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## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

#### Textual Amendments

**F1** Sch. 1 repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)

<sup>F1</sup>

### SCHEDULE 2

Section 14.

#### OBJECTS FOR WHOSE ACHIEVEMENT HARBOUR REVISION ORDERS MAY BE MADE

#### Modifications etc. (not altering text)

**C1** Sch. 2 amended by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), [s. 36\(4\)](#)

- 1 Reconstituting the harbour authority by whom the harbour is being improved, maintained or managed or altering their constitution, or establishing, as the harbour authority, in lieu of the existing one, an existing body designated in that behalf or a body constituted for the purpose.
- 2 Regulating (in whole or to a less extent) the procedure of, or of any committee of, the authority and fixing the quorum at a meeting of, or of any committee of, the authority.
- 3 Varying or abolishing duties or powers imposed or conferred on the authority by a statutory provision of local application affecting the harbour, being duties or powers imposed or conferred for the purpose of—
  - (a) improving, maintaining or managing the harbour;
  - (b) marking or lighting the harbour, raising wrecks therein or otherwise making safe the navigation thereof; or
  - (c) regulating the carrying [<sup>F2</sup>on by others of activities relating to the harbour or of] activities on harbour land.

#### Textual Amendments

**F2** Words in [Sch. 2 para. 3\(c\)](#) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), [s. 63\(1\)](#), [Sch. 3 para. 9\(2\)](#); [S.I. 1992/1347](#), [art. 2](#), Sch. (subject as mentioned in art. 3)

- 4 Imposing or conferring on the authority, for the purpose aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above.

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- 5 Transferring from the authority to another or to the authority from another all or any of the property vested in, as the case may be, the authority or that other and held for the purposes of the harbour and, so far as they relate to the transferred property, all or any of the duties and powers imposed and conferred on, as the case may be, the authority or that other by a statutory provision of local application affecting the harbour.
- 6 Settling (either for all purposes or for limited purposes) the limits within which the authority are to have jurisdiction or altering (either for all purposes or for limited purposes) such limits as previously settled.
- 7 Conferring on the authority power to acquire (whether by agreement or compulsorily) land described in the order, being land required by them for the purpose of its being used as the site of works that they have, or will by virtue of the order have, power to execute or for some other purpose of the harbour.
- [<sup>F3</sup>7A Extinguishing or diverting public rights of way over footpaths or bridleways for the purposes of works described in the order or works ancillary to such works.]

**Textual Amendments**

- F3** Sch. 2 paras. 7A, 7B inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 9\(3\)](#); S.I. 1992/1347, art. 2, [Sch.](#)(subject as mentioned in art. 3)

- <sup>F4</sup>7B Extinguishing public rights of navigation for the purposes of works described in the order or works ancillary to such works, or permitting interference with the enjoyment of such rights for the purposes of such works or for the purposes of works carried out by a person authorised by the authority to carry them out.

**Textual Amendments**

- F4** Sch. 2 paras. 7A, 7B inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 9\(3\)](#); S.I. 1992/1347, art. 2, [Sch.](#)(subject as mentioned in art. 3)

- 8 Authorising justices of the peace to appoint, on the nomination of the authority, persons to act as constables within any limits within which the authority have jurisdiction in relation to the harbour and within one mile outside any such limits, and to dismiss persons appointed by virtue of this paragraph, and conferring on persons so appointed, while acting within any such limits as aforesaid or within one mile outside any such limits, the powers which a constable has within his constablewick.

- [<sup>F5</sup>8A Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour.]

**Textual Amendments**

- F5** Sch. 2 para. 8A inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 9\(4\)](#); S.I. 1992/1347, art. 2, [Sch.](#)(subject as mentioned in art. 3)

- 9 Empowering the authority to dispose of property vested in them and held for the purposes of the harbour which is no longer required for those purposes.

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- [<sup>F6</sup>9A Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of the land or of interests in it, and to acquire land by agreement for the purpose of developing it together with such land.]

#### Textual Amendments

- F6** Sch. 2 paras. 9A, 9B inserted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 63(1), Sch. 3 para. 9(5); S.I. 1992/1347, art. 2, Sch. (subject as mentioned in art. 3)

- <sup>F7</sup>9B Empowering the authority to delegate the performance of any of the functions of the authority except—
- (a) a duty imposed on the authority by or under any enactment;
  - (b) the making of byelaws;
  - (c) the levying of ship, passenger and goods dues;
  - (d) the appointment of harbour, dock and pier masters;
  - (e) the nomination of persons to act as constables;
  - (f) functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and sea-marks, so far as those functions are exercisable for the purposes of the safety of navigation.

#### Textual Amendments

- F7** Sch. 2 paras. 9A, 9B inserted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 63(1), Sch. 3 para. 9(5); S.I. 1992/1347, art. 2, Sch. (subject as mentioned in art. 3)

- 10 Empowering the authority to borrow money, with or without limitation with respect to the amount that may be borrowed or the time or manner in which the power may be exercised.
- 11 Empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than as aforesaid) levied by them at the harbour.
- 12 Securing the efficient collection of charges levied by the authority at the harbour and specifying the times at which and the persons by whom such charges are to be paid.
- 13 Regulating the application of moneys in the nature of revenue received by the authority and securing that the financial affairs of the authority are properly managed.
- 14 Varying or extinguishing any exemption from charges levied by the authority at the harbour or any other right or privilege enjoyed thereat.
- 15 Securing the welfare of the authority's officers and servants and empowering the authority to provide, or secure the provision of, pensions, gratuities and other like benefits for or in respect of their officers and servants.
- 16 Extending the time within which anything is required or authorised by a statutory provision of local application affecting the harbour to be done in relation to the harbour by the authority or fixing a time within which anything authorised by the order to be so done must be done.

