



# Inland Navigation Act (Northern Ireland) 1954 <sup>F1</sup>

## 1954 CHAPTER 1

An Act to authorise the making of certain agreements transferring to the Ministry of Commerce the undertakings of the Lagan Navigation Company and the Upper Bann Navigation Trustees, to empower the said Ministry and the Ministry of Finance to exercise certain functions in relation to those undertakings and for purposes connected with the matters aforesaid. [2nd March 1954]

**F1** Functions transf. by SR 1999/481

### **1 Agreements transferring certain canal undertakings.**

- (1) The Ministry of Commerce (in this Act referred to as “the Ministry”) is hereby authorised and empowered to enter into and give effect to the following agreements:—
- (a) an agreement with the Lagan Navigation Company (in this Act referred to as “the Lagan Agreement”) in the terms of the draft agreement set out in the first part of the First Schedule to this Act; and
  - (b) an agreement with the Upper Bann Navigation Trustees and the councils of the counties of Armagh, Down and Tyrone (in this Act referred to as “the Upper Bann Agreement”) in the terms of the draft agreement set out in the second part of the First Schedule to this Act;

... <sup>F2</sup>

- (2) Subject to the provisions of section ten of this Act, the Lagan Agreement shall operate, without further assurance, to convey, assign and transfer to the Ministry on the date of the execution thereof all the property thereby agreed to be sold, being the undertaking particularly described in the Annex to the draft Agreement set out in the first part of the First Schedule to this Act (in this Act referred to as “the Lagan Navigation”); and, subject to the provisions of section ten of this Act, the Upper Bann Agreement shall operate, without further assurance, to convey, assign and transfer to the Ministry on the date of the execution thereof all the property thereby agreed to be sold, being the undertaking particularly described in the Annex to the draft Agreement set out

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in the second part of the said Schedule (in this Act referred to as “the Upper Bann Navigation”). ...<sup>F2</sup>.

- (3) The date of execution of each of the respective Agreements is in this Act, in relation to the undertaking which is the subject thereof respectively, referred to as “the vesting date”.

*Subs. (4) rep. by SLR 1980*

**F2** SLR 1980

## **2 Abandonment of certain canals, and functions of the Ministry in relation thereto.**

- (1) On and after the respective vesting date—
- (a) the Coalisland Canal and the Upper Reaches of the Lagan Navigation and the Upper Bann Navigation (in this Act together referred to as “the abandoned canals”) shall cease to be used for the purposes of navigation and shall be abandoned accordingly:

*Paras.(b)(c) spent*

- (d) the Ministry may, in and upon and in connection with the abandoned canals, carry out such works as appear to the Ministry to be necessary or expedient for the purpose of securing that the abandoned canals shall not by reason of their abandonment cause danger to the public or damage to property, and for any purpose related to those matters.
- (2) For the purpose of the exercise of its functions under paragraph ( d) of the preceding sub-section the Ministry shall have power—
- (a) to enter on any land and there to do all such acts and things as may be reasonably necessary for the due exercise of the said functions;
- (b) to purchase (either by agreement or compulsorily in accordance with the next succeeding section) or take on lease any land, or any easements, water rights or other rights or interests whatsoever in, to or over any land in the vicinity of the abandoned canals or any stream flowing from or into the abandoned canals;
- (c) to enter upon any lands proposed to be, or in the course of being, acquired under this Act and with the consent of the owner thereof to carry out thereon such works and do all such other acts and things as may be reasonably necessary for or incidental or ancillary to the due exercise of the said functions;
- (d) to restrict, terminate or otherwise interfere with any easements or other rights.

## **3 Acquisition of land, etc., by the Ministry under s.2.**

- (1) The Ministry, where it desires to acquire otherwise than by agreement any land or any such right or interest as is referred to in paragraph ( b) of sub-section (2) of the last preceding section, shall have power to make an order (in this Act referred to as a “vesting order” ) vesting such land, right or interest in the Ministry.

<sup>F3</sup>(2) For the purposes of this section, paragraphs (3) and (4) of Article 10 of, and Schedule 3 to, the Drainage (Northern Ireland) Order 1973 shall have effect as if enacted in this Act.]

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F3 1973 NI 1

#### 4 Compensation for certain loss or damage.

- (1) Where any person suffers any loss or damage by reason—
  - (a) of the abandonment referred to in section two of this Act, or of any works carried out under that section; or
  - (b) of anything done or omitted under or by virtue of the foregoing provisions of this Act which, if this Act had not been passed, would have given rise to a right of action against the Lagan Navigation Company or, as the case may be, the Upper Bann Navigation Trustees; or
  - (c) of any other thing done or omitted under or by virtue of section two of this Act; he shall, subject to the provisions of this Act, be entitled in respect of such loss or damage to reasonable compensation to be paid or provided by the Ministry in accordance with the succeeding provisions of this section.
- (2) In lieu of paying pecuniary compensation the Ministry may by agreement construct or repair works or provide facilities to replace works or facilities which have been impaired or removed by or in consequence of the abandonment referred to in section two of this Act or the performance by the Ministry of any of its functions under the foregoing provisions of this Act; and where anything so done by way of replacement or repair affords or is likely to afford advantages or facilities better than those existing before the abandonment, the Ministry may enter into an agreement with any person whereby that person shall bear a fair part of the cost incurred by the Ministry in connection with such replacement or repair.
- (3) Every claim for compensation under this section shall in default of agreement be [<sup>F4</sup> referred to and determined by the Lands Tribunal for Northern Ireland].
- (4) The Ministry may for the purposes of this section make regulations prescribing the time within which and the manner in which claims under this section are to be made, the particulars to be furnished by claimants and any other matters appearing to the Ministry to be necessary or expedient for the expeditious disposal of claims.

