

Explanatory Memorandum To

The River Bann Navigation Order (Northern Ireland) 2010

SR 2010 No. 126

1. Introduction

- 1.1** This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany SR [insert No.] which is laid before the Northern Ireland Assembly.
- 1.2** The Statutory Rule is made under powers conferred by section 1(1) of, and Schedule 1 and Part 1 of Schedule 2 to, the Harbours Act (Northern Ireland) 1970 and is subject to affirmative resolution procedure.
- 1.3** The Rule is due to come into operation on the day after that on which it is affirmed by the Assembly.

2. Purpose

The purpose of this Order is to modernise the confirmation and making procedures for Byelaws relating to Coleraine Harbour, and so put it on a similar footing to other harbours in Northern Ireland.

3. Background

This Order provides that the Department will be the confirming authority for Coleraine Harbour Byelaws and that they shall be made in accordance with existing legislative practice currently in place for other similar harbours. The Byelaw making provisions have also been modernised, this includes the updating of fines and penalties for breach of such byelaws.

4. Matters of Special Interest to the Regional Development Committee

Article 3 of the Order sets out the detail of the modernised Byelaw making purposes and the application of Sections 91-94 of the Local Government Act (Northern Ireland) 1972, with amendments, which brings Coleraine Harbour into line with the arrangements existing for the other harbours in Northern Ireland.

The effect will be to modernise and consolidate the byelaw making provisions and the purposes for which byelaws can be made together with amendments to the related fines and penalties for breach of the byelaws.

5. Consultation

The proposals have been subject to full public consultation and no substantive comments were received.

6. Position in Great Britain

Not relevant for this Rule

7. Equality, Human Rights

As part of the consultation on these legislative proposals the Department has written to all those parties in accordance with the Departments Equality Scheme. The Consultees attention was drawn to the Section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the Section 75 criteria and the responses to the consultation process and in conjunction with the Equality Unit and the Human Rights Unit has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

8. Regulatory Impact

As part of the consultation on these legislative proposals the Department has written to all those parties in accordance with the Departments Equality Scheme. The Consultees attention was drawn to the Section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the Section 75 criteria and the responses to the consultation process and in conjunction with the Equality Unit and the Human Rights Unit has screened out the requirement for a Regulatory Impact Assessment in relation to these legislative proposals.

9. Financial Implications

There are no significant financial implications arising from the proposals and a regulatory impact assessment is not required.

10. EU Implications

None

11. Section 24 of the Northern Ireland Act 1998

The proposed Rule has been subject to checks in relation to Section 24 and no effects on Community law or Convention rights have been identified.

12. Additional Information

None

Department for Regional Development