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- [<sup>F8</sup>16A Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features.]

#### Textual Amendments

- F8** Sch. 2 para. 16A inserted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 63(1), Sch. 3 para. 9(6); S.I. 1992/1347, art. 2, Sch. (subject as mentioned in art. 3)

- 17 Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour.

### SCHEDULE 3

Sections 17 and 47.

#### PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

#### Modifications etc. (not altering text)

- C2** Sch. 3 amended by Post Office Act 1969 (c. 48, SIF 96), s. 76, Sch. 4 para. 93(1)(xxii)(2)(K), S.I. 1970/1681, Sch. 3 para. 11(3) and 1974/691, art. 2; extended by Civil Aviation Act 1982 (c. 16, SIF 9), Sch. 2 para. 4
- C3** Functions of Minister of Agriculture, Fisheries and Food under Sch. 3 now exercisable (W.) by Secretary of State or by Minister of Agriculture, Fisheries and Food and Secretary of State for Wales jointly: (except para. 6) S.I. 1978/272, art. 2, Sch. 1; (para. 6) S.I. 1969/388, art. 3, Sch. 2 para. 5(x) and 1978/272, art. 2, Sch. 1
- C4** Sch. 3 extended by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xiv), Sch. 8 para. 33 and by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(1)(3), Sch. 16 para. 1(1)(xiv), Sch. 17 para. 33
- C5** Sch. 3 modified by Gas Act 1986 (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(10)(b), Sch. 8 para. 33, and by Electricity Act 1989 (c. 29, SIF 44:1), ss. 112(1)(3), Sch. 16 para. 3(2)(c), Sch. 17 para. 33
- C6** Sch. 3 extended (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 1(2) (xi), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58  
 Sch. 3 extended (1.3.1996) by 1995 c. 45, s. 16(1), Sch. 4 para. 2(1)(xii); S.I. 1996/218, art. 2  
 Sch. 3 modified (1.3.1996) by 1995 c. 45 s. 16(1), Sch. 4 para. 2(1)(b); S.I. 1996/218, art. 2
- C7** Sch. 3 modified (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 1(10)(ii), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58  
 Sch. 3: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

### PART I

PROCEDURE FOR MAKING HARBOUR REVISION ORDERS ON APPLICATION TO [<sup>F9</sup>THE SECRETARY OF STATE](AS SET OUT, . . . <sup>F10</sup>, AND FOR THE MAKING OF HARBOUR EMPOWERMENT ORDERS BY [<sup>F9</sup>THE SECRETARY OF STATE] (SUBJECT TO PART VII), . . . <sup>F10</sup>.

#### Textual Amendments

- F9** Words substituted by Transport Act 1981 (c. 56, SIF 58), Sch. 5 para. 14(2)

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**F10** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)

VALID FROM 21/08/1996

[<sup>F11</sup>A1 In this Part of this Schedule “the Directive” means Council Directive No.85/337/EEC on the assessment of the effects of certain public and private projects on the environment; and “project” has the meaning given by article 1 of the Directive.]

#### Textual Amendments

**F11** Paras. A1 and A2 inserted (21.8.1996) by [S.I. 1996/1946, reg. 2\(1\)\(2\)](#)

VALID FROM 21/08/1996

<sup>F12</sup>A2 (1) A person may not make an application for a harbour revision order which, directly or indirectly, authorises any project unless—

- (a) he has given the Secretary of State prior notice of his intention to make the application, and
- (b) the Secretary of State has responded under sub-paragraph (3) or, as the case may be, (4) below.

(2) Sub-paragraph (3) below applies where it appears to the Secretary of State that a proposed application of which he is notified under sub-paragraph (1)(a) above relates to—

- (a) a project which falls within Annex I to the Directive, or
- (b) a project which falls within Annex II to the Directive the characteristics of which require that it should be made subject to an environmental assessment.

(3) The Secretary of State shall direct the proposed applicant to supply him in such form as he may specify with the information referred to in Annex III to the Directive to the extent—

- (a) that it is relevant to any stage of the procedure set out in this Part and to the specific characteristics of the project to which the proposed application relates and of the environmental features likely to be affected by it; and
- (b) that (having regard in particular to current knowledge and methods of assessment) the proposed applicant may reasonably be required to gather that information, and including at least—
  - (i) a description of the project comprising information on the site, design and size of the project;
  - (ii) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
  - (iii) the data required to identify and assess the main effects which the project is likely to have on the environment; and
  - (iv) a non-technical summary of the information mentioned in paragraphs (i) to (iii) above.

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- (4) Where sub-paragraph (3) above does not apply in relation to a proposed application of which the Secretary of State is notified under sub-paragraph (1)(a) above, he shall forthwith notify the proposed applicant accordingly.

#### Textual Amendments

**F12** Paras. A1 and A2 inserted (21.8.1996) by S.I. 1996/1946, reg. 2(1)(2)

- 1 An application for a harbour revision order must be accompanied by not less than six copies of a draft of the proposed order and not less than six copies of any map or maps which, if the order is made in the form of the draft, will be required to be annexed to it.

