Harbours Act (Northern Ireland) 1970

1970 CHAPTER 1

PART III N.I.

MISCELLANEOUS

N.I.

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S.35 rep. by 1971 c.13 (NI)

36 Transitional provisions and repeals. N.I.

(1) Nothing in this Act shall prejudice or affect any right of the Ministry to recover money lent under any Act repealed by this Act or to enforce any covenant, condition or other provision in any instrument executed as security for, or in connection with, the loan.

Subs.(2), with Schedule 6, effects repeals

[F1 37 N.I.

Paragraph 23 of the [F2 electronic communications code] (which provides a procedure for certain cases where works involve the alteration of [F2 electronic communications apparatus]) shall apply to a person authorised by a harbour order to execute any works, for the purposes of those works.]

F1 1984 c. 12
F2 2003 c. 21

38 Interpretation. N.I.

(1) In this Act—

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"Act" includes an Act of the Parliament of the United Kingdom;

"charges" includes fares, rates, tolls and dues of every description;

"dock" means a dock used by sea-going ships;

"expenses", in relation to the provision by any person of plant or equipment includes—

(a) expenses on or incidental to its installation;

(b) expenses consisting of instalments under a hire purchase agreement or otherwise consisting of instalments of or payments towards the purchase price of or cost of providing it;

(c) where it is being provided by being manufactured or constructed by that person, such sum as appears to the Ministry to be properly attributable to its provision in that manner;

"fish" includes molluscs and crustaceans;

"goods" includes fish, livestock and animals of all descriptions;

"harbour" means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and includes any dolphins, a dock, a wharf and a hoverport;

"harbour authority" means any person in whom are vested under this Act, or by or under another Act, functions of improving, maintaining or managing a harbour;

"harbour land" means land adjacent to a harbour and occupied wholly or mainly for the purposes of activities there carried on;

"harbour order" has the meaning assigned to it by section 1;

"harbour operations" means—

(a) the berthing or dry docking of a ship;

(b) the warehousing, sorting, weighing or handling of goods on harbour land or at a wharf;

(c) the movement of goods or passengers within the limits within which the person engaged in improving, maintaining or managing a harbour has jurisdiction or on harbour land;

(d) in relation to a harbour (which for the purposes of this paragraph does not include a wharf)—

(i) the towing or moving of a ship which is in or is about to enter or has recently left the harbour;

(ii) the loading or unloading of goods, or embarking or disembarking of passengers, in or from a ship which is in the harbour or the approaches thereto;

(iii) the lighterage or handling of goods in the harbour; and

(e) in relation to a wharf,—

(i) the towing or moving of a ship to or from the wharf;

(ii) the loading or unloading of goods, or the embarking or disembarking of passengers, at the wharf in or from a ship;

"high water mark" means the level of mean high water springs;

"hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"hoverport" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the arrival and departure of sea-going hovercraft;

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"the Ministry" has the meaning assigned by section 1;

"pension benefit" includes a gratuity, and any reference to a pension benefit includes a reference to an expectation of the accruer of such a benefit under a customary practice;

"plant or equipment" includes vessels;

"ship", where used as a noun, includes every description of vessel used in navigation, seaplanes on the surface of the water and hovercraft;

"ship, passenger and goods dues" means, in relation to a harbour, charges of any of the following kinds, namely—

(a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour;

(b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and

(c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);

"statutory functions" means, in relation to a harbour authority, functions vested in it under this Act, by another Act or by an order or other instrument made under another Act;

"statutory provision" means a provision, whether of a general or a special nature, contained in, or in a document made or issued under, this Act or any Act (whether of a general or of a special nature) other than this Act;

"vessel" has the same meaning as in the Harbours, Docks and Piers Clauses Act 1847 except that it includes a sea-going hovercraft;

"wharf" means any wharf, quay, pier, jetty or other place at which sea-going ships can ship or unship goods or embark or disembark passengers.

(2) Any references in this Act to a provision of the Harbours Docks and Piers Clauses Act 1847 is a reference to that provision both as originally enacted and as incorporated in any Act or order.

39 Power to amend Acts of local application. N.I.

(1) The Ministry may, subject to the provisions of this section, by order repeal or amend any provision relating to a harbour which is contained in a local Act passed before this Act, where it appears to it that the provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act.

(2) The Ministry shall not make an order under this section repealing or amending any provision in a local Act the Bill for which was promoted by a harbour authority or by any body which became a harbour authority by virtue of the Act or order or whose functions under the Act or order have become exercisable by a harbour authority, except on the application of that authority.

(3) Before making an order under this section the Ministry shall consult with any harbour authority which appears to the Ministry to be concerned, not being an authority by which an application for the making of the order was made.

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40 Saving for private Bills. N.I.

For the purposes of the promotion of a Bill containing provision for achieving any object that might be achieved by a harbour order, it shall be deemed, notwithstanding the passing of this Act, that that object cannot be attained without new authority from Parliament.

41 Short title. N.I.

This Act may be cited as the Harbours Act (Northern Ireland) 1970.

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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)