

EXPLANATORY MEMORANDUM TO
Donaghadee Harbour (Transfer of Harbour Undertaking) Order
(Northern Ireland) 2015
2015 SR No. 22

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 1(1) and (2) of, and Schedule 1 and Part 1 of Schedule 2 to, the Harbours Act (Northern Ireland) 1970 and is subject to affirmative resolution procedure.

2. Purpose

- 2.1 The Statutory Rule will establish the North Down and Ards District Council as the local harbour authority for Donaghadee Harbour and would seek to transfer the functions, property, rights and obligations of the Donaghadee Harbour Commissioners to the Council. The Order would also seek to dissolve the Harbour Commissioners.

3. Background

- 3.1 Donaghadee Harbour is currently managed by the Department, overseen by the Donaghadee Harbour Commissioners who are civil servants. Two members of staff, a Harbour Master and an assistant, are employed directly at the harbour.
- 3.2 The Department is not well placed to manage a harbour and in recent years has focussed on keeping the harbour open and as safe as is practicable, with due regard to its special heritage qualities. As part of the overall Review of Public Administration (RPA) proposals and the reorganisation of local councils and their functions, it is our intention to transfer Donaghadee Harbour from its current status as a trust port to that of a municipal harbour owned by the relevant local authority.
- 3.3 There are firm practical grounds supporting municipalisation of the harbour. Local councils are already harbour authorities and therefore competent to undertake the associated management responsibilities. The transfer would also address the practical difficulties and inefficiencies associated with operating a singleton harbour – for example, in arranging emergency cover and maximising the utilisation of the specialised harbour staff. It would also enable the anachronistic legislation associated with the harbour to be repealed.

4. Consultation

- 4.1 The proposals have been subject to full public consultation and a total of five responses were received, none of which contained any

objections. Two responses provided no comments; one noted their interests and the remaining two provided substantive comments. The Department has formally responded to all those who provided comments.

5. Equality Impact

5.1 As part of the consultation on these legislative proposals, the Department has written to all those parties in accordance with the Department's 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 proposal legislative provisions against the section 75 criteria and the responses to the consultation process and, in conjunction with the Equality Unit, has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

6. Regulatory Impact

6.1 The Department has considered the proposed legislative provisions and has identified no costs associated with the introduction of the legislation and has screened out the requirement for a Regulatory Impact Assessment.

7. Financial Implications

7.1 The current budget to maintain and manage the Harbour will transfer to the Council as part of the wider RPA proposals.

8. Section 24 of the Northern Ireland Act 1998

8.1 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.

9. EU Implications

9.1 None.

10. Parity or Replicatory Measure

10.1 None.

11. Additional Information

11.1 Not applicable.