

SCHEDULE 1

Transfer of Assets and Liabilities, etc.

Assets and liabilities

1.—(1) All assets and liabilities to which the Corporation is entitled or subject immediately before 1st April 2007 shall be transferred to, and by virtue of this sub-paragraph vest in, the Department.

(2) Sub-paragraph (1)—

(a) has effect in relation to assets and liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the assets and liabilities otherwise than by that sub-paragraph; but

(b) does not apply in relation to contracts of employment.

(3) A certificate issued by the Department that any assets or liabilities have been transferred to the Department by sub-paragraph (1) shall be conclusive evidence of the transfer.

River Warden's contract of employment

2.—(1) The contract of employment between the River Warden and the Corporation shall have effect from 1st April 2007 as if originally entered into between the River Warden and the Department.

(2) Without prejudice to sub-paragraph (1)—

(a) all the rights, powers, duties and liabilities of the Corporation under or in connection with the River Warden's contract of employment are by virtue of this paragraph transferred to the Department; and

(b) anything done before 1st April 2007 by or in relation to the Corporation in respect of that contract or the River Warden is to be treated from that date as having been done by or in relation to the Department.

(3) If the River Warden informs the Corporation before 1st April 2007 that he objects to the transfer of his contract of employment under this paragraph—

(a) sub-paragraphs (1) and (2) do not apply in relation to him; and

(b) his contract of employment is terminated immediately before that date.

(4) The River Warden is not to be treated for the purposes of the [Employment Rights \(Northern Ireland\) Order 1996 \(NI 16\)](#) as having been dismissed by the Corporation by reason of—

(a) his transfer under this paragraph; or

(b) the termination of his contract of employment under sub-paragraph (3).

(5) This paragraph does not prejudice the right of the River Warden to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right arises by reason only that, by virtue of this paragraph, the identity of his employer changes unless the River Warden shows that in all the circumstances the change is a significant change and is to his detriment.

(6) In this paragraph “the River Warden” means the person who is employed by the Corporation under a contract of employment for the position of river warden immediately before 1st April 2007.

Transitional and supplementary provisions

3. In the construction and for the purposes of any statutory provision (other than the 1989 Order) or other document passed or made before 1st April 2007, any reference to, or which is to be construed

as a reference to, the Corporation shall, so far as may be necessary for the purposes of this Order, be construed as a reference to the Department.

4. Nothing in this Order affects the validity of anything done by, or in relation to, the Corporation before 1st April 2007.

5. Anything which before 1st April 2007 was done by or in relation to the Corporation shall, if in effect immediately before that date, continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the Department.

6. Anything (including legal proceedings) in the process of being done by or in relation to the Corporation immediately before 1st April 2007 may be continued by or in relation to the Department.

7. References in paragraphs 4 to 6 to 1st April 2007 shall be construed as references to 1st July 2007 in relation to anything done by, or in relation to, the Corporation in connection with its functions under paragraphs 16 to 19 of Schedule 1 to the 1989 Order on or after 1st April 2007.

SCHEDULE 2

PART 1

Amendments to the 1989 Order

1.—(1) In the following provisions, for the word “Corporation” wherever it occurs substitute the word “Department”—

- (a) Article 10 (3), (4) and (6);
- (b) Article 12(2);
- (c) Article 13;
- (d) Article 14(1) and (2);
- (e) Article 17(1), (2) and (3);
- (f) Article 20(1), (4) and (5);
- (g) Article 21(1), (2), (8) and (9);
- (h) Article 22(1);
- (i) Article 23(1) and (2);
- (j) Article 25(3);
- (k) paragraph 1(1) of Schedule 2;
- (l) paragraph 2(1) of Schedule 2;
- (m) paragraph 3(1) of Schedule 2;
- (n) paragraph 4(1) and (2) of Schedule 2;
- (o) paragraph 5 of Schedule 2.

(2) In Article 2(2) for the definition of “the Department” substitute the following definition—
““the Department” means the Department for Social Development;”.

