



Harbours Act (Northern Ireland) 1970 ^{F1}

1970 CHAPTER 1

An Act to make further provision with respect to harbours. [5th February 1970]

WHEREAS the consent of the Board of Trade and of the Crown Estate Commissioners to this Act has been obtained so far as it is required by section 9(1) of the Northern Ireland (Miscellaneous Provisions) Act 1932 ^{M1}:

And Whereas the Clerk of the Parliaments has certified accordingly pursuant to section 1 of the Legislative Procedure Act (Northern Ireland) 1933 ^{M2}:

F1 functions transf. by SR 1999/481

Marginal Citations

M1 1932 c. 11

M2 1933 c. 4

PART I

HARBOUR DEVELOPMENT AND HARBOUR CHARGES

HARBOUR ORDERS

1 Harbour orders.

- (1) The Ministry of Commerce (in this Act referred to as “the Ministry”) may, in relation to one or more harbours, make an order (in this Act referred to as a “harbour order”) for achieving all or any of the objects specified in Schedule 1.
- (2) A harbour order may include all such provision as appear to the Ministry to be requisite or expedient for rendering of full effect a provision of the order framed to achieve any of the said objects, including provision for all or any of the matters specified in Part I of Schedule 2.

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- (3) A harbour order may contain provisions with respect to all or any of the matters specified in Part II of Schedule 2 for the purpose of providing for the control of the movements of ships in the interests of safety and the uninterrupted movement of ships.
- (4) Where it appears to the Ministry that in consequence of a harbour order, any employee of a harbour authority may suffer loss of employment or other financial loss, that order shall make provision for the compensation of any such employee.
- (5) A harbour order shall not be so framed as to permit of a person's being punished otherwise than on his conviction or as to permit—
 - (a) on his being summarily convicted, of the infliction of a penalty other than a fine not exceeding £100;
 - (b) on his being convicted on indictment, of the infliction on him of a term of imprisonment exceeding six months.
- (6) Before making a harbour order, the Ministry shall consult any harbour authority to which the order will apply and any harbour authority or local authority which the Ministry considers is likely to be affected thereby about the effect of the order on it.
- (7) A harbour order shall be subject to affirmative resolution.
- (8) The Ministry shall publish or require such harbour authority as it may specify, being an authority to which the order will apply, to publish, in the Belfast Gazette and in one or more newspapers, a notice—
 - (a) describing the scope of any harbour order which the Ministry has laid before Parliament in pursuance of subsection (7); and
 - (b) stating that the order is subject to affirmative resolution.

EXCHEQUER ASSISTANCE FOR EXECUTION OF HARBOUR WORKS, &C.

2 **Loans for execution of harbour works, etc.**

- (1) Subject to the provisions of this section, the Ministry, with the approval of the Ministry of Finance, may give to a harbour authority assistance by way of loan—
 - (a) in respect of expenses incurred by the authority—
 - (i) in executing, at a harbour which it is improving, maintaining or managing, works for the improvement, maintenance or management of the harbour;
 - (ii) in executing works for the construction of a harbour which it proposes to improve, maintain or manage;
 - (iii) in providing plant or equipment required for the carrying out of harbour operations;
 - (iv) in acquiring land required for the purposes of the harbour or an extension thereof or in constructing a harbour as mentioned in subparagraph (ii);
 - (b) to enable it to repay the whole or part of the principal of, or to pay the whole or part of a sum due by way of the payment of interest on, a loan made to it by virtue of paragraph (a);
 - (c) where the authority is established by a harbour order, in respect of any expenses chargeable against income, being expenses which are incurred by

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the authority during a period in respect of which in the opinion of the Ministry the authority was not in receipt of sufficient revenue to meet its expenses.

- (2) A loan under this section shall be made on such terms and conditions (including conditions by virtue of which the Ministry may participate in the profits or income of the authority) as the Ministry thinks proper and as are specified in the agreement for the loan.
- (3) After a loan is made under this section, its terms and conditions may be varied by the Ministry with the agreement of the harbour authority to which it is made.
- ^{F2}(4) Subject to subsection (5), where any instalment of principal or interest or both principal and interest due on foot of any loan made under this section is more than thirty-one days in arrear additional interest at such rate as may from time to time be determined by an order made by the Department of Finance subject to negative resolution shall, notwithstanding any enactment or rule of law to the contrary, be chargeable on that instalment as from the date on which it fell due and shall be recoverable therewith.
- (5) The Department may, with the approval of the Department of Finance, in such cases as it thinks fit waive the payment of such additional interest as is mentioned in subsection (4).]

F2 [1976 NI 21](#)

3 Grants for execution of harbour works, &c.

- (1) Subject to the provisions of this section, the Ministry, with the approval of the Ministry of Finance, may give to the following persons assistance by way of grant in respect of expenses incurred—
 - (a) by any person improving, maintaining or managing a harbour or carrying out harbour operations or proposing to do any of those things, in executing works for the construction, improvement, maintenance or management of the harbour, in executing works required for the carrying out of harbour operations or in acquiring plant or equipment so required;
 - (b) by a harbour authority which is doing any of those things or proposes to do them, in acquiring land required for the purposes of the harbour or an extension thereof.
- (2) The Ministry, with the approval of the Ministry of Finance, may give to a harbour authority assistance by way of grant to enable it to pay the whole or part of a sum due by way of payment of interest on a loan.
- (3) A grant under this section may be made on such terms and conditions (including conditions for repayment in specified circumstances and conditions by virtue of which the Ministry may participate in the profits or income of the authority) as the Ministry may think fit to impose.

