



# Harbours Act 1964

## 1964 CHAPTER 40

### *Miscellaneous and General*

#### **47 Provisions as to inquiries and hearings.**

(1) [<sup>F1</sup>Subsections (2) to (5) of section 250 of the <sup>M1</sup>Local Government Act 1972] (which provides for the holding of inquiries for the purposes of that Act)—

(a) shall apply to an inquiry caused by the Minister or the Minister of Agriculture, Fisheries and Food to be held in England or Wales under any provision of this Act as they apply to an inquiry held under the said [<sup>F1</sup>section 250], subject to the following modifications, namely,—

(i) ..... <sup>F2</sup>

(ii) subsection (4) shall have effect as if references therein to the payment of costs by a local authority not being a party to the inquiry had been omitted; . . . <sup>F3</sup>

(b) ..... <sup>F4</sup>

and [<sup>F1</sup>subsections (4) and (5) of the said section 250] shall, with the like modifications as those specified in paragraph (a) . . . <sup>F3</sup>(ii) above, apply to any hearing caused by the Minister or the Minister of Agriculture, Fisheries and Food to take place in England or Wales in pursuance of any provision of this Act (otherwise than by way of inquiry) as if the hearing were an inquiry caused by him to be held as aforesaid.

<sup>F5</sup>[(1A) The power to make an order as to costs under section 250(5) of the Local Government Act 1972 as applied by subsection (1) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place.]

(2) [<sup>F6</sup>Subsections (3) to (8) of section 210 of the <sup>M2</sup>Local Government (Scotland) Act 1973] (provisions as to local inquiries) shall, subject to the provisions of the next following subsection, apply to an inquiry caused by the Minister or the Secretary of State to be held in Scotland under any provision of this Act as they apply in relation to local inquiries under that section, . . . <sup>F3</sup> subject to the following modifications, namely—

(a) ..... <sup>F7</sup>

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- (b) [<sup>F6</sup>subsection (7)] shall have effect as if references to the payment of expenses by a local authority not being a party to the inquiry and to the recovery of an amount as a debt to the Crown, had been omitted;
- and [<sup>F6</sup>subsections (7) and (8) of the said section 210] shall, with the like modification in the case of [<sup>F6</sup>subsection (7)] as is specified in paragraph (b) above, apply to any hearing caused by the Minister or the Secretary of State to take place in Scotland in pursuance of any provision of this Act (otherwise than by way of inquiry) as if the hearing were an inquiry caused by him to be held as aforesaid.
- <sup>F8</sup>[(2A) The power to make an award as to expenses under section 210(8) of the Local Government (Scotland) Act 1973 as applied by subsection (2) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place.]
- (3) [<sup>F9</sup>In relation to Scotland, any inquiry [<sup>F10</sup>into an order subject to the provisions of paragraph 4B of Schedule 3] to this Act shall, if the Minister or the Secretary of State so directs, be held by Commissioners under the <sup>M3</sup>Private Legislation Procedure (Scotland) Act 1936; and where any direction is so given—
- it shall be deemed to have been given under section 2 as read with section 10 of the <sup>M4</sup>Statutory Orders (Special Procedure) Act 1945;
  - the publication and service of the proper notice required in connection with the making of the order or, as the case may be, the confirmation [<sup>F11</sup>or making] of the scheme which is the subject of the inquiry shall be deemed to be sufficient compliance with the requirements of the said section 2 with regard to the giving of notice by advertisement;
  - the last foregoing subsection shall not apply to such an inquiry; and
  - the said paragraphs shall have effect as if for any references therein to an inquiry and to the person who held the inquiry there were substituted references to an inquiry by the Commissioners and to the Commissioners.]

#### Textual Amendments

- F1** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), **s. 272(2)**
- F2** S. 47(1)(a)(i) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F3** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F4** S. 47(1)(b) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F5** S. 47(1A) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 5(2)**; [S.I. 1992/1347, art. 2](#), Sch. (subject as mentioned in art. 3)
- F6** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **s. 237(2)**
- F7** S. 47(2)(a) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F8** S. 47(2A) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 5(3)**; [S.I. 1992/1347, art. 2](#), Sch. (subject as mentioned in art. 3)
- F9** S. 47(3) repealed (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), s. 30(4), **Sch. 3**; [S.S.I. 2007/516, art. 2](#)
- F10** Words in s. 47(3) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 5(4)**; [S.I. 1992/1347, art. 2](#), Sch. (subject as mentioned in art. 3)
- F11** Words inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 6(5)**

#### Marginal Citations

- M1** [1972 c. 70 \(81:1\)](#).
- M2** [1973 c. 65 \(81:2\)](#).
- M3** [1936 c. 52 \(89\)](#).

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**M4** 1945 c. 18 (9 & 10 Geo. 6) (89).

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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\(7\)](#)