[<sup>F13</sup>1A (1) Where an application for a harbour revision order [<sup>F14</sup>is made on or after—

- (a) 3rd August 1988, in the case of a harbour in England or Wales; or
- (b) 15th July 1992, in the case of a harbour in Scotland;]

the Secretary of State shall determine whether or not it is made in relation to a project which falls within Annex I or Annex II to Council Directive No. 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

- (2) If he determines that it is made in relation to a project which falls within Annex I, or a project which falls within Annex II and whose characteristics require that it should be made subject to an environmental assessment, he shall direct the applicant to supply him in such form as he may specify with the information referred to in Annex III to the Directive to the extent that he considers—

- (a) that it is relevant to any stage of the procedure set out in this Part and to the specific characteristics of the project to which the application relates and of the environmental features likely to be affected by it; and
- (b) that (having regard in particular to current knowledge and methods of assessment) the applicant may reasonably be required to gather that information,

and including at least—

- (i) a description of the project comprising information on the site, design and size of the project;
- (ii) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
- (iii) the data required to identify and assess the main effects which the project is likely to have on the environment;
- (iv) a non-technical summary of the information mentioned in paragraphs (i) to (iii) above.]

#### Textual Amendments

**F13** Sch. 3 para. 1A inserted (E.W.) by S.I. 1988/1336, reg. 4

Sch. 3 para. 1A inserted (S.) (15.7.1992) by S.I. 1992/1421, reg.2

**F14** Words in Sch. 3 para. 1A(1) substituted (15.7.1992) by S.I. 1992/1421, reg. 3(2)

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[<sup>F15</sup>1B Such fees as may be determined by the Secretary of State shall be payable on the making of an application for a harbour revision order.]

**Textual Amendments**

**F15** Sch. 3 para. 1B inserted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 63(1), Sch. 3 para. 10(2); S.I. 1992/1347, art. 2, Sch. (subject as mentioned in art. 3)

<sup>F16</sup> .....

2

**Textual Amendments**

**F16** Sch. 3 Pt. I paras. 2, 4(2) repealed by Transport Act 1981 (c. 56, SIF 58), Sch. 12 Pt. II

3 [<sup>F17</sup>Where an application for a harbour revision order has been duly made to the Secretary of State], compliance [<sup>F18</sup>with the requirements of paragraph 1A above if they are applicable,] with the requirement of sub-paragraph (a) below and with such of the requirements of sub-paragraphs (b) to (d) below as are applicable in the circumstances shall be a condition precedent to the taking by [<sup>F19</sup>the Secretary of State] of [<sup>F20</sup>any steps (otherwise than under this paragraph)] in the matter of the application, that is to say:—

- (a) there must be published by the applicant by Gazette and local advertisement and (if so required by [<sup>F19</sup>the Secretary of State]) by such other means as [<sup>F19</sup>the Secretary of State] may specify, a notice stating that application has been made to him for the making of the order [<sup>F21</sup>and whether information has been supplied under paragraph 1A above and], containing a concise summary of the proposed order and (if provision is proposed to be included therein authorising the execution of works or the compulsory acquisition of land) a general description of the nature of the works and the land on which their execution is proposed to be authorised or, as the case may be, of the land whose compulsory acquisition is proposed to be authorised, naming a place where a copy of the draft of the proposed order [<sup>F22</sup>, a copy of any information supplied under paragraph 1A above] and (if the application for the order was accompanied by copies of a map or maps) a copy of that map or, as the case may be, copies of those maps may be seen at all reasonable hours and stating that any person who desires to make to [<sup>F19</sup>the Secretary of State] objection to the application should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date (specifying it) of the first local advertisement;
- (b) if provision is proposed to be included in the order authorising the compulsory acquisition of land, there must, in the case of each parcel of land whose compulsory acquisition is proposed to be authorised, be served by the applicant on every owner, lessee and occupier (except a tenant for a month or any period less than a month) of that parcel a notice stating that application has been made to [<sup>F19</sup>the Secretary of State] for the making of the order with the inclusion therein of provision authorising the compulsory

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acquisition of that parcel (describing it), naming a place where a copy of the draft of the proposed order and a copy (on the like scale) of the map that accompanied the application therefor on which the boundaries of that parcel are delineated may be seen at all reasonable hours and stating that, if the person served desires to make to [<sup>F19</sup>the Secretary of State] objection to the application so far as regards the inclusion in the order of provision authorising the compulsory acquisition of that parcel, he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him; [<sup>F23</sup>(ba) if provision is proposed to be included in the order extinguishing or diverting a public right of way over a footpath or bridleway, the applicant shall—

