

Status: Point in time view as at 14/05/2007.

Changes to legislation: Harbours Act 1964, Cross Heading: Notices is up to date with all changes known to be in force on or before 17 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)

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**

PART I

ORDERS MADE ON APPLICATION TO THE SECRETARY OF STATE

Notices

- 10 (1) An applicant shall arrange for a notice to be published—
- (a) by Gazette and local advertisement, and
 - (b) in such other ways as the Secretary of State may direct.
- (2) The notice must—
- (a) state that an application has been made for the order,
 - (b) state the Secretary of State's decision under paragraph 4 and any reasons given under paragraph 6(1),
 - (c) state whether an environmental statement has been supplied under paragraph 8(1),
 - [^{F2}(ca) where such a statement has been supplied—
 - (i) provide an address from which a copy of the statement can, until the expiry of the period referred to in head (f), be obtained and information as to the amount of any charge for the provision of such a copy,
 - (ii) provide an address from which further information about the works proposed to be authorised can, until the expiry of that period, be obtained, and
 - (iii) state whether paragraph 16 applies,]
 - (d) contain a concise summary of the draft order,
 - (e) give a general description of any land proposed for compulsory acquisition and of the nature of any works proposed to be authorised, [^{F3}and]
 - (f) state that any person who desires to object to the application [^{F4}or to make representations in relation to any environmental statement supplied under

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- paragraph 8(1)] should do so in writing to the Secretary of State, specifying [F5 (where relevant)] the grounds of the objection, before the expiry of the period of 42 days starting with a date specified in the notice, [F6 and
- (g) provide details of the procedure under this Schedule for dealing with any objection or representations made under head (f)].
- (3) The date specified in accordance with sub-paragraph (2)(f) must be the date on which the notice first appears in a local newspaper.
- (4) The notice must also specify a place where copies of the following documents can [F7, until the expiry of the period referred to in sub-paragraph (2)(f),] be inspected at all reasonable hours—
- (a) the draft order,
 - (b) the decision of the Secretary of State referred to in sub-paragraph (2)(b),
 - (c) any environmental statement supplied under paragraph 8(1), and
 - (d) any map accompanying the application.
- (5) The copy of the map referred to in sub-paragraph (4)(d) must be drawn to the same scale as that map.

Textual Amendments

- F2** Sch. 3 para. 10(2)(ca) inserted (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(5)(b)(i), 30(3)** (with s. 30(5))
- F3** Word in Sch. 3 para. 10(2)(e) repealed (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(5)(b)(ii), 30(3)** (with s. 30(5))
- F4** Words in Sch. 3 para. 10(2)(f) inserted (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(5)(b)(iii), 30(3)** (with s. 30(5))
- F5** Words in Sch. 3 para. 10(2)(f) inserted (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(5)(b)(iv), 30(3)** (with s. 30(5))
- F6** Sch. 3 para. 10(2)(g) and preceding word added (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(5)(b)(v), 30(3)** (with s. 30(5))
- F7** Words in Sch. 3 para. 10(4) inserted (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(5)(c), 30(3)** (with s. 30(5))

[F8 10A(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

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- (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

F8 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)**)

- 11 If the order will authorise the compulsory acquisition of land the applicant shall, in respect to each parcel of land, serve a notice on every owner, lessee and occupier other than a tenant for a month or any period less than a month—
- (a) stating that an application has been made to the Secretary of State for the making of an order which will authorise the compulsory acquisition of the parcel,
 - (b) naming a place where a copy of the draft order may be inspected at all reasonable hours,
 - (c) naming a place where a copy of any relevant map accompanying the application, drawn to the same scale and delineating the boundaries of the parcel, may be inspected at all reasonable hours, and
 - (d) stating that if the person on whom the notice is served wishes to object to the application so far as regards the compulsory acquisition of the parcel he should do so in writing to the Secretary of State, specifying the grounds of his objection, before the expiry of the period of 42 days starting with the date on which the notice is served on him.
- 12 (1) If the order will result in the extinguishment or diversion of a public right of way over a footpath [^{F9}or bridleway][^{F9}, bridleway or restricted byway], the applicant shall—
- (a) serve a notice on every local authority for the area in which the footpath or bridleway is situated, and
 - (b) cause a copy of the notice to be displayed in a prominent position at each end of the part of the footpath or bridleway which would by virtue of the order cease to be subject to the public right of way.
- (2) The notice mentioned in sub-paragraph (1) must—
- (a) state that an application has been made to the Secretary of State for the making of an order which will result in the extinguishment or diversion of the public right of way over the footpath or bridleway,

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- (b) name a place where a copy of the draft order may be inspected at all reasonable hours,
 - (c) name a place where a copy of any relevant map accompanying the application, drawn to the same scale, may be inspected at all reasonable hours, and
 - (d) state that any person who desires to object to the application, so far as regards the extinguishment or diversion of the public right of way, should do so in writing to the Secretary of State, specifying the grounds of the objection, before the expiry of the period of 42 days starting with—
 - (i) in the case of a local authority served with a notice under paragraph 12(1)(a), the date on which the notice is served on them, or
 - (ii) in the case of any other person, the date specified in the notice displayed under paragraph 12(1)(b).
- (3) In this paragraph “local authority” means—
- (a) in England, a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a parish council and a parish meeting of a parish not having a separate parish council,
 - (b) in Wales, a county council, a county borough council and a community council, and
 - (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

Textual Amendments

F9 Words in Sch. 3 para. 12 substituted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

Modifications etc. (not altering text)

C1 Sch. 3 para. 12 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), 2(1), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

- 13 (1) If the applicant is not the harbour authority, the applicant shall serve on that authority a copy of the draft order and of any map accompanying the application together with a notice stating—
- (a) that the application has been made to the Secretary of State, and
 - (b) that if the authority wish to object to the application is should do so in writing to the Secretary of State, specifying the grounds of its objection, before the expiry of the period of 42 days starting with the date on which the notice is served on it.
- (2) The copy of the map referred to in sub-paragraph (1) must be drawn to the same scale as that map.
- 14 The Secretary of State may require the applicant to serve on any specified person within any specified period of time the documents required to be served under paragraph 13.]

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