



Harbours Act 1964

1964 CHAPTER 40

Miscellaneous and General

43 Provisions with respect to loans made under this Act by the Minister [^{F1}or the Welsh Ministers] . **E+W+S**

- (1) Any loans which the Minister makes under section . . . ^{F2} 11 of this Act shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may, with the approval of the Treasury, from time to time direct.
- [^{F3}(1A) Any loans which the Welsh Ministers make under section 11 of this Act shall be repaid to them at such times and by such methods, and interest thereon shall be paid to them at such rates and at such times, as they may from time to time direct.]
- (2) The Treasury may issue out of the [^{F4}National Loan Fund] to the Minister such sums as are necessary to enable him to make loans under section . . . ^{F2} 11 of this Act.
- [^{F5}(2A) Such sums as are necessary to enable the Welsh Ministers to make loans under section 11 of this Act may be issued to them out of the Welsh Consolidated Fund.]
- (3) ^{F6}
- (4) Any sums received by the Minister under subsection (1) of this section shall be paid into the [^{F4}National Loan Fund] . . . ^{F7}
- [^{F8}(4A) Any sums received by the Welsh Ministers under subsection (1A) of this section shall be paid into the Welsh Consolidated Fund.]
- (5) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under this section and of the sums to be paid into the [^{F4}National Loan Fund] under subsection (4) of this section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

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[^{F9}(6) The Welsh Ministers shall, as respects each financial year, prepare an account of sums issued to them under this section and of the sums to be paid into the Welsh Consolidated Fund under subsection (4A) and of the disposal by them of those sums respectively, and send it to the Auditor General for Wales not later than the end of November following the year; and the Auditor General for Wales shall examine, certify and report on the account and lay copies of it, together with his report, before the National Assembly for Wales.]

Textual Amendments

- F1** Words in s. 43 heading inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 30\(5\)\(e\)](#), 71(4) (with [Sch. 7 paras. 1, 6, 9](#)); [S.I. 2017/1179](#), [reg. 3\(g\)](#)
- F2** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)
- F3** S. 43(1A) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 30\(5\)\(a\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(g\)](#)
- F4** Words substituted by [National Loans Act 1968 \(c. 13, SIF 99:3\)](#), [Sch. 1](#)
- F5** S. 43(2A) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 30\(5\)\(b\)](#), 71(4) (with [Sch. 7 paras. 1, 6, 9](#)); [S.I. 2017/1179](#), [reg. 3\(g\)](#)
- F6** S. 43(3) repealed by [National Loans Act 1968 \(c. 13, SIF 99:3\)](#), [Sch. 6 Pt. I](#) but not so as to affect any money borrowed before 1.4.1968, or any requirement as respects any account or statement for the year ending on 31.3.1968 or any earlier year
- F7** Words repealed by [National Loans Act 1968 \(c. 13, SIF 99:3\)](#), [Sch. 6 Pt. I](#) but not so as to affect any money borrowed before 1.4.1968 or any requirement as respects any account statement for the year ending on 31.3.1968 or any earlier year
- F8** S. 43(4A) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 30\(5\)\(c\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(g\)](#)
- F9** S. 43(6) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 30\(5\)\(d\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(g\)](#)

Modifications etc. (not altering text)

- C1** S. 43(1) amended by [National Loans Act 1968 \(c. 13, SIF 99:3\)](#), [Sch. 1](#)

[^{F10}44 **Limitation of right to challenge harbour revision orders, &c., in legal proceedings.** **E+W+S**

- (1) A person who desires to question any such order as follows, namely, a harbour revision or empowerment order [^{F11}(not being one confirmed by Act of Parliament under section [^{F12}4 or] 6 of the ^{M1}Statutory Orders (Special Procedure) Act 1945, or under section 2(4), as read with section 10, of that Act)] [^{F13}or an order under section 15A of this Act,] 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, . . . ^{F14} may, within six weeks from the date on which the order becomes operative . . . ^{F14} make an application for the purpose to the High Court or the Court of Session, as the case may be.
- (1A) On an application under the foregoing subsection . . . ^{F14}, 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 so far as regards the inclusion in the order of that

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provision, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.

