1991 No. 261

HARBOURS

Londonderry Harbour Order (Northern Ireland) 1991

Made . . . . . *20th June 1991*

Coming into operation . . *1st August 1991*

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

The Department of the Environment, in exercise of the powers conferred by section 1(1) and (2) of and Schedule 1 to the Harbours Act (Northern Ireland) 1970(**a**), and now vested in it(**b**) and of all other powers enabling it in that behalf, and after consultation with the Londonderry Port and Harbour Commissioners hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Londonderry Harbour Order (Northern Ireland) 1991 and shall come into operation on 1st August 1991.

(2) This Order shall be construed as one with the Londonderry Port and Harbour Acts and Order 1854 to 1976(**c**).

(3) The Londonderry Port and Harbour Acts and Order 1854 to 1976 and this Order may be cited together as the Londonderry Harbour Acts and Orders 1854 to 1991.

Interpretation

2. In this Order—

"the Act of 1854" means the Londonderry Port and Harbour Act 1854(**d**);

"the Acts" means the Londonderry Port and Harbour Acts and Orders 1854 to 1991;

"the Commissioners" means the Londonderry Port and Harbour Commissioners incorporated under the Act of 1854;

"Department" means the Department of the Environment;

"the harbour undertaking" means the business of the Commissioners and includes all activities which the Commissioners are by the Acts authorised to carry on;

(**a**) 1970 c. 1 (N.I.)
(**b**) By Article 3 of S.R. 1987 No. 105
(**c**) 17 & 18 Vict. c. clxxvii; 37 & 38 Vict. c. xlix; 45 & 46 Vict. c. cxlii; 9 & 10 Geo. 5 c. lxviii; 10 & 11 Geo. 5 c. lxxv; S.R. 1976 No. 389
(**d**) 17 & 18 Vict. c. clxxvii

"harbour facilities and ancillary works" includes all piers, quays, wharfs, warehouses, roads, car parks and other works and facilities reasonably necessary for the provision of harbour facilities;

"the Lisahally Site" means the lands edged red on the map;

"the map" means the map marked "Londonderry Harbour Order (Northern Ireland) 1991" which has been sealed by the Department with reference to this Order and deposited at the Office of the Department at Parliament Buildings, Stormont, Belfast BT4 3SS; and

"the port" means the Harbour of Londonderry.

Powers of the Commissioners

3. The Commissioners shall have power to construct and maintain harbour facilities and ancillary works at the Lisahally Site in accordance with such plans as the Department may approve with such additions, amendments and variations as may be found necessary or expedient in the course of execution of those facilities and works.

4. The Commissioners may exercise, in relation to the Lisahally Site, all rights and powers vested in them in relation to any other parts of the port.

5. Without prejudice to the generality of Articles 3 and 4, the Commissioners shall have power—

(*a*) to dredge and maintain the entrances and channels to the Lisahally Site and to deposit dredged material in a place below high water mark with the prior consent of the Crown Estate Commissioners;

(*b*) to construct, alter or extend any tidal work (that is to say any work which is on, under or over any land which is below high water mark or part of any such work) with the prior consent of the Crown Estate Commissioners and the Department;

(*c*) to lease any part of the lands and premises at the Lisahally Site to any person for a period not exceeding 21 years or with the consent in writing of the Department otherwise to dispose of any part of the said lands and premises;

(*d*) to do any other things which the Commissioners may deem necessary or expedient for the proper conduct of the harbour undertaking at the Lisahally Site.

6. Notwithstanding any provision to the contrary contained in the Acts, the Commissioners shall have power—

(*a*) to transfer all or any part of the harbour undertaking from any other part of the port to the Lisahally Site and to carry out from the Lisahally Site all or any part of the harbour undertaking to the exclusion of any other part of the port;

(*b*) to discontinue or abandon the use of all or any other part of the port, the harbour facilities and ancillary works and the harbour undertaking at any other part of the port;

(*c*) to discontinue or abandon the maintenance and repair of any other part of the port, harbour facilities or ancillary works;

(*d*) to discontinue the carrying out of dredging and maintenance work in relation to the entrances and channels to any other part of the port.

Consequential amendment

7. In section 38 of the Act of 1854 for the words "for ever after" wherever they occur there shall be substituted the words—

"may, subject to Article 6 of the Londonderry Harbour Order (Northern Ireland) 1991,".

Sealed with the Official Seal of the Department of the Environment on 20th June 1991.

(L.S.) *Trevor Pearson*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides the Londonderry Port and Harbour Commissioners with powers to develop a site at Lisahally as a replacement for its existing port facilities and to discontinue the use, including maintenance and repair, of any other part of the Harbour of Londonderry.

The map marked "Londonderry Harbour Order (Northern Ireland) 1991" sealed with reference to this Order has been deposited at the Office of the Department of the Environment, Parliament Buildings, Stormont, Belfast BT4 3SS. Copies of the map have been deposited at the Department of the Environment, Transport Division, Northland House, 3-5a Frederick Street, Belfast BT1 2NR and Londonderry Port and Harbour Commissioners, Harbour Office, Londonderry, BT48 6AF where they are available for inspection at any reasonable hour.