

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Harbours Act (Northern Ireland) 1970, SCHEDULE 3 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 11.

#### CONDITIONS RELATING TO TIDAL WORKS

- 1 (1) Where a local harbour authority constructs, alters or extends any tidal work in contravention of section 11(1) or of any condition imposed under section 11(2), an appropriate department may—
  - (a) by notice in writing require the authority at its own expense to remove the work and to restore the site of the work to the condition in which it was before the contravention; or
  - (b) remove the work and restore the site of the work to the condition specified in paragraph (a).
- (2) Where a local harbour authority does not comply with a notice under sub-paragraph (1)(a) within a period of thirty days from the date on which an appropriate department served the notice, the department may remove any such work as is specified in that sub-paragraph and restore the site of the work to the condition specified in that sub-paragraph.
- (3) Where an appropriate department incurs any expenditure in pursuance of sub-paragraph (1) or (2), it may recover the amount of that expenditure from the responsible harbour authority as if it were a debt due under a contract.
- (4) In this paragraph and in paragraph 2 “responsible harbour authority” means the local harbour authority which, in relation to a tidal work, has contravened section 11(1) or a condition imposed under section 11(2).
- 2 (1) Where a local harbour authority abandons any tidal work, or allows it to fall into disrepair, an appropriate department may by notice in writing require the authority at its own expense—
  - (a) to repair and restore the work;
  - (b) to remove the work and to restore the land on which it is constructed to the condition in which the land was before the work was constructed.
- (2) Where—
  - (a) a local harbour authority abandons any work consisting of a tidal work and of other work or allows a work so consisting to fall into disrepair; and
  - (b) an appropriate department is satisfied that any part of the work which is not a tidal work is in such a condition as to interfere with or to cause reasonable apprehension that it may interfere with, navigation or public rights over the foreshore;an appropriate department may include that part of the work in a notice under sub-paragraph (1).
- (3) Where a local harbour authority does not comply with a notice under sub-paragraph (1), within a period of thirty days from the date on which an appropriate

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Harbours Act (Northern Ireland) 1970, SCHEDULE 3 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

department served the notice, the department may execute such works of repair, restoration or removal as are necessary to comply with the notice.

- (4) Where an appropriate department incurs any expenditure in pursuance of sub-paragraph (3), it may recover the amount of that expenditure from the responsible harbour authority as if it were a debt due under a contract.
- 3 (1) Where any tidal work in the harbour of a local harbour authority is damaged or decays, the authority shall—
- (a) forthwith notify the Commissioners of Irish Lights;
  - (b) lay down such buoys, exhibit such lights and take such other steps to prevent any danger to navigation, as those Commissioners may specify.
- (2) If a local harbour authority contravenes sub-paragraph (1), it shall be guilty of an offence and liable—
- (a) on summary conviction thereof, to a fine not exceeding one hundred pounds;
  - (b) on conviction on indictment, to a fine.
- 4 (1) An appropriate department may cause a survey and examination to be made—
- (a) of any tidal work; and
  - (b) of the land upon which it is proposed to construct any such work.
- (2) Where an appropriate department incurs any expenditure in pursuance of sub-paragraph (1), it may recover the amount of that expenditure from the local harbour authority which proposes to construct, alter or extend the work in question as if it were a debt due under a contract.
- 5 (1) A local harbour authority shall, while a tidal work is being constructed, altered or extended—
- (a) exhibit, at or near the work, every night from sunset to sunrise such lights as an appropriate department may specify;
  - (b) take such steps to prevent any danger to navigation as an appropriate department may specify.
- (2) A local harbour authority shall, in relation to any tidal work, after the work is completed—
- (a) exhibit every night from sunset to sunrise such lights as the Commissioners of Irish Lights may specify, at such places as may be so specified;
  - (b) take such steps to prevent any danger to navigation as those Commissioners may specify.
- (3) If a local harbour authority contravenes sub-paragraph (1) or (2), it shall be guilty of an offence and liable—
- (a) on summary conviction thereof, to a fine not exceeding<sup>[F1]</sup> level 3 on the standard scale;
  - (b) on conviction on indictment, to a fine.

**F1** 1984 NI 3

- 6 In this Schedule “an appropriate department” means the Board of Trade or the Ministry.

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

Harbours Act (Northern Ireland) 1970, SCHEDULE 3 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.