- (i) serve on every local authority for the area in which the path or way is situated a notice stating the effect of the provision, naming a place where a copy of the draft of the proposed order (and of any relevant map accompanying the application for the order) may be seen at all reasonable hours and stating that, if the local authority desire to make to the Secretary of State objection to the inclusion of the provision in the order, they should do so in writing (stating the grounds of their objection) before the expiration of the period of forty-two days from the date on which the notice is served on them;
- (ii) cause a copy of the notice to be displayed in a prominent position at the ends of so much of any path or way as would by virtue of the order cease to be subject to a public right of way; and for the purposes of this sub-paragraph, “local authority” means, in England and Wales, 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 or community council and a parish meeting of a parish not having a separate parish council and, in Scotland, a regional, islands or district council;]
- (c) if the applicant is not the harbour authority, there must be served by the applicant on that authority a copy of the draft order together (if the application for the order was accompanied by copies of a map or maps) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that application has been made to [<sup>F19</sup>the Secretary of State] for the making of the order and that, if the authority desire to make to [<sup>F19</sup>the Secretary of State] objection to the application, they should do so in writing (stating the grounds of their objection) before the expiration of the period of forty-two days from the date on which the notice is served on them;
- (d) if [<sup>F19</sup>the Secretary of State] so requires, there must, on any person specified by him, [<sup>F24</sup>and within such time as may be so specified, be] served by the applicant the like documents as are required to be served in compliance with sub-paragraph (c) above where it applies.

#### Textual Amendments

- F17** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 12\(a\)](#)
- F18** Words inserted (E.W.) by [S.I. 1988/1336, reg. 5\(a\)](#)  
 Words in [Sch. 3 para. 3](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg.2](#)
- F19** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 14\(2\)](#)



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- F20** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 12\(b\)](#)
- F21** Words inserted (E.W.) by [S.I. 1988/1336, reg. 5\(b\)\(i\)](#)  
Words in [Sch. 3 para. 3\(a\)](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg.2](#)
- F22** Words inserted (E.W.) by [S.I. 1988/1336, reg. 5\(b\)\(ii\)](#)  
Words in [Sch. 3 para. 3\(a\)](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg.2](#)
- F23** [Sch. 3 para. 3\(ba\)](#) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 10\(3\)](#); [S.I. 1992/1347, art. 2](#), Sch. (subject as mentioned in art. 3)
- F24** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 12\(c\)](#)

**Modifications etc. (not altering text)**

- C8** [Sch. 3 para. 3](#) excluded by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(3), [Sch. 1 para. 3\(b\)](#)

[<sup>F25</sup>3A It shall be the duty of the Secretary of State to furnish such bodies appearing to him to have environmental responsibilities as he thinks fit with any information supplied under paragraph 1A above and to consult such bodies.]

**Textual Amendments**

- F25** [Sch. 3 para. 3A](#) inserted (E.W.) by [S.I. 1988/1336, reg. 6](#)  
[Sch. 3 para. 3A](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg.2](#)

4 (1) Where the proper notices concerning an application for the making of a harbour revision order have been published under paragraph 3 above, and all persons required thereunder to be served in the case of the application with notices and other documents have been properly served therewith, and the time for the due making to [<sup>F26</sup>the Secretary of State] of objection to the application has elapsed, the following provisions of this paragraph shall have effect.

(2) ..... <sup>F27</sup>

(3) If objections to the application were duly made to [<sup>F26</sup>the Secretary of State] and have not been withdrawn, [<sup>F26</sup>the Secretary of State], unless he decides that the application shall not proceed further,—

- (a) in the case of an objection so far as regards the inclusion in the draft order of a provision authorising the compulsory acquisition of a parcel of land, shall either cause an inquiry to be held with respect to the objection or afford to the objector an opportunity of appearing before and being heard by a person appointed by [<sup>F26</sup>the Secretary of State] for the purpose;
- (b) in the case of any other objection, shall cause an inquiry to be held with respect thereto, unless he is of opinion that it is frivolous or too trivial to warrant the holding of an inquiry with respect to it,

..... <sup>F28</sup>

(4) Where an objector to the application avails himself of an opportunity of being heard afforded to him in pursuance of sub-paragraph (3)(a) above, [<sup>F26</sup>the Secretary of State] shall afford to the applicant, and to any other persons to whom it appears to [<sup>F26</sup>the Secretary of State] expedient to afford it, an opportunity of being heard on the same occasion.

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- (5) [<sup>F29</sup>After considering the objections (if any) made and not withdrawn [<sup>F30</sup>any information supplied under paragraph 1A above], and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector, the Secretary of State] unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit.
- (6) Where [<sup>F26</sup>the Secretary of State] proposes to make the order applied for with modifications which appear to him substantially to affect the character of the order as applied for, he shall take such steps as appear to him to be sufficient and reasonably practicable for informing the applicant and other persons likely to be concerned, and shall not make the order until such period for consideration of, and comment upon, the proposed modifications by the applicant and those other persons as he thinks reasonable has elapsed; nor shall he, unless all persons interested consent, so make the order as to authorise the compulsory acquisition of any land that was not described in the draft submitted to him as being land subject to be acquired compulsorily.
- (7) [<sup>F26</sup>the Secretary of State] may disregard for the purposes of this paragraph an objection to the application 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 draft order of a provision authorising the compulsory acquisition of land if he is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom compensation in respect of the acquisition will fall to be assessed in default of agreement.

#### Textual Amendments

- F26** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(2)**
- F27** [Sch. 3 Pt. I paras. 2, 4\(2\)](#) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F28** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F29** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(4)**
- F30** Words inserted (E.W.) by [S.I. 1988/1336, reg. 7](#)  
 Words in [Sch. 3 para. 4\(5\)](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg.2](#)

#### Modifications etc. (not altering text)

- C9** [Sch. 3 para. 4](#) excluded by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(3), **Sch. 1 para. 3(b)**

- [<sup>F31</sup>4ZA In any case where the Secretary of State has determined as mentioned in paragraph 1A(2) above, he shall publish in such manner as he thinks fit his decision whether or not to make an order.]

