



Inland Navigation Act (Northern Ireland) 1954^{F1}

1954 CHAPTER 1

An Act to authorise the making of certain agreements transferring to the Ministry of Commerce the undertakings of the Lagan Navigation Company and the Upper Bann Navigation Trustees, to empower the said Ministry and the Ministry of Finance to exercise certain functions in relation to those undertakings and for purposes connected with the matters aforesaid. [2nd March 1954]

F1 Functions transf. by SR 1999/481

Modifications etc. (not altering text)

C1 [Act](#): transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 3 Pt. 2](#) (with art. 9(2))

1 Agreements transferring certain canal undertakings.

- (1) The Ministry of Commerce (in this Act referred to as “the Ministry”) is hereby authorised and empowered to enter into and give effect to the following agreements:—
- (a) an agreement with the Lagan Navigation Company (in this Act referred to as “the Lagan Agreement”) in the terms of the draft agreement set out in the first part of the First Schedule to this Act; and
 - (b) an agreement with the Upper Bann Navigation Trustees and the councils of the counties of Armagh, Down and Tyrone (in this Act referred to as “the Upper Bann Agreement”) in the terms of the draft agreement set out in the second part of the First Schedule to this Act;

...^{F2}

- (2) Subject to the provisions of section ten of this Act, the Lagan Agreement shall operate, without further assurance, to convey, assign and transfer to the Ministry on the date of the execution thereof all the property thereby agreed to be sold, being the undertaking particularly described in the Annex to the draft Agreement set out in the first part of the First Schedule to this Act (in this Act referred to as “the Lagan Navigation”);

Changes to legislation: There are currently no known outstanding effects for the Inland Navigation Act (Northern Ireland) 1954. (See end of Document for details)

and, subject to the provisions of section ten of this Act, the Upper Bann Agreement shall operate, without further assurance, to convey, assign and transfer to the Ministry on the date of the execution thereof all the property thereby agreed to be sold, being the undertaking particularly described in the Annex to the draft Agreement set out in the second part of the said Schedule (in this Act referred to as “the Upper Bann Navigation”). ...^{F2}.

- (3) The date of execution of each of the respective Agreements is in this Act, in relation to the undertaking which is the subject thereof respectively, referred to as “the vesting date”.

Subs. (4) rep. by SLR 1980

F2 SLR 1980

2 Abandonment of certain canals, and functions of the Ministry in relation thereto.

- (1) On and after the respective vesting date—

- (a) the Coalisland Canal and the Upper Reaches of the Lagan Navigation and the Upper Bann Navigation (in this Act together referred to as “the abandoned canals”) shall cease to be used for the purposes of navigation and shall be abandoned accordingly:

Paras.(b)(c) spent

- (d) the Ministry may, in and upon and in connection with the abandoned canals, carry out such works as appear to the Ministry to be necessary or expedient for the purpose of securing that the abandoned canals shall not by reason of their abandonment cause danger to the public or damage to property, and for any purpose related to those matters.
- (2) For the purpose of the exercise of its functions under paragraph (d) of the preceding sub-section the Ministry shall have power—
- (a) to enter on any land and there to do all such acts and things as may be reasonably necessary for the due exercise of the said functions;
- (b) to purchase (either by agreement or compulsorily in accordance with the next succeeding section) or take on lease any land, or any easements, water rights or other rights or interests whatsoever in, to or over any land in the vicinity of the abandoned canals or any stream flowing from or into the abandoned canals;
- (c) to enter upon any lands proposed to be, or in the course of being, acquired under this Act and with the consent of the owner thereof to carry out thereon such works and do all such other acts and things as may be reasonably necessary for or incidental or ancillary to the due exercise of the said functions;
- (d) to restrict, terminate or otherwise interfere with any easements or other rights.

3 Acquisition of land, etc., by the Ministry under s.2.

- (1) The Ministry, where it desires to acquire otherwise than by agreement any land or any such right or interest as is referred to in paragraph (b) of sub-section (2) of the last preceding section, shall have power to make an order (in this Act referred to as a “vesting order”) vesting such land, right or interest in the Ministry.

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- ^{F3}(2) For the purposes of this section, paragraphs (3) and (4) of Article 10 of, and Schedule 3 to, the Drainage (Northern Ireland) Order 1973 shall have effect as if enacted in this Act.]

