Research and Information Service
Review of Costs

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Harbours Bill: scrutinising key "public purse" implications

RaISe – Public Finance Scrutiny Unit

This Review of Costs aims to support Northern Ireland Assembly Members in their plenary, committee and constituency capacities, when scrutinising key potential implications for the "public purse", if the Harbours Bill would be enacted as introduced. It relies on the Bill's accompanying Explanatory and Financial Memorandum and other relevant sources; and should be read in conjunction with RaISe Bill Paper NIAR 203-2026 (dated 26 June 2026), addressing the Bill's underlying policy.

Key Points

- The Harbours Bill, introduced to the Assembly on 15 June 2026, seeks to modernise the legislative framework for Trust Ports, primarily by removing specific Department for Infrastructure (DfI) controls, including powers relating to privatisation and direction of harbour authorities.
- A central policy objective is to enable a review by the Office for National Statistics (ONS) of the classification of Trust Ports. Currently classified as public non-financial corporations, their borrowing counts against the Department's capital budget (CDEL).
- If reclassification were achieved, Trust Ports would be treated as private corporations for accounting purposes, thereby removing the requirement for their borrowing to be recorded within public expenditure and reducing pressure on the Department's capital budget.
- The Department states that the Bill is a technical measure and is not expected to generate direct financial costs. A clause-by-clause assessment similarly concludes that its provisions—such as removing unused powers and enabling harbour directions—have no immediate cost implications.
- However, the paper identifies limited potential indirect costs, including those arising from the creation of a new offence for non-compliance with harbour directions, which may lead to prosecution and court costs (with fines up to £2,500).
- The Bill relies on secondary legislation (harbour orders) to implement many of its practical changes, including enhanced commercial powers and revised governance arrangements. The full financial implications of these orders remain uncertain, as they are still being developed.
- Historically, Trust Port borrowing has accounted for a small proportion of DfI's capital budget (generally under 2%), but future investment plans—such as major port infrastructure developments—could significantly increase borrowing levels.
- The Bill is set against a challenging fiscal context in Northern Ireland, with constrained budgets, rising demand for public services, and significant unfunded pressures across departments.

- Overall, the Bill is best characterised as an enabling measure, aimed at unlocking longer-term financial flexibility rather than generating immediate savings or costs. Its ultimate financial impact will depend on whether ONS reclassification is achieved and how secondary legislation is implemented.
- In summary, while the Bill is expected to have minimal direct cost implications, it carries strategic importance for public finance management, particularly in terms of relieving pressure on departmental capital budgets and facilitating future harbour investment.

Introduction

On 15 June 2026, the Minister for Infrastructure introduced the Harbours Bill (the Bill) into the Northern Ireland Assembly (the Assembly). The Bill seeks to modernise the legislative and governance framework for Northern Ireland Trust Ports and the harbour authorities. (See RaISe Bill Paper NIAR 203-2026 (dated 26 June 2026) for further information about the individual Bill clauses.[1])

This Review of Costs aims to support Northern Ireland Assembly Members in their plenary, committee and constituency capacities, when scrutinising key implications that could arise from the introduced Bill for the “public purse”, based upon the Bill’s accompanying Explanatory and Financial Memorandum (EFM). It draws on information available to the RaISe-Public Finance Scrutiny Unit (PFSU) at the time of writing. Its contents are not intended to be exhaustive and are structured as follows:

Included throughout are potential scrutiny points in blue boxes, which Members, including those in the Committee for Infrastructure may wish to draw on.

[1] Available at Northern Ireland Assembly, Research and Information Service Publications 2026 (NIAR-65-2026)

1 Background to the Bill proposals

As detailed in the Department for infrastructure (DfI) Annual Report and Accounts 2024-25 (published December 2025), Northern Ireland Trust Ports relate to the DfI in so far as:

The Department also has responsibility for ports policy and the legislative framework within which ports operate in Northern Ireland. There are five commercial ports in Northern Ireland – four Public Trust Ports (Belfast, Londonderry, Warrenpoint and Coleraine) and one in private ownership (Larne). Public Trust Ports are autonomous, self-financing statutory bodies whose constitutions are set out in legislation. They operate on a commercial basis with the profit generated by their activities re-invested to improve their facilities.