#### Textual Amendments

- F31** [Sch. 3 para. 4ZA](#) inserted (E.W.) after paragraph 4 by [S.I. 1988/1336, reg. 8](#)  
[Sch. 3 para. 4ZA](#) inserted (S.) (15.7.1992) after paragraph 4 by [S.I. 1992/1421, reg.2](#)

*Status: Point in time view as at 15/07/1992.*

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- [<sup>F32</sup>4A (1) The provisions of this paragraph have effect where the Secretary of State makes—
- (a) a harbour revision order relating to a harbour in England or Wales; or
  - (b) a harbour empowerment order relating to a harbour or to works to be carried out in England or Wales,
- and, in either case, the order [<sup>F33</sup>authorises the compulsory purchase of land].

[ Where this paragraph has effect in relation to an order, it shall be subject to special  
<sup>F34</sup>(2) parliamentary procedure to the same extent as it would be, by virtue of section 18 or 19 of the Acquisition of Land Act 1981 (or by virtue of paragraph 5 or 6 of Schedule 3 to that Act) (National Trust land, commons etc), if the purchase were authorised by an order under section 2(1) of that Act.]]

#### Textual Amendments

- F32** Paras. 4A, 4B inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 4\(2\)\(8\)](#) except as to a harbour revision or empowerment order in relation to which the notices required by para. 3(a) or 7(a) of Sch. 3 to this Act have been published before 1.10.1981
- F33** Words in [Sch. 3 para. 4A\(1\)](#) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 10\(4\)](#); S.I. 1992/1347, [art. 2](#), Sch. (subject as mentioned in art. 3)
- F34** [Sch. 3 para. 4A\(2\)](#) substituted (15.7.1992) for para. 4A(2)-(4) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 10\(4\)](#); S.I. 1992/1347, [art. 2](#), Sch. (subject as mentioned in art. 3)

- [<sup>F35</sup>4B – (1) The provisions of this paragraph apply to—
- (a) a harbour revision order relating to a harbour in Scotland, or
  - (b) a harbour empowerment order relating to a harbour or to works to be carried out in Scotland,
- where the order authorises the compulsory purchase of land.
- (2) Where this paragraph applies to an order, the order shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 1(2) (b) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (land forming part of a common or open space or held inalienably by the National Trust for Scotland), if the purchase were authorised by an order under section 1(1) of that Act.]

#### Textual Amendments

- F35** [Sch. 3 para. 4B](#) substituted (15.7.1992) for para. 4B (which was inserted by [Transport Act 1981 \(c. 56\)](#), s. 18, [Sch. 6 para. 4\(2\)\(8\)](#)) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 10\(5\)](#); S.I. 1992/1347, [art. 2](#), Sch. (subject as mentioned in art. 3)

- 5 So soon as may be after a harbour revision order has been made, the applicant for it—
- (a) shall publish by Gazette and local advertisement a notice stating that the order has been made and naming a place where a copy thereof (and, if a map or maps is or are annexed to the order, a copy of that map or, as the case may be, copies of those maps) may be inspected at all reasonable hours [<sup>F36</sup>and further stating, in the case of an order [<sup>F37</sup>which is not subject to special parliamentary procedure.], the date on which it came or will come into operation;]

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- (b) shall, if not the harbour authority, serve on that authority a copy of the order, together (if a map or maps is or are annexed to it) with a copy of that map or, as the case may be, copies of those maps;
- (c) shall serve a copy of the order, together (if a map or maps is or are annexed to it) with a copy of that map or, as the case may be, copies of those maps, on each person on whom, in compliance with a requirement imposed by virtue of paragraph 3(d) above, a copy of the draft of the order as submitted to [<sup>F38</sup>the Secretary of State] was served.

#### Textual Amendments

- F36** Words inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 4\(3\)\(8\)](#) except as to a harbour revision or empowerment order in relation to which the notices required by para. 3(a) or 7(a) of Sch. 3 to this Act have been published before 1.10.1981
- F37** Words in [Sch. 3 para. 5\(a\)](#) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 10\(6\)](#); S.I. 1992/1347, [art. 2](#), Sch. (subject as mentioned in art. 3)
- F38** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 14\(2\)](#)

#### Modifications etc. (not altering text)

- C10** [Sch. 3 para. 5\(c\)](#) excluded by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(3), [Sch. 1 para. 3\(b\)](#)

.....  
<sup>F39</sup>5A

#### Textual Amendments

- F39** [Sch. 3 para. 5A](#) (which was inserted by [Transport Act 1981 \(c. 56\)](#), s. 18, [Sch. 6 para. 4\(4\)\(8\)](#)) repealed (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), [Sch. 4 Pt.II](#); S.I. 1992/1347, [art. 2](#), Sch. (subject as mentioned in art. 3)

- 6 (1) Where application is made to [<sup>F40</sup>the Secretary of State] for a harbour revision order which includes provision authorising the compulsory acquisition of land which includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then if on a representation made to the appropriate Minister before the expiration of the period of forty-two days from the date of the first local advertisement of notice that the application has been so made that Minister is satisfied—
- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
  - (b) that an interest in any of the said land is held for those purposes,
- the order shall not be so made as to authorise the acquisition of any land as to which that Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—
- (i) that, without serious detriment to the carrying on of the undertaking, it can be acquired and not replaced, or
  - (ii) that, if acquired, it can, without such detriment as aforesaid, be replaced by other land belonging to, or available for acquisition by, the undertakers,

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and certifies accordingly.

