

SCHEDULES

SCHEDULE 4

Sections 18 and 47.

SUBMISSION AND CONFIRMATION OF HARBOUR REORGANISATION SCHEMES

- 1 The submission to the Minister of a harbour reorganisation scheme shall be effected by depositing with him not less than six copies of the scheme together with not less than six copies of any map or maps which, if the scheme is confirmed in the form submitted, will be required to be annexed to it.
- 2 Where a harbour reorganisation scheme is submitted to the Minister he shall take it into consideration and, if he decides that it should proceed.—
 - (a) he shall publish by Gazette and local advertisement and by such (if any) other means as he thinks fit a notice stating that the scheme has been submitted to him, containing a concise summary of it and, if it provides for transferring interests in land, a general description of the land interests in which are to be transferred, naming a place where a copy of the scheme and (if copies of a map or maps were deposited with it) a copy of that map or, as the case may be, copies of those maps may be seen at all reasonable hours and stating that any person who desires to make to him objection to the scheme should do so in writing (stating the grounds of his objection) before the expiration of the period of forty-two days from the date (specifying it) of the first local advertisement; and
 - (b) if provision is included in the scheme for transferring interests in land, he shall, in the case of each parcel of land interests in which are to be transferred, serve on the owner of each interest to be transferred a notice stating that the scheme has been submitted to the Minister and includes provision transferring the interest in that parcel (describing it) of the person served, naming a place where a copy of the scheme and a copy (on the like scale) of the map deposited therewith on which the boundaries of that parcel are delineated may be seen at all reasonable hours, and stating that, if the person served desires to make to the Minister objection to the scheme so far as regards the inclusion therein of provision transferring his interest in that parcel, 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; and
 - (c) if the scheme is submitted by the Council, he shall serve on each of the harbour authorities who between them are engaged in improving, maintaining or managing the several harbours comprised in the group, and, if a local lighthouse authority who are not a harbour authority are affected by the scheme, on that authority, a copy of the scheme, together (if copies of a map or maps were deposited with it) with a copy of that map, or copies of those maps, and, in any event, with a notice stating that the scheme has been submitted to the Minister and that, if the authority served desire to make to the Minister objection to the scheme, they should do so in writing (stating the grounds of their objection) before the expiration of the period of forty-two days from the date on which the notice is served on them ; but

Status: This is the original version (as it was originally enacted).

- (d) if the scheme is submitted otherwise than by the Council, he shall on each (if any there be) of the harbour authorities who between them are engaged in improving, maintaining or managing the several harbours comprised in the group and are not parties to the submission of the scheme, and, if such a local lighthouse authority as aforesaid are affected by the scheme, on them, contemporaneously serve the like documents as would be required to be served in compliance with sub-paragraph (c) above had the scheme been submitted by the Council.
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 - (1) Where effect has been given to paragraph 2 above in the case of a harbour reorganisation scheme submitted to the Minister and the time for the due making to the Minister of objection to the scheme has elapsed, the following provisions of this paragraph shall have effect.
 - (2) If the scheme was submitted by the Council and no objections to the scheme were duly made to the Minister or all objections to the scheme that were duly made to him have been withdrawn, he may, if he then decides to confirm the scheme, by order confirm it without modifications or (subject to the restrictions imposed by sub-paragraph (7) below) with such modifications as he thinks fit.
 - (3) If the scheme was submitted by the Council and objections thereto that were duly made to the Minister have not been withdrawn, he shall, unless he decides that the scheme shall not proceed further, cause an inquiry to be held with respect to each objection so made and not withdrawn unless, in his opinion, it is frivolous or too trivial to warrant the holding of an inquiry with respect thereto and, if after considering the report of the person (or the reports of each of them, if more than one) who held an inquiry, he then decides to confirm the scheme, may by order confirm it without modification or (subject to the restrictions imposed by sub-paragraph (7) below) subject to such modifications as he thinks fit.
 - (4) If the scheme was submitted otherwise than by the Council and no objections to the scheme were duly made to the Minister or all objections to the scheme that were duly made to him have been withdrawn, he shall, unless he decides that the scheme shall not proceed further, refer the scheme to the Council for consideration and report.
 - (5) If the scheme was submitted otherwise than by the Council and objections thereto that were duly made to the Minister have not been withdrawn, he shall, unless he decides that the scheme shall not proceed further, cause an inquiry to be held with respect to each objection so made and not withdrawn unless, in his opinion, it is frivolous or too trivial to warrant the holding of an inquiry with respect thereto and, after effect has been given to the foregoing provisions of this paragraph, shall, unless he decides that the scheme shall not proceed further, refer to the Council for consideration and report the scheme, the objections so made and not withdrawn and the report of any person who held an inquiry.
 - (6) Where in pursuance of the reference to them under sub-paragraph (4) or (5) above, the Council have reported to the Minister, he shall consider their report and the documents reported on and if he then decides to confirm the scheme, may by order confirm it without modifications or (subject to the restrictions imposed by sub-paragraph (7) below) with such modifications as he thinks fit.
 - (7) Where the Minister proposes to confirm the scheme with modifications which appear to him substantially to affect the character of the scheme as submitted to him, he shall take such steps as appear to him to be sufficient and reasonably practicable for informing them that submitted the scheme to him, and other persons likely to be

concerned, and shall not confirm the scheme until such period for consideration of, and comment upon, the proposed modifications by then that submitted the scheme and those other persons as he thinks reasonable has elapsed; nor shall he confirm the scheme subject to a modification that results in its including provision transferring an interest of a person in property that was not described in the scheme as submitted to him as being property in which interests of that person were subject to be transferred unless that person consents to its being so confirmed.

- (8) The Minister may disregard for the purposes of this paragraph an objection to the scheme unless it states the grounds on which it is made, and may disregard for those purposes such an objection so far as regards the inclusion in the scheme of a provision transferring interests of a person in any property if he is satisfied that the objection relates exclusively to matters in respect of which compensation falls to be provided under the scheme and that the scheme is so framed as to enable those matters to be properly dealt with.

- 4 So soon as may be after a harbour reorganisation scheme has been confirmed by the Minister, he shall publish by Gazette and local advertisement a notice stating that it has been confirmed and naming a place where a copy of it in the form in which it was confirmed (and, if a map or maps is or are annexed to the scheme, a copy of that map or, as the case may be, copies of those maps) may be inspected at all reasonable hours, and shall serve a copy of the scheme in the form aforesaid (and, if a map or maps is or are annexed to the scheme, a copy of that map or, as the case may be, copies of those maps) on each authority on whom a copy of the scheme as submitted to the Minister was served in compliance with a requirement imposed by paragraph 2(c) or (d) above (according as to which applied in the circumstances in which the scheme was submitted).