The Department also has responsibility for:

…the appointment of the Chair and members of the Harbour Commissioners at Belfast, Londonderry and Warrenpoint. The Causeway Coast and Glens Borough Council has responsibility for the appointment of Commissioners for Coleraine.

Notably, in relation to the Department's finances:

The Trust Ports are classified by the Office for National Statistics as public corporations. Accordingly, all financing raised by borrowing, both commercial borrowing and loans from the Department, must be recorded in the Department's budget.

Furthermore, in the Ports Review Policy – Recommendation 2: ONS Classification of NI Trust Ports screening document, the Department stated:

Under their 2002 Harbour Orders, each Trust Port has a commercial borrowing limit, and they can borrow commercially up to that limit without approval from 4 the Department. Beyond these limits the Department can stop the Ports borrowing if it has insufficient capital funds to cover the proposed amount. This would mean the Trust Ports cannot borrow and hence their plans would have to be put on *hold, or in the case of need for funds to address contingencies, there could be harbour operational disruption. This could result in economically important projects being put on hold or disruption to harbour operations until money becomes available.*[2]

2 Bill, as introduced

The Bill, as introduced, contains six clauses, which include:[3]

- **Clause 1 – Limitation of power to initiate transfer of harbour authorities:** *This clause amends Article 12 of the Ports (Northern Ireland) Order 1994, in relation to Trust Ports. This removes the power for the relevant Department (Department for Infrastructure for the trust ports), to initiate privatisation schemes for those harbours which meet the turnover criteria.*[4]
- **Clause 2 – Limitation of power to issue directions to harbour authorities:** *This clause amends Article 4 of the Harbours (Northern Ireland) Order 2002, in relation to Trust Ports, by removing the power of the Department to give directions to designated harbour authorities.*[5]

- **Clause 3 – Power of harbour authorities to give harbour directions:** *This clause amends section 24(1) and (2) of the Harbours Act (Northern Ireland) 1970 ("the 1970 Act")"by substituting "harbour operations" and "such operations" with "activities relating to harbours". This clause also provides for the amendment of Section 24(3) of the 1970 Act by removing the requirement that harbour authorities obtain the consent of the Minister.*[6]

[2] https://www.infrastructure-ni.gov.uk/sites/default/files/2025-07/ports-policy-recommendation2-ons-classification-screening-form.pdf

[3] See footnote 2

[4] The Harbours Bill (as introduced) Explanatory and Financial Memorandum

[5] See footnote 4 immediately above

[6] See footnote 4

- **Clause 4 – Power of harbour authorities to give harbour direction:** *Subsection (1) of this clause amends "the 1970 Act" and inserts new sections 27A to 27D:*
    - **Power to give harbour directions (Section 27A) -** *provides that the appropriate Department may by Order authorise a harbour direction to give directions ('harbour directions') to ships within, entering or leaving their harbour. Harbour directions may relate to the movement of ships, their mooring or unmooring, their equipment and their crewing. Those subject matters enable a designated harbour authority to regulate safety and environmental protection in the harbour. The appropriate Department is the Department for Agriculture, Environment and Rural Affairs in the case of fishery harbours and Department for Infrastructure for any other harbour.*
    - **Procedure for harbour directions (Section 27B) –** *governs the procedure applicable to harbour directions. A harbour authority must consult users and publicise a harbour direction before the direction is given and publicise the fact that it has been given. There is also provision for the inspection of harbour directions and the provision of copies. A charge may be made for such copies.*
    - **Enforcement of harbour directions (Section 27C) –** *creates an offence where a master of a ship fails to ensure compliance with harbour directions without reasonable excuse. This is punishable on summary conviction by a fine not exceeding level 4 on the standard scale.*
    - **Harbour directions: supplementary provision (Section 27D) –** contains *supplementary provisions relating to the making of harbour directions.*[7]
- **Clause 5 – Purposes for which harbour orders may be made – amends Schedule 1 to "the 1970 Act" by adding objects for whose**

[7] See footnote 4

achievement harbour orders may be made under section 1 of that Act.

