
STATUTORY INSTRUMENTS

1994 No. 2809

The Ports (Northern Ireland) Order 1994

Procedure for schemes

Schemes made by the Department

14.—(1) Where—

- (a) a scheme (“the authority’s scheme”) has been submitted to the Department by a relevant port authority under Article 12; but
- (b) it appears to the Department that the scheme does not accord with any advice given by the Department as mentioned in paragraph (4) of that Article and cannot be made to do so by any modifications which it is within the power of the Department to make,

the Department may itself make a scheme for the purposes of a transfer under Article 4 to the company specified in the authority’s scheme of the authority’s property, rights, liabilities and functions.

(2) The Department shall consult the authority concerned before preparing the scheme.

(3) Before making the scheme the Department shall publish in the Belfast Gazette and by local advertisement a notice—

- (a) stating that the Department proposes to make a scheme for the purposes of a proposed transfer under Article 4 to a company formed by the authority of the authority’s property, rights, liabilities and functions;
- (b) naming a place where copies of the proposed scheme and any associated company documents may be seen at all reasonable hours; and
- (c) stating that any person who wishes to make representations to the Department with respect to—

(i) the proposed transfer; or

(ii) any provisions of the proposed scheme or of any associated company documents;

should do so in writing before the end of the period of 42 days beginning with the date (specifying it) of the first local advertisement.

(4) On or before the date of the first local advertisement the Department shall serve on the relevant port authority in question—

- (a) a notice complying with paragraph (5); and
- (b) a copy of the proposed scheme.

(5) A notice under paragraph (4)(a) must—

- (a) state that the Department proposes to make the scheme; and
- (b) direct the authority concerned to take such steps as are reasonably practicable to give such information as may be specified in the notice, in such manner as may be so specified, to every person on whom that authority would be required under Article 11(4)(b) to serve notice relating to such a scheme prepared by that authority.

(6) The Department shall not make the scheme until after the end of the period allowed for making representations with respect to the proposed transfer or any provisions of the proposed scheme or of any associated company documents.

(7) The Department shall decide whether or not to make the scheme after considering any such representations duly made before the end of that period and not withdrawn; and the Department, if it decides to make the scheme—

- (a) may make it as proposed or with such modifications as the Department thinks fit after consulting the authority concerned; and
- (b) may first (if it thinks fit) give the authority a direction requiring the authority, before such date as may be specified in the direction, to secure that such alterations are made to the memorandum and articles of the company mentioned in paragraph (1) as may be specified in the direction.

(8) Any scheme made by the Department under this Article shall be made by order; and a scheme so made shall take effect on the date on which the order in question comes into operation or on such date as may be specified in that order.

(9) References in this Article to any associated company documents are references to any documents submitted under Article 11(2) with the authority's scheme.