(2) In this paragraph the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“statutory undertakers” means any person authorised by an Act (whether public, general or local) or by any order or scheme made under or confirmed by an Act to carry on any such undertaking as follows, that is to say,—

- (a) a railway, light railway, tramway or road transport undertaking;
- (b) an undertaking the activities whereof consist in—
  - (i) the maintenance of a canal;
  - (ii) the conservation or improvement of a river or other inland navigation;
  - (iii) the improvement, maintenance or management of a harbour (whether natural or artificial), port, haven or estuary, a dock (whether used by sea-going ships or not) or a wharf, quay, pier, jetty or other place at which ships (whether sea-going or not) can ship or unship goods or embark or disembark passengers; or
  - (iv) the provision and maintenance of a lighthouse; or
- (c) an undertaking for the supply of . . . <sup>F41</sup>, . . . <sup>F42</sup>, [<sup>F43</sup>hydraulic power or water][<sup>F43</sup> or hydraulic power];

..... <sup>F44</sup>

**Textual Amendments**

- F40** Words substituted by Transport Act 1981 (c. 56, SIF 58), **Sch. 5 para. 14(2)**
- F41** Word repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), **Sch. 18**
- F42** Word repealed by Gas Act 1986 (c. 44, SIF 44:2), s. 67(4), **Sch. 9 Pt. I**
- F43** Words “or hydraulic power” substituted (E.W.) for “hydraulic power or water” by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 31(3), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F44** Definition of “the appropriate Minister” repealed by S.I. 1970/1681, art 5(3), **Sch. 4**

**PART II**

PROCEDURE FOR THE MAKING OF HARBOUR REVISION ORDERS  
BY [<sup>F45</sup>THE SECRETARY OF STATE] OF HIS OWN MOTION . . . <sup>F46</sup>

**Textual Amendments**

- F45** Words substituted by Transport Act 1981 (c. 56, SIF 58), **Sch. 5 para. 14(2)**
- F46** Words repealed by Transport Act 1981 (c. 56, SIF 58), **Sch. 12 Pt. II**

7 Where [<sup>F47</sup>the Secretary of State] proposes to make, of his own motion, a harbour revision order, he shall, before doing so—

- (a) publish by Gazette and local advertisement and by such (if any) other means as he thinks fit a notice stating that he proposes to make the order, containing a concise summary of the provisions to be embodied in it,

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naming a place where a copy of the draft of the proposed order may be seen at all reasonable hours and stating that any person who desires to make to him objection to the proposal should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date (specifying it) of the first local advertisement;

- (b) serve on the harbour authority and on such (if any) other persons as he thinks ought to have notice of the proposal a copy of the draft of the proposed order together with a notice stating that he proposes to make the order and that if the person served desires to make to [F47the Secretary of State] objection to the proposal he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him.

**Textual Amendments**

**F47** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 14\(2\)](#)

- 8 (1) Where effect has been given to paragraph 7 above in the case of a proposal of [F48the Secretary of State] to make, of his own motion, a harbour revision order, and the time for the due making to [F48the Secretary of State] of objection to the proposal has elapsed, the following provisions of this paragraph shall have effect.
- (2) ..... F49
- (3) If objections to the proposal that were duly made to [F48the Secretary of State] have not been withdrawn, he shall, unless he decides to proceed no further in the matter, 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 . . . F50.
- (4) [F51After considering the objections (if any) made and not withdrawn, and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector, the Secretary of State], unless he decides not to make the order, may make it in the form of the draft or (subject to the restriction imposed by sub-paragraph (5) below) in that form but subject to such modifications as he thinks fit.
- (5) Where [F48the Secretary of State] proposes to make the order subject to modifications which appear to him substantially to affect the character of the order as originally proposed to be made, he shall take such steps as appear to him to be reasonably practicable for informing persons likely to be concerned, and shall not make the order until such period for consideration of, and comment upon, the proposed modifications by those persons as he thinks reasonable has elapsed.
- (6) [F48the Secretary of State] may disregard for the purposes of this paragraph an objection to the proposal unless it states the grounds on which it is made.

**Textual Amendments**

**F48** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 14\(2\)](#)

**F49** [Sch. 3 Pt. II para. 8\(2\)](#) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)

**F50** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)

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**F51** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(4)**

.....  
<sup>F52</sup>8A

.....  
**Textual Amendments**

**F52** [Sch. 3 paras. 8A, 8B](#) (which were inserted by [Transport Act 1981 \(c. 56\)](#), s. 18, **Sch. 6 para. 4(5)(8)**) repealed (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 63(1), 68(1), [Sch. 3 para. 10\(7\)](#), **Sch. 4 Pt.II**; S.I. 1992/1347, **art. 2**, Sch. (subject as mentioned in art. 3)

.....  
<sup>F53</sup>8B

.....  
**Textual Amendments**

**F53** [Sch. 3 paras. 8A, 8B](#) (which were inserted by [Transport Act 1981 \(c. 56\)](#), s. 18, **Sch. 6 para. 4(5)(8)**) repealed (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 63(1), 68(1), [Sch. 3 para. 10\(7\)](#), **Sch. 4 Pt.II**; S.I. 1992/1347, **art. 2**, Sch. (subject as mentioned in art. 3)

9            So soon as may be after a harbour revision order has been made by the Minister of his own motion he shall publish by Gazette and local advertisement a notice stating that the order has been made and naming a place where a copy thereof may be inspected at all reasonable hours <sup>F54</sup> . . . , and shall serve a copy of the order on every person on whom notice of the proposal to make the order was served in compliance with the requirement imposed by paragraph 7(b) above.

