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## SCHEDULES

### SCHEDULE 1

Section 1.

#### OBJECTS FOR WHOSE ACHIEVEMENT HARBOUR ORDERS MAY BE MADE

- 1 Establishing a harbour authority and conferring functions on it.
- 2 Winding-up and dissolving a harbour authority.
- 3 Transferring functions from one harbour authority to another or to a body constituted by or specified in the order.
- 4 Reconstituting a harbour authority or altering its constitution.
- 5 Conferring functions on a harbour authority or varying or abolishing the functions of an authority.
- 6 Abandoning a harbour.
- 7 Regulating the procedure of a harbour authority or of any committee of a harbour authority.
- 8 Settling or varying the limits within which a harbour authority is to exercise its functions.
- 9 Controlling the movement of ships, in the interests of safety and the uninterrupted movement of ships, in one or more harbours and in the approaches to one or more harbours.
- 10 Constructing, reconstructing, improving, maintaining or managing a harbour.
- 11 Marking or lighting a harbour, raising wrecks in a harbour or otherwise making safe the navigation of a harbour.
- 12 Regulating the carrying out by any person of harbour operations or any activities on harbour land.
- 13 Authorising the making of byelaws with respect to any matter.
- 14 Amending or repealing any statutory provision of local application affecting a harbour.
- 15 Securing the welfare of persons employed by a harbour authority and empowering the provision of pension benefits in respect of them.

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## SCHEDULE 2

Section 1.

### FURTHER PROVISIONS RELATING TO HARBOUR ORDERS

#### PART I

##### PROVISIONS WHICH HARBOUR ORDERS MAY CONTAIN

- 1 Provisions transferring property from one harbour authority to another or from a person carrying on harbour operations to a harbour authority.
- 2 Provisions transferring persons in the employment of a harbour authority to the employment of another and provisions preserving pension benefits in respect of employees or former employees of the authority.
- 3 Provisions dissolving any body of constables maintained by a harbour authority and with respect to the appointment, dismissal and functions of constables in relation to a harbour.
- 4 Penal provisions.
- 5 Provisions for the settlement of disputes.

#### PART II

##### PROVISIONS FOR CONTROLLING SHIP MOVEMENTS

- 1 The designation of areas, routes or channels which ships are to use, or refrain from using, for movement or anchoring.
- 2 The person who may give directions under the order in relation to the movement of ships.
- 3 The equipment by means of which provisions of an order relating to the movement of ships are to be put into effect and the qualifications of persons operating the equipment.
- 4 The equipment which a ship must carry in order to enter the harbour when visibility is restricted and the radiotelephone equipment which a ship must carry in order to enter the harbour, being equipment and radiotelephone equipment which satisfies standards or requirements laid down or recommended by or under any international convention or conference.
- 5 The conferring of powers of entry and inspection in relation to premises, vehicles, ships or aircraft in or on which there is any such equipment as is referred to in paragraph 3 or 4.
- 6 The payment of fees in connection with the inspection or testing of any such equipment as is referred to in paragraph 3 or 4.
- 7 The application, subject to modifications, of<sup>F1</sup> section 191 of the Merchant Shipping Act 1995] to any person by whom provisions of an order relating to the movement of ships are administered and otherwise with respect to the liability of any such person arising out of the execution of those provisions.

<b>F1</b> 1995 c. 21
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## 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 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—

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- (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>[F2]</sup> level 3 on the standard scale];
  - (b) on conviction on indictment, to a fine.

<b>F2</b> 1984 NI 3
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- 6 In this Schedule “an appropriate department” means the Board of Trade or the Ministry.

#### SCHEDULE 4

Section 26.

#### MODIFICATIONS OF SECTION 22(2) OF AND SCHEDULE 2 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1934 FOR THE PURPOSES OF SECTION 26

- 1 References to a vesting order made under section 22 of the Local Government Act (Northern Ireland) 1934 or to the powers conferred by that section shall be

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- construed as references to a vesting order made under, or the powers conferred by, section 26, respectively.
- 2 References to the Ministry of Development or to a local authority shall be construed as references to the Ministry of Commerce or a harbour authority respectively.
- 3 Subject to paragraph 1, the references to section 22 of, or Schedule 2 to, that Act shall be construed as references respectively to that section or Schedule as applied by section 26 and modified by this Schedule.
- 4 In paragraph 27 of that Schedule, the reference to the area of a local authority shall be construed as a reference to the locality where the land is situated.
- 5 (1) In paragraph 28 of that Schedule, for the definition of “land” there shall be substituted the definition contained in section 45(1)( a) of the Interpretation Act (Northern Ireland) 1954 .
- (2) In that Schedule “estate” shall have the meaning assigned by section 45(2) of the said Act of 1954.
- 6 Where an application is made to the Ministry for a vesting order in respect of a lesser estate than a fee simple or the Ministry makes such an order, section 22(2) of and Schedule 2 to the said Act of 1934 shall have effect with such modifications as may be necessary to enable that estate to be acquired by means of the vesting order and to enable compensation in respect thereof to be duly paid or discharged and shall have effect as if for the first paragraph of paragraph 6 of that Schedule there were substituted the following:—
- “6 A vesting order shall operate, without further assurance, to vest in the harbour authority, as from the date on which the vesting order becomes operative (in this Schedule referred to as “the date of vesting” ) all such estates in, to or over the land to which the order relates as are specified in the order, freed and discharged from all the estates of any other person whomsoever therein except as is specified in the order, and the rights and claims of any such other person in respect of the estate so vested, shall as from the date of vesting, be transferred and attached to the extent to which compensation may be payable in accordance with this Schedule to the rate or funds of the harbour authority out of which the expenses of the authority in acquiring the land are to be defrayed (in this Schedule referred to as “the compensation fund” ) and shall be discharged by payments made out of the compensation fund.”.

#### *Schedule 5—Amendments*

#### *Schedule 6—Repeals*

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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\(7\)](#)