(3) In Article 10 (*object and general powers of the Corporation*), for paragraph (1) substitute the following paragraph—

“(1) The object of the Department under this Order shall be to secure the regeneration of the designated area.”

(4) In Article 12, in paragraph (1) for the words from the beginning to “the Department,” substitute the words “The Department may”.

(5) For Articles 15 and 16 substitute the following Articles —

“Studies, etc for the purposes of this Order

15. The Department may carry out or give financial assistance towards the carrying out of such studies, investigations and research as the Department considers will further its object under this Order.

Consultation with the Department of the Environment on planning matters

16. Where under the Planning (Northern Ireland) Order 1991, the Department of the Environment is required to consult with the Belfast City Council about any matter relating to or affecting the designated area or land in that area, that department shall also consult with the Department about that matter.”.

(6) In Article 17 (*power to execute works in relation to the river*), for sub-paragraph (e) of paragraph (1) substitute the following sub-paragraph—

“(e) otherwise furthering the object of the Department under this Order.”.

(7) For Articles 18 and 19 substitute the following Articles—

“Construction of bridges, weirs, locks and barrages

18.—(1) The Department may construct a bridge over, or weir, lock or barrage across, the river.

(2) Before executing any works under paragraph (1) the Department shall take into consideration the reasonable requirements of navigation on the river.

(3) Paragraphs 2, 3, 5 and 6 of Schedule 2 shall have effect in relation to works under this Article.

(4) The reference in this Article to a bridge includes a reference to a road, footway or railway over the bridge and to the approaches of any road, footway or railway to the bridge.

Byelaws as to use of river and certain adjacent land

19.—(1) The Department may make byelaws—

- (a) regulating the use of the river by vessels;
- (b) requiring vessels using the river to be licensed for that purpose by the Department;
- (c) regulating fishing in the river;
- (d) requiring persons fishing in the river to obtain a permit for that purpose from the Department;
- (e) regulating the grant, renewal and revocation of licences under sub-paragraph (b) and permits under sub-paragraph (d), the conditions subject to which such licences and permits are to be granted and prescribing the fees payable in respect of the grant or renewal of such licences or permits;
- (f) regulating the construction, condition, safety and control of vessels which may use the river and the equipment to be carried on such vessels;

- (g) regulating the movement of vessels, and the use of lights, on the river;
 - (h) for the levying by the Department of charges in respect of the use of the river or any service or facility provided by the Department on the river or on land adjacent to the river;
 - (i) for the removal by the Department of vessels or objects from the river in such circumstances as may be specified in the byelaws, the storage and disposal by the Department of vessels or objects so removed and the recovery by the Department of the costs of removal, storage and disposal;
 - (j) regulating the conduct of persons on the river or on land adjacent to the river vested in the Department;
 - (k) prohibiting the erection of any structure in the river or on land mentioned in sub-paragraph (j) without the consent of the Department;
 - (l) prohibiting the carrying on of any commercial activity on the river or on any land mentioned in sub-paragraph (j) without the consent of the Department;
 - (m) for such other purposes as appear to the Department to be appropriate in furthering its object under this Order.
- (2) Byelaws under this Article shall not apply in relation to—
- (a) 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; or
 - (b) any land adjacent to any such part of the river.
- (3) The Department may authorise persons appointed or employed to enforce byelaws made under this Article to take any action necessary for that purpose.
- (4) The powers of a person authorised under paragraph (3) include power—
- (a) to board and inspect any vessel on the river; and
 - (b) to require any person suspected of contravening a byelaw to furnish his name and address to that authorised person.
- (5) Any person who contravenes a byelaw made under this Article shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale, and in the case of a continuing offence, a further fine not exceeding £2 per day for each day on which the offence continues after conviction.
- (6) Section 94 of the Public Health Acts Amendment Act 1907 (licensing powers of district council in relation to pleasure vessels and persons in charge thereof) shall not apply in relation to any vessel using the river.”.
- (8) In Article 20 (acquisition of land by the Corporation)—
- (a) for paragraph (2) substitute the following paragraph—
 - “(2) Where the Department desires to acquire land compulsorily it may make an order (in this Article referred to as a “vesting order”) vesting the land in the Department.”; and
 - (b) for paragraph (6) substitute the following paragraph—
 - “(6) The Department may make an order extinguishing or modifying any public right of way over land acquired by it under this Article; and Articles 103 and 104 of the Planning (Northern Ireland) Order 1991 (“the 1991 Order”) shall apply to an order under this paragraph as they apply to an order made by the Department under Article 102 of the 1991 Order.”.
- (9) In Article 26 (*orders*) for “and 20(2)” substitute “, 20(2) and (6)”.

