



Harbours Act 1964

1964 CHAPTER 40

[^{F1}Harbour closure orders

[^{F1}17D Harbour closure orders: procedure

- (1) Part 1 of Schedule 3 has effect in relation to closure orders as in relation to harbour revision orders.
- (2) In relation to closure orders made otherwise than on the application of the harbour authority Part 1 of Schedule 3 has effect with any necessary modifications, in particular—
 - [^{F2}(a) ignore paragraphs 3, 4A, 4B(2), 4C(2), 5(2), 6(2)(a) and (c), (3) and (4), 7, 8A, 9, 10(6) to (8), 13 and 14.]
 - (b) treat a reference to the applicant as a reference to the Secretary of State,
 - (c) treat a reference to the application for an order as a reference to the proposal to make an order,
 - (d) treat a reference to being notified of a proposed application as a reference to proposing to make an order, ^{F3}...
 - [^{F4}(e) paragraph 4B applies as if for sub-paragraph (1) there were substituted—
 - “(1) The Secretary of State must make a screening decision in respect of the proposed order—
 - (a) as soon as possible, and
 - (b) in any event within the period of 90 days beginning with the day on which the Secretary of State has all of the information needed to make the decision.”,
 - (f) paragraph 8 applies if the Secretary of State decides that the order would relate to a project which requires an environment impact assessment, in which case—
 - (i) the Secretary of State, having consulted bodies with environmental responsibilities, must arrange for the preparation of an environmental statement by competent experts,
 - (ii) the environmental statement must include the information specified in sub-paragraphs (2)(b) and (3) (and may include other information),

Changes to legislation: Harbours Act 1964, Section 17D is up to date with all changes known to be in force on or before 19 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) View outstanding changes

- (iii) the environmental statement must take into account the results of any relevant environmental assessment which are reasonably available to the Secretary of State, and
 - (iv) the environmental statement must include a statement setting out the relevant expertise or qualifications of the experts who prepared the environmental statement,
 - (g) where paragraph 8 applies, treat a reference to an environmental statement supplied under paragraph 8(1)(a) as a reference to the environment statement prepared on behalf of the Secretary of State, and
 - (h) paragraph 10ZA applies if the Secretary of State decides that the order would relate to a project which requires an environmental impact assessment, in which case, treat a reference to the notice received under paragraph 10(6) as a reference to the notice published under paragraph 10(1).]
- (3) Section 44 applies in relation to closure orders as in relation to harbour revision orders.]

Textual Amendments

- F1** Ss. 17A-17F and cross-heading inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\), ss. 6\(1\), 13](#); [S.S.I. 2013/254, art. 2](#); [S.I. 2013/1489, art. 3](#); [S.I. 2013/2006, art. 2](#)
- F2** [S. 17D\(2\)\(a\)](#) substituted (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. 3\(a\)](#) (with [Sch. 6 para. 2\(2\)](#))
- F3** Word in [s. 17D\(2\)\(d\)](#) omitted (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\), reg. 1\(1\), Sch. 1 para. 3\(b\)](#) (with [Sch. 6 para. 2\(2\)](#))
- F4** Ss. [17D\(2\)\(e\)-\(h\)](#) substituted for [s. 17D\(2\)\(e\)](#) (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. 3\(c\)](#) (with [Sch. 6 paras. 2\(2\), 3\(1\)](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2023 c. 8 s. 9\(7\)](#)