

**Changes to legislation:** Harbours Act 1964, Paragraph 1 is up to date with all changes known to be in force on or before 04 July 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) View outstanding changes

## 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](#)
- C1** Sch. 3: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 29\(2\)\(b\)\(ii\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6, 9](#)); [S.I. 2017/1179, reg. 3\(g\)](#) (with transitional provisions and savings in [S.I. 2018/278, reg. 2, Sch.](#))
- C1** [Sch. 3](#): power to amend or repeal conferred for specified purposes (26.12.2023) by [Levelling Up and Regeneration Act 2023 \(c. 55\), ss. 164\(3\), 255\(5\), Sch. 14 Pts. 1, 2](#) (with s. 247)

### PART I

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

##### *Introductory*

1 In this Part of this Schedule—

<sup>F2</sup> .....

[<sup>F3</sup>“EEA Agreement” and “EEA State” have the meanings given in Schedule 1 to the Interpretation Act 1978;]

[<sup>F4</sup>“EIA application” means an application for a harbour revision order authorising a project which requires an environmental impact assessment;]

[<sup>F4</sup>“the EIA Directive” means [Directive 2011/92/EU](#) of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment;]

[<sup>F4</sup>“the environment” means—

- (a) population and human health,
- (b) biodiversity, with particular attention to species and habitats protected under [<sup>F5</sup>any law of any part of the United Kingdom which implemented] the Habitats Directive and the Wild Birds Directive,
- (c) land, soil, water, air and climate,
- (d) material assets, cultural heritage and the landscape, and
- (e) the interaction between the factors referred to in paragraphs (a) to (d);]

[<sup>F6</sup>“environmental assessment” means an assessment of the effect of anything on the environment if the assessment is carried out under—

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- (a) [<sup>F7</sup>assimilated] law, or
- (b) any law of any part of the United Kingdom, other than any law which implemented the EIA Directive;]

[<sup>F8</sup>“environmental impact assessment”, in relation to a project, means the process comprising—

- (a) the preparation of an environmental statement by the applicant,
- (b) the carrying out of consultations under this Part of this Schedule about the likely significant effects of the project on the environment,
- (c) the Secretary of State’s consideration of the information about the likely significant effects of the project on the environment (see paragraph 18A(2)),
- (d) the Secretary of State reaching a reasoned conclusion on the significant effects of the project on the environment (see paragraph 18A(4)), and
- (e) the Secretary of State’s consideration of that reasoned conclusion when making a decision under paragraph 19 in respect of the application for a harbour revision order authorising the project; ]

[<sup>F9</sup>“environmental impact assessment”, in relation to a project, means the process comprising—

- (a) the preparation of an environmental statement by the applicant,
- (b) the carrying out of consultations under this Part of this Schedule about the likely significant effects of the project on the environment,
- (c) the Scottish Ministers’ consideration of the information about the likely significant effects of the project on the environment (see paragraph 18A(2)),
- (d) the Scottish Ministers’ reaching a reasoned conclusion on the significant effects of the project on the environment (see paragraph 18A(4)), and
- (e) the Scottish Ministers’ consideration of the reasoned conclusion when making a decision under paragraph 19 in respect of the application for a harbour revision order authorising the project;]

<sup>F10</sup>

[<sup>F11</sup>“environmental statement” has the meaning given in paragraph 8(2);]

“fishery harbour” has the meaning assigned to it in section 21 of the Sea Fish Industry Act 1951;

[<sup>F12</sup>“the Habitats Directive” means Council [Directive 92/43/EEC](#) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;]

[<sup>F13</sup>“official website” means a website maintained by or on behalf of the Secretary of State;]

[<sup>F14</sup>“official website” means a website maintained by or on behalf of the Scottish Ministers;]

“project” means—

- (a) the execution of construction works or other installations or schemes, and
- (b) other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources;

[<sup>F15</sup>“reasoned conclusion”, in relation to a project, means the conclusion required by paragraph 18A(4);]

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[<sup>F15</sup>“screening decision” has the meaning given in paragraph 4(4); ]

“relevant project” means a project which would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

“selection criteria” means the criteria set out in Annex III to the [<sup>F16</sup>EIA Directive];

“sensitive area” means any of the following—

(a) [<sup>F17</sup>land within a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981);]

[<sup>F18</sup>land within a site of special scientific interest;]

(b) [<sup>F18</sup>land in respect of which a nature conservation order or land management order made under Part 2 of the Nature Conservation (Scotland) Act 2004 (asp 6) has effect;]

(c) [<sup>F19</sup>land declared to be a national nature reserve under section 35 of that Act;]

(d) [<sup>F19</sup>an area to which paragraph (u)(ii) in the table in article 10 of the Town and Country Planning (General Development Procedure) Order 1995 applies;]

(e) [<sup>F19</sup>a National Park within the meaning of the National Parks and Access to the Countryside Act 1949;]

(f) [<sup>F19</sup>the Broads within the meaning of the Norfolk and Suffolk Broads Act 1988;]

(g) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage;

(h) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;

(i) [<sup>F19</sup>an area of outstanding natural beauty designated by order under [<sup>F20</sup>section 87 of the National Parks and Access to the Countryside Act 1949][<sup>F20</sup>section 82 of the Countryside and Rights of Way Act 2000] (designation of areas of outstanding natural beauty);]

(j) [<sup>F21</sup>a European site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994;]

[<sup>F21</sup>a European site within the meaning of [<sup>F22</sup>the Conservation of Habitats and Species Regulations 2017 (see regulation 8)];]

(k) an area designated <sup>F23</sup>... [<sup>F24</sup>as a National Scenic Area by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997];

(l) [<sup>F25</sup> an area designated as a national park by a designation order made by the Scottish Ministers under section 6(1) of the National Parks (Scotland) Act 2000].

