

---

## EXPLANATORY NOTE

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

These Regulations implement, in relation to harbour works, article 3 of Directive [2003/35/EC](#) of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives [85/337/EEC\(1\)](#) and [96/61/EC\(2\)](#).

Council Directive [85/337/EC](#) on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) was implemented in relation to harbour works by the Harbour Works (Environmental Impact Assessment) Regulations 1999 ([S.I. 1999/3445](#)) which substituted Schedule 3 to the Harbours Act 1964. Schedule 3 sets out the procedure for making harbour revision and harbour empowerment orders.

These Regulations amend Schedule 3 by making provision for the making of representations in relation to an environmental statement (*regulation 5*) and for dealing with additional information supplied to the Secretary of State before the decision is made on the order (*regulation 6*). *Regulations 4 and 7 to 11* make ancillary provision.

These Regulations also amend section 44 (limitation of right to challenge orders in legal proceedings) of the Harbours Act 1964 to ensure that an environmental organisation is able to make an application under section 44(1) (*regulation 2*).

The impact assessment and transposition note are available from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR and are annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).

---

(1) O.J. No L 175 05.07.1985, p. 40.

(2) O.J. No L 257 10.10.1996, p. 26.

**Changes to legislation:**

There are currently no known outstanding effects for the The Harbour Works (Environmental Impact Assessment) (Amendment) (England and Wales) Regulations 2009.