(10) For Schedule 3 (*modifications of Schedule 6 to the Local Government Act (Northern Ireland) 1972 for the purposes of Article 20(3)*) substitute the following Schedule —

“SCHEDULE 3

Modifications of Schedule 6 to The Local Government Act
(Northern Ireland) 1972 for the purposes of Article 20(3)

1. For any reference to the Department or to the council substitute a reference to the Department within the meaning of this Order.
2. For any references to that Act substitute a reference to this Order.
3. Omit paragraph 1.
4. In paragraph 2—
 - (a) for the words “Notice of the application” substitute the words “Notice of the Department’s intention to acquire the land compulsorily”;
 - (b) omit the words “in such form and manner as the Ministry directs”;
 - (c) in sub-paragraph (c) for the words “as may be prescribed” substitute the words “as the Department considers fit”.
5. In paragraph 3(1)(b) for the words in brackets substitute the words “by the planning appeals commission or by any other person (if the Department considers it necessary to do so)”.
6. In paragraph 4 omit the words from “and may provide” onwards.
7. In paragraph 5—
 - (a) in sub-paragraph (1)(a) omit the words “in the prescribed form and manner”;
 - (b) in sub-paragraph (1)(d) omit the words “in the prescribed form”;
 - (c) in sub-paragraph (2) for the words “as may be prescribed” substitute the words “as the Department considers fit”.
8. In paragraph 6(2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” substitute the words “Consolidated Fund” and for the words “out of the compensation fund” substitute the words “made by the Department”.
9. In paragraph 11(3) omit the words “in the prescribed form”.
10. In paragraph 12—
 - (a) in sub-paragraph (1) omit the words “such” and “as may be prescribed”;
 - (b) in sub-paragraph (2) for the words from “clerk” to “directs” substitute the words “Department as correct, and publish”.
11. In paragraph 14(1) omit the words “in the prescribed form”.
12. In paragraph 15(1) for the words “in the prescribed form” substitute the words “in such form as may be approved by the Department”.
13. Omit paragraph 19.
14. Omit paragraph 20(2).”.

PART 2

Repeals relating to the 1989 Order

- 1.—(1) In Article 2(2), the definition of “the Corporation”.
- (2) In Article 3—
 - (a) paragraph (3); and
 - (b) in paragraph (4), the words from “including” to the end.
- (3) Articles 4 to 8.
- (4) In Article 10—
 - (a) in paragraph (3) the words “Subject to Article 11”; and
 - (b) paragraph (5).
- (5) Article 11.
- (6) In Article 12(4) the words “but with” to the end.
- (7) In Article 14, paragraphs (3) to (5).
- (8) Article 24(2).
- (9) Schedule 1.
- (10) In Schedule 2—
 - (a) in paragraph 1—
 - (i) in sub-paragraph (1), the words “by the Department and”; and
 - (ii) in sub-paragraph (2), the words “the Department (or as the case may be)”;
 - (b) in paragraph 2, sub-paragraph (2);
 - (c) in paragraph 3, sub-paragraphs (2) and (3); and
 - (d) in paragraph 6(1) the words “,on application to it by the Corporation,”.
- (11) Schedule 4.