



# Medway Ports Authority Act 1973

## 1973 CHAPTER xxi

### PART II

#### DUTIES AND GENERAL POWERS OF THE AUTHORITY

#### **39 Appeals in respect of works licence or dredging licence**

- (1) Any applicant for a works licence or a dredging licence who is aggrieved by—
- the refusal of the Authority to grant the licence;
  - any terms or conditions upon which the licence is granted;
  - any modifications required by the Authority in the plans, sections and particulars submitted by the applicant;
- may, within twenty-eight days from the date upon which the Authority notify the applicant of their decision or the date on which the Authority are under subsection (3) of section 37 (Licensing of works) of this Act or subsection (3) of section 38 (Licence to dredge) of this Act deemed to have refused the application, appeal to the appropriate Minister whose decision shall be binding upon the parties.
- (2) A person who appeals to the appropriate Minister under this section shall give to the Authority notice of his appeal accompanied by a copy of his statement of appeal and the Authority shall within twenty-eight days from the receipt of such notice be entitled to furnish the appropriate Minister with their observations on the appeal.
- (3) (a) On an appeal under this section the appropriate Minister may—
- dismiss the appeal; or
  - require the Authority to grant the licence upon such terms and conditions as the appropriate Minister may determine; or
  - require the Authority to approve the plans, sections and particulars without modification or subject to such modifications as the appropriate Minister may determine.
- (b) The Authority shall give effect to any requirement made by the appropriate Minister under paragraph (a) of this subsection.
- (4) In this section " the appropriate Minister " means—

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (a) in the case of an appeal by the applicant for a works licence, the Secretary of State;
- (b) in the case of an appeal by the applicant for a dredging licence, the Secretary of State for the Environment.