- (2)^{F15}
- (3) Except as provided by this section, a harbour revision or empowerment order [^{F16}, or an order under section 15A of this Act,] shall not, either before or after it is made, be questioned in any legal proceedings whatever, . . .^{F14}.
- (4) The foregoing provisions of this section shall apply to a harbour reorganisation scheme confirmed [^{F17}or made] by the Minister as they apply to a harbour revision order, with the substitution [^{F17}, in relation to a harbour reorganisation scheme confirmed by the Secretary of State,] 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.
- (5) In relation to proceedings in Scotland, subsections (1A)(a) . . .^{F14} of this section shall have effect as if the words “by interim order” were omitted.
- [In relation to any challenge to an order to which subsection (7) below applies, an^{F18}(6) organisation mentioned in the definition of “the public concerned” in Article 1(2) of [^{F19}the EIA Directive] is deemed for the purposes of—
- (a) sub-paragraph (a) of [^{F20}Article 11(1)(a)] of that Directive to have an interest; and
 - (b) sub-paragraph (b) of [^{F21}Article 11(1)(a)] to have rights capable of being impaired.
- (7) This subsection applies to a harbour revision or empowerment order authorising a project which—
- (a) falls within Annex I to [^{F22}the EIA Directive]; or
 - (b) falls within Annex II to [^{F23}the EIA Directive] and is a relevant project.
- (8) In this section, “[^{F24}the EIA Directive]”, “project” and “relevant project” have the meanings assigned by paragraph 1 of Schedule 3 to this Act.]
- [In the case of an order falling within subsection (7), an environmental organisation is,^{F25}(6) in accordance with [^{F26}Article 11(1)(a) of the EIA Directive], to be deemed to have sufficient interest to make an application under subsection (1).
- (7) An order is within this subsection if the decision to make it was subject to the public participation provisions of [^{F27}the EIA Directive].
- (8) For the purposes of subsections (6) and (7)—
- (a) “[^{F28}the EIA Directive]” has the meaning given in Schedule 3;
 - (b) an “environmental organisation” is a non-governmental organisation promoting environmental protection; and
 - (c) “the public participation provisions” has the same meaning as in [^{F29}the EIA Directive].]

[Section 17D(3) applies this section to closure orders.]]^{F30}(9)

Textual Amendments

F10 S. 44 substituted by virtue of [Docks and Harbours Act 1966 \(c. 28\), s. 44, Sch. 2](#)

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- F11** Words in s. 44(1) 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
- F12** Words in s. 44(1) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 25(9)**, 35(1); S.I. 2013/1488, art. 3(e) (with art. 8, (3))
- F13** Words inserted by Transport Act 1981 (c. 56, SIF 58), **Sch. 6 para. 5(2)(a)**
- F14** Words repealed by Transport Act 1981 (c. 56, SIF 58), **Sch. 12 Pt. II**
- F15** S. 44(2) repealed by Transport Act 1981 (c. 56, SIF 58), **Sch. 12 Pt. II**
- F16** Words inserted by Transport Act 1981 (c. 56, SIF 58), **Sch. 6 para. 5(2)(b)**
- F17** Words inserted by Transport Act 1981 (c. 56, SIF 58), **Sch. 6 para. 6(4)**
- F18** S. 44(6)-(8) added (S.) (14.5.2007) by Transport and Works (Scotland) Act 2007 (asp 8), **ss. 25(2)**, 30(3) (with s. 30(5))
- F19** Words in s. 44(6) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 6(2)(a)** (with Sch. 6 para. 2(2))
- F20** Words in s. 44(6)(a) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 6(2)(b)** (with Sch. 6 para. 2(2))
- F21** Words in s. 44(6)(b) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 6(2)(b)** (with Sch. 6 para. 2(2))
- F22** Words in s. 44(7)(a) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 6(3)** (with Sch. 6 para. 2(2))
- F23** Words in s. 44(7)(b) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 6(3)** (with Sch. 6 para. 2(2))
- F24** Words in s. 44(8) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 6(4)** (with Sch. 6 para. 2(2))
- F25** S. 44(6)-(8) added (E.W.) (10.3.2009) by The Harbour Works (Environmental Impact Assessment) (Amendment) (England and Wales) Regulations 2009 (S.I. 2009/269), regs. 1(1), 2 (with reg. 1(2))
- F26** Words in s. 44(6) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 5(2)** (with Sch. 6 para. 2(2))
- F27** Words in s. 44(7) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 5(3)** (with Sch. 6 para. 2(2))
- F28** Words in s. 44(8)(a) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 5(4)** (with Sch. 6 para. 2(2))
- F29** Words in s. 44(8)(c) substituted (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 1 para. 5(4)** (with Sch. 6 para. 2(2))
- F30** S. 44(9) inserted (1.10.2013) by Marine Navigation Act 2013 (c. 23), **ss. 6(2)**, 13; S.S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3; S.I. 2013/2006, art. 2

