

## **EXPLANATORY MEMORANDUM TO**

**S.R. 2016 No. 291**

### **Donaghadee (Harbour Area) Order (Northern Ireland) 2016**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 10(2) of the Harbours Act (Northern Ireland) 1970 and is subject to negative resolution procedure.

#### **2. Purpose**

- 2.1 The Statutory Rule will fix the area at Donaghadee Harbour within which the powers of the Council as the local harbour authority and its officers may be exercised and the area within which any dues for the time being leviable may be charged.

#### **3. Background**

- 3.1 Donaghadee Harbour was previously managed by the Department for Regional Development (now known as the Department for Infrastructure), overseen by the Donaghadee Harbour Commissioners (civil servants). As part of the overall Review of Public Administration proposals and the reorganisation of local councils and their functions, Donaghadee Harbour was transferred to North Down and Ards District Council (now known as Ards and North Down Borough Council).
- 3.2 The transfer was achieved by means of a harbour order, namely "The Donaghadee Harbour (Transfer of Harbour Undertaking) Order (Northern Ireland) 2015 (S.R. 2015 No.22) which was made on 28<sup>th</sup> January 2015 and affirmed by resolution of the Assembly on 2<sup>nd</sup> March 2015.
- 3.3. In accordance with Article 5(3) of that Order, the Council has requested the making of a further harbour order under Part 2 of the Harbours Act (Northern Ireland) 1970 (the "1970 Act) to fix the area within which the powers of the Council as the local harbour authority and its officers may be exercised and the area within which any dues for the time being leviable may be charged. This would be in line with other local council run harbours, such as Bangor, Ballycastle, etc.

#### **4. Consultation**

- 4.1 The proposals have been subject to full public consultation and a total of two responses were received, none of which contained any objections. 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 proposed 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 None.

**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.