

## SCHEDULES

### SCHEDULE 2

Articles 17(4) and 18(6).

#### ANCILLARY PROVISIONS RELATING TO WORKS UNDER ARTICLES 17 AND 18

#### Approval of Department and of Department of Agriculture

1.—(1) The [<sup>F1</sup>Department] shall not execute any works under Article 17 unless those works have been approved <sup>F2</sup> . . . by the Department of Agriculture.

(2) An approval under sub#paragraph (1) may be given subject to such terms and conditions as <sup>F3</sup> . . . the Department of Agriculture thinks fit.

- F1** Word in Sch. 2 para. 1(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), **Sch. 2 Pt. 1 para. 1(1)(k)**
- F2** Words in Sch. 2 para. 1(1) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(10)(a)(i)**
- F3** Words in Sch. 2 para. 1(2) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(10)(a)(ii)**

#### Modifications etc. (not altering text)

- C1** Sch. 2 para. 1: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 2** (with art. 9(2))

#### Consultation with the Belfast Harbour Commissioners

2.—(1) It shall be the duty of the [<sup>F4</sup>Department] before—

- (a) executing any works under Article 17 or 18 within the harbour limits; or
- (b) exercising any power conferred by Article 17 or this Schedule within the harbour limits,

to consult with the Belfast Harbour Commissioners and to take into account any representations made to the [<sup>F4</sup>Department] by the Commissioners so as to ensure that the execution of those works or the exercise of those powers causes the minimum interference to the property of the Commissioners or to the exercise by the Commissioners of their functions.

(2) <sup>F5</sup> . . . . .

(3) In this paragraph and paragraph 4(1) “the harbour limits” means the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1967.

- F4** Word in Sch. 2 para. 2(1) substituted (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), {Sch. 2 Pt. 1 para. 1(1)(l)}
- F5** Sch. 2 para. 2(2) repealed (1.4.2007) by Laganside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(10)(b)**

**Changes to legislation:** There are currently no known outstanding effects for the The Lagside Development (Northern Ireland) Order 1989, SCHEDULE 2. (See end of Document for details)

### Tidal works

3.—(1) The [<sup>F6</sup>Department] shall not construct, alter or extend any tidal work under Article 17 or 18 except with the consent of the Secretary of State concerned with navigation and subject to any conditions imposed by the Secretary of State before the works are begun.

- (2) <sup>F7</sup> .....
- (3) <sup>F8</sup> .....

<b>F6</b>	Word in Sch. 2 para. 3(1) substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(1)(m)</b>
<b>F7</b>	Sch. 2 para. 3(2) repealed (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(10)(c)</b>
<b>F8</b>	Sch. 2 para. 3(3) repealed (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(2), <b>Sch. 2 Pt. 2 para. 1(10)(c)</b>

### Dredging

4.—(1) Without prejudice to paragraph 3, the [<sup>F9</sup>Department] shall not dredge the river within the harbour limits without the consent of the Belfast Harbour Commissioners.

(2) Any materials taken up or collected in the course of dredging the river shall be the property of the [<sup>F10</sup>Department] and may be used, sold, removed, deposited or otherwise disposed of as the [<sup>F10</sup>Department] may think fit; but the [<sup>F10</sup>Department] shall not deposit any such materials below the level of mean high water springs except in such position as the Secretary of State concerned with navigation may approve and subject to such conditions and restrictions as he may impose.

<b>F9</b>	Word in Sch. 2 para. 4(1) substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(1)(n)</b>
<b>F10</b>	Word in Sch. 2 para. 4(2) substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(1)(n)</b>

### Temporary interference with river

5. The [<sup>F11</sup>Department] may, for the purpose of or in connection with the execution of any works under Article 17 or 18,—

- (a) temporarily alter or interfere with the river and construct or place in the river all such temporary works as it may deem necessary or expedient;
- (b) temporarily occupy and use the river;
- (c) temporarily restrict, terminate or otherwise interfere with easements, fishing rights, water rights, navigation rights or other similar rights.

<b>F11</b>	Word in Sch. 2 para. 5 substituted (1.4.2007) by Lagside Corporation Dissolution Order (Northern Ireland) 2006 (S.R. 2006/527), arts. 1(2), 5(1), <b>Sch. 2 Pt. 1 para. 1(1)(o)</b>
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### Extinguishment of certain public rights

6.—(1) If the Department considers it necessary or desirable to do so in connection with any works executed under Article 17 or 18, the Department may <sup>F12</sup> . . . make an order extinguishing—

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- (a) any public rights over or in relation to such part of the foreshore within the designated area as is specified in the order;
  - (b) any public rights of navigation over such part of the river as is specified in the order.
- (2) [<sup>F13</sup>Article 133(1) and (4) of, and Schedule 8 to, the Roads (Northern Ireland) Order 1993] shall apply to an order under sub#paragraph (1) as they apply to an order under Article 6 of that Order.

**F12** Words in Sch. 2 para. 6(1) repealed (1.4.2007) by [Laganside Corporation Dissolution Order \(Northern Ireland\) 2006 \(S.R. 2006/527\)](#), arts. 1(2), 5(2), **Sch. 2 Pt. 2 para. 1(10)(d)**

**F13** 1993 NI 15

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