
STATUTORY INSTRUMENTS

1994 No. 2809

The Ports (Northern Ireland) Order 1994

Procedure for schemes

Schemes initiated by the Department

12.—(1) The powers of the Department under this Article shall not be exercisable until after the end of the period of two years beginning with the date on which this Article comes into operation.

(2) The Department may give to a relevant port authority which has not formed a company in pursuance of Article 3 and which meets the annual turnover requirement a direction requiring the authority to form such a company before such date as may be specified in the direction.

(3) Where a relevant port authority which meets the annual turnover requirement—

(a) has formed such a company; or

(b) is given a direction under paragraph (2) requiring the authority to do so before a date specified in the direction;

the Department may give to the authority a direction requiring the authority (in a case within subparagraph (b), after first forming the company) to submit to the Department, before such date as may be specified in the direction, a scheme prepared by the authority for the purposes of a transfer to the company under Article 4 of the authority's property, rights, liabilities and functions.

(4) In preparing that scheme the authority shall take into account any advice given by the Department as to the provisions that the Department regards as appropriate for inclusion in the scheme.

(5) The provisions of Article 11 (other than paragraph (1)) shall apply in relation to a scheme submitted under this Article as they apply in relation to a scheme submitted under that Article.

(6) Before giving any direction to a relevant port authority under this Article the Department shall consult the authority.

(7) Where after consulting a relevant port authority under paragraph (6) with respect to any direction or directions which the Department is considering giving to the authority under this Article the Department determines not to give the direction, or either or both of the directions, under consideration it shall give the authority written notification of its decision.

(8) In any case within paragraph (7) the powers of the Department under this Article shall cease to be exercisable in relation to the authority until after the end of the period of five years beginning with the date on which the required notification is given.

(9) Directions under paragraphs (2) and (3) may be given at the same time if the Department thinks fit.

(10) In this Article "the annual turnover requirement" means the annual turnover requirement under Article 13.