

1988 No. 286

HARBOURS

**River Bann Navigation Act 1879 (Amendment) Order
(Northern Ireland) 1988**

Made 5th August 1988

Coming into operation 1st October 1988

*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) of the Harbours Act (Northern Ireland) 1970(a) and now vested in it(b) and of every other power enabling it in that behalf, after consultation with the Coleraine Harbour Commissioners and Coleraine Borough Council, makes the following Order:

Citation and commencement

1. This Order may be cited as the River Bann Navigation Act 1879 (Amendment) Order (Northern Ireland) 1988 and shall come into operation on 1st October 1988.

Interpretation

2. In this Order "the 1879 Act" means the River Bann Navigation Act 1879(c).

Amendment of statutory provision of local application

3. For section 12 of the 1879 Act substitute the following section—

"12.—(1) A person who occupies as owner or tenant any land in the borough of Coleraine or who resides in that borough is qualified to be nominated a nominated Commissioner by the Coleraine Borough Council.

(2) In this section "owner" has the meaning assigned to it by section 148(1) of the Local Government Act (Northern Ireland) 1972(d)."

Repeals

4. The following statutory provisions are repealed—

(a) section 14 of the 1879 Act.

(b) the River Bann Navigation Act 1879 (Amendment) Order (Northern Ireland) 1976(e).

(a) 1970 c. 1 (N.I.)

(b) by Article 3 of S.R. 1987 No. 105

(c) 1879 c. clxxv as amended by S.R. 1976 No. 59

(d) 1972 c. 9 (N.I.)

(e) S.R. 1976 No. 59

Sealed with the Official Seal of the Department of the Environment on 5th August 1988.

(L.S.)

Trevor Pearson

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

Section 12 of the River Bann Navigation Act 1879 ("the 1879 Act") sets out the qualifications for nomination by the Coleraine Borough Council to membership of the Coleraine Harbour Commissioners. This Order removes the requirement that a person eligible for nomination must have been charged to rates as the occupier of a property within the Borough of a net annual value of at least £250.

Under section 12 as substituted by this Order, a person is eligible for nomination provided that he occupies as owner or tenant any land in the borough of Coleraine or resides in that borough.

Section 14 of the 1879 Act, which deals with the eligibility as commissioners of two or more persons who are jointly rated in respect of any property is repealed as a consequence of this Order.