[<sup>F26</sup>“the Wild Birds Directive” means [Directive 2009/147/EC](#) of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds;]

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### Textual Amendments

- F2** Words in Sch. 3 para. 1 omitted (E.W.) (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(a)** (with Sch. 6 paras. 2(2), 3(3))  
 Words in Sch. 3 para. 1 omitted (S.) (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(a)** (with Sch. 6 paras. 2(2), 3(3))
- F3** Words in Sch. 3 para. 1 substituted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(b)** (with Sch. 6 paras. 2(2), 3(3))  
 Words in Sch. 3 para. 1 substituted (S.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(b)** (with Sch. 6 paras. 2(2), 3(3))
- F4** Words in Sch. 3 para. 1 inserted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(c)** (with Sch. 6 paras. 2(2), 3(3))  
 Words in Sch. 3 para. 1 inserted (S.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(c)** (with Sch. 6 paras. 2(2), 3(3))
- F5** Words in Sch. 3 para. 1 inserted (31.12.2020) by [The Harbours and Highways \(Environmental Impact Assessment\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/460), regs. 1, **2(4)(a)(i)(b)(i)**
- F6** Words in Sch. 3 para. 1 substituted (31.12.2020) by [The Harbours and Highways \(Environmental Impact Assessment\) \(Amendment\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/460), regs. 1, **2(4)(a)(ii)(b)(ii)**
- F7** Word in Sch. 3 para. 1 substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023](#) (S.I. 2023/1424), reg. 1(2), **Sch. para. 3(2)(a)**
- F8** Words in Sch. 3 para. 1 inserted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(c)** (with Sch. 6 paras. 2(2), 3(3))
- F9** Words in Sch. 3 para. 1 inserted (S.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(c)** (with Sch. 6 paras. 2(2), 3(3))
- F10** Words in Sch. 3 para. 1 omitted (E.W.) (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(d)** (with Sch. 6 paras. 2(2), 3(3))  
 Words in Sch. 3 para. 1 omitted (S.) (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(d)** (with Sch. 6 paras. 2(2), 3(3))
- F11** Words in Sch. 3 para. 1 substituted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(e)** (with Sch. 6 paras. 2(2), 3(3))  
 Words in Sch. 3 para. 1 substituted (S.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(e)** (with Sch. 6 paras. 2(2), 3(3))
- F12** Words in Sch. 3 para. 1 inserted (E.W.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(f)** (with Sch. 6 paras. 2(2), 3(3))  
 Words in Sch. 3 para. 1 inserted (S.) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(f)** (with Sch. 6 paras. 2(2), 3(3))

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- F13** Words in Sch. 3 para. 1 inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(f)** (with Sch. 6 paras. 2(2), 3(3))
- F14** Words in Sch. 3 para. 1 inserted (S.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(f)** (with Sch. 6 paras. 2(2), 3(3))
- F15** Words in Sch. 3 para. 1 inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(g)** (with Sch. 6 paras. 2(2), 3(3))  
Words in Sch. 3 para. 1 inserted (S.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(g)** (with Sch. 6 paras. 2(2), 3(3))
- F16** Words in Sch. 3 para. 1 substituted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(h)** (with Sch. 6 paras. 2(2), 3(3))  
Words in Sch. 3 para. 1 substituted (S.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(h)** (with Sch. 6 paras. 2(2), 3(3))
- F17** Words in Sch. 3 para. 1 substituted (E.W.) (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), **Sch. 10 para. 3**
- F18** Words in Sch. 3 para. 1 substituted (S.) (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **Sch. 7 para. 1(a)** (with s. 55(2)); S.S.I. 2004/495, art. 2 (para (b) had previously been repealed for E.W. (30.1.2001 for E., 1.5.2001 for W.) by 2000 c. 37, s. 102, Sch. 16 Pt. III; S.I. 2001/114, art. 2(1)(d)(ii); S.I. 2001/1410, art. 2(p))
- F19** Words in Sch. 3 para. 1 repealed (S.) (14.5.2007) by Transport and Works (Scotland) Act 2007 (asp 8), **ss. 25(5)(a)(ii)**, 30(3) (with s. 30(5))
- F20** Words in Sch. 3 para. 1 substituted (E.W.) (1.4.2001) by 2000 c. 37, s. 93, **Sch. 15 para. 4** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**
- F21** Words in Sch. 3 para. 1 substituted (E.W.) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), reg. 1(2), **Sch. 6 para. 1** (with reg. 125)
- F22** Words in Sch. 3 para. 1 substituted (E.W.) (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 6 para. 1**
- F23** Words in Sch. 3 para. 1 repealed (S.) (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **Sch. 7 para. 1(b)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F24** Words in Sch. 3 para. 1 substituted (S.) (17.12.2010) by The National Scenic Areas (Consequential Modifications) (Scotland) Order 2010 (S.S.I. 2010/460), **art. 2**
- F25** Words in Sch. 3 para. 1 added (S.) (14.5.2007) by virtue of Transport and Works (Scotland) Act 2007 (asp 8), **ss. 25(5)(a)(iii)**, 30(3) (with s. 30(5))
- F26** Words in Sch. 3 para. 1 inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(2)(i)** (with Sch. 6 paras. 2(2), 3(3))  
Words in Sch. 3 para. 1 inserted (S.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 8(3)(i)** (with Sch. 6 paras. 2(2), 3(3))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2023 c. 8 s. 9\(7\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1A)(c)(d) inserted by [2024 asc 3 Sch. 3 para. 1\(2\)](#)
- s. 16(3A)(c)(d) inserted by [2024 asc 3 Sch. 3 para. 1\(3\)](#)