



Harbours Act (Northern Ireland) 1970

1970 CHAPTER 1

PART III

MISCELLANEOUS

POWERS OF HARBOUR AUTHORITIES

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;

Changes to legislation: Harbours Act (Northern Ireland) 1970, Section 26 is up to date with all changes known to be in force on or before 09 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) View outstanding changes

“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- F4** [S. 26\(5\)](#): words in definition of "public utility undertaking" repealed (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(2), [Sch. 13](#) (with arts.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](#))

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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\(7\)](#)