Marginal Citations

- M1** 1945 c. 18. (9 & 10 Geo. 6)

45 Penalisation of furnishing false information. **E+W+S**

A person who—

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- (a)^{F31} in purported compliance with a requirement imposed under section^{F32} 41 of this Act, gives any information which he knows to be false in a material particular or makes a statement which he knows to be so false or recklessly gives any information which is so false or recklessly makes any statement which is so false;.....^{F33}
- (b)^{F34}
- shall be guilty of an offence and shall be liable—
- (i) on summary conviction, to imprisonment for a term not exceeding [^{F35}six months] or to a fine not exceeding £100, or to both;
- (ii) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

Textual Amendments

- F31** Words repealed by Ports (Finance) Act 1985 (c. 30, SIF 58), s. 6(2), Sch.
- F32** Words repealed by Transport Act 1981 (c. 56, SIF 58), Sch. 12 Pt. II
- F33** Word repealed by Ports (Finance) Act 1985 (c. 30, SIF 58), s. 6(2), Sch.
- F34** S. 45(b) repealed by Ports (Finance) Act 1985 (c. 30, SIF 58), s. 6(2), Sch.
- F35** Words substituted by Transport Act 1981 (c. 56, SIF 58), Sch. 6 para. 15

46 Restriction of disclosure of information. **E+W+S**

- (1) No person shall disclose any information furnished to him in pursuance of a requirement imposed under section . . .^{F36} 41 of this Act . . .^{F37} except—
- (a) with the consent of the person by whom it was furnished or, as the case may be, carrying on the undertaking to which related the books, records or other documents from which it was obtained; or
- (b) in the form of a summary of information so furnished by, or so obtained from documents relating to undertakings carried on by, a number of persons, being a summary so framed as not to enable particulars relating to the business of individual persons to be ascertained therefrom; or
- (c) for the purpose of enabling . . .^{F36} the Minister to discharge . . .^{F36} his functions under this Act; or
- (d) for the purposes of any legal proceedings (including arbitrations) or for the purposes of a report of any such proceedings as aforesaid;
- and no person shall disclose anything contained in a forecast furnished to him in pursuance of a requirement under the said section 41 except with the consent of the person by whom the forecast was furnished, in the form of a summary of forecasts so furnished by a number of persons (being a summary framed as mentioned in subsection (1)(b) above), for such a purpose as is mentioned in subsection (1)(c) above or for such purposes as are mentioned in subsection (1)(d) above.
- (2) If a person makes a disclosure in contravention of this section he shall be guilty of an offence and liable—
- (a) on summary conviction, to imprisonment for a term not exceeding [^{F38}six months] or to a fine not exceeding £100, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

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Textual Amendments

- F36** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
F37 Words repealed by [Ports \(Finance\) Act 1985 \(c. 30, SIF 58\)](#), s. 6(2), **Sch.**
F38 Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 15**

