1979 No. 32

HARBOURS

Belfast Harbour Acts (Amendment) Order (Northern Ireland) 1979

Made . . . . . 13*th February* 1979

Coming into operation . . . 13*th March* 1979

To be laid before Parliament under paragraph 3(3) *of Schedule* 1 *to the Northern Ireland Act* 1974

The Department(a) of Commerce in exercise of the powers conferred upon it by section 1 of the Harbours Act (Northern Ireland) 1970(b), and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Belfast Harbour Acts (Amendment) Order (Northern Ireland) 1979.

(2) This Order shall be construed as one with the Belfast Harbour Acts 1847 to 1967(c) and the Belfast Harbour Order (Northern Ireland) 1971(d) and those Acts and Order and this Order may be cited together as the Belfast Harbour Acts and Orders 1847 to 1979.

(3) This Order shall come into operation on 13th March 1979.

Interpretation

2. In this Order—

"the Act of 1847" means the Belfast Harbour Act, 1847(e).

"the Commissioners" means the Belfast Harbour Comissioners incorporated under the Act of 1847.

Constitution of Commissioners

3.—(1) Schedule 1 shall have effect with respect to the Commissioners.

(2) Any Commissioner in office immediately before the date on which the first appointment of Commissioners under Schedule 1 takes effect shall thereupon vacate office but shall be eligible for appointment subject to and in accordance with the provisions of that Schedule.

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1970 c. 1 (N.I.)
(c) 10 & 11 Vict. c. lii; 15 & 16 Vict. c. cxxi; 17 & 18 Vict. c. xlv; 33 & 34 Vict. c. xcvii; 34 & 35 Vict. c. xli; 45 & 46 Vict. c. clxxi; 46 & 47 Vict. c. lix; 56 & 57 Vict. c. xliv; 61 & 62 Vict. c. cv; 1 Edward 7 c. cxxxiii; 8 & 9 Geo. 5 c. xviii; 9 & 10 Geo. 5 c. ix; 12 & 13 Geo. 5 c. 1; 21 & 22 Geo. 5 c. 1; 2 Geo. 6 c. iv; 14 Geo. 6 c. iv; 5 Eliz. 2 c. iv; 10 Eliz. 2 c. iii; 15 & 16 Eliz. 2 c. i
(d) S.R. & O. (N.I.) 1971 No. 199
(e) 10 & 11 Vict. c. lii

Amendment of Statutory provisions

4.—(1) In section 5 of the Belfast Harbour Act 1847 for the words, "(save so far as altered or otherwise provided for by this Act)", there shall be substituted the words, "(save so far as altered or otherwise provided for by the Belfast Harbour Acts and Orders 1847 to 1979)".

(2) In section 3 of the Belfast Harbour Act 1882(f) for the words, "not varied by or inconsistent with the recited Acts and this Act", there shall be substituted the words, "not varied by or inconsistent with the Belfast Harbour Acts and Orders 1847 to 1979".

(3) In section 2 of the Belfast Harbour Act 1898(g) for the words, "not varied by or inconsistent with the Belfast Harbour Acts and this Act," there shall be substituted the words, "not varied by or inconsistent with the Belfast Harbour Acts and Orders 1847 to 1979".

(4) In section 2 of the Belfast Harbour Act 1901(h) for the words, "not varied by or inconsistent with the Belfast Harbour Acts and this Act", there shall be substituted the words, "not varied by or inconsistent with the Belfast Harbour Acts and Orders 1847 to 1979."

(5) In section 2 of the Belfast Harbour Act 1918(i) for the words, "not varied by or inconsistent with the Belfast Harbour Acts and this Act," there shall be substituted the words, "not varied by or inconsistent with the Belfast Harbour Acts and Orders 1847 to 1979."

Modification of Commissioners Clauses Act 1847

5. In relation to the Commissioners, the provisions of the Commissioners Clauses Act 1847(j) specified in column 1 of Part I of Schedule 2 shall have effect subject to the modifications specified in column 2 of that Part and the provisions of that Act specified in Part II of that Schedule shall cease to have effect.

Repeal Revocation and Amendment

6. The statutory provisions specified in columns 1 and 2 of Part I of Schedule 3 are hereby repealed or revoked to the extent specified in column 3 of that Part and the statutory provision specified in columns 1 and 2 of Part II of that Schedule is hereby amended in the manner specified in column 3 of that Part.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland this 13th day of February 1979.

(L.S.) *J. D. Thompson*
Assistant Secretary

(f) 45 & 46 Vict. c. clxxi
(g) 61 & 62 Vict. c. cv
(h) 1 Edward 7 c. cxxxiii
(i) 8 & 9 Geo. 5 c. xviii
(j) 10 & 11 Vict. c. 16

SCHEDULE 1 Article 3

BELFAST HARBOUR COMMISSIONERS

PART I

CONSTITUTION OF COMMISSIONERS

1. In this Schedule

"the Council" means the Belfast City Council;

"the Head of the Department" means the Head of the Department of Commerce.

2.—(1) The Commissioners shall consist of not less than nine and not more than seventeen persons who shall be appointed by the Head of the Department. Any such appointment may take effect at any time after the coming into operation of this Order.

(2) The persons appointed under paragraph 2(1) shall include the person for the time being appointed as General Manager to the Commissioners under sub-paragraph (6) and may, on the advice of the Commissioners, include one other officer of the Commissioners.

(3) A person appointed as Commissioner under paragraph (1) other than a person referred to in paragraph (2) shall hold office for a period of 3 years or such lesser period as the Head of the Department may determine but shall be eligible for re-appointment. A person referred to in paragraph (2) shall hold office as Commissioner so long as he holds the qualifying office by virtue of which he was appointed.

