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**Status:** Point in time view as at 25/06/2013. This version of this provision has been superseded.  
**Changes to legislation:** Harbours Act 1964, Paragraph 10A is up to date with all changes known to be in force on or before 17 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3

#### PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

##### Textual Amendments

**F1** Sch. 3 substituted (1.2.2000) by [The Harbour Works \(Environmental Impact Assessment\) Regulations 1999 \(S.I. 1999/3445\)](#), reg. 15(4), **Sch. 3**

##### Modifications etc. (not altering text)

**C1** Sch. 3 modified (1.4.2001) by [2000 c. 38, s. 37](#), **Sch. 5 para. 1(2)(j)** (with s. 106); [S.I. 2001/869](#), **art.2**

### PART I

#### ORDERS MADE ON APPLICATION TO THE SECRETARY OF STATE

##### *Notices*

10A<sup>F2</sup>(1) This paragraph applies where—

- (a) a notice has been published under paragraph (10)(1) which states that an environmental statement has been supplied under paragraph 8(1), and
- (b) prior to the Secretary of State making a decision under paragraph 19(2)—
  - (i) he is supplied by the applicant or any other person with further information; and
  - (ii) he is of the view that that information requires to be considered in order properly to assess the likely environmental effects of the proposed project.

(2) Subject to sub-paragraph (3), where this paragraph applies the Secretary of State must publish a notice, or direct another person to publish a notice, which—

- (a) states that further information of the sort referred to in paragraph (b) has been received,
- (b) specifies a place where a copy of the information can, until the expiry of the period referred to in paragraph (d), be inspected at all reasonable hours,
- (c) provides an address from which a copy of the information can, until the expiry of that period, be obtained and details of the amount of any charge for the provision of such a copy, and
- (d) states that any person who desires to make representations in relation to the information should do so in writing to the Secretary of State before the expiry of the period of 42 days starting with a date specified in the notice.

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- (3) The Secretary of State is not required to publish, or direct the publication of, a notice under sub-paragraph (2) if he considers that the information will be made publicly available at an inquiry or hearing under paragraph 18.
- (4) The notice must be published —
- (a) by Gazette and local advertisement, and
  - (b) in such other ways, if any, as seem to the Secretary of State appropriate.
- (5) Any charge imposed as mentioned in sub-paragraph (2)(c) must be reasonable.
- (6) The date specified in accordance with sub-paragraph (2)(d) must be the date on which the notice first appears in a local newspaper.]
- [<sup>F3</sup>(1) This paragraph applies where—
- (a) an environmental statement has been supplied under paragraph 8(1), and
  - (b) prior to the Scottish Ministers making a decision under paragraph 19(2), they are supplied by the applicant or any other person with further information falling within sub-paragraph (2).
- (2) Information falls within this sub-paragraph if—
- (a) the Scottish Ministers are of the view that it requires to be considered in order properly to assess the likely environmental effects of the proposed project, and
  - (b) it is not information required for the purposes of an inquiry or hearing held under paragraph 18.
- (3) The applicant shall arrange for a notice to be published—
- (a) by Gazette and local advertisement, and
  - (b) in such other ways as seem to the Scottish Ministers appropriate.
- (4) The notice must—
- (a) state that further information of the sort referred to in sub-paragraph (2)(a) has been received,
  - (b) specify a place where a copy of the information can, until the expiry of the period referred to in head (d), be inspected at all reasonable hours,
  - (c) provide an address from which a copy of the information can, until the expiry of that period, be obtained and details of the amount of any charge for the provision of such a copy, and
  - (d) state that any person who desires to make representations in relation to the information should do so in writing to the Scottish Ministers before the expiry of the period of 42 days starting with a date specified in the notice.
- (5) The date specified in accordance with sub-paragraph (4)(d) must be the date on which the notice first appears in a local newspaper.]]

#### Textual Amendments

- F2** Sch. 3 para. 10A added (E.W.) (10.3.2009) by [The Harbour Works \(Environmental Impact Assessment\) \(Amendment\) \(England and Wales\) Regulations 2009 \(S.I. 2009/269\)](#), regs. 1(1), 6 (with reg. 1(2))
- F3** Sch. 3 para. 10A added (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), ss. 25(5)(d), 30(3) (with s. 30(5))

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