Modifications etc. (not altering text)

- C2** S. 46(1): disclosure powers extended (14.12.2001) by [2001 c. 24, s. 17](#), **Sch. 4 Pt. 1 para. 2**

47 Provisions as to inquiries and hearings. **E+W+S**

- (1) [^{F39}Subsections (2) to (5) of section 250 of the ^{M2}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 [^{F39}section 250], subject to the following modifications, namely,—
- (i) ^{F40}
- (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; . . . ^{F41}
- (b) ^{F42}
- and [^{F39}subsections (4) and (5) of the said section 250] shall, with the like modifications as those specified in paragraph (a) . . . ^{F41}(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.
- ^{F43}[(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) [^{F44}Subsections (3) to (8) of section 210 of the ^{M3}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, . . . ^{F41} subject to the following modifications, namely—
- (a) ^{F45}
- (b) [^{F44}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 [^{F44}subsections (7) and (8) of the said section 210] shall, with the like modification in the case of [^{F44}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.
- ^{F46}[(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

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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) [^{F47}In relation to Scotland, any inquiry [^{F48}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 ^{M4}Private Legislation Procedure (Scotland) Act 1936; and where any direction is so given—
- (a) it shall be deemed to have been given under section 2 as read with section 10 of the ^{M5}Statutory Orders (Special Procedure) Act 1945;
 - (b) 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 [^{F49}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;
 - (c) the last foregoing subsection shall not apply to such an inquiry; and
 - (d) 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

- F39** Words substituted by virtue of [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [s. 272\(2\)](#)
- F40** S. 47(1)(a)(i) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)
- F41** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)
- F42** S. 47(1)(b) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)
- F43** 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)
- F44** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), [s. 237\(2\)](#)
- F45** S. 47(2)(a) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)
- F46** 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)
- F47** 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](#)
- F48** 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)
- F49** Words inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 6\(5\)](#)

Marginal Citations

- M2** [1972 c. 70 \(81:1\)](#).
- M3** [1973 c. 65 \(81:2\)](#).
- M4** [1936 c. 52 \(89\)](#).
- M5** [1945 c. 18 \(9 & 10 Geo. 6\) \(89\)](#).

48 Service of documents. **E+W+S**

- (1) Any document required or authorised by this Act to be given to or served on any person may be given or served either by delivering it to that person, or by leaving it at his proper address, or by post by means of the recorded delivery service.

[^{F50}(1A) Any such document may also be given to or served on a person (the “recipient”) by means of an electronic communication but only if—

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- (a) the recipient has given a written statement agreeing to accept service of the document by means of an electronic communication,
 - (b) the statement has not been withdrawn, and
 - (c) the document was transmitted in a specified electronic form to a specified electronic address.
- (1B) For the purposes of subsection (1A)(c) “specified” means specified by the recipient in a written statement given for the purposes of paragraph (a) of that subsection.
- (1C) A document given or served on a recipient in accordance with subsection (1A) must be in a form sufficiently permanent to be used for subsequent reference.
- (1D) Where a document is given to or served on a recipient in accordance with subsection (1A), the document is deemed, unless the contrary is proved, to have been given to or served on the recipient at the time at which the electronic communication is transmitted.
- (1E) But if the transmission is made outside the recipient’s normal business hours, the document is to be taken to have been given to or served on the recipient on the next working day.
- (1F) A statement under subsection (1A) may be withdrawn by giving a written notice to the person to whom the statement was made.
- (1G) A withdrawal under subsection (1F) takes effect on the later of—
- (a) the date specified by the person in the notice, and
 - (b) the date which is fourteen days after the date on which the notice is given.]
- [^{F51}(2) Any document required or authorised to be given to or served on a body corporate may be given to or served on the secretary or clerk of that body.]
- (3) For the purposes of this section and of [^{F52}section 7 of the ^{M6}Interpretation Act 1978] in its application to this section, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of a corporation, be that of the registered or principal office of the corporation, and in any other case be the last-known address of the person to be served, subject, however, to this qualification, that, where the person to or on whom the document is to be given or served has, in accordance with arrangements agreed, furnished an address for the giving or service of the document, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.
- (4) If the name or the address of any owner, lessee or occupier of land to or on whom any such document as aforesaid is to be given or served cannot after reasonable inquiry be ascertained by the authority, body or person seeking to give or serve the document, the document may be given or served by addressing it to the person to or on whom it is to be given or served by the description of “owner”, “lessee” or “occupier” of the land (describing it) to which the document relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- [^{F53}(5) Subsections (1) to (4) do not apply in relation to a document if—
- (a) it is required or authorised by Schedule 3 to be given to or served on a relevant authority, and