F3 1973 NI 1

4 Compensation for certain loss or damage.

- (1) Where any person suffers any loss or damage by reason—
- (a) of the abandonment referred to in section two of this Act, or of any works carried out under that section; or
 - (b) of anything done or omitted under or by virtue of the foregoing provisions of this Act which, if this Act had not been passed, would have given rise to a right of action against the Lagan Navigation Company or, as the case may be, the Upper Bann Navigation Trustees; or
 - (c) of any other thing done or omitted under or by virtue of section two of this Act;
- he shall, subject to the provisions of this Act, be entitled in respect of such loss or damage to reasonable compensation to be paid or provided by the Ministry in accordance with the succeeding provisions of this section.
- (2) In lieu of paying pecuniary compensation the Ministry may by agreement construct or repair works or provide facilities to replace works or facilities which have been impaired or removed by or in consequence of the abandonment referred to in section two of this Act or the performance by the Ministry of any of its functions under the foregoing provisions of this Act; and where anything so done by way of replacement or repair affords or is likely to afford advantages or facilities better than those existing before the abandonment, the Ministry may enter into an agreement with any person whereby that person shall bear a fair part of the cost incurred by the Ministry in connection with such replacement or repair.
- (3) Every claim for compensation under this section shall in default of agreement be [^{F4} referred to and determined by the Lands Tribunal for Northern Ireland].
- (4) The Ministry may for the purposes of this section make regulations prescribing the time within which and the manner in which claims under this section are to be made, the particulars to be furnished by claimants and any other matters appearing to the Ministry to be necessary or expedient for the expeditious disposal of claims.

F4 1964 c. 29 (NI)

5 Operation of Lower Reaches by the Ministry.

- (1) On the vesting date the functions of the Lagan Navigation Company in relation to the operation of the Lower Reaches^{F5} of the Lagan Navigation (hereafter in this Act referred to as “the Lower Reaches”) shall, except in so far as they are inconsistent with the provisions of this Act, be transferred to and exercisable by the Ministry.

Subs. (2) spent

F5 The Lower Reaches were abandoned for navigation on 1.7.1958, SRO (NI) 1958/83 (p. 303)

Changes to legislation: There are currently no known outstanding effects for the Inland Navigation Act (Northern Ireland) 1954. (See end of Document for details)

S. 6 spent

S. 7 rep. by 1999 NI 6

S. 8 spent

9 Disposal by the Ministry of surplus property.

Notwithstanding anything in the Lagan Navigation Acts or the Drainage (Ireland) Act, 1856 ^{M1}, the Ministry shall have power, on and after the vesting date to sell, lease, surrender or otherwise dispose of any estate, right or interest in any property whatsoever, whether real, chattel real or personal, for the time being vested in the Ministry under or by virtue of this Act and not required by it for the purposes of its functions thereunder, and where any such disposal is by way of exchange, to give or receive money for equality of exchange; and any moneys received by the Ministry in respect of any such sale or disposal shall, after deduction of any proper expenses, be paid into the Exchequer.

Marginal Citations

M1 1856 c. 62

S. 10 rep. by SLR 1976; SLR 1980

Ss. 11, 12 rep. by SLR 1976

S. 13(1) rep. by SLR 1976; subs. (2) spent; subs. (3)-(6) rep. by SLR 1976

S. 14 rep. by 1964 c. 29 (NI)

15 Expenses.

(1) Subject to the provisions of the succeeding sub-section, all expenditure incurred by the Ministry or the Ministry of Finance shall be defrayed out of moneys provided by Parliament.

(2) If the Ministry of Finance so directs, any expenditure not exceeding two hundred and fifty thousand pounds incurred as aforesaid (other than expenditure incurred under section thirteen of this Act) which the Ministry of Finance, or the Ministry with the approval of the Ministry of Finance, determines to be capital expenditure shall be charged on and issued out of the Consolidated Fund; and the Ministry of Finance may borrow for the purposes of any such issue.

^{F6}(3) Moneys borrowed under the preceding sub-section shall be repaid within any period or periods not exceeding fifteen years from the date of borrowing, and provision for such repayment may be made out of moneys provided by Parliament.]

F6 1955 c. 6 (NI)

16 Regulations, orders and bye-laws.

(1) Regulations, orders and bye-laws made under this Act may, without prejudice to the generality of the several provisions conferring power to make them, make provision