
Changes to legislation: Marine and Coastal Access Act 2009, Paragraph 5 is up to date with all changes known to be in force on or before 15 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) [View outstanding changes](#)

SCHEDULES

SCHEDULE 21 **E+W**

AMENDMENTS OF THE HARBOURS ACT 1964

Procedure for dealing with applications for harbour orders

- 5 (1) In Schedule 3 (procedure for making harbour revision and empowerment orders), paragraph 18 (which provides for the holding of an inquiry or public hearing when an objection is made) is amended as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) This paragraph applies if an objection to the application was made to the appropriate authority and has not been withdrawn.
- (1A) This paragraph does not apply if—
- (a) the appropriate authority decides that the application is not to proceed further,
 - (b) the appropriate authority considers that the objection is frivolous or trivial,
 - (c) the objection does not specify the grounds on which it is made, or
 - (d) the objection was not made within the period allowed for making it.
- (1B) Before deciding the application under paragraph 19, the appropriate authority may—
- (a) cause an inquiry to be held, or
 - (b) give to the person who made the objection an opportunity of appearing before, and being heard by, a person appointed by the appropriate authority.
- (1C) If the objection—
- (a) was made by the Welsh Ministers to the Secretary of State, and
 - (b) is not an objection regarding compulsory acquisition of a parcel of land,
- the Secretary of State must cause an inquiry to be held under sub-paragraph (1B)(a).
- (1D) If, in a case where sub-paragraph (1C) does not apply,—
- (a) the objection was made by a person within sub-paragraph (1E), and
 - (b) that person makes a request in writing to the appropriate authority that the objection be referred to an inquiry or dealt with in accordance with sub-paragraph (1B)(b),
- the appropriate authority must either cause an inquiry to be held under sub-paragraph (1B)(a) or cause the objection to be dealt with in accordance with sub-paragraph (1B)(b), as the appropriate authority may determine.

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(1E) The persons within this sub-paragraph are—

- (a) in the case of an application to the Secretary of State, the Welsh Ministers;
- (b) any local authority for an area in which the harbour (or any part of it) is situated;
- (c) the relevant conservation body;
- (d) if the order will authorise the compulsory acquisition of land, any person who is entitled to be served with notice under paragraph 11.”.

(3) In sub-paragraph (2)—

- (a) for “sub-paragraph (1)(a)” substitute “ sub-paragraph (1B)(b) ”,
- (b) for “Secretary of State” substitute “ appropriate authority ”, and
- (c) for “he” substitute “ the authority ”.

(4) In sub-paragraph (3)—

- (a) for “Secretary of State” substitute “ appropriate authority ”,
- (b) omit paragraph (a), and
- (c) in paragraph (b), for “he” substitute “ the appropriate authority ”.

(5) After sub-paragraph (3) insert—

“(4) In this paragraph—

“the appropriate authority” means—

- (a) in a case where the application was made to the Secretary of State, the Secretary of State;
- (b) in a case where the application was made to the Welsh Ministers, the Welsh Ministers;

“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, and
- (b) in Wales, a county council, a county borough council and a community council;

“the relevant conservation body” means—

- (a) if the harbour (or any part of it) is situated in England, Natural England, and
- (b) if the harbour (or any part of it) is situated in Wales, the Countryside Council for Wales.”.

Commencement Information

II Sch. 21 para. 5 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58(5A) inserted by [2024 asc 3 Sch. 3 para. 10\(2\)](#)
- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- s. 243A inserted by [2024 asc 3 s. 110](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)