1973. No. 181

HARBOURS

Carnlough Harbour Order (Northern Ireland) 1973

Made . . . . . 11*th June* 1973

Coming into operation . . 1*st September* 1973

To be laid before the Parliament of the United Kingdom under paragraph 4(5)(*b*) *of the Schedule to the Northern Ireland* (*Temporary Provisions*) *Act* 1972.

ARRANGEMENT OF ARTICLES

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The Ministry of Commerce on behalf of the Secretary of State and in exercise of the powers conferred on it by section 1 of the Harbours Act (Northern Ireland) 1970(**a**) and of every other power enabling it in that behalf, and having consulted the County Council of the County of Antrim and the undertakers, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Carnlough Harbour Order (Northern Ireland) 1973 and shall come into operation on the 1st September 1973.

Interpretation

2. In this Order the following expressions shall have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Harbours Act (Northern Ireland) 1970;

"the Council" means the County Council of the County of Antrim;

"the harbour" means the land, quays, piers and other property at Carnlough owned by the undertakers and coloured red on the map marked "Carnlough Harbour—Harbour Lands and Limits" signed and sealed with reference to this Order and deposited in accordance with Article 6(3);

"the Ministry" means the Ministry of Commerce;

"the undertakers" means the persons on whom powers are conferred by the Carnlough Pier and Harbour Orders 1875 and 1882 (hereinafter referred to as "the Orders of 1875 and 1882") confirmed respectively by the Pier and Harbour Orders Confirmation Act 1875 (No. 1)(**b**) and the Pier and Harbour Orders Confirmation (No. 1) Act 1882(**c**).

(**a**) 1970. c. 1 (N.I.). (**b**) 38 & 39 Vict. c. xi (**c**) 45 & 46 Vict. c. clxviii.

Establishment of Council as harbour authority

3. The Council is hereby established as the harbour authority for the harbour with power subject to and in accordance with the Act and this Order to improve, maintain and manage the harbour.

Power of the undertakers to sell lands to the harbour authority

4.—(1) The undertakers are hereby empowered to sell the harbour to the Council and the Orders of 1875 and 1882 are hereby amended accordingly.

(2) Subject to paragraph (3) the functions in relation to the harbour conferred on the undertakers by the Orders of 1875 and 1882 are hereby abolished.

(3) Nothing herein contained shall affect the exercise by the undertakers of any of their functions while the harbour remains vested in the undertakers.

Borrowing by the harbour authority

5.—(1) Subject to paragraph (2) the harbour authority may from time to time borrow at interest upon the security of all or any of the revenues and property of the harbour authority such sums of money as it may think fit for any purpose for which capital monies are properly applicable.

(2) The harbour authority shall not without the consent of the Ministry in writing borrow under the powers conferred by paragraph (1).

(3) Subject to paragraph (4) the harbour authority may borrow such sums of money as are necessary for the purposes of providing temporarily for current expenditure for any of the purposes of the harbour undertaking.

(4) The harbour authority shall not borrow under the powers conferred by paragraph (3) any sum of money in excess of £5,000 without the prior consent of the Ministry in writing.

Harbour limits

6.—(1) The limits within which the harbour authority shall have authority by virtue of any function conferred on it by the Act and this Order and within which may be exercised the powers of any harbour master it may appoint (in this Order referred to as "the harbour limits") shall comprise the harbour together with the waters up to high-water mark within the harbour and the seaward approaches within a radius of five hundred metres in any direction from the entrance of the harbour which limits are shown by a continuous black line on the map marked "Carnlough Harbour—Harbour Lands and Limits" signed and sealed with reference to this Order and deposited in accordance with paragraph (3).

(2) In the event of any discrepancy between the definition of the harbour limits contained in this Article or of the harbour contained in Article 2 and the harbour limits and the harbour as shown respectively on the map therein referred to the map shall be deemed to be correct and shall prevail.

(3) The map referred to in Article 2 and paragraphs (1) and (2) signed and sealed with reference to this Order has been deposited at the office of the Ministry at Chichester House, 64 Chichester Street, Belfast, at which office the map may be inspected at all reasonable hours. A copy of the said map has been deposited at the office of the Department of Trade and Industry, Marine Division, Sunley House, 90 High Holborn, London WC1.

Saving of right to erect a bag net

7. Nothing in this Order shall prejudice or derogate from the right granted to the Earl of Antrim of Glenarm, in the County of Antrim by a certificate dated 8th February 1870 of the Inspectors of Irish Fisheries, given under powers conferred by the Fisheries (Ireland) Act 1869(**d**) to erect a bag net of the description and situation specified in that certificate.

Sealed with the Official Seal of the Ministry of Commerce this 11th day of June 1973.

(L.S.)

Kenneth Darwin,
Assistant Secretary.

EXPLANATORY NOTE

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

This Order establishes the Antrim County Council as a harbour authority for the purpose of acquiring the harbour of Carnlough from the present undertakers (the Antrim Estates Company). The Order also confers on the harbour authority the functions of improvement management and maintenance of the harbour after the acquisition takes place.

(**d**) 32 & 33 Vict. c. 92.