

Status: Point in time view as at 01/02/2000.

Changes to legislation: Harbours Act 1964, PART II is up to date with all changes known to be in force on or before 27 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**

PART II

ORDERS MADE BY THE SECRETARY OF STATE OF HIS OWN MOTION

Notices

- 26 (1) Where the Secretary of State proposes to make a harbour revision order of his own motion, he shall first—
- (a) publish a notice by Gazette and local advertisement and in such other ways as he thinks appropriate, and
 - (b) serve on the harbour authority, and on any other person who he thinks ought to have notice of the proposal, a copy of the draft order and a notice.
- (2) The notice mentioned in sub-paragraph (1)(a) must—
- (a) state that the Secretary of State proposes to make the order,
 - (b) contain a concise summary of the draft order,
 - (c) name a place where a copy of the draft order may be inspected at all reasonable hours, and
 - (d) state that any person who desires to object to the proposal 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 specified in the notice.
- (3) The date specified in accordance with sub-paragraph (2)(d) must be the date on which the notice first appears in a local newspaper.
- (4) The notice mentioned in sub-paragraph (1)(b) must—
- (a) state that the Secretary of State proposes to make the order, and
 - (b) state that if the harbour authority or other person served desires to object to the proposal he should do so in writing to the Secretary of State, specifying

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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.

Objections

- 27 (1) The following paragraphs in this Part have effect where—
- (a) all notices concerning a proposal of the Secretary of State to make a harbour revision order have been published under paragraph 26(1)(a),
 - (b) all notices and other documents which are required to be served under paragraph 26(1)(b) have been served, and
 - (c) every period for the making of objections to the Secretary of State in respect of the proposal has expired.
- 28 If an objection to the proposal was made to the Secretary of State and has not been withdrawn he shall cause an inquiry to be held, unless—
- (a) he decides that the proposal shall not proceed further,
 - (b) he considers the objection is frivolous or too trivial to warrant the holding of an inquiry, or
 - (c) the objection does not specify the grounds on which it is made.

The decision

- 29 (1) The Secretary of State shall consider—
- (a) any objections made and not withdrawn, and
 - (b) the report of any person who held an inquiry under paragraph 28.
- (2) Following the consideration required by sub-paragraph (1) the Secretary of State shall decide—
- (a) not to make the order proposed,
 - (b) to make the order in the form of the draft, or
 - (c) to make it with modifications.

The order

- 30 Where the Secretary of State proposes to make the order with modifications which appear to him substantially to affect the character of the order as originally proposed to be made, he—
- (a) shall take such steps as appear to him to be sufficient and reasonably practicable for informing persons likely to be concerned, and
 - (b) shall not make the order until a reasonable period for consideration of, and comment upon, the proposed modifications by those persons has expired.
- 31 (1) As soon as possible after a harbour revision order has been made by the Secretary of State of his own motion he shall—
- (a) publish a notice by Gazette and local advertisement, and
 - (b) serve a copy of the order on each person on whom notice was served under paragraph 26(1)(b).
- (2) The notice mentioned in sub-paragraph (1)(a) must—
- (a) state that the order has been made, and
 - (b) name a place where a copy of the order may be inspected at all reasonable hours.]

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