(4) The Head of the Department shall designate a Commissioner as Chairman of the Commissioners and may designate another Commissioner as Deputy Chairman.

(5) Section 18(2) of the Interpretation Act (Northern Ireland) 1954(k) shall apply to any appointment made by the Head of the Department under sub-paragraph (1).

(6) The Commissioners shall appoint a person to act as General Manager to the Commissioners.

3. Subject to paragraphs 4 and 5 one of the persons appointed under paragraph 2(1) shall be selected from not more than three members of the Council nominated in that behalf by the Council.

4. The Head of the Department shall not be obliged to appoint a person nominated under paragraph 3 or this paragraph, but if he declines to appoint a person nominated under paragraph 3 he shall request the Council to nominate one other member of the Council.

5. If it appears to the Head of the Department that the Council has refused or failed to nominate a person pursuant to paragraph 3 or 4 of the Head of the Department declines to appoint a person nominated under paragraph 4 he may appoint such person as he thinks fit.

6. A person nominated under paragraph 3 or 4 who ceases to be a member of the Council shall thereupon cease to be a Commissioner.

7.—(1) Subject to sub-paragraph (2) in the event of a casual vacancy occurring in the office of the Chairman the vacancy shall be filled by the Deputy Chairman until a new Chairman is appointed by the Head of the Department.

(k) 1954 c. 33 (N.I.)

(2) If there is no Deputy Chairman, the Commissioners shall elect one of their number to fill any such vacancy as is mentioned in sub-paragraph (1) and the Commissioner so elected shall hold office as Chairman until a new Chairman is appointed by the Head of the Department.

8.—(1) The Head of the Department in making appointments under paragraph 2(1) shall select persons who appear to him to have experience of, and to have capacity in, one or more of the matters mentioned in sub-paragraph (2) or to have in some other respect special knowledge or experience which would be of value to the Commissioners in the discharge of their functions.

(2) The matters referred to in sub-paragraph (1) are the management of harbours, shipping, port usage, industrial, commercial or financial matters, administration, and the organisation of workers.

PART II

PROCEDURE, ETC., OF COMMISSIONERS

9. A meeting of the Commissioners shall be held not later than one month after the date on which the first appointment of Commissioners under this Schedule takes effect and thereafter meetings shall be held on such dates and at such intervals as the Commissioners may determine.

10. The quorum required for a meeting of the Commissioners shall be five.

11.—(1) A Commissioner shall, if he is in any way directly or indirectly interested in any contract or other transaction entered into or proposed to be entered into by the Commissioners which involves or is likely to involve any payment by or on behalf of the Commissioners, disclose the nature of his interest at a meeting of the Commissioners as soon as possible after the relevant circumstances have come to his knowledge.

(2) Any disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting, and that Commissioner shall not take part after the disclosure in any deliberation or decision of the Commissioners with respect to that contract or transaction.

(3) Where under sub-paragraph (2) a Commissioner is prohibited from taking part in any deliberation or decision, that Commissioner shall be disregarded for the purpose of constituting a quorum for that deliberation or decision.

12. The proceedings of the Commissioners or any Committee appointed by the Commissioners shall not be invalidated by any vacancy in the membership thereof or by any defect in the appointment of or by the disqualification of any person acting as Chairman or Deputy Chairman or a Commissioner.

13. The seal of the Commissioners shall be authenticated by the signature of the Chairman of the Commissioners or some other Commissioner authorised by the Commissioners to act in that behalf and of the Secretary to the Commissioners or some other person authorised by the Commissioners to act in that behalf.

SCHEDULE 2

Commissioners Clauses Act 1847

PART I

MODIFICATIONS

Section	*Modification*
8	delete, "or person not qualified as required by the special Act"
14	delete "elected or"
41	for, "at such first meeting or at any annual or monthly meeting or at any adjourned meeting", substitute, "at any meeting"
42	delete "said monthly"
43	delete, "monthly", wherever it occurs

PART II

PROVISIONS CEASING TO APPLY TO THE COMMISSIONERS

Sections 6 and 7; 9 and 10; 17 to 40; 45 to 48; 51 and 52; 90 to 95.

SCHEDULE 3

STATUTORY PROVISIONS REPEALED, REVOKED OR AMENDED

PART I

Chapter or Number	*Short Title*	*Extent of Repeal*
10 & 11 Vict. c. lii	Belfast Harbour Act 1847	Sections 15, 22 and 23 (so far as unrepealed)
45 & 46 Vict. c. clxxi	Belfast Harbour Act 1882	Sections 7, 8 and 9
46 & 47 Vict. c. clix	Belfast Harbour Act 1883	Sections 3 to 23 and the First Schedule
15 & 16 Eliz. 2 c. i	Belfast Harbour Act (Northern Ireland) 1967	Section 2
S.R. 1976 No. 22	Revaluation (Consequential Provision) Order (Northern Ireland) 1976	Article 3 and in the Schedule the entry relating to the Belfast Harbour Act 1883

PART II

Chapter or Number	*Short Title*	*Amendment*
34 & 35 Vict. c. xli	Belfast Harbour Commissioners Act 1871	In Section 5 delete "to be elected or", and for "elections" substitute "appointments"

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport)

This Order amends the Belfast Harbour Acts 1847 to 1967 and the Belfast Harbour Order (Northern Ireland) 1971 in relation to the constitution of the Belfast Harbour Commissioners. It provides for the appointment of Commissioners by the Head of the Department of Commerce and lays down certain qualifications for appointment.