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- (b) the authority, in exercise of a power in Schedule 3, has specified the form in which, or means by which, the document is to be given to or served on it.

(6) In this section —

“electronic address” includes any number or address used for the purpose of receiving electronic communications;

“electronic communication” has the meaning given in section 15 of the Electronic Communications Act 2000;

“relevant authority” means—

- (a) the Secretary of State;
- (b) the Welsh Ministers;
- (c) the Scottish Ministers;

“working day” means any day other than—

- (a) a Saturday or Sunday,
- (b) Christmas Day or Good Friday, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.]

Textual Amendments

- F50** S. 48(1A)-(1G) inserted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), [Sch. 1 para. 7\(2\)](#) (with Sch. 6 para. 2(2))
- F51** S. 48(2) substituted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), [Sch. 1 para. 7\(3\)](#) (with Sch. 6 para. 2(2))
- F52** Words substituted by virtue of [Interpretation Act 1978](#) (c. 30, SIF 115:1), [s. 25\(2\)](#)
- F53** S. 48(5)(6) inserted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017](#) (S.I. 2017/1070), reg. 1(1), [Sch. 1 para. 7\(4\)](#) (with Sch. 6 para. 2(2))

Marginal Citations

- M6** [1978 c. 30 \(115:1\)](#).

[48A ^{F54} **Environmental duties of harbour authorities.** **E+W+S**

It shall be the duty of a harbour authority in formulating or considering any proposals relating to its functions under any enactment to have regard to—

- (a) the conservation of the natural beauty of the countryside and of flora, fauna and geological or physiographical features of special interest;
- (b) the desirability of preserving for the public any freedom of access to places of natural beauty; and
- (c) the desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural or historic interest;

and to take into account any effect which the proposals may have on the natural beauty of the countryside, flora, fauna or any such feature or facility.]

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Textual Amendments

F54 S. 48A inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 6](#); S.I. 1992/1347, [art. 2](#), Sch. (subject as mentioned in art. 3)

49 Provisions as to ecclesiastical property. **E+W+S**

- (1) Where under this Act a document is required to be served on an owner of land, and the land is ecclesiastical property, a copy of the document shall be served on the [^{F55}Diocesan Board of Finance for the diocese in which the land is situated].
- (2) [^{F56}Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant], it shall be treated for the purposes of an application to the Minister or the Minister of Agriculture, Fisheries and Food for any of the following orders in which provision for the compulsory acquisition of the property is proposed to be included, namely, a harbour revision order, a harbour empowerment order, . . . ^{F57} and of a compulsory acquisition of the property in pursuance of a provision for the compulsory acquisition thereof included in any such order, as being vested in the [^{F55}Diocesan Board of Finance for the diocese in which the land is situated], and (in the case of such an acquisition as aforesaid) any notice to treat shall be served accordingly.
- (3) Where provision for the compulsory acquisition of land is included in such an order as aforesaid, the order must be so framed as to secure—
 - (a) that if, at the time of the acquisition of any land in pursuance of that provision, the land is ecclesiastical property, any sum agreed upon or awarded for the acquisition of the fee simple of the land shall be paid to the [^{F55}Diocesan Board of Finance for the diocese in which the land is situated]; and
 - (b) that any sum to be paid by way of compensation for damage sustained by reason of severance or injury affecting land that is ecclesiastical property (being severance or injury arising from the acquisition of land in pursuance of that provision) shall be so paid.
- (4) Any sum which, in pursuance of a provision included in an order in compliance with the last foregoing subsection, is paid to the [^{F55}Diocesan Board of Finance for the diocese in which the land is situated] with reference to any land shall, if the land is not consecrated, be applied by [^{F58}it] for the purposes for which the proceeds of a sale by agreement of the fee simple of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale, and if the land is consecrated, be applied by [^{F58}it][^{F58}as if the land had been sold under the Pastoral Measure 1983].
- (5) In this section the expression “ecclesiastical property” means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese of the Church of England or the site of a church so subject, or being or forming part of a burial ground so subject.

