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**AN BILLE UM CHUAN DHÚN LAOGHAIRE, 1989**  
**DÚN LAOGHAIRE HARBOUR BILL, 1989**

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*Mar a ritheadh ag dhá Theach an Oireachtais*  
*As passed by both Houses of the Oireachtas*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Definitions.
  2. Transfer of Dún Laoghaire Harbour to Minister.
  3. Transfer of functions to Minister.
  4. Transfer of administration and business of Commissioners.
  5. Pending legal proceedings.
  6. Completion of certain matters commenced by Commissioners.
  7. Preservation of certain continuing contracts.
  8. Tolls, rates, dues and other charges.
  9. Short title.
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**ACTS REFERRED TO**

An Act to amend several Acts relating to the Harbour of Kings-  
town  
Finance Act, 1895  
State Harbours Act, 1924

1836, c. 117  
1895, c. 16  
1924, No. 49



AN BILLE UM CHUAN DHÚN LAOGHAIRE, 1989  
DÚN LAOGHAIRE HARBOUR BILL, 1989

# BILL

*entitled*

AN ACT TO PROVIDE FOR THE TRANSFER OF CONTROL 5  
OF DÚN LAOGHAIRE HARBOUR FROM THE COM-  
MISSIONERS OF PUBLIC WORKS IN IRELAND TO THE  
MINISTER FOR THE MARINE AND FOR CONNECTED  
MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 10

Definitions.

1.—In this Act—

“the Act of 1924” means the State Harbours Act, 1924;

“the appointed day” means the day of the passing of this Act;

“the Commissioners” means the Commissioners of Public Works in 15  
Ireland;

“Dún Laoghaire Harbour” means the harbour constituted by a British  
statute passed on the 20th day of August, 1836, and entitled “An Act  
to amend several Acts relating to the Harbour of Kingstown” to which  
the name Dún Laoghaire Harbour was given by section 10 of the Act 20  
of 1924;

“functions” includes powers and duties and a reference to a per-  
formance of functions includes, as respects powers and duties, a  
reference to the exercise of powers and the carrying out of duties;

“the Minister” means the Minister for the Marine.

Transfer of Dún  
Laoghaire  
Harbour to  
Minister.

2.—(1) All property, rights and liabilities appertaining to Dún 25  
Laoghaire Harbour held, enjoyed or incurred immediately before the  
appointed day by the Commissioners by virtue of the Act of 1924  
shall on the appointed day stand transferred to the Minister and,  
accordingly, without any further conveyance, transfer or assignment—

(a) the said property, real and personal, shall, on the appointed 30  
day, vest in the Minister,

(b) the said rights shall, on and from the appointed day, be  
enjoyed by the Minister,

(c) the said liabilities shall, on and from the appointed day, be 35  
the liabilities of the Minister.

(2) All moneys, stocks, shares and securities transferred to the Minister by this section which, immediately before the appointed day, are standing in the name of the Commissioners shall, upon the request of the Minister, be transferred into his name.

- 5 (3) Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Minister of any property or rights transferred by this section.

- 10 3.—(1) On the appointed day the functions vested immediately before the appointed day in the Commissioners and exercisable in respect of Dún Laoghaire Harbour (whether exercisable under the Act of 1924 or otherwise) shall, by virtue of this section, be transferred to the Minister.

Transfer of functions to Minister.

- 15 (2) On and after the appointed day references to the Commissioners contained in the Act of 1924, or in any other enactment or any statutory instrument relating to any function transferred by this section shall, in so far as they relate to such a function, be construed as references to the Minister.

- 20 4.—The administration and business in connection with the performance of any functions transferred by *section 3* of this Act shall, on the appointed day, be transferred to the Department of the Marine.

Transfer of administration and business of Commissioners.

- 25 5.—Where, immediately before the appointed day, any legal proceedings are pending in relation to Dún Laoghaire Harbour to which the Commissioners are a party the name of the Minister shall be substituted in the proceedings for that of the Commissioners, and the proceedings shall not abate by reason of such substitution.

Pending legal proceedings.

- 6.—Anything commenced before the appointed day by or under the authority of the Commissioners may, so far as it relates to functions transferred by *section 3* of this Act to the Minister, be carried on or completed on and after the appointed day by the Minister.

Completion of certain matters commenced by Commissioners.

- 30 7.—Every bond, guarantee or other security of a continuing nature made or given by or on behalf of the Commissioners to any person in the performance of a function transferred by *section 3* of this Act, or by any person to the Commissioners and accepted by or on behalf of the Commissioners in the performance of such a function, and in force immediately before the appointed day, and every contract or agreement in writing made between the Commissioners in the performance of such a function and another person and in force but not fully executed and completed immediately before the appointed day, shall continue in force on and after the appointed day and shall be construed and have effect as if the name of the Minister were substituted therein for that of the Commissioners and such security, contract or agreement shall be enforceable by or against the Minister.

Preservation of certain continuing contracts.

- 45 8.—(1) All powers in respect of tolls, rates, dues and other charges in relation to Dún Laoghaire Harbour given by *section 7* of the Act of 1924 or by any other enactment shall, on and after the appointed day, be exercisable by the Minister and not otherwise.

Tolls, rates, dues and other charges.

(2) A certificate purporting to be under the seal of the Minister stating that a sum specified in the certificate is due and owing by the person named in the certificate to the Minister in respect of any tolls, rates, dues or other charges chargeable by the Minister in relation to Dún Laoghaire Harbour shall, unless the contrary is proved, be 5 evidence that the sum stated in the certificate is so due.

Short title.

9.—This Act may be cited as the Dún Laoghaire Harbour Act, 1990.



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## BILLE

*dá ngairtear*

Acht do dhéanamh socrú chun rialú Chuan Dhún Laoghaire a aistriú ó Choimisinéirí na nOibreacha Poiblí in Éirinn chuig Aire na Mara agus le haghaidh nithe comhghaolmhara.

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*Ritheadh ag dhá Theach an Oireachtais,  
5 Aibreán, 1990*

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BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,  
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath  
2, nó trí aon díoltóir leabhar.

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70p

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## BILL

*entitled*

An Act to provide for the transfer of control of Dún Laoghaire Harbour from the Commissioners of Public Works in Ireland to the Minister for the Marine and for connected matters.

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*Passed by both Houses of the Oireachtas,  
5th April, 1990*

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DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly  
from the Government Publications Sale Office,  
Sun Alliance House, Molesworth Street, Dublin 2.

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Printed by CAHILL PRINTERS LIMITED.

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