
STATUTORY INSTRUMENTS

1994 No. 2809

The Ports (Northern Ireland) Order 1994

Procedure for schemes

Schemes made by a relevant port authority

11.—(1) Any relevant port authority may, with a view to securing the transfer under Article 4 of the property, rights, liabilities and functions of the authority to a company formed in pursuance of Article 3, submit to the Department a scheme prepared by the authority for the purposes of the proposed transfer.

(2) Together with any such scheme the authority submitting it shall submit to the Department a copy of the memorandum and articles of the company.

(3) The documents submitted under paragraph (2) with any such scheme are referred to in this Article, in relation to the scheme, as the associated company documents.

(4) Where an authority has submitted such a scheme to the Department, the authority shall—

- (a) publish in the Belfast Gazette and by local advertisement the required notice relating to the scheme; and
- (b) take such steps as are reasonably practicable to serve a copy of that notice on—
 - (i) every employee of the authority; and
 - (ii) every person who has power to appoint or nominate for appointment one or more members of the authority or who is required to be consulted in relation to any such appointment.

(5) The required notice relating to such a scheme is a notice—

- (a) stating that the authority has submitted to the Department a scheme prepared by the authority 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 scheme and the 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 scheme or of the 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.

(6) Paragraph (7) only applies where—

- (a) the requirements of paragraphs (4) and (5) have been met in relation to a scheme submitted to the Department under this Article; and
- (b) the period allowed for making representations to the Department with respect to the proposed transfer or any provisions of the scheme or of the associated company documents has expired.

(7) The Department shall decide whether or not to confirm 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 confirm the scheme—

- (a) may do so either without modifications or with such modifications as it thinks fit after consulting the authority which submitted the scheme; 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) Confirmation of a scheme shall be given by an order made by the Department; and a scheme so confirmed shall take effect on the date on which the order confirming it comes into operation or on such date as may be specified in that order.