

Status: Point in time view as at 31/12/2020.

Changes to legislation: Harbours Act 1964, Cross Heading: Exemption from environmental impact assessment in exceptional circumstances is up to date with all changes known to be in force on or before 22 June 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)

SCHEDULES

[^{F1}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.)

PART I

ORDERS MADE ON APPLICATION TO THE SECRETARY OF STATE

[^{F2}Exemption from environmental impact assessment in exceptional circumstances

Textual Amendments

- F2** Sch. 3 paras. 20A-20G and cross-headings inserted (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(20)** (with Sch. 6 paras. 2(2), 3(3))

- 20C. (1) The Secretary of State may direct that an environmental impact assessment is not required for a project if satisfied that—
- it is appropriate to do so by reason of exceptional circumstances,
 - carrying out the assessment would have an adverse effect on the fulfilment of the purpose of the project,
 - the objectives of the EIA Directive will be met even though the assessment is not carried out, and
 - the project is unlikely to have significant effects on the environment in [^{F3}an EEA State].
- (2) Before giving a direction under sub-paragraph (1), the Secretary of State must consider whether another form of assessment of the effects of the project on the environment would be appropriate.
- (3) The Secretary of State must—

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- (a) as soon as reasonably practicable, make a copy of any direction given and a statement of the reasons for which it is given available for inspection on an official website,
 - (b) publish the results of any other assessment considered appropriate for the purposes of sub-paragraph (2), and
 - (c) keep the copy of the direction and the results (if any) available on the website throughout the period of three months beginning with the day on which the information is first made available on the website in accordance with this paragraph.
- (4) A failure to make information available throughout the period specified in sub-paragraph (3)(c) is to be disregarded if—
- (a) the information was available on the official website for part of that period, and
 - (b) the failure is wholly attributable to circumstances that it would not be reasonable to expect the Secretary of State to prevent or avoid.
- (4) If the Secretary of State gives a direction under sub-paragraph (1), paragraph 19 applies in relation to the relevant application as if the matters listed in sub-paragraph (4) of that paragraph included any results published under sub-paragraph (3)(b) of this paragraph.]]

Textual Amendments

- F3** Words in [Sch. 3 para. 20C\(1\)\(d\)](#) substituted (31.12.2020) by [The Harbours and Highways \(Environmental Impact Assessment\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/460\)](#), regs. 1, [2\(4\)\(i\)](#)

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