

SCHEDULES

SCHEDULE 4

SUBMISSION AND CONFIRMATION OF HARBOUR REORGANISATION SCHEMES

- 3 (1) Where effect has been given to paragraph 2 above in the case of a harbour reorganisation scheme submitted to the Minister and the time for the due making to the Minister of objection to the scheme has elapsed, the following provisions of this paragraph shall have effect.
- (2) If the scheme was submitted by the Council and no objections to the scheme were duly made to the Minister or all objections to the scheme that were duly made to him have been withdrawn, he may, if he then decides to confirm the scheme, by order confirm it without modifications or (subject to the restrictions imposed by sub-paragraph (7) below) with such modifications as he thinks fit.
- (3) If the scheme was submitted by the Council and objections thereto that were duly made to the Minister have not been withdrawn, he shall, unless he decides that the scheme shall not proceed further, cause an inquiry to be held with respect to each objection so made and not withdrawn unless, in his opinion, it is frivolous or too trivial to warrant the holding of an inquiry with respect thereto and, if after considering the report of the person (or the reports of each of them, if more than one) who held an inquiry, he then decides to confirm the scheme, may by order confirm it without modification or (subject to the restrictions imposed by sub-paragraph (7) below) subject to such modifications as he thinks fit.
- (4) If the scheme was submitted otherwise than by the Council and no objections to the scheme were duly made to the Minister or all objections to the scheme that were duly made to him have been withdrawn, he shall, unless he decides that the scheme shall not proceed further, refer the scheme to the Council for consideration and report.
- (5) If the scheme was submitted otherwise than by the Council and objections thereto that were duly made to the Minister have not been withdrawn, he shall, unless he decides that the scheme shall not proceed further, cause an inquiry to be held with respect to each objection so made and not withdrawn unless, in his opinion, it is frivolous or too trivial to warrant the holding of an inquiry with respect thereto and, after effect has been given to the foregoing provisions of this paragraph, shall, unless he decides that the scheme shall not proceed further, refer to the Council for consideration and report the scheme, the objections so made and not withdrawn and the report of any person who held an inquiry.
- (6) Where in pursuance of the reference to them under sub-paragraph (4) or (5) above, the Council have reported to the Minister, he shall consider their report and the documents reported on and if he then decides to confirm the scheme, may by order confirm it without modifications or (subject to the restrictions imposed by sub-paragraph (7) below) with such modifications as he thinks fit.
- (7) Where the Minister proposes to confirm the scheme with modifications which appear to him substantially to affect the character of the scheme as submitted to him, he

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shall take such steps as appear to him to be sufficient and reasonably practicable for informing them that submitted the scheme to him, and other persons likely to be concerned, and shall not confirm the scheme until such period for consideration of, and comment upon, the proposed modifications by then that submitted the scheme and those other persons as he thinks reasonable has elapsed; nor shall he confirm the scheme subject to a modification that results in its including provision transferring an interest of a person in property that was not described in the scheme as submitted to him as being property in which interests of that person were subject to be transferred unless that person consents to its being so confirmed.

- (8) The Minister may disregard for the purposes of this paragraph an objection to the scheme unless it states the grounds on which it is made, and may disregard for those purposes such an objection so far as regards the inclusion in the scheme of a provision transferring interests of a person in any property if he is satisfied that the objection relates exclusively to matters in respect of which compensation falls to be provided under the scheme and that the scheme is so framed as to enable those matters to be properly dealt with.