F4 1964 c. 29 (NI)

#### 5 Operation of Lower Reaches by the Ministry.

- (1) On the vesting date the functions of the Lagan Navigation Company in relation to the operation of the Lower Reaches<sup>F5</sup> of the Lagan Navigation (hereafter in this Act referred to as “the Lower Reaches”) shall, except in so far as they are inconsistent with the provisions of this Act, be transferred to and exercisable by the Ministry.

*Subs. (2) spent*

F5 The Lower Reaches were abandoned for navigation on 1.7.1958, SRO (NI) 1958/83 (p. 303)

*S. 6 spent*

*S. 7 rep. by 1999 NI 6*

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*S. 8 spent*

## **9 Disposal by the Ministry of surplus property.**

Notwithstanding anything in the Lagan Navigation Acts or the Drainage (Ireland) Act, 1856 <sup>M1</sup>, the Ministry shall have power, on and after the vesting date to sell, lease, surrender or otherwise dispose of any estate, right or interest in any property whatsoever, whether real, chattel real or personal, for the time being vested in the Ministry under or by virtue of this Act and not required by it for the purposes of its functions thereunder, and where any such disposal is by way of exchange, to give or receive money for equality of exchange; and any moneys received by the Ministry in respect of any such sale or disposal shall, after deduction of any proper expenses, be paid into the Exchequer.

### **Marginal Citations**

**M1** 1856 c. 62

*S. 10 rep. by SLR 1976; SLR 1980*

*Ss. 11, 12 rep. by SLR 1976*

*S. 13(1) rep. by SLR 1976; subs. (2) spent; subs. (3)-(6) rep. by SLR 1976*

*S. 14 rep. by 1964 c. 29 (NI)*

## **15 Expenses.**

(1) Subject to the provisions of the succeeding sub-section, all expenditure incurred by the Ministry or the Ministry of Finance shall be defrayed out of moneys provided by Parliament.

(2) If the Ministry of Finance so directs, any expenditure not exceeding two hundred and fifty thousand pounds incurred as aforesaid (other than expenditure incurred under section thirteen of this Act) which the Ministry of Finance, or the Ministry with the approval of the Ministry of Finance, determines to be capital expenditure shall be charged on and issued out of the Consolidated Fund; and the Ministry of Finance may borrow for the purposes of any such issue.

<sup>F6</sup>(3) Moneys borrowed under the preceding sub-section shall be repaid within any period or periods not exceeding fifteen years from the date of borrowing, and provision for such repayment may be made out of moneys provided by Parliament.]

**F6** 1955 c. 6 (NI)

## **16 Regulations, orders and bye-laws.**

(1) Regulations, orders and bye-laws made under this Act may, without prejudice to the generality of the several provisions conferring power to make them, make provision for such consequential, supplemental and ancillary matters as appear to the Ministry to be necessary or expedient.

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- (2) Any power conferred by this Act on the Ministry to make regulations, orders or bye-laws shall, if the Ministry of Finance so directs, be exercisable only in conjunction with that Ministry.
- (3) All regulations made under this Act shall, as soon as may be after they are made, be laid before each House of Parliament; and if either such House, within the statutory period after any such regulations have been so laid, resolves that the regulations be annulled, the regulations shall as from the date of the resolution cease to have effect, but without prejudice to anything previously done thereunder or to the making of fresh regulations.

### *S. 17 spent*

## **18 Registration of title to property transferred under this Act.**

Where any property or right transferred under or by virtue of this Act to the Ministry or the Ministry of Finance, or the title to any such property or right, is entered in any register kept in pursuance of any enactment, the name of the Ministry to which the transfer is so effected shall at the request of that Ministry be substituted in the register for the name of the person from whom such transfer is effected.

## **19 Interpretation.**

- (1) In this Act, unless the contrary intention appears, the expression—

### *Definition spent*

“Coalisland Canal” means the undertaking acquired by the Lagan Navigation Company by virtue of section three of the Ulster Canal and Tyrone Navigation Act, 1888, and in the preamble to that Act referred to as “the Tyrone Navigation or Coal Island Canal”;

“conferred” in relation to functions, includes imposed;

“enactment” includes any provision in any Act (whether public general, local or private) of the Parliament of Northern Ireland or of the Parliament of the United Kingdom and a provision in any Order in Council, order, regulation, rule, bye-law or other instrument made under any such Act;

“exercise”, in relation to functions, includes performance, and grammatical variations of that expression shall be construed accordingly;

“functions” includes powers and duties;

“Lagan Navigation Acts” means the Lagan Navigation Act, 1843, the Lagan Navigation Act, 1873, and the Ulster Canal and Tyrone Navigation Act, 1888;

“land” includes land covered by water, and any estate or interest in land, and any easement or right in, to or over land or water;

“Lower Reaches of the Lagan Navigation” means that part of the Lagan Navigation situate between the First Locks at Stranmillis in the County Borough of Belfast and the Union Locks at Sprucefield in the County of Down, inclusive of the said First Locks and extending to but exclusive of Lock 17;

### *Definition spent*

“Upper Reaches of the Lagan Navigation” means that part of the Lagan Navigation situate between Lough Neagh and the Union Locks at Sprucefield in the County of Down, extending to and inclusive of Lock 17.

*Subs. (2) rep. by 1954 c. 33 (NI)*

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*S. 20 rep. by SLR 1973*

**21 Short title.**

This Act may be cited as the Inland Navigation Act (Northern Ireland), 1954.

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*Schedule 1 rep. by SLR 1980*

*Schedule 2 rep. by SLR 1973*

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