



Harbours Act (Northern Ireland) 1970

1970 CHAPTER 1

PART III

MISCELLANEOUS

POWERS OF HARBOUR AUTHORITIES

23 Power of harbour authorities to provide inland clearance depots.

- (1) A harbour authority may provide, maintain and operate, either alone or together with any other person and either on harbour land or with the consent of the Ministry elsewhere, depots for the sorting of goods, with facilities for the reception, storage, weighing and handling of goods, and may do anything appearing to the authority to be requisite, convenient or advantageous for or in connection with the discharge of that function.
- (2) A harbour authority which maintains a depot for the sorting of goods may make and recover from the persons using the depot or any services or facilities provided thereat charges for their use.
- (3) Nothing in this section shall affect the power of the Commissioners of Customs and Excise under the enactments relating to customs and excise to approve places for the loading, unloading, deposit, keeping or securing of goods or the conditions and restrictions subject to which approval may be given to any such places.

24 Power of harbour authorities to acquire a harbour business or shares in a harbour business.

- (1) Subject to subsection (3), a harbour authority may acquire by agreement any business or undertaking which consists wholly or mainly of the carrying out of harbour operations or of the provision, maintenance or operation of any such depot as is mentioned in section 23 or so much of any business or undertaking as consists of the

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carrying out of such operations or of the provision, maintenance or operation of any such depot.

- (2) Subject to subsection (3), a harbour authority may subscribe for or acquire any securities of a body corporate which is wholly or mainly engaged or which it is proposed should become wholly or mainly engaged in carrying out harbour operations or in providing, maintaining or operating any such depot.
- (3) A harbour authority shall not by virtue of this section acquire a business or undertaking which consists of or includes the provision, maintenance or operation of any such depot, or subscribe for or acquire any securities of a body corporate which is engaged or which it is proposed should become engaged in providing, maintaining or operating any such depot, without the consent of the Ministry.
- (4) In this section “securities” , in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate.

25 Miscellaneous powers of harbour authorities.

- (1) Subject to section 10, a harbour authority may for the purpose of any of its statutory functions by agreement acquire or take on lease any land wherever situated or acquire land compulsorily in accordance with section 26.
- (2) A harbour authority may carry out any harbour operations either within the limits within which the authority has jurisdiction or on harbour land.

26 Compulsory acquisition of land by harbour authorities.

- (1) Where a harbour authority desires to acquire, otherwise than by agreement, any land for the purposes of its functions, it may apply to the Ministry for an order vesting in it the fee simple or any lesser estate in that land, and—
 - (a) the Ministry may make the vesting order in respect of the whole of the land or any part of it;
 - (b) on an application for an order vesting the fee simple in the land, the Ministry may make an order vesting in the harbour authority such lesser estate in the land or in any portion thereof as may be specified in the order.
- (2) Section 22(2) of, and Schedule 2 to, the Local Government Act (Northern Ireland) 1934 shall, subject to the modifications specified in Schedule 4, have effect for the purposes of an order under subsection (1).
- (3) For the purposes of this section and of the application, by subsection (2), of the enactments mentioned in that subsection, the interest of a grantee under a fee farm grant shall be taken to be a lesser estate than a fee simple.
- (4) The Ministry shall not make a vesting order under subsection (1) in respect of any land owned or occupied by or on behalf of the [^{F1} Northern Ireland Housing Executive], a local authority, a public utility undertaking or, ^{F2} . . . the Post Office.
- (5) In this section—

“local authority” means the council of a county, county or other borough or of an urban or rural district;

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“public utility undertaking” includes any body corporate carrying on a^{F3} . . .
^{F4} public transport undertaking and any undertaking for providing or improving drainage.

- F1** 1981 NI 3
- F2** 1981 c. 38
- F3** 1996 NI 2
- F4** S. 26(5): words in definition of "public utility undertaking" repealed (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(2), [Sch. 13](#) (with arts. 8(8), 121(3), 307); S.R. 2007/194, [art. 2\(2\)](#), Sch. 1 Pt. II (subject to art. 3, Sch. 2)

27 Water supplies.

^{F5}

- F5** S. 27 repealed (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(2), [Sch. 13](#) (with arts. 8(8), 121(3), 307); S.R. 2007/194, [art. 2\(2\)](#), Sch. 1 Pt. II (subject to art. 3, Sch. 2)