- *Paragraph (a) inserts a new paragraph 13A to Schedule 1. Paragraph 13A will mean that that a harbour order may permit a harbour authority to delegate the performance of any of the functions of the authority subject to a number of exceptions set out in paragraph 13A.*
- *Paragraph (b) inserts a new paragraph 16 to Schedule 1. Paragraph 16 will mean that a harbour order may be made for any object not falling within the preceding paragraphs of the Schedule if the object is one the achievement of which will be conducive to the efficient functioning of a harbour*.[8]

- **Clause 6 – Commencement and short title -** *This clause provides for the Act to come into operation on the day after receiving Royal Assent, and sets out the title of the act. The other provisions of this Act come into operation on such day or days as the DOI may by order appoint*[9]

3 Challenging financial and budgetary context

Before considering key public purse implications arising from the introduced Bill, some additional public finance context-setting is provided to highlight the challenging financial and budgetary context in which Assembly Members considers this introduced Bill.

3.1 "Public purse" defined

In Northern Ireland, the "public purse" encompasses the Northern Ireland Block Grant from His Majesty's (HM) Treasury; revenues raised regionally; and other funding sources. The Northern Ireland Executive is responsible for allocating those monies through the Executive Budget, which it is to do so in line with the financial arrangement sunder current devolution, including requirements

[8] See footnote 4

[9] See footnote 4

specified in the Budget Sustainability Plan and the accompanying Budget Improvement Plan Roadmap, which collectively aim to improve Northern Ireland public finances, while seeking to balance numerous competing priorities and demands for limited available funding.

Any public purse costs that could arise from the Harbours Bill would be met by departmental spending – that is, either within the existing Department for Infrastructure budget, or through reprioritisation within the Executive's overall spending envelope.

3.2 Budgetary Context – central and devolved – generally speaking

The central and devolved budgetary contexts remain challenging across the United Kingdom, due to a number of contributory factors that are relevant to Assembly consideration of this Bill. **Table 1** below summarises the most significant developments from February 2024 to the time of writing.

Table 1: Challenging budgetary context - Contributory factors dating from February 2024 to present

Date	Contributory Factors
February 2024 to date	Ongoing work across Northern Ireland Departments to facilitate the Executive's implementation of the December 2023 political agreement and related February 2024 funding package – such as the Interim Fiscal Framework (May 2024), the Budget Sustainability Plan (October 2024) and the accompanying Budget Improvement Plan Roadmap (December 2024), as well as the establishment of Interim Transformation Board (March 2025). Generally speaking, all have aimed to improve Northern Ireland public finances, while seeking to balance numerous competing priorities and demands for limited available funding.
August 2024	The Department of Finance (DoF) undertook a 2025-28 Budget Information Gathering Exercise, requesting returns from all Northern Ireland Departments, marking the start of the planning stage in the 2025/26 Northern Ireland Executive Budget cycle. The DoF found that "Departments identified a reported

	£767 million of unfunded pressures”, as reported to the Assembly on 23 September 2024.
October 2024	The Chancellor’s Autumn Budget 2024 set out some of the multi-year competing pressures facing the United Kingdom Government, potentially adversely impacting the Government’s spending power in certain areas, along with other decisions relating to social security - see RaISe Briefing Paper 47/24 entitled “Chancellor’s Autumn Budget 2024: initial considerations for Northern Ireland”.
December 2024	Northern Ireland Departmental bids for 2025/26 resource and capital expenditure exceeded the Northern Ireland Budget allocated by the United Kingdom Government to the Executive. Later that month, the 2025/26 Draft Executive Budget and accompanying Written Statement by the Minister for Finance highlighted ongoing “pay and inflationary pressures” and “growing demands” on public services.
March 2025	The Chancellor’s 2025 Spring Statement updated the House of Commons on the United Kingdom economy and public finances. Her Statement was accompanied by an Economic and Fiscal Forecast from the Office for Budget Responsibility (OBR). It also announced a number of policy decisions, which included reforms to the welfare system, increased defence spending and a £3.25 billion (b) “Transformation Fund” to reform public services. (Important to note this central government development, as the Northern Ireland Executive Budget is a sub-cycle within the United Kingdom Government’s Budget cycle.)
1 April 2025	DoF officials thereafter explained during the Assembly Finance Committee meeting that: *…. on the allocations out of that fund, it will depend on which Whitehall departments get allocations from it so we don’t get it on the £3.25 billion we’ll get it on the allocations*
3 April 2025	The Executive agreed the 2025/26 Executive Budget, which as the Finance Minister described “sets out a direction of travel” which “clearly prioritises its Programme for Government priorities”.