.....  
**Textual Amendments**

**F54** In [Sch. 3 para. 9](#) words, which were inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), s. 18, **Sch. 6 para. 4(6)(8)**, repealed (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), **Sch. 4 Pt.II**; S.I. 1992/1347, **art. 2**, Sch. (subject as mentioned in art. 3)

.....  
<sup>F55</sup>9A

.....  
**Textual Amendments**

**F55** [Sch. 3 para. 9A](#) (which was inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), s. 18, **Sch. 6 para. 4(7)(8)**) repealed (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), **Sch. 4 Pt. II**; S.I. 1992/1347, **art. 2**, Sch. (subject as mentioned in art. 3)

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## PARTS III—VI

F56

10—13

### Textual Amendments

**F56** Sch. 3 Pts. III–VI paras. 10–13 repealed by Transport Act 1981 (c. 56, SIF 58), **Sch. 12 Pt. II**

## PART VII

MODIFICATIONS SUBJECT TO WHICH PART I IS TO HAVE EFFECT  
 WITH RESPECT TO PROCEDURE FOR THE MAKING OF HARBOUR  
 EMPOWERMENT ORDERS BY [F57THE SECRETARY OF STATE]

### Textual Amendments

**F57** Words substituted by Transport Act 1981 (c. 56, SIF 58), **Sch. 5 para. 14(2)**

- 14 (1) The modifications subject to which Part I of this Schedule is, by virtue of section 17(1)(g) of this Act, to have effect with respect to the procedure for the making of harbour empowerment orders by [F58the Secretary of State] are those set out in the following provisions of this paragraph.
- (2) For references to a harbour revision order there shall be substituted references to a harbour empowerment order.
- (3) For the reference, in paragraph 3, to the requirements of sub-paragraphs (b) to (d), there shall be substituted a reference to the requirements of sub-paragraphs [F59(b) to (c)], and for sub-paragraphs (c) and (d) of that paragraph, there shall be substituted the following sub-paragraph:—
- “(c) if [F58the Secretary of State] so requires, there must, on any person specified by him, be served by the applicant a copy of the draft order together (if the application for the order was accompanied by a copy of a map or copies of maps) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that application has been made to [F58the Secretary of State] for the making of the order and that, if the person served desires to make to [F58the Secretary of State] objection to the application, he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him”.
- (4) Sub-paragraph (b) of paragraph 5 shall be omitted, and for the reference, in sub-paragraph (c) of that paragraph, to paragraph 3(d), there shall be substituted a reference to paragraph 3(c).



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**Textual Amendments**

- F58** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(2)**  
**F59** Words in [Sch. 3 para. 14\(3\)](#) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 10(8)**; S.I. 1992/1347, **art. 2**, Sch. (subject as mentioned in art. 3)

**PARTS VIII, IX**

*F60*

.....  
15, 16

**Textual Amendments**

- F60** [Sch. 3 Pts. VIII, IX](#) paras. 15, 16 repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**

SCHEDULE 4

Sections 18 and 47.

[<sup>F61</sup>PROCEDURE FOR CONFIRMING AND MAKING HARBOUR REORGANISATION SCHEMES]

**Textual Amendments**

- F61** Heading substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 6(6)**

**Modifications etc. (not altering text)**

- C11** [Sch. 4](#) amended by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), s. 42(2)

**PART I**

PROCEDURE FOR SUBMISSION AND CONFIRMATION  
OF HARBOUR REORGANISATION SCHEMES

- 1 The submission to the Minister of a harbour reorganisation scheme shall be effected by depositing with him not less than six copies of the scheme together with not less than six copies of any map or maps which, if the scheme is confirmed in the form submitted, will be required to be annexed to it.
- 2 Where a harbour reorganisation scheme is submitted to the Minister he shall take it into consideration and, if he decides that it should proceed,—
- (a) he shall publish by Gazette and local advertisement and by such (if any) other means as he thinks fit a notice stating that the scheme has been submitted to him, containing a concise summary of it and, if it provides for transferring interests in land, a general description of the land interests in which are to be transferred, naming a place where a copy of the scheme and (if copies of a map or maps were deposited with it) a copy of that map or, as the case may be, copies of those maps may be seen at all reasonable hours

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and stating that any person who desires to make to him objection to the scheme should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date (specifying it) of the first local advertisement; and

- (b) if provision is included in the scheme for transferring interests in land, he shall, in the case of each parcel of land interests in which are to be transferred, serve on the owner of each interest to be transferred a notice stating that the scheme has been submitted to the Minister and includes provision transferring the interest in that parcel (describing it) of the person served, naming a place where a copy of the scheme and a copy (on the like scale) of the map deposited therewith on which the boundaries of that parcel are delineated may be seen at all reasonable hours, and stating that, if the person served desires to make to the Minister objection to the scheme so far as regards the inclusion therein of provision transferring his interest in that parcel, he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him; and

- (c) ..... F62

- (d) ..... F63, he shall on each (if any there be) of the harbour authorities who between them are engaged in improving, maintaining or managing the several harbours comprised in the group and are not parties to the submission of the scheme, and, if [F64 a local lighthouse authority who are not a harbour authority] are affected by the scheme, on them, contemporaneously serve [F64 a copy of the scheme, together (if copies of a map or maps were deposited with it) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that the scheme has been submitted to the Secretary of State and that, if the authority served desire to make to the Secretary of State objection to the scheme, they should do so in writing (stating the grounds of their objection) before the expiration of the period of forty-two days from the date on which the notice is served on them].

