



Harbours Act (Northern Ireland) 1970

1970 CHAPTER 1

PART I

HARBOUR DEVELOPMENT AND HARBOUR CHARGES

HARBOUR CHARGES

7 Right of objection to ship, passenger and goods dues.

(1)^{F1} Subject to subsections (10) and (11), subsections (3) to (6) shall have effect where written objection to a charge to which this subsection applies imposed by a harbour authority at a harbour which it is improving, maintaining or managing, is lodged with the Ministry by—

- (a) a person appearing to it to have a substantial interest; or
- (b) a body representative of persons so appearing;

and the objection is expressed to be made on all or any of the following grounds, namely—

- (i) that the charge ought not to be imposed at all;
- (ii) that the charge ought to be imposed at a rate lower than that at which it is imposed;
- (iii) that ships, passengers or goods of a specified class ought to be excluded from the charge either generally or in specified circumstances;
- (iv) that the charge ought to be imposed, either generally or in specified circumstances on ships, passengers or goods of a specified class at a rate lower than that at which it is imposed on others.

(2) The charges to which subsection (1) applies are ship, passenger and goods dues.

(3)^{F1} The Ministry shall, forthwith after the objection is lodged, send a copy thereof to the authority and shall give notice to the objector that, as a condition precedent to the taking by the Ministry of further steps in the matter of the objection, he must publish in specified newspapers a notice (which, if a form therefor is specified, must be in that form)—

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- (a) stating that he has lodged with it an objection to the charge (and specifying the ground or grounds on which it is expressed to be made); and
 - (b) stating that any of the following who desires to make to the Ministry representations in the matter, that is to say, a person having a substantial interest and a body representative of persons who have such an interest, should do so in writing within the time specified in the notice (which must not be less than forty-two days from the publication or first publication thereof).
- (4)^{F1} Where the proper notice concerning the objection has been duly published, then so soon as practicable after the expiration of the time therein specified (but subject to subsection (5)), the Ministry shall, unless the objection has been withdrawn before the expiration of that time and no written representations in the matter have been made to it by any such person or body as is mentioned in subsection (3)(b) before the expiration of that time, proceed to consideration of the charge and any representations made and, unless it is satisfied that it can properly proceed to a decision in the matter without causing an inquiry to be held with respect to it, shall cause an inquiry to be so held.
- (5)^{F1} Where written representations are made as mentioned in subsection (4), the Ministry shall send copies thereof to the authority and (except where the objection has been withdrawn) to the objector, and shall not proceed to consideration of the charge until such period for consideration of, and comment upon, the representations by the authority and by the objector (if the objection has not been withdrawn) as the Ministry thinks reasonable has elapsed.
- (6)^{F1} The Ministry, after effect has been given to subsection (4), shall either—
- (a) approve the charge but set a limit (not being later than the expiration of twelve months from the date on which the Ministry approves it) to the period during which the approval is to be of effect, and give to the authority written notice that the Ministry has approved it, stating the limit set; or
 - (b) give to the authority such direction with respect to the charge as would meet objection thereto made on any of the grounds specified in subsection (2) above (whether that is or is not the ground, or is or is not included amongst the grounds, on which the objection whose lodging gives rise to the proceedings is expressed to be made).
- (7)^{F1} A direction given under subsection (6) to an authority must be in writing and must specify a date for its coming into operation and the period from that date (which shall not exceed twelve months) during which it is to have effect, and the authority shall comply with it.
- (8)^{F1} If a harbour authority fails to comply with an obligation to which it is subject by virtue of subsection (7), it shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding^{F2} level 3 on the standard scale].
- (9)^{F1} Forthwith after complying on any occasion with subsection (6), the Ministry shall publish, in the newspapers in which was published notice of the lodging of the objection the lodging whereof gave rise to the proceedings that resulted in the compliance on that occasion, the notice or direction given by it to the harbour authority concerned.
- (10)^{F1} Where, by virtue of this section, a charge imposed at a harbour is approved, subsections (3) to (6) shall not have effect by virtue of the lodging of a further objection thereto during the period during which the approval is of effect; and where, by virtue of this section, a direction is given with respect to a charge so imposed, those subsections

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shall not have effect by virtue of the lodging of a further objection to that charge during the period during which the direction has effect or of the lodging, during that period, of an objection to a charge that has come into existence by virtue of the direction.

- (11) ^{F1} Where effect to subsections (3) to (5) is in course of being given in consequence of the lodging with the Ministry of an objection to a charge and a further objection to that charge is lodged with the Ministry, subsections (3) to (6) shall not have effect by virtue of the lodging of that further objection.

F1 mod. by [1987 c. 21](#)

F2 [1984 NI 3](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2023 c. 8 s. 9\(7\)](#)