



Harbours Act (Northern Ireland) 1970

1970 CHAPTER 1

PART II

HARBOURS VESTED IN LOCAL AUTHORITIES

10 Powers of authorities.

- (1) A local harbour authority may, with the consent of the Ministry, acquire any land for the purposes of its functions relating to harbours.
- (2) The Ministry may, on the application of a local harbour authority, by order fix the area within which the powers of the authority and its officers may be exercised and the area within which any dues for the time being leviable may be charged.
- (3) A local harbour authority may dredge and maintain any harbour vested in it and the entrances and channels so vested of such a harbour, but may deposit material in a place below high-water mark only with the consent of the Crown Estate Commissioners (which may be subject to conditions) and in such places and subject to such conditions and restrictions as the Board of Trade and the Ministry may determine.
- (4) Subject to section 11, a local harbour authority may on harbour land provide, construct or take on lease, and maintain, such docks, wharves, buildings, equipment and facilities as may be found necessary in connection with the harbour or for harbour operations.
- (5) Any of the following persons, that is to say:—
 - (a) any person authorised in that behalf by the Ministry;
 - (b) any officer of customs and excise or of the Board of Trade, while acting as such;
 - (c) any person going to or returning from a lifeboat;
 - (d) any person using a lifeboat or any apparatus for saving life;
 - (e) any person brought ashore from a vessel in distress;

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shall, with any vessel on which he may be, at all times have, without payment, free ingress to, passage and egress on, along, through and out of a harbour vested in a local harbour authority.

- (6) A fishing vessel of a country with which a treaty exists under which the vessel is exempt from dues and port charges when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of a harbour vested in a local harbour authority, be exempt from any dues leviable in respect of the use of the harbour, if the vessel does not break bulk while doing so.

11 Tidal works.

- (1) A local harbour authority may, with the consent of the Board of Trade, the Crown Estate Commissioners and the Ministry, construct, alter or extend any tidal work.
- (2) The Ministry, the Board of Trade and the Crown Estate Commissioners may, in giving any consent under subsection (1), do so subject to such conditions as it or they may think fit to impose, but in the event of any inconsistency between a condition imposed by the Board or the Crown Estate Commissioners and one imposed by the Ministry, that imposed by the Ministry shall be void to the extent of the inconsistency.
- (3) Schedule 3 shall have effect in relation to any tidal work which is, or is to be, constructed, altered or extended by a local harbour authority.
- (4) In this section and in Schedule 3 “tidal work” means any work which is on, under or over any land which is below high-water mark or part of any such work.

12 Charges and leases by authorities.

A local harbour authority—

- (a) may lease any part of the land vested in it to any person for a period not exceeding twenty-one years;
- (b) shall not otherwise dispose of any part of that land unless the Ministry authorises it to do so.

13 Application of provisions of Harbours, Docks and Piers Clauses Act.

- (1) The Harbours, Docks and Piers Clauses Act 1847 ^{M1} (except sections 6 to 13, 16 to 19, 21, 31, 49, 50 and 83 to 90) shall, except in so far as the Ministry may by order direct, apply to a harbour vested in a local harbour authority as if—
 - (a) the harbour had been constructed in pursuance of an Act which incorporated that Act;
 - (b) this Act were the special Act for the purposes of that Act;
 - (c) the authority were the undertakers for those purposes.
- (2) Any reference to a vessel in the said Act of 1847 as applied by subsection (1) shall be deemed to include a sea-going hovercraft and in section 28 of that Act as so applied shall include a floating dock and a vessel of exceptional construction or method of propulsion.
- (3) Where—

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- (a) a wreck is sold in pursuance of section 56 of the Harbours, Docks and Piers Clauses Act 1847, as applied by subsection (1); and
 - (b) the amount realised by the sale is insufficient to meet any expenses incurred by a local harbour authority in removing the wreck;
- the authority may recover the amount of the deficiency from the person who was the owner of the vessel at the time when it was wrecked.

Marginal Citations

M1 1847 c. 27

14 Byelaws.

- (1) A local harbour authority may make byelaws for all or any of the following purposes:

- (a) for regulating the use of the harbour;
- (b) for regulating the conduct of persons;
- (c) for regulating the exercise of the powers vested in the harbour master;
- (d) for regulating the movement of vessels;
- (e) for controlling vehicles;
- (f) for preventing the obstruction of, or injury to, the harbour;
- (g) for regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of all goods within the harbour;
- (h) for regulating, with the consent of the Commissioners of Customs and Excise, the hours during which the gates, entrances or outlets to the harbour will be open;
- (i) for regulating the functions of any person, not being an officer of customs and excise, employed (whether by the authority or any other person) in the harbour;
- (j) for regulating the use of fires and lights;
- (k) for preventing damage or injury to any vessel or goods;
- (l) for regulating the use of cranes and other equipment belonging to the authority.

- (2) Sections 219 to 223^{F1} of the Public Health (Ireland) Act 1878 shall apply to any byelaws made under subsection (1) as they apply to any byelaws made under that Act, subject to the following modifications:—

- (a) for any reference to a sanitary authority or to the clerk of such an authority there shall be substituted a reference to a local harbour authority or to the clerk of or secretary to such an authority;
- (b) for any reference to the Ministry of Health and Social Services there shall be substituted a reference to the Ministry of Commerce;
- (c) for any reference to a ratepayer of a district to which byelaws relate there shall be substituted a reference to any person;
- (d) for the reference in section 220 to five pounds there shall be substituted a reference to fifty pounds.

F1 Rep. and replaced, 1972 c.9 (NI); ss.90#94 of that Act app. with necessary mods. by s.149(4)

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15 Harbour masters.