Textual Amendments

F55 Words in s. 49 substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 10\(a\)](#); Instrument 2006 No. 2 made by the Archbishops

F56 Words in s. 49(2) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 10\(b\)](#); Instrument 2006 No. 2 made by the Archbishops

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- F57** Words repealed by [Transport Act 1981 \(c. 56\)](#), [Sch. 12 Pt. II](#)
- F58** Words in s. 49(4) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), [Sch. 5 para. 10\(c\)](#); Instrument 2006 No. 2 made by the Archbishops

50 Reckoning of periods. **E+W+S**

For the purposes of this Act, in reckoning any period which is therein, or in an order thereunder, expressed to be a period from a given date, that date shall be excluded.

51 Modification of Harbours, Piers and Ferries (Scotland) Act 1937. **E+W+S**

- (1) On coming into operation of this section, for the definition of “marine work” in section 31(1) of the Harbours, Piers and Ferries (Scotland) Act 1937 there shall be substituted the following definition—

““marine work” means a marine work as defined in the Harbours Act 1964”.

- (2) Where a harbour owing to the operation of the foregoing subsection has ceased to be a marine work the provisions of the two next following subsections shall have effect in relation to that harbour.
- (3) Sections 16 and 18 of the ^{M7}Harbours, Piers and Ferries (Scotland) Act 1937 (deficiency in revenue and levying of rates to meet deficiency) shall continue to apply as they apply to a marine work; and in relation to any works duly authorised for that harbour before the coming into operation of this section, Parts II, III and IV of the said Act of 1937 shall continue so to apply.
- (4) Until the coming into operation of an order under this Act of corresponding effect to any provision of Parts II, III and IV of the said Act of 1937, that provision shall continue to apply.

Modifications etc. (not altering text)

- C3** The text of s. 51(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M7** [1937 c. 28 \(58\)](#).

52 Application of Act to Crown. **E+W+S**

- (1) An interest in land in which there is a Crown or Duchy interest may, if the appropriate authority consent to the acquisition thereof, be acquired compulsorily by virtue of this Act, and a power (other than one to acquire land compulsorily) may, if the appropriate authority consent to its being so conferred, be conferred by a harbour revision or empowerment order in relation to land in which there is a Crown or Duchy interest.
- (2) In this section “Crown or Duchy interest” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, and “the appropriate authority” has the same meaning as in ^{F59}subsection (2) of section 293 of the Town and Country Planning Act 1990; and

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the provisions of subsection (3) of that section] as to the determination of questions shall apply for the purposes of this section.

- (3) In the application of this section to Scotland—
- (a) in subsection (1) for references to a Crown or Duchy interest there shall be substituted references to a Crown interest;
 - (b) subsection (2) shall not apply; and
 - (c) “Crown interest” means an interest belonging to Her Majesty in right of the Crown or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, and the “appropriate authority”—
 - (i) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown estate means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land [^{F60}or the relevant person]; and
 - (ii) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.
- [^{F61}(3A) In subsection (3), “relevant person”, in relation to any land to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that land.]
- (4) If any question arises as to what authority is the appropriate authority in relation to any land for the purposes of the last foregoing subsection, that question shall be referred to the Treasury, whose decision shall be final.

