STATUTORY INSTRUMENTS

2013 No. 3184

MERCHANT SHIPPING

MARITIME SECURITY

The Port Security (Port of Belfast) Designation Order 2013

Made - - - -	*13th December 2013*
Laid before Parliament	*19th December 2013*
Coming into force - -	*20th January 2014*

The Secretary of State for Transport makes this Order in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**a**).

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to port security, measures relating to the safety of ships and the health and safety of persons on them, and maritime transport(**b**).

Citation and commencement

1. This Order may be cited as the Port Security (Port of Belfast) Designation Order 2013 and comes into force on 20th January 2014.

Port boundary

2.—(1) For the purposes of the definition of "port" in regulation 2 of the Port Security Regulations 2009(**c**), the boundary of the Port of Belfast is shown by the inner edge of the red line on the plan in the Schedule to this Order.

(2) Where the red line runs along a beach or foreshore, the boundary runs along the edge of the land on that beach or foreshore which is below the level of mean high water springs.

Belfast Port Security Authority Limited

3.—(1) For the purposes of the Port Security Regulations 2009, Belfast Port Security Authority Limited (company number NI621841), a company limited by guarantee ("the Authority"), is designated as the port security authority for the port of Belfast.

(2) The Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown and its property is not to be regarded as property of, or held on behalf of, the Crown.

(**a**) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(**b**) S.I. 1993/595, 1994/757 and 2004/706.
(**c**) S.I. 2009/2048, amended by S.I. 2013/2815.

Review

4.—(1) The Secretary of State must from time to time—

(a) carry out a review of this Order,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (which is implemented by means of the Port Security Regulations 2009(**a**)) is implemented in other member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by those Regulations and this Order,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this article must be published before 20th January 2019.

(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the State for Transport

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport

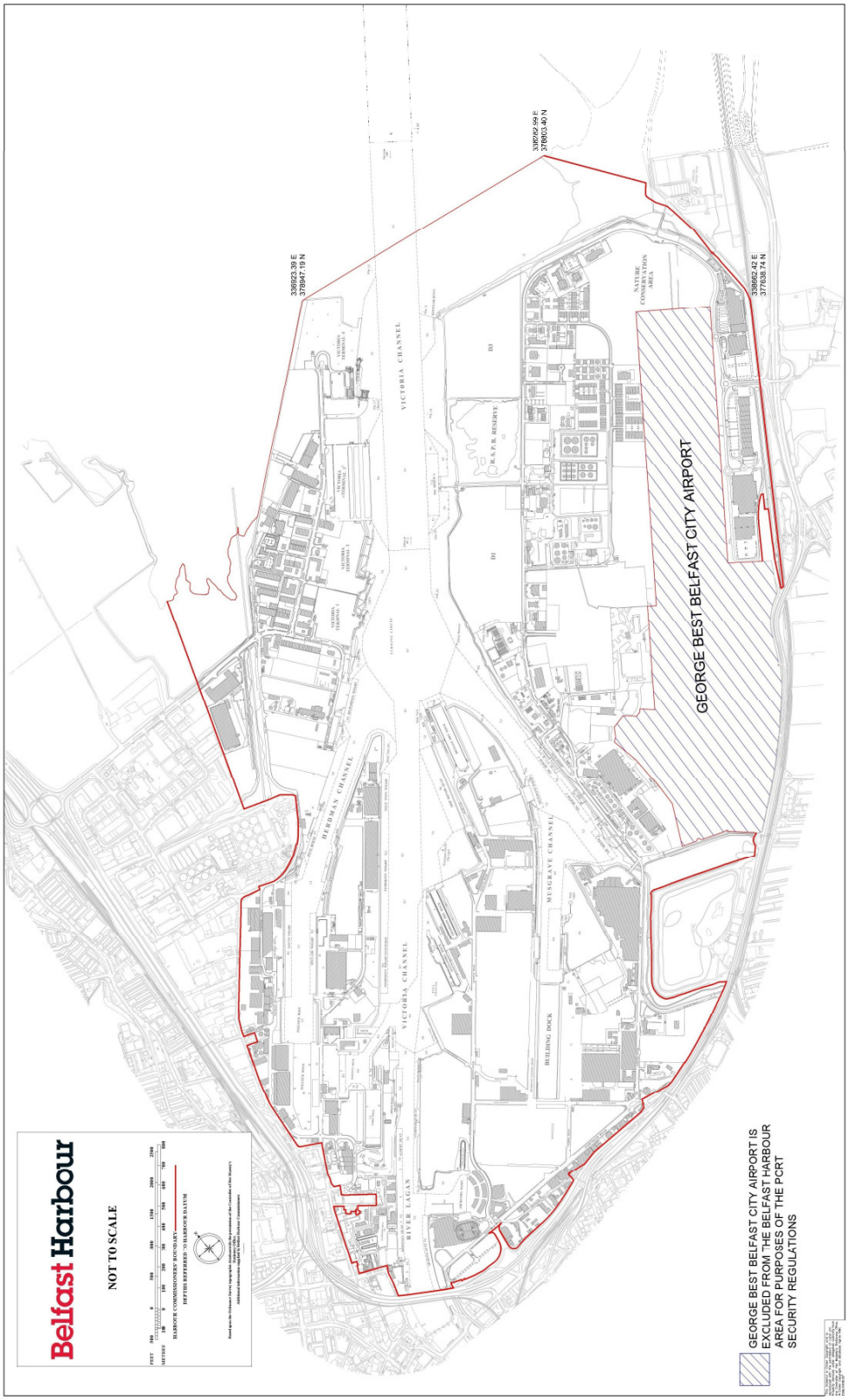
13th December 2013

(**a**) S.I. 2009/2048, amended by S.I. 2013/2815.

SCHEDULE

Article 2

Boundary of the Port of Belfast



EXPLANATORY NOTE

(This note is not part of the Order)

This Order is one of a series of Orders implementing Directive 2005/65/EC of the European Parliament and of the Council of 26th October 2005 (OJ L 310, 25.11.2005, p28-39) on enhancing port security at individual ports in the United Kingdom. The Directive was transposed in relation to the United Kingdom as a whole by the Port Security Regulations 2009 (S.I. 2009/2048, amended by S.I. 2013/2815).

Article 2 and the *Schedule* define the boundary of the Port of Belfast for the purposes of the definition of "port" in regulation 2 of the Port Security Regulations 2009 (as amended by S.I. 2013/2815). *Article 3(1)* designates Belfast Port Security Authority Limited, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Belfast. *Article 3(2)* makes provision with respect to the Authority's status as a non-Crown body. *Article 4* requires the Secretary of State to review the operation and effect of this Order and publish a report before 20th January 2019 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Gary Kemp at Zone 2/32, 33 Horseferry Road, London SW1P 4DR (Tel: 020 7944 6242; email: gary.kemp@dft.gsi.gov.uk) and is published with the Explanatory Memorandum alongside the instrument on http://www.legislation.gov.uk.

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