
STATUTORY INSTRUMENTS

2009 No. 269

**The Harbour Works (Environmental Impact Assessment)
(Amendment) (England and Wales) Regulations 2009**

Amendment of the Harbours Act 1964

2. In section 44(1) of the Act (limitation of right to challenge orders in legal proceedings), at the end add—

“(6) In the case of an order falling within subsection (7), an environmental organisation is, in accordance with Article 10a of the Directive, to be deemed to have sufficient interest to make an application under subsection (1).

(7) An order is within this subsection if the decision to make it was subject to the public participation provisions of the Directive.

(8) For the purposes of subsections (6) and (7)—

- (a) “the Directive” has the meaning given in Schedule 3;
- (b) an “environmental organisation” is a non-governmental organisation promoting environmental protection; and
- (c) “the public participation provisions” has the same meaning as in the Directive.”.

(1) Section 44 was substituted by the Docks and Harbours Act 1966 (c. 28) (section 44) and amended by the Transport Act 1981 (c. 56) (section 18(1) and Schedules 6 (paragraphs 5(2)(a) and (b) and 6(4)) and 12 (Part II)). Section 44 was amended in relation to Scotland by the Transport and Works (Scotland) Act 2007 (asp 8) (section 25(2)).