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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 22**

**The Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015**

**Citation and commencement**

1. This Order may be cited as the Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

**Interpretation**

2. In this Order —

“the 1820 Act” means the Donaghadee Harbour Act 1820(1)

“the Commissioners” means the Donaghadee Harbour Commissioners appointed for the execution of the 1820 Act;

“the Department” means the Department for Regional Development;

“district council” means the North Down and Ards District Council;

“the Harbour” means the harbour at Donaghadee;

“the transfer date” means 1st April 2015.

**Transfer of functions, property, rights, liabilities and obligations**

3.—(1) On the transfer date there shall be transferred to, and vested in, the district council all the functions of the Commissioners under the 1820 Act and all property, rights, liabilities and obligations to which, immediately before the transfer date, the Commissioners were entitled or subject.

(2) The vesting of functions, property, rights, liabilities and obligations under this Article shall have effect, notwithstanding:—

(a) anything to the contrary in, or

(b) any condition relating to the transfer of such property, rights, liabilities or obligations contained in any enactment, rule of law or obligation.

(3) References to the Commissioners:—

(a) in any agreement, deed, bond, instrument or notice;

(b) in any action or proceeding pending or existing at the transfer date by or against the Commissioners before any court or other tribunal; and

(c) in any other document whatsoever relating to or affecting any property, right, liability or obligation of the district council which vests by virtue of this Article in the district council

shall be taken on or after the transfer date as referring to the district council.

### **Winding up and dissolution of the Commissioners**

- 4.—(1) The Commissioners shall be dissolved on the transfer date.
- (2) The Department shall publish notice of the dissolution in the Belfast Gazette.

### **Harbour Limits**

5.—(1) With effect from the transfer date the limits within which the district council and its officers may exercise their powers and the area within which any dues for the time being leviable may be charged, shall be that area shown on the map bounded by —

- (a) a straight line drawn from reference point A (Latitude 54° 38.68 North, Longitude 05° 32.28 West) (Shore Street Baths) to reference point B (Latitude 54° 39.00 North, Longitude 05° 31.75 West);
- (b) a straight line drawn from reference point B (Latitude 54° 39.00 North, Longitude 05° 31.75 West) to reference point C (Latitude 54° 38.78 North, Longitude 05° 31.30 West);
- (c) a straight line drawn from reference point C (Latitude 54° 38.78 North, Longitude 05° 31.30 West) to reference point D (Latitude 54° 38.52 North, Longitude 05° 31.70 West) (Dormans Point);
- (d) and on its landward sides by the level of high water from reference point D (Latitude 54° 38.52 North, Longitude 05° 31.70 West) (Dormans Point), extending in a westerly direction to reference point A (Latitude 54° 38.68 North, Longitude 05° 32.28 West) (Shore Street Baths);

together with all docks, landing places and other works and land of the Commissioners for the time being held by them for the purposes of or in connection with the Harbour.

(2) In this Article “the map” means the map marked “Donaghadee Harbour” which has been signed and sealed by the Department with reference to this Order and deposited at the office of the Department for Regional Development at Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB, at which office the map may be inspected at all reasonable hours.

- (3) This Article shall cease to have effect on 1st October 2016.

### **Saving of existing byelaws, etc.**

6. Every byelaw, rule, regulation, direction, license or consent made, issued or granted by the Donaghadee Harbour Commissioners in regulation to the Harbour before the transfer date shall, until amended or revoked, and notwithstanding the repeal by this Order of any statutory provision, continue to have effect as if it had been made, issued or granted by the district council as the new local harbour authority, and in the case of any byelaws, confirmed as provided for in accordance with section 14 of the Harbours Act (Northern Ireland) 1970.

### **Repeals and Revocations**

7. The statutory provisions specified in columns 1 and 2 of the Schedule are hereby revoked to the extent specified in column 3 of the Schedule.

Sealed with the Official Seal of the Department for Regional Development on 28th January 2015.



*Tom Reid*  
A senior officer of the Department for Regional  
Development