour Authority (Amendment) Order
(Northern Ireland) 1994**

Made 20th October 1994

Coming into operation 1st December 1994

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

The Department of the Environment, in exercise of the powers conferred by section 1 of, and Schedule 1 to, the Harbours Act (Northern Ireland) 1970(a), and now vested in it(b) and of all other powers enabling it in that behalf, after consultation with the Warrenpoint Harbour Authority, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Warrenpoint Harbour Authority (Amendment) Order (Northern Ireland) 1994 and shall come into operation on 1st December 1994.

Amendment of the Warrenpoint Harbour Authority Order (Northern Ireland) 1971

2. For Part I of Schedule 1 to the Warrenpoint Harbour Authority Order (Northern Ireland) 1971(c), there shall be substituted the provisions set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of the Environment on
20th October 1994.

(L.S.)

Cliff Radcliffe
Under Secretary

(a) 1970 c. 1 (N.I.)
(b) See Article 4 of S.I. 1982 No. 846 (N.I. 11) and Article 3 of S.R. 1987 No. 105
(c) S.R. & O. (N.I.) 1971 No. 136; relevant amending Order is S.R. 1974 No. 215

Provisions substituted for Part I of Schedule 1 to the Warrenpoint
Harbour Authority Order (Northern Ireland) 1971

PART I

CONSTITUTION OF HARBOUR AUTHORITY

1. The harbour authority shall be a body corporate with perpetual succession and shall, subject to the provisions of this Order, have all the rights, powers and privileges of a body corporate to which section 19 of the Interpretation Act (Northern Ireland) 1954(a) applies.

2.—(1) The harbour authority shall consist of—

(a) not less than 5 and not more than 8 persons who shall be appointed by the head of the Department; and

(b) the Chief Executive Officer of the harbour authority.

(2) Each person appointed under sub-paragraph (1)(a) shall hold office for a period of 3 years.

(3) The head of the Department shall designate a member of the harbour authority as Chairman of the harbour authority and may designate another member as Deputy Chairman.

(4) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 shall apply to any appointment made by the head of the Department under sub-paragraph (1)(a).

(5) The harbour authority shall appoint a person to act as Chief Executive Officer of the harbour authority.

(6) The proceedings of the harbour authority shall not be invalidated by any vacancy among its members or by any defect in the appointment, election or nomination of any member.

3. Subject to paragraphs 4 and 5, one of the persons appointed under paragraph 2(1)(a) shall be selected from not more than 3 persons nominated in that behalf by the Newry and Mourne District Council (in this Part referred to as "the Council").

4. The head of the Department shall not be obliged to appoint a person nominated under paragraph 3 or this paragraph, but if he declines to appoint a person nominated under paragraph 3 he shall request the Council to nominate one other person.

5. If—

(a) it appears to the head of the Department that the Council has refused or failed to nominate a person pursuant to paragraph 3 or 4; or

(b) the head of the Department declines to appoint a person nominated under paragraph 4,

he may appoint such person as he thinks fit.

6. Every person nominated under paragraph 3 or 4 shall be a member of the Council and any member of the harbour authority being a person so nominated who

(a) 1954 c. 33 (N.I.)

ceases to be a member of the Council shall thereupon cease to be a member of the harbour authority.

7.—(1) Subject to sub-paragraph (2) in the event of a casual vacancy occurring in the office of Chairman, the vacancy shall be filled by the Deputy Chairman until a new Chairman is designated under paragraph 2(3).

(2) If there is no Deputy Chairman, the harbour authority shall elect one of its members to act as Chairman until a new Chairman is designated under paragraph 2(3).

8.—(1) Without prejudice to paragraphs 3 and 4, the head of the Department in making appointments under paragraph 2(1) shall select persons who appear to him to have experience of, and to have capacity in, one or more of the matters mentioned in sub-paragraph (2) or to have in some other respect special knowledge or experience which would be of value to the harbour authority in the discharge of its functions.

(2) The matters referred to in sub-paragraph (1) are the management of harbours, shipping, port usage, industrial, commercial or financial matters, administration, and the organisation of workers.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order alters the constitution of the Warrenpoint Harbour Authority.

The principal alterations are—

- (a) the harbour authority is to consist of not less than 5 and not more than 8 members in addition to the Chief Executive Officer;
- (b) the Chief Executive Officer is to be appointed by the harbour authority instead of by the head of the Department; and
- (c) provision for the office of Executive Officer has been omitted.