- (1) A local harbour authority may employ a harbour master and such other persons for the purposes of the harbour as it considers to be necessary.
- (2) Where any person is employed by a local harbour authority in an office referred to in sections 51 to 65 of the Harbours, Docks and Piers Clauses Act 1847, so much of the provisions of those sections as apply to that office shall apply to that person as if the harbour had been constructed in pursuance of an Act which incorporated that Act, this Act were the special Act for the purposes of that Act and the authority were the undertakers for those purposes.
- (3) In the application, by virtue of subsection (2), of section 52 of the said Act of 1847 to a harbour master employed by a local harbour authority, that section shall authorise a harbour master—
 - (a) to give directions prohibiting the mooring of any vessel in any part of the harbour specified by him;
 - (b) to impose terms and conditions upon which a pleasure-craft, hovercraft or hydrofoil may enter the harbour or any part of the harbour specified by him;
 - (c) in an emergency, to give general directions under that section which apply to all vessels or to any specified class of vessels.
- (4) In the application, by virtue of subsection (1), of section 53 of the said Act of 1847 to a harbour master employed by a local harbour authority, that section shall be construed as authorising a harbour master to give directions to the master of a vessel otherwise than in writing.

16 Execution of certain operations in pursuance of orders of the Ministry.

- (1) Where—
 - (a) any assistance by way of grant out of the Consolidated Fund or money provided by Parliament or loan from the Government Loans Fund is given to a local harbour authority in respect of the construction, reconstruction, improvement or repair of any work in or on a harbour; and
 - (b) the Ministry is satisfied that any particular operation is necessary in order to maintain the work in an efficient condition and proper state of repair;
 the Ministry may by notice served on the authority require it to carry out any operation specified in the notice within such period (not being less than one month from the service of the notice) as may be so specified.
- (2) A local harbour authority shall comply with any requirement contained in a notice served on it under subsection (1) unless, on an application made to the county court under subsection (3), the notice is cancelled or modified.
- (3) Where a local harbour authority is of the opinion that a requirement contained in a notice served under subsection (1) is unnecessary or unreasonable, it may, within one month of the service of the notice, apply to the county court for the cancellation or modification of the notice.
- (4) On an application under subsection (3) the county court may make such an order for the confirmation, cancellation or modification of any requirement contained in the notice which is the subject of the application as, having regard to all the circumstances, it thinks fit.

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- (5) Where a local harbour authority fails to comply with a requirement contained in a notice served under subsection (1) within such period as is specified in the notice, or, where the notice has been modified by an order of the county court, within such period as is specified in the order, the Ministry—
- (a) may execute any operation necessary to satisfy the requirement; and
 - (b) may recover the amount of any expenditure incurred by it in executing any such operation from the local harbour authority as if it were a debt due under a contract.

17 Discontinuation of a harbour's maintenance.

- (1) If it appears to a local harbour authority that a harbour vested in it is no longer required or cannot be adequately maintained except by expenditure which would not be justified by any benefit which would result from the harbour's continued existence, it may, subject to subsection (2), resolve to discontinue the maintenance of the harbour.
- (2) A resolution under subsection (1) shall not take effect unless it is approved by the Ministry and any approval under this subsection may be given subject to conditions.
- (3) On the application of a relevant harbour authority which has passed a resolution under subsection (1), the Ministry may by order make such provision as it considers necessary in relation to any outstanding liabilities of the authority in respect of the harbour.
- (4) When a resolution under this section takes effect, this Part and any enactment applying to the harbour to which the resolution relates shall cease to apply to the harbour except—
- (a) in so far as the Ministry by order otherwise directs;
 - (b) in so far as this Part or the enactment authorises the levying and recovery of rates to meet outstanding loan charges or the recovery of any rates levied but not recovered before the date on which the resolution takes effect.

18 Suspension of use of harbours.

- (1) Where the Ministry is satisfied that a local harbour authority should be authorised to suspend the use of a harbour (or any part of a harbour) vested in it for a period not exceeding one year in order—
- (a) to execute works which it would not otherwise be possible to execute;
 - (b) to prevent injury or damage to life or to property;
- the Ministry may make an order suspending the use of that harbour or of such part of the harbour as is specified in the order, by such persons and for such purposes, as are specified in the order.
- (2) An order made under subsection (1) may be renewed for successive periods not exceeding one year.

S.19 rep. by 1972 NI 16

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20 Order of application of authority's revenue.

A local harbour authority shall apply the revenue (whether from dues or otherwise) received by it in respect of one or more harbours vested in it for the following purposes and in the following order:—

- (a) in paying the expenses properly chargeable to revenue in maintaining, repairing and managing the harbours;
- (b) in paying the interest charges in respect of money borrowed for the purposes of the harbours;
- (c) in paying the appropriations, instalments or sinking fund charges in respect of money borrowed for the purpose of the harbours;
- (d) in paying sums into such a reserve fund as may be approved by the Ministry, subject to such conditions as may be so approved.

21 Exercise of power to grant leases and exclusive rights.

A local harbour authority shall not—

- (a) grant a lease of any part of the land vested in it;
- (b) confer any right or privilege to the exclusive use of any part of the land vested in it or of any machinery or equipment vested in it;

unless it is satisfied that it is in the public interest to do so.

22 Interpretation (Part II).

- (1) In this Part and in Schedule 3 “local harbour authority” means a local authority in which a harbour is vested.
- (2) In subsection (1) “local authority” means the council of a county, of a borough or of an urban district.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2023 c. 8 s. 9\(7\)](#)