

SCHEDULES

[^{F1}SCHEDULE 3

PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

Textual Amendments

- F1** Sch. 3 substituted (1.2.2000) by [The Harbour Works \(Environmental Impact Assessment\) Regulations 1999 \(S.I. 1999/3445\)](#), reg. 15(4), **Sch. 3**

Modifications etc. (not altering text)

- C1** Sch. 3 modified (1.4.2001) by [2000 c. 38, s. 37, Sch. 5 para. 1\(2\)\(j\)](#) (with s. 106); [S.I. 2001/869, art.2](#)
- C1** Sch. 3: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 29\(2\)\(b\)\(ii\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6, 9](#)); [S.I. 2017/1179, reg. 3\(g\)](#) (with transitional provisions and savings in [S.I. 2018/278, reg. 2, Sch.](#))
- C1** [Sch. 3](#): power to amend or repeal conferred for specified purposes (26.12.2023) by [Levelling Up and Regeneration Act 2023 \(c. 55\), ss. 164\(3\), 255\(5\), Sch. 14 Pts. 1, 2](#) (with s. 247)

PART I

ORDERS MADE ON APPLICATION TO THE SECRETARY OF STATE

Statutory undertakers' land

- 25 (1) This paragraph applies where application is made to the Secretary of State for a harbour revision order which will authorise the compulsory acquisition of land which includes land which has been acquired by statutory undertakers for the purposes of their undertaking.
- (2) If on a representation made to it the appropriate authority is satisfied—
- (a) that any of the said land is used for the purposes of the carrying on of the statutory undertakers' undertaking, or
- (b) that an interest in any of the said land is held for those purposes,
- the order shall not be so made as to authorise the acquisition of any such land unless sub-paragraph (3) applies.
- (3) This sub-paragraph applies where that authority certifies that the nature and situation of the land are such—
- (a) that, without serious detriment to the carrying on of the undertaking, it can be acquired and not replaced, or
- (b) that, if acquired, it can, without such detriment as aforesaid, be replaced by other land belonging to, or available for acquisition by, the undertakers.
- (4) The representation mentioned in sub-paragraph (2) must be made before the expiry of the period of 42 days starting with the date on which the notice that the application has been made for the order first appears in a local newspaper.

Changes to legislation: Harbours Act 1964, Cross Heading: Statutory undertakers' land is up to date with all changes known to be in force on or before 03 April 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

- (5) In this paragraph “statutory undertakers” means any person authorised by an Act (whether public general or local) or by any order or scheme made under or confirmed by an Act to carry on any of the following undertakings—
- (a) a railway, light railway, tramway or road transport undertaking;
 - (b) an undertaking the activities of which consist in—
 - (i) the maintenance of a canal;
 - (ii) the conservation or improvement of a river or other inland navigation;
 - (iii) the improvement, maintenance or management of a harbour (whether natural or artificial), port, haven or estuary, a dock (whether used by sea-going ships or not) or a wharf, quay, pier, jetty or other place at which ships (whether sea-going or not) can ship or unship goods or embark or disembark passengers; or
 - (iv) the provision and maintenance of a lighthouse; or
 - (c) an undertaking for the supply of hydraulic power.
- (6) In this paragraph, “the appropriate authority” means—
- (a) in relation to a statutory undertaker authorised to carry on an undertaking whose activities consist in the improvement, maintenance or management of—
 - (i) a fishery harbour in England, the Minister of Agriculture, Fisheries and Food; or
 - (ii) [^{F2}a harbour that is wholly in Wales other than a reserved trust port, the Welsh Ministers;]
 - (b) in relation to a statutory undertaker authorised to carry on an undertaking in Scotland, and in relation to whom the relevant Ministerial function has been transferred to the Scottish Ministers under the Scotland Act 1998, the Scottish Ministers; and
 - (c) in relation to any other statutory undertaker, the Secretary of State.]

Textual Amendments

F2 Sch. 3 para. 25(6)(a)(ii) substituted (1.4.2018) by Wales Act 2017 (c. 4), ss. 30(7), 71(4) (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(g)

Changes to legislation:

Harbours Act 1964, Cross Heading: Statutory undertakers' land is up to date with all changes known to be in force on or before 03 April 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.

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

- Act modified by [2023 c. 8 s. 9\(7\)](#)