
STATUTORY INSTRUMENTS

1994 No. 2809

The Ports (Northern Ireland) Order 1994

Introductory

Title and commencement.

1.—(1) This Order may be cited as the Ports (Northern Ireland) Order 1994.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“accounting year”, in relation to a relevant port authority, means any period in respect of which the authority is required under section 30 of the Harbours Act (Northern Ireland) 1970^{F2} to prepare an annual statement of accounts;

“the 1992 Act” means the Taxation of Chargeable Gains Act 1992^{F3};

“the Department” means the Department of the Environment or, if the harbour in relation to which a relevant port authority is or immediately before a transfer under Article 4 was the harbour authority is a fishery harbour, the Department of Agriculture;

“body” means a body corporate;

“equity share capital” has the meaning given by [^{F4}section 548 of the Companies Act 2006];

“fishery harbour” has the meaning given in Article 1(2) of the Ministries (Transfer of Functions) Order (Northern Ireland) 1973^{F5} (which transferred responsibility for fishery harbours to the Department of Agriculture);

“harbour” and “harbour authority” have the same meanings as in the Harbours Act (Northern Ireland) 1970;

“liability” includes an obligation;

“local statutory provision” includes—

(a) a provision contained in a document made or issued under any local statutory provision (including a statutory provision confirming a provisional order); and

(b) a provision of any other instrument which is in the nature of a local statutory provision;

“relevant port authority” has the meaning given in Article 3(3), and references to a former relevant port authority are references to any body which immediately before a transfer under Article 4 was a relevant port authority;

“securities”, in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

“shares” includes stock;

“statutory provision” has the meaning given in section 38(1) of the Harbours Act (Northern Ireland) 1970;

“subsidiary” and “wholly-owned subsidiary” have the meanings given by [^{F6}section 1159 of the Companies Act 2006].

(3) References in this Order to—

- (a) the scheme;
- (b) the successor company; and
- (c) the authority,

are explained in Article 4(4).

(4) For the purposes of this Order the time when a disposal of securities or of rights to require the issue of securities of a company is made shall be determined as it would fall to be determined in accordance with section 28 of the 1992 Act for the purposes of tax on chargeable gains.

(5) In this Order—

- (a) references, in relation to a notice under Article 11(4)(a) or Article 14(3) affecting a harbour, to publication of the notice by local advertisement are references to publication in each of two successive weeks in one or more local newspapers circulating in the locality where the harbour is situated; and
- (b) references, in relation to such a notice, to the date of the first local advertisement are references to the date of the first publication of the notice in a local newspaper circulating in the locality where the harbour is situated.

(6) For the purposes of paragraph (5) a notice under Article 11(4)(a) or Article 14(3) relating to a scheme for the purposes of a proposed transfer under Article 4 of property, rights and liabilities and functions of a relevant port authority is to be regarded as affecting any harbour for which that authority is the harbour authority.

(7) For the purposes of any provision to which this paragraph applies a person employed by a company which is a wholly-owned subsidiary of any company or other body mentioned in that provision shall be regarded as employed by the company or other body so mentioned.

(8) Paragraph (7) applies to the following provisions of this Order (all of which are concerned with participation by employees of a company in ownership of its equity share capital or related matters)—

- (a) Article 4(3)(c);
- (b) Article 7(3);
- (c) Article 15(3)(b);
- (d) Article 21;
- (e) Article 22(3)(b) and (6).

(9) References in this Order, in relation to any company, to maximising participation of employees of the company in ownership of its equity share capital shall be construed in accordance with Article 21.

F1 1954 c. 33 (NI)

F2 1970 c. 1 (NI)

F3 1992 c. 12

F4 Art. 2(2): words in the definition of "equity share capital" substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 150\(2\)\(a\)](#) (with art. 10)

F5 S.R. & O. (N.I.) 1973 No. 128

F6 Art. 2(2): words in the definition of "subsidiary" and "wholly-owned subsidiary" substituted (1.10.2009) by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 150(2)(b)** (with art. 10)

Changes to legislation:

There are currently no known outstanding effects for the The Ports (Northern Ireland) Order 1994, Introductory.