Textual Amendments

- F59** Words substituted by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 11](#)
- F60** Words in s. 52(3)(c)(i) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 10\(a\)](#)
- F61** S. 52(3A) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 10\(b\)](#)

Modifications etc. (not altering text)

- C4** S. 52 amended by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), s. [42\(4\)\(b\)](#)

[^{F62}53 Saving for telegraphic lines. **E+W+S**

[^{F63}Part 10 of Schedule 3A to the Communications Act 2003 (the electronic communications code)] (which provides a procedure for certain cases where works involve the alteration of [^{F64}electronic communications apparatus]) shall apply, for the purposes of works in pursuance of a harbour revision order and works authorised by a harbour empowerment order, to the person authorised to execute those works.]

Textual Amendments

- F62** S. 53 substituted by [Telecommunications Act 1984 \(c. 12, SIF 96\)](#), s. 109, [Sch. 4 para. 43](#), [Sch. 5 para. 45](#)

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- F63** Words in s. 53 substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 8**; S.I. 2017/1286, reg. 2(d)
- F64** Words in s. 53 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), **Sch. 17 para. 30(b)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

Modifications etc. (not altering text)

- C5** S. 53 amended by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), s. 42(4)(b)

54 Orders and regulations. **E+W+S**

- (1) Any power conferred by this Act on the Minister, the Minister of Agriculture, Fisheries and Food or the Secretary of State to make an order, or on the Minister to make regulations, shall be exercisable by statutory instrument.
- (2) A statutory instrument containing an order under section ^{F65}... , 9(1), [^{F66}15A], 18(7), ^{F65}... or 60 of this Act or regulations under section 19, ^{F65}... or 42 thereof shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F67}(3) Subsection (4) applies to any statutory instrument containing—
- (a) an order made under section 42A by a relevant authority in relation to a delegable function, or
 - (b) an order made by any person, by virtue of an order under that section, in the exercise of a delegable function under section 14, 15, 16 or 18.
- (4) A statutory instrument to which this subsection applies—
- (a) if the relevant authority in relation to the delegable function is the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if the relevant authority in relation to the delegable function is the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

[^{F68}(5) A power of the Secretary of State or Welsh Ministers to make an order under section 40A is exercisable by statutory instrument.

(6) A statutory instrument containing an order under section 40A—

 - (a) if made by the Secretary of State, is subject to annulment in pursuance of a resolution of either House of Parliament,
 - (b) if made by the Welsh Ministers, is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

Textual Amendments

- F65** Words repealed by [Transport Act 1981 \(c. 56\)](#), **Sch. 12 Pt. II**
- F66** Words inserted by [Transport Act 1981 \(c. 56\)](#), **Sch. 6 para. 5(3)**
- F67** S. 54(3)(4) inserted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d), **Sch. 21 para. 3(2)**; S.I. 2009/3345, art. 2, Sch. para. 26
- F68** S. 54(5)(6) inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\)](#), **ss. 5(2)**, 13; S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3; S.I. 2013/2006, art. 2

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[^{F69}54A “Developments of national significance” etc.: special procedure **S**

[^{F70}(1) Subsection (4) below applies to a harbour revision order or harbour empowerment order which falls within subsection (2) below.]

(2) [^{F71}An order] falls within this subsection if—

- (a) [^{F72}it] authorises the carrying out of work which would constitute a national development; or
- (b) [^{F73}it] is the subject of a direction by the Scottish Ministers under this paragraph.

(3) In subsection (2) above and subsection (5) below, references to a “national development” are to any development (within the meaning of the Town and Country Planning (Scotland) Act 1997) for the time being designated under section 3A(4)(b) of that Act as a national development.

[^{F74}(4) The order is subject to the affirmative procedure.]