FURNISHING OF INFORMATION

28 Power of Ministry to obtain information and forecasts.

- (1) For the purpose of obtaining information and forecasts reasonably required by the Ministry in order to allow the Ministry to regulate harbours, assist in their development, promote their efficient use or compile statistics relating to the external trade of Northern Ireland the Ministry may—
 - (a) by notice in writing served on a person improving, maintaining or managing a harbour, require him to furnish to the Ministry such information or forecasts as may reasonably be specified in the notice;
 - (b) by notice in writing served on a person carrying out at a harbour, harbour operations of a particular description, not being the person improving, maintaining or managing that harbour, require him to furnish to the Ministry such information or forecasts relating to harbour operations of that description carried out by him at that harbour as may be so specified; or
 - (c) by notice in writing served on a person (other than a person referred to in paragraph (a) or (b)) improving, maintaining or managing a dock or wharf require him to furnish to the Ministry such information or forecasts relating to that dock or wharf as may reasonably be specified in the notice;

and any such notice may require any such information or forecasts to be furnished in such manner and within such time as may be specified in the notice, and either periodically or on one occasion or more.
- (2) A person who—
 - (a) fails to satisfy an obligation to which he is subject by virtue of subsection (1), unless he proves that he had reasonable excuse for the failure; or
 - (b) in purported compliance with a requirement imposed under subsection (1), gives any information which he knows to be false in a material particular

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or makes a statement which he knows to be so false or recklessly gives any information which is so false or recklessly makes any statement which is so false;

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding^{F6} level 3 on the standard scale].

F6 1984 NI 3

29 Information in relation to grants and loans.

- (1) The Ministry may by notice require any person who has received a grant or loan under this Act, and any person acting on his behalf, to furnish to the Ministry such information, or to produce for examination on behalf of the Ministry, such books, records or other documents, as may be specified in the notice for the purpose of enabling the Ministry to determine whether any condition subject to which the grant or loan is made is satisfied or is being complied with or whether the grant has become repayable in whole or in part, or the loan has become repayable on terms other than the terms on which it would otherwise have been repayable, in accordance with any such condition.
- (2) Subject to subsection (3), a notice under subsection (1) may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified.
- (3) The time specified in a notice under subsection (1) for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.
- (4) Any person duly authorised in that behalf by the Ministry may for the purposes mentioned in subsection (1), on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises where any plant or equipment in respect of which a grant or loan under this Act has been made is, or in accordance with any condition attached to the grant or loan should be, and require any person appearing to him to have charge of those premises to produce or identify the plant or equipment for inspection.
- (5) Any person who in purported compliance with a notice under subsection (1) knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—
 - (a) on summary conviction to a fine not exceeding^{F7} level 3 on the standard scale], or to imprisonment for a term not exceeding three months, or to both;
 - (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- (6) Any person who without reasonable excuse fails to comply with a notice under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.
- (7) Any person who wilfully obstructs any person in the exercise of a right of entry conferred by subsection (4), or without reasonable excuse fails to comply with a requirement under that subsection, shall be guilty of an offence and liable on summary conviction to a fine not exceeding^{F7} level 3 on the standard scale].

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- (8) Any person who without reasonable excuse fails to comply with any condition subject to which a grant or loan was made to him under this Act requiring him to inform the Ministry of any event whereby the grant or loan becomes repayable in whole or in part or the loan becomes repayable on terms other than the terms on which it would have been repayable if the event had not occurred shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding^[F7] level 4 on the standard scale];
 - (b) on conviction on indictment, to^[F7] an unlimited fine].
- (9) Summary proceedings for an offence under subsection (8) may be instituted by the Attorney General or the Ministry at any time—
- (a) within the period of three years from the commission of the offence; or
 - (b) within the period of twelve months from the date on which evidence to justify a prosecution for the offence comes to the knowledge of the Attorney General or the Ministry, as the case may be;
- whichever period first expires.
- (10) For the purposes of subsection (9) a certificate purporting to be signed by the Attorney General as to the date on which such evidence as aforesaid came to his knowledge or to the knowledge of the Ministry shall be prima facie evidence thereof.