4 April 2025	The context significantly changed when the American President announced substantial trade tariffs, which followed with: plummeting stock markets across the globe, a collapsing American bond market; the subsequent 9 April 90-day pause on some new US tariffs; other countries' similar pause, further consideration of introducing tariffs or issuance of retaliatory tariffs on the United States (US); and, a international trade war arising between the US and China.
8 May 2025	A non-binding trade deal was agreed by between the US and UK Governments. The general terms of the new trade deal where subsequently published in the UK-US Economic Prosperity Deal (EPD); the deal non-binding, meaning on-going further negotiations to work through the detail of the deal.
24 June 2025	The DoF published its 2025-26 Budget Factsheet, setting out the Executive's spending plans for the one-year period from 1 April 2025 to 31 March 2026.
3 October 2025	The Executive's Finance Minister provided a Written Ministerial Statement detailing Treasury Funding Available 2026-2029/30.
26 November 2025	The Chancellor's Autumn Budget 2025 detailed the United Kingdom Government's resource spending plans up to 2028/29 and capital plans up to 2029/30.
6 January 2026	The Finance Minister published the Draft Budget 2026-2029/30 (not Executive agreed) and announced an eight-week public consultation on the proposals. The Education Minister responded to the Draft Budget 2026-2029/30, stating: *While I acknowledge the significant challenges involved in setting a budget, it is important to be clear: even if I was prepared to accept the devastating cuts implicit in this draft, as a practical matter, such a budget would be undeliverable. A budget must be more than figures on paper; it must be deliverable in reality.* The Minister continued: *Under the proposed allocations, my Department would be required to make savings of approximately £826 million in 2026-27, £1.01 billion in 2027-28, and £1.15 billion in 2028-29. These levels of reduction are simply not achievable.*

11 February 2026	HM Treasury agreed a reserve claim for the Northern Ireland Executive, to provide £400 million for 2025/25, which is to be repaid over three years. The Finance Minister confirmed in a written statement that same day that the £400 million would be allocated as follows, as agreed by Executive: - Department of Education - £214.6 million - Department of Health - £185.4 million
March 2026	• On 3 March 2026, the Chancellor delivered her Spring Forecast 2026 Later that day, in an Oral Statement to the Assembly, the Finance Minister confirmed additional £390 million Barnett consequentials over the next three-year period, comprising: Resource DEL - £380 million; and, Capital DEL - £9 million.

3.3 DfI allocations in the Finance Minister's January 2026 Draft Budget

The Draft Budget 2026-2029/30 public consultation document - published by the Northern Ireland Finance Minister on 6 January 2026 - closed on 3 March 2026. That document outlined Departmental proposed allocations, including DfI's, for the specified period, in terms of RDEL and CDEL, as well as previous Executive commitments and Executive earmarked, as detailed below in Tables 2-3.

Table 2. Draft Budget 2026-2029/30 – DfI RDEL allocation

£millions

Department	2026-27	2027-28	2028-29
Infrastructure	654.9	680.0	694.4

Source: DoF Draft Budget 2026-2029/30

Table 3. Draft Budget 2026-2029/30 – DfI CDEL allocations

£millions

Department	2026-27	2027-28	2028-29	2029-30
Infrastructure	941.5	1,042.5	1,081.2	961.7

Source: DoF Draft Budget 2026-2029/30

Potential scrutiny points:

1. Facing serious budgetary challenges and competing pressures, how would the Infrastructure Minister ensure appropriate resourcing to the fully implement the Bill if enacted as introduced?

2. Please detail how the DfI factored the potential costs arising from the introduced Bill into its return for the Department of Finance's Budget 2025-28 Information Gathering Exercise, including, but not limited to, DfI factoring in the specified requirements/conditions arising from the Executive's agreed Budget Improvement and Sustainability Plans?

4 Key potential public purse considerations

To address key potential public purse considerations, this section draws on the Bill as introduced, its accompanying EFM[10] and the related consultation on the policy proposals, as well as a Committee for Infrastructure evidence session with DfI officials and the Bill's Second Stage debate in the Assembly. It also highlights some "knowns" and apparent "unknowns" at the time writing, from

[10] The Harbours Bill (as introduced) Explanatory and Financial Memorandum

which reasonably foreseeable financial implications could arise if the Bill would be enacted as introduced.

