



Docks and Harbours Act 1966

1966 CHAPTER 28

PART III

HARBOURS

44 Right to challenge harbour revision "orders, etc., in legal proceedings

- (1) Section 44 of the 1964 Act (which entitles persons to question certain orders and schemes under that Act on the ground that a requirement of the Act was not complied with in relation to a provision authorising compulsory acquisition of land, but limits the right to challenge those orders and schemes) shall be amended as provided by this section.
- (2) In subsection (1), for the word " or " in the third place where it occurs there shall be substituted the words " on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order or who desires to question ";
and after the word " ground " there shall be inserted the words " that there was no power to make the order or ".
- (3) After subsection (1) there shall be inserted the following subsection:—
 - “(1A) On an application under the foregoing subsection relating to a harbour revision or empowerment order, the court—
 - (a) may, by interim order, suspend the operation of the order or of any provision thereof, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and
 - (b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.”

Status: This is the original version (as it was originally enacted).

- (4) In subsection (2) for the words " the foregoing subsection " there shall be substituted the words " subsection (1) of this section relating to an order under section 20 of this Act " and after the word " satisfied " there shall be inserted the words " that there was no power to make the order or ".
- (5) In subsection (3), for the word "or " in the second place where it occurs there shall be substituted the words " shall not, either before or after it is made, be questioned in any legal proceedings whatever, and ".
- (6) For subsection (4) there shall be substituted the following subsection—
- “(4) The foregoing provisions of this section shall apply to a harbour reorganisation scheme confirmed by the Minister as they apply to a harbour revision order, with the substitution for references to the making of the order and to its being made of references respectively to the confirmation of the scheme and to its being confirmed.”
- (7) In subsection (5), for the word "subsection" there shall be substituted the words " subsections (1A)(a) and ".
- (8) The said section 44 shall accordingly have effect as set out in Schedule 2 to this Act.