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SCHEDULES

SCHEDULE 3

PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

PART IX

MODIFICATIONS SUBJECT TO WHICH PART I IS TO HAVE EFFECT WITH RESPECT TO PROCEDURE FOR THE MAKING OF HARBOUR EMPOWERMENT ORDERS BY THE SECRETARY OF STATE

- 16 (1) The modifications subject to which Part I of this Schedule is, by virtue of section 17(1)(i) of this Act, to have effect with respect to the procedure for the making of harbour empowerment orders by the Secretary of State are those set out in the following provisions of this paragraph.
- (2) For references to a harbour revision order there shall be substituted references to a harbour empowerment order and for references (except in paragraph 6(2)) to the Minister there shall be substituted references to the Secretary of State.
- (3) For the reference, in paragraph 3, to the requirements of sub-paragraphs (b) to (d), there shall be substituted a reference to the requirements of sub-paragraphs (b) and (c), and for sub-paragraphs (c) and (d) of that paragraph, there shall be substituted the following sub-paragraph:—
- “*(c)* if the Secretary of State so requires, there must, on any person specified by him, be served by the applicant a copy of the draft order together (if the application for the order was accompanied by a copy of a map or copies of maps) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that application has been made to the Secretary of State for the making of the order and that, if the person served desires to make to the Secretary of State objection to the application, he should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date on which the notice is served on him”.
- (4) In paragraph 4(2) for the words from " unless he decides " (inclusive) onwards, there shall be substituted the words " unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit ".
- (5) In paragraph 4(3) for the words from " shall, unless he decides " (inclusive) onwards, there shall be substituted the words " shall consider the objections so made and not withdrawn and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector and, having done so, unless he decides not to make the order, may make the order applied for in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) of this

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paragraph and by paragraph 6 below) in that form but subject to such modifications as he thinks fit".

- (6) Paragraph 4(5) shall be omitted.
- (7) Sub-paragraph (b) of paragraph 5 shall be omitted, and for the reference, in sub-paragraph (c) of that paragraph, to paragraph 3(d), there shall be substituted a reference to paragraph 3(c).