4.1 EFM

The financial effects of the introduced Bill are considered at paragraphs 13 and 14 of the Bill's accompanying EFM. Paragraph 13 states:

> *Northern Ireland's Trust Ports are classified as Public Corporations by the Office for National Statistics because the Government was deemed to have an overall controlling interest. As a result of this classification any borrowings by Trust Ports irrespective of where the funds are sourced, count against the Department's capital Delegated Expenditure Limit (DEL).*[11]

Paragraph 14 explains further:

> *The Bill aims to repeal the perceived levers of Government control with the intended aim of having the Office for National Statistics review their classification of Trust Ports in Northern Ireland. A successful review would lead to a reclassification which would in turn sever the link between Trust Port's borrowing and the Department's budget.*[12]

The following sub-sections set out DfI's responses to RaISe-PFSU requests for additional explanation of the above.

4.2 Costs associated with specific provisions of the introduced Bill

In response to RaISe-PFSU questions,[13] the DfI contend that:

[11] See footnote 10 immediately above

[12] See footnote 10

[13] RaISe-PFSU questions were: Any assessment of costs (both general and clause specific) that was carried out in relation to the Bill, both in the case of the primary legislation and if applicable, any costs associated with secondary legislation arising from the Bill? See email from RaISe- PFSU to DfI, dated 10 June 2026

The proposed Bill does not contain any specific financial provisions. However, two of the clauses relate to Departmental controls which are being amended (removed) with the aim that the Office for National Statistics (ONS) will review its current accounting classification of Trust Ports. Additional measures are required to be introduced in Harbour Orders (Secondary legislation) which will address further Departmental controls. By removing these powers together, the aim is to have ONS review their accounting classification of Trust Ports as 'Public Non-financial corporations' with the objective of having them reclassified as 'Private Non-Financial Corporations'. This would remove the requirement to record Trust Port's borrowings within the public expenditure system.[14]

The Department conclude:

The Bill is a short, technical measure that is not expected to result in any direct financial implications or costs.[15]

In addition, the Department provided a clause-by-clause analysis of the introduced Bill, detailing its rationale for asserting no direct financial implications or costs would arise. Table 4 below sets out the Department's response to each clause.

Table 4. DfI clause-by-clause analysis of the financial implications of the proposed Harbours Bill

Clause	Detail
Clause 1	*Limits the power of the Department to initiate the transfer of Harbour Authorities. This clause removes the Departments' power to compel the sale of a Trust Port currently contained in the Ports (NI) Order 1994. This power has never been used, and it is envisaged that it would not be used in future. There is no financial implication or cost*

[14] Emails from RaISe-PFSU and DfI dated11 June 2026

[15] See footnote 14 immediately above

	involved in amending the order to the Department, public expenditure in general or to Ports indeed.[16]
Clause 2	*Limits the power of the Department to issue directions to harbour authorities. This clause effectively removes the power of the Department to issue directions to designated Harbour Authorities (Trust Ports) which is currently contained in Article 4 of the Harbours (NI) Order 2002. This power has never been used and removing it does not have any direct financial or cost implications.*[17]
Clause 3	*Deals with the power of Harbour Authorities to acquire businesses. The Department intends to bring forward individual harbour orders for each Trust Port here. In doing so, it considered the potential conflict between providing enhanced commercial powers through a Harbour Order with sections of the 1970 Act (Section 24 specifically). As the power being provided in the potential harbour orders, to form, invest and promote a company or to join with another to do so, when taken with the requirements set out in S24 of the 1970 Act (as the primary will have pre-eminence over the power being provided in a Harbour Order) it will be necessary to omit the requirements in that Section to fulfil the objective of providing enhanced powers to the Trust Ports. In providing commercial powers the Department considers it necessary to therefore omit the consent of the Department when exercising a function under Section 24 subsection 3 of the 1970 Act. This amendment also aligns our legislation with changes brought into the* [Great Britian] *version of the legislation some years back. This amendment has no financial implications however is a technical point which will provide a basis for enhanced commercial powers to be provided in the harbour orders at a later stage.*[18]