<p><b>Textual Amendments</b></p> <p><b>F62</b> Para. 2(c) repealed by <a href="#">Transport Act 1981 (c. 56, SIF 58)</a>, <a href="#">Sch. 12 Pt. II</a></p> <p><b>F63</b> Words repealed by <a href="#">Transport Act 1981 (c. 56, SIF 58)</a>, <a href="#">Sch. 12 Pt. II</a></p> <p><b>F64</b> Words substituted by <a href="#">Transport Act 1981 (c. 56, SIF 58)</a>, <a href="#">Sch. 5 para. 14(5)</a></p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p><b>C12</b> Para. 2(a) amended by <a href="#">Docks and Harbours Act 1966 (c. 28, SIF 58)</a>, <a href="#">s. 42(3)</a></p>
--

- 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) ..... F65

- (5) If . . . F66 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

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unless, in his opinion, it is frivolous or too trivial to warrant the holding of an inquiry with respect thereto . . . <sup>F66</sup>.

- (6) [<sup>F67</sup>After considering the objections (if any) made and not withdrawn, and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector, the Secretary of State] 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 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 them 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.

#### Textual Amendments

**F65** Sch. 4 para. 3(2)–(4) repealed by Transport Act 1981 (c. 56, SIF 58), Sch. 12 Pt. II

**F66** Words repealed by Transport Act 1981 (c. 56, SIF 58), Sch. 12 Pt. II

**F67** Words substituted by Transport Act 1981 (c. 56, SIF 58), Sch. 5 para. 14(4)

#### Modifications etc. (not altering text)

**C13** Para. 3(5) amended by Docks and Harbours Act 1966 (c. 28, SIF 58), s. 42(2)

- 4 So soon as may be after a harbour reorganisation scheme has been confirmed by the Minister, he shall publish by Gazette and local advertisement a notice stating that it has been confirmed and naming a place where a copy of it in the form in which it was confirmed (and, if a map or maps is or are annexed to the scheme, a copy of that map or, as the case may be, copies of those maps) may be inspected at all reasonable hours, and shall serve a copy of the scheme in the form aforesaid (and, if a map or maps is or are annexed to the scheme, a copy of that map or, as the case may be, copies of those maps) on each authority on whom a copy of the scheme as submitted to the Minister was served in compliance with a requirement imposed by paragraph 2 . . . <sup>F68</sup>(d) above . . . <sup>F68</sup>.

#### Textual Amendments

**F68** Words repealed by Transport Act 1981 (c. 56, SIF 58), Sch. 12 Pt. II

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## [<sup>F69</sup>PART II

### MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT WITH RESPECT TO PROCEDURE FOR MAKING OF HARBOUR REORGANISATION SCHEMES BY THE SECRETARY OF STATE OF HIS OWN MOTION.

#### Textual Amendments

**F69** Pt. II paras. 5–9 inserted by Transport Act 1981 (c. 56, SIF 58), Sch. 6 para. 6(7)

- 5 References to confirming a scheme shall be construed as references to making a scheme.
- 6 Paragraph 1 shall be omitted.
- 7 In paragraph 2—
- (a) for the opening words down to “proceed” there shall be substituted “Where the Secretary of State proposes to make, of his own motion, a harbour reorganisation scheme”;
  - (b) for the words “has been submitted to” wherever occurring there shall be substituted the words “is proposed to be made by” and in sub-paragraph (d) the words “and are not parties to the submission of the scheme” shall be omitted;
  - (c) for any reference in sub-paragraph (a), (b) or (d) to a map deposited with the scheme there shall be substituted a reference to a map to be annexed to the scheme.
- 8 In paragraph 3—
- (a) in sub-paragraph (1) for the words “submitted to” there shall be substituted the words “proposed to be made by”;
  - (b) in sub-paragraph (7) for the words “as submitted to him” there shall be substituted the words “as served under paragraph 2(d) above on the authorities there mentioned”, and there shall be omitted the words “that submitted the scheme to him” and the words “that submitted the scheme”.
- 9 In paragraph 4 for the words “submitted to” there shall be substituted the words “proposed to be made by.”]

## SCHEDULE

5. . . . .

F70

#### Textual Amendments

**F70** Sch. 5 repealed by Transport Act 1981 (c. 56, SIF 58), Sch. 12 Pt. II

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*Status: Point in time view as at 15/07/1992.*

*Changes to legislation: Harbours Act 1964 is up to date with all changes known to be in force on or before 13 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)*

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SCHEDULE

6. ....

F71

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**Textual Amendments**

**F71** Sch. 6 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**Status:**

Point in time view as at 15/07/1992.

**Changes to legislation:**

Harbours Act 1964 is up to date with all changes known to be in force on or before 13 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.