F7 1984 NI 3

FINANCIAL PROVISIONS

30 Accounts, &c., relating to harbour authorities.

- (1) An annual statement of accounts which—
- (a) relates to a harbour authority (whether or not it relates also to another authority); and
 - (b) is, by virtue of a statutory provision made with respect to it, required to be prepared by the authority;
- shall, so far as it relates to the authority, be in such form, contain such particulars and be compiled in such manner as may be prescribed in relation to the authority by regulations made by the Ministry subject to negative resolution.
- (2) A harbour authority shall be under an obligation to comply with such of the following requirements as it is not, by virtue of other statutory provision made with respect to the authority, under obligation to comply with, namely—
- (a) to prepare an annual statement of accounts relating to the authority;
 - (b) to send to the Ministry a copy of each such annual statement;
 - (c) to send to the Ministry a copy of the auditors' report upon each such annual statement.
- (3) No regulation under subsection (1) shall be taken to require the doing of anything in contravention of any requirement imposed by ^[F8]the Companies Act 2006] with respect to the form, contents or manner of compilation of accounts.

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- (4) Regulations under this section may be made so as to apply to a particular harbour authority.

F8 Words in s. 30(3) substituted (6.4.2008) by [Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1), [Sch. 1 para. 41](#) (with arts. 6, 11, 12)

31 Borrowing by harbour authorities.

- (1) The purposes for which a harbour authority may borrow money under any statutory provision shall include the following:—
- (a) meeting any expenses properly chargeable to capital;
 - (b) acquiring a business or undertaking or part of a business or undertaking in the exercise of powers conferred by section 24 or any other statutory provision;
 - (c) subscribing for or acquiring any securities (within the meaning of that section) of a body corporate in the exercise of such powers as are mentioned in paragraph (b).
- (2) So much of any statutory provision of local application as limits the rate of interest at which a harbour authority may borrow money shall cease to have effect.

32 Over-riding of limits on borrowing powers of harbour authorities.

Where the Ministry is satisfied—

- (a) that expenditure incurred or to be incurred by a harbour authority for any purpose for which the authority may borrow money should be met by borrowing and repayment spread over a term of years; and
- (b) that the borrowing would exceed any limit imposed by any enactment passed before 20th December 1956 on the borrowing powers of the authority;

then notwithstanding any such enactment^{F9}. . . the authority may borrow money to meet the expenditure.

F9 1991 NI 6

33 Miscellaneous financial provisions.

- (1) Where—
- (a) the Ministry recommends that the whole or any part of the principal or interest of a loan made under this Act should be written off by reason that it not likely to be recovered; and
 - (b) the Ministry of Finance directs that the amount is to be written off;
- the amount shall be treated as a loss to the Exchequer, but this subsection shall not affect the liability of any person to pay to the Ministry the principal of, or interest on, any such loan or part thereof.
- (2) Any amount which is repayable to the Ministry under this Act may, without prejudice to any other means of recovery, be recoverable by deduction from any grant or other sum payable out of money provided by Parliament or the Consolidated Fund by a government department to the person from whom the amount is due, and that grant or sum shall be abated accordingly.

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Subs.(3) rep. by SLR 1976

- (4) The Ministry of Finance may issue out of the Consolidated Fund to the Ministry such sums as are necessary to enable the Ministry to make loans under section 2 or grants under section 3 [^{F10} and the Department of Agriculture and Rural Development to make grants under section 4A].
- (5) For the purpose of providing sums to be issued under subsection (4), the Ministry of Finance may borrow money.
- (6) Money borrowed under subsection (5) shall be repaid within sixty years from the date of borrowing and provision for the repayment may be made out of money provided by Parliament.

F10 Words in s. 33 inserted (29.4.2014) by [Financial Provisions Act \(Northern Ireland\) 2014 \(c. 6\)](#), [ss. 2\(b\)](#), [13\(1\)](#)

S.34, with Schedule 5, effects amendments

MISCELLANEOUS

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

36 Transitional provisions and repeals.

- (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

[^{F11}37

Paragraph 23 of the [^{F12} electronic communications code] (which provides a procedure for certain cases where works involve the alteration of [^{F12} electronic communications apparatus]) shall apply to a person authorised by a harbour order to execute any works, for the purposes of those works.]

F11 [1984 c. 12](#)

F12 [2003 c. 21](#)

38 Interpretation.

- (1) In this Act—

“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;

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- (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;

“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;

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“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.

- (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.

40 Saving for private Bills.

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

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the passing of this Act, that that object cannot be attained without new authority from Parliament.

41 Short title.

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\(7\)](#)