[16] See footnote 14

[17] See footnote 14

[18] See footnote 14

Clause 4	*Deals with the power of Harbour authorities to give harbour directions. This is a marine safety mechanism which provides procedures for harbour authorities to obtain powers to make directions to ships in their waters. It will enable Port authorities here to obtain powers required to fulfil their safety obligations, if required, under the port and marine facilities safety code which is a national standard on marine safety. There are no associated financial or cost implications.*[19]
Clause 5	*Deals with purposes for which harbour orders may be made. This includes a provision allowing a harbour order to be made for any object that, while not specifically listed in Schedule 1 of the 1970 Act, is considered by the Department would conduce to the efficient functioning of the harbour. Also, it introduces a range of functions that harbour authorities will not be permitted to delegate to other parties. Again, these changes bring the legislation into alignment with GB and there are no associated financial or cost implications.*[20]

5 Other potential financial implications

5.1 ONS reclassification of Northern Ireland Trust Ports

In the Ports Review Policy – Recommendation 2: ONS Classification of NI Trust Ports screening form, the DfI noted the policy revision's intended aim and underlying rationale. The Department detailed:

> *Our Trust Ports (Belfast Harbour Commissioners – BHC, Coleraine Harbour Commissioners – CHC, Foyle Port – LPHC and Warrenpoint Harbour Authority – WHA) are currently classified by ONS as Public Non-Financial Corporations. This classification is an accounting classification only and has no legal effect whatsoever on the statutory*

[19] See footnote 14

[20] See footnote 14

powers and functions of our Trust Ports. The main issue with the classification of Trust Ports as Public Non-Financial Corporations is that any borrowings by Trust Ports, irrespective of where the funds come from, count against the Department for Infrastructure's Capital Delegated Expenditure Limit (CDEL) budget.

Reclassification would remove this public expenditure link between Trust Port borrowing and the Department's budget. Therefore, Trust Port borrowing would not be competing with Departmental spending priorities[21]

This point is reiterated by the Bill's accompanying EFM, stating:

…primary legislation is required to update the governance to address the Office for National Statistics (ONS) classification of Trust Ports. This classification has no legal effect on the statutory powers, functions, or ownership of Trust Ports in Northern Ireland. The need for this arises from the Trust Port borrowings requiring capital budget cover from the Department and so this borrowing is effectively competing with our Departmental projects.[22]

To assess the impact that Ports borrowing has had on the Department's borrowing capacity, RaISe-PFSU contacted the DfI seeking clarification on the impact Ports borrowing has on the Department's Capital Delegated Expenditure Limit (CDEL) over the last 10-years. The Department's response is presented in Table 6 below.

Table 6. Summary of Ports Loans and DfI CDEL between 2016-17 and 2025-26

£,000

Final Outtun	DfI Capital DEL	Port Loans	Port loans as a % of DfI Capital DEL

[21] Ports Review Policy – Recommendation 2: ONS Classification of NI Trust Ports screening form (Published 31 July 2025)

[22] The Harbours Bill (as introduced) Explanatory and Financial Memorandum

2016-17	413,287	1,500	0.4%
2017-18	423,123	-	0.0%
2018-19	518,683	5,600	1.1%
2019-20	503,642	-	0.0%
2020-21	586,531	10,000	1.7%
2021-22	753,293	10,000	1.3%
2022-23	796,432	10,000	1.3%
2023-24	824,994	-	0.0%
2024-25	842,119	891	0.1%
2025-26*	849,816	910	0.1%

* provisional figures, subject to audit

Source: Emails from RaISe-PFSU and DfI dated11 June 2026

While these amounts have represented a small proportion of the Department's CDEL allocation each year, there is the potential that in future the figures may rise, creating a more significant impact on the CDEL funding available. In this regard, consideration should be given to the Belfast Harbour Masterplan 2025-2050 (published 7 June 2026) – that is, Belfast Harbour sets out "£1.3bn of planned investment"[23]. Such a level of investment over the coming years may require Belfast Harbour to borrow significant amounts and as such that would impact upon the Department's CDEL allocation. In addition, the other Trust Ports in Northern Ireland may also have future investment plans which also would be added to this overall total.

