EXPLANATORY MEMORANDUM TO

Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015

SR 2015 No. 244

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 1(1) of, and Schedule 1 to, the Harbours Act (Northern Ireland) 1970 and is subject to affirmative resolution procedure.

2. Purpose

2.1 The Statutory Rule will amend the limits of jurisdiction of the Londonderry Port and Harbour Commissioners.

3. Background

3.1 The Londonderry Port and Harbour Commissioners had resolved by means of an administrative measure under Article 6 of the Londonderry Harbour Order (NI) 1991,.to limit their area of responsibility and liability to the operational part of the Harbour. Since the Craigavon Bridge was built in 1933, that part of the River Foyle between Craigavon Bridge and Lifford Bridge has been inaccessible to port traffic and of no commercial benefit to the Commissioners. This administrative measure was introduced in 1992 but was insufficient in itself to legally alter the Harbour limits. The purpose of this Harbour Order is to regulate, in legislative terms, the limits of the Londonderry Port and Harbour Commissioners to reflect that Resolution.

4. Consultation

4.1 The proposals have been subject to full public consultation which closed on 23rd February 2015. Only one response was received which supported the legislation.

5. Equality Impact

5.1 As part of the consultation on these legislative proposals, the Department has written to all those parties in accordance with the Department's Equality Scheme. The Consultees' attention was drawn to the section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the section 75 criteria and the response to the consultation process and, in conjunction with the Equality Unit, has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

6. Regulatory Impact

6.1 The Department has considered the proposed legislative provisions and has identified no costs associated with the introduction of the legislation and has screened out the requirement for a Regulatory Impact Assessment.

7. Financial Implications

7.1 None.

8. Section 24 of the Northern Ireland Act 1998

8.1 The proposed Rule has been subject to checks in relation to section 24 and no effects on Community Law or Convention Rights have been identified.

9. EU Implications

9.1 None.

10. Parity or Replicatory Measure

10.1 None.

11. Additional Information

11.1 Not applicable.