

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement for England and Wales Council Directive [85/337/EEC](#) of the 27th June 1985 (OJNo. L175, 5.7.85, p.40) on the assessment of the effects of certain public and private projects on the environment, in respect of the procedure for making harbour revision orders and harbour empowerment orders relating to harbour works to which the Directive applies.

The Regulations amend section 57 of and Part I of Schedule 3 to the Harbours Act 1964 so as to require the Secretary of State to determine when an application for a harbour revision order or a harbour empowerment order is made in relation to a harbour in England or Wales whether the application relates to a project to which the Directive applies. If the Secretary of State determines in any case that the Directive applies and that an environmental assessment is needed, he is to require the applicant, to the extent that he considers it relevant and reasonable, to supply in such form as he may specify the information referred to in Annex III to the Directive.

Provision is also made for the publication of information so supplied, for it to be furnished to bodies with environmental responsibilities and for consultation with such bodies. The information supplied is to be considered by the Secretary of State in reaching his decision. The Secretary of State must publish his decision on an application for a harbour revision order or a harbour empowerment order when he has determined that it relates to a project needing to be subject to an environmental assessment in accordance with the Directive.