[23] https://www.belfast-harbour.co.uk/news/belfast-harbour-announces-1-3bn-investment-to-secure-port-for-future-generations/

Potential scrutiny point

3. Have DfI carried out any assessment of Northern Ireland Trust Ports future investment and borrowing plans, and the impact this would have on the Departments CDEL?

5.2 Clause 4 - new offence

Clause 4 of the introduced Bill inserts a new section 27C into the Harbours Act (Northern Ireland) 1970 (the 1970 Act), to create an offence "where a master of a ship fails to ensure compliance with harbour directions without reasonable excuse"[24]. An individual found guilty of such an offence is liable to a court imposed fine. Such an event would require the Northern Ireland Court Service to prosecute a case. That in itself could have public purse implications, as the EFM specifically notes:

> *This is punishable on summary conviction by a fine not exceeding level 4 on the standard scale.*[25]

A level 4 fine on the standard scale pursuant to the Fines and Penalties (Northern Ireland) Order 1984 is currently set at £2,500.

6 Use of secondary legislation

If enacted, a number of provisions in the introduced Bill would rely on secondary legislation to introduce rules and regulations that would transpose and implement those provisions, to achieve the desired effects of the Bill. The accompanying EFM states:

> *This objective, in part, will be achieved with the enactment of subordinate legislation in the form of four harbour orders made under section 1 of the Harbours Act (Northern Ireland) 1970 for the ports of*

[24] The Harbours Bill (as introduced) Explanatory and Financial Memorandum

[25] See footnote 24 immediately above

> *Belfast, Coleraine, Londonderry and Warrenpoint. These Orders will ensure the ports can operate more independently, provide enhanced commercial powers which must continue to support port-related objectives and maintain the financial health of the port.*[26]

In correspondence with the Department, RaISe-PFSU asked for further detail on the secondary legislation and the potential financial impact this may have. The Department responded, stating:

> *The secondary legislation (harbour orders) under development arises from the policy proposals rather than the Bill itself. This will take the form of four Harbour Orders, one for each Trust Port which are Belfast Harbour Commissioners, Coleraine Harbour Commissioners, Foyle Port (also known as Londonderry Port and Harbour Commissioners) and Warrenpoint Harbour Authority. These Harbours Orders, which are currently being drafted, will address the Department's power to appoint board members to Trust Ports and will provide enhanced commercial powers. The full extent of the harbour orders is still under consideration. It should be noted that Coleraine Harbour Commissioners have specific requirements which may necessitate a further consultation, (such as a request to change their power to make charges). Appointments to the board of Coleraine Harbour are also made by their local Council. We therefore intend to deal separately with Coleraine so their Harbour Order will come later than the others.*[27]

As noted above, the DfI still is drafting said Harbour orders. Their potential impact therefore cannot be fully explored at present. Once published, those proposed Orders should be closely considered by the Assembly in relation to costs – in particular, by the Committee for Infrastructure.

Potential scrutiny points:

[26] See footnote 24

[27] Email between RaISe-PFSU and DfI dated 11 June 2026

4. If the Bill would be enacted as introduced, the Committee for Infrastructure may wish to ask the DfI for regular updates regarding any costings compiled by the Department when drafting the new rules, regulations or orders.

5. If the Bill would be enacted as introduced, the Committee for Infrastructure may wish to ask the DfI for a briefing on any responses received to any consultations undertaken in relation to the drafting of the noted rules, regulations and order, prior to laying them in the Assembly?

When scrutinising the introduced Bill (its potential financial and policy implications), it is important to be aware of the scope of secondary legislation that subsequently would be enacted under this Bill. When doing so, it also is important to be aware of the specified resolutions under which this introduced Bill requires them to be laid, as the type of resolution naturally would impact the level of scrutiny that would be undertaken by the Assembly: each type of resolution procedurally requires different things.