4 Maximum amount of loans and grants under sections 2 and 3.

The aggregate amount of loans and of grants together made under sections 2 and 3 by the Ministry shall not exceed [^{F3}£90 million].

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F3 Words in s. 4 substituted (2.3.2021) by [Harbours \(Grants and Loans Limit\) Act \(Northern Ireland\) 2021 \(c. 1\), ss. 1\(1\), 2](#)

[^{F4}4A Grants payable to certain harbour authorities in relation to expenses

- (1) Subject to subsection (2), the Department of Agriculture and Rural Development, with the approval of the Department of Finance and Personnel, may give to a harbour authority in relation to which the Department of Agriculture and Rural Development exercises functions for the purposes of this Act financial assistance by way of grant in respect of any expenses chargeable against income, being expenses which are incurred by the authority during a period in respect of which, in the opinion of the Department of Agriculture and Rural Development, the authority was not in receipt of sufficient revenue to meet its expenses.
- (2) A grant under this section may be made on such terms and conditions (including conditions for repayment in specified circumstances and conditions by virtue of which the Department of Agriculture and Rural Development may participate in the profits or income of the authority) as the Department of Agriculture and Rural Development may think fit to impose.]

F4 [S. 4A](#) inserted (29.4.2014) by [Financial Provisions Act \(Northern Ireland\) 2014 \(c. 6\), ss. 2\(a\), 13\(1\)](#)

HARBOUR CHARGES

5 Repeal of provisions limiting discretion of certain harbour authorities as to charges chargeable by them.

- (1) Subject to this Act, any statutory provision made with respect to a particular harbour authority shall cease to have effect in so far as (otherwise than by expressly providing for freedom from charges or prohibiting the levying of a charge in any manner) it limits the discretion of the authority as to the charges chargeable by it at a harbour which it is improving, maintaining or managing (whether by specifying any dues or charges, or otherwise).
- (2) Subject to this Act and to any statutory provision made with respect to it in particular as expressly provides for freedom from charges or in any manner prohibits the levying of a charge, a harbour authority—
 - (a) may demand, take and recover such charges as it thinks fit at a harbour which it is improving, maintaining or managing; and
 - (b) may make the use of services and facilities provided by it at such a harbour subject to such terms and conditions as it thinks fit.
- (3) Any such provision of the Harbours, Docks and Piers Clauses Act 1847 as incorporated in a statutory provision made with respect to a harbour authority as refers to rates shall, with any necessary modifications, apply to charges imposed by virtue of this section by that authority as if they were rates payable under a statutory provision made with respect to it.
- (4) Any statutory provision made with respect to a harbour authority which refers (in whatever terms) to charges payable to it under a statutory provision made with

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respect to it shall, in so far as it continues to have effect, apply with any necessary modifications to charges imposed by that authority under this section as if they were charges so payable.

In this subsection, “charges” includes charges of a specified class.

- (5) Any ship, passenger and goods dues in force immediately before the passing of this Act which are exigible by a harbour authority at a harbour which it is improving, maintaining or managing, being dues imposed under a statutory provision made with respect to the authority, shall be deemed to have been imposed by virtue of this section.

6 Availability of copies of lists of certain charges.

- (1) A list showing the charges to which this section applies for the time being exigible by virtue of section 5 by a harbour authority at a harbour which it is improving, maintaining or managing—

- (a) shall be kept at the harbour office; and
- (b) shall be open there during reasonable hours for inspection by any person without charge;

and copies of the list shall be kept for sale at that office at a price not exceeding [^{F5} 10p] for each copy, or such other sum as may for the time being be specified for the purposes of this subsection by an order made by the Ministry subject to negative resolution.

- (2) Where a harbour authority enters into any arrangements with any person whereby any charge to which this section applies is reduced or compounded, subsection (1) shall not be construed as requiring the inclusion in any list required to be kept under that subsection of any such charge as so reduced or compounded.
- (3) No charge to which this section applies exigible as mentioned in subsection (1) shall be levied by the harbour authority concerned if, at the time at which it is exigible—
- (a) the authority is in default in complying with subsection (1)(a); or
 - (b) the charge is not shown in the list kept there.
- (4) A copy of a list which, in pursuance of subsection (1), is for the time being kept by a harbour authority at the office of a harbour shall be supplied by it to the Ministry without charge.
- (5) The charges to which this section applies are ship, passenger and goods dues.

F5 1969 c.19

7 Right of objection to ship, passenger and goods dues.

- (1) ^{F6} Subject to subsections (10) and (11), subsections (3) to (6) shall have effect where written objection to a charge to which this subsection applies imposed by a harbour authority at a harbour which it is improving, maintaining or managing, is lodged with the Ministry by—

- (a) a person appearing to it to have a substantial interest; or
- (b) a body representative of persons so appearing;

and the objection is expressed to be made on all or any of the following grounds, namely—

- (i) that the charge ought not to be imposed at all;