As the publication entitled "Deconstructing Legislation: A practical guide to legislative scrutiny" (February 2015) observes:

> *Given the practical realities of the allocation of Assembly Business…it should be remembered that if the opportunity is not taken at the time of passing the Bill to scrutinise the policy completely and effectively, it may be difficult or impossible to take that opportunity later.*[28]

In particular, that publication recognises how the "affirmative resolution" procedure offers greater opportunity to scrutinise secondary legislation than the "negative resolution" procedure. It, however, also importantly recommends use of the former for "potentially controversial powers", while noting a debate on an "affirmative resolution" motion:

[28] Greenberg, D, Northern Ireland Assembly, Deconstructing Legislation: A practical guide to legislative scrutiny

…is significantly less effective as a method of scrutiny than consideration of provisions of a Bill.[29]

In this context, the 2021 report of the House of Lords' Secondary Legislation Scrutiny Committee also is relevant. Outlining that Committee's findings, after having reviewed the United Kingdom Government's use of secondary legislation, rather than primary legislation, to "set out its legislative intent", the 2021Report stated:

Over recent years, bills – which become Acts of Parliament and which are subject to robust scrutiny in their passage through Parliament – have often provided only the broadest outlines of the direction of policy travel, with all the details that will have a direct impact on individual members of public left to secondary legislation. And the more that is left to secondary legislation, the greater the democratic deficit because, in contrast to primary legislation, there is relatively scant effective parliamentary scrutiny of secondary legislation; it cannot be amended; in some cases, it may become law without any parliamentary debate; and, because the decision to accept or reject is all or nothing, very rarely will the Houses reject it.[30]

7 Concluding remarks

The introduced Harbours Bill seeks to "modernise the legislative and governance framework for Northern Ireland's Trust Ports"[31], with a focus on addressing their current ONS classification in order to amend the requirement that DfI CDEL provides capital budget cover to Trust Ports borrowing . While the DfI maintains that the Bill would not introduce direct financial costs, this Paper's assessment of the Bill provisions and the wider context suggests the Bill's financial implications would be minimal in terms of the public purse, for example any costs associated with prosecution of the new offence and may result in

[29] Greenberg, D, Northern Ireland Assembly, Deconstructing Legislation: A practical guide to legislative scrutiny

[30] Delegated powers and the impact on parliamentary scrutiny: Debate on two committee reports - House of Lords Library

[31] The Harbours Bill (as introduced) Explanatory and Financial Memorandum

more flexibility in terms of DfI CDEL if Trust Port loans no longer require departmental budget cover.

The Bill's accompanying EFM, states the Bill's objective is to remove specific Dfi controls over Trust Ports - namely powers relating to privatisation, direction and oversight - in order to facilitate a review by the ONS of their classification as public non-financial corporations. If successful, such a reclassification would alter the current link between Trust Port borrowing and the Department's capital budget. That is a key consideration, as under the existing legislative framework, all borrowing undertaken by Trust Ports counts against the DfI's Capital DEL; thereby competing with other infrastructure priorities for limited public resources.

In that respect, the introduced Bill can be viewed as an enabling measure designed to unlock longer-term financial flexibility, rather than generate immediate costs or savings. The evidence presented indicates that port borrowing has historically represented a relatively small proportion of DfI's capital budget: generally below 2% in recent years. However, even that relatively modest pressure could become more significant in an increasingly constrained fiscal environment in Northern Ireland, where Executive departments continue to face rising demand, inflationary pressures and substantial funding gaps, which are reasonably foreseeable for the future. In addition, future investment plans by Northern Ireland's Trust Ports could see said gaps rise significantly over the coming years, as highlighted in the Belfast Harbour Masterplan 2025-2050. The removal of this budget cover requirement could therefore support future investment in port infrastructure, without impacting DfI spending priorities.

Furthermore, while the Bill itself is presented as having no direct financial implications, this Paper details some provisions could give rise to costs. For example, the creation of a new offence relating to non-compliance with harbour directions could introduce potential burdens on the justice system, including prosecution and court-related costs. Although these would likely to be relatively minor and case-dependent, they nonetheless would represent a potential cost arising from the introduced Bill if enacted.

A more substantial area of uncertainty could arise from the planned use of secondary legislation. The introduced Bill provides the framework for a series of harbour orders that would grant enhanced commercial powers, amend governance arrangements, and further reduce DfI oversight. However, these orders still are in development, their full scope and associated financial implications, therefore remain unclear.

In conclusion, while the Harbours Bill is framed as a largely technical and cost-neutral measure, if enacted as introduced, it would have important strategic implications for the management of public finances in Northern Ireland. Its success ultimately would hinge on whether the anticipated ONS reclassification would be achieved and whether the accompanying secondary legislation would deliver the intended governance and commercial benefits, without introducing new costs not captured in the introduced Bill.