(5) [^{F75}An order (“the new order”)] which revokes, amends or re-enacts an [^{F76}order (“the old order”)] which was subject to the affirmative procedure by virtue] of subsection (4) above is subject to the procedure in that subsection only if—

- (a) the [^{F77}new] order authorises the carrying out of work which would constitute a national development (other than a national development to which the [^{F78}old order] relates); or
- (b) the Scottish Ministers so direct.]

Textual Amendments

- F69** S. 54A inserted (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), ss. **25(3)**, 30(4); S.S.I. 2007/516, art. 2
- F70** S. 54A(1) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **6(a)** (with art. 8)
- F71** Words in s. 54A(2) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **6(b)(i)** (with art. 8)
- F72** Word in s. 54A(2)(a) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **6(b)(ii)** (with art. 8)
- F73** Word in s. 54A(2)(b) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **6(b)(iii)** (with art. 8)
- F74** S. 54A(4) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **6(c)** (with art. 8)
- F75** Words in s. 54A(5) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **6(d)(i)** (with arts. 8, 9)
- F76** Words in s. 54A(5) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **6(d)(ii)** (with arts. 8, 9)
- F77** Word in s. 54A(5)(a) inserted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, **6(d)(aa)(iii)** (with arts. 8, 9)

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F78 Words in s. 54A(5)(a) substituted (S.) (11.11.2011) by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential, Savings and Transitional Provisions\) Order 2011 \(S.S.I. 2011/396\)](#), arts. 1, 6(d)(bb)(iii) (with arts. 8, 9)

55 Offences by corporations. E+W+S

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against accordingly.
- (2) In the foregoing subsection, the expression “director” in relation to a body corporate established by or under an enactment for the purpose of carrying on under national ownership an industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

56 ^{F79} **E+W+S**

Textual Amendments

F79 S. 56 repealed by [Statutory Orders \(Special Procedure\) Act 1965 \(c. 43, SIF 89\)](#), [Sch.](#)

57 Interpretation. E+W+S

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

^{F80}

[^{F81}“Act” means an Act of Parliament or an Act of the Scottish Parliament;]

“the Boards” means ^{F82} . . . ^{F83} . . . the British Waterways Board [^{F84}and includes ^{F85} . . . , the Scottish Transport Group and any subsidiary within the meaning of the ^{M8}Transport Act 1968 of any of those Boards or of that . . . ^{F85} Group;]

[^{F86}“bridleway”, in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in Part III of the Countryside (Scotland) Act 1967;]

“charges” includes fares, rates, tolls and dues of every description;

[^{F87}“closure order” has the meaning given by section 17A;]

“the Consolidated Fund” means the Consolidated Fund of the United Kingdom;

^{F80}

“district board” has the same meaning as in the Salmon and Freshwater Fisheries (Protection) ^{M9}(Scotland) Act 1951;

“dock” means a dock used by sea-going ships;

^{F88}

[^{F81}“enactment” includes an Act of the Scottish Parliament or an instrument made under such an Act;]

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“first local advertisement” means, in relation to the publication of a notice as respects a harbour or group of harbours, the first publication of the notice in a local newspaper circulating in the locality where the harbour or group is situate;

“fish” includes molluscs and crustaceans;

“fishery harbour” has the same meaning as in section 21 of the ^{M10}Sea Fish Industry Act 1951;

[^{F89}“footpath”, in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in the Roads (Scotland) Act 1984;]

“functions” includes powers and duties;

“Gazette and local advertisement” means, in relation to an application, proposed order, order or scheme relating to a harbour or group of harbours, publication in the Gazette and, in each of two successive weeks, in one or more local newspapers circulating in the locality where the harbour or group is situate;

“the Gazette” means—

- (a) in relation to publication of a notice as respects a harbour or group of harbours in England or Wales, the London Gazette; and
- (b) in relation to the publication of a notice as respects a harbour or group of harbours in Scotland, the Edinburgh Gazette;

“goods” includes fish, livestock and animals of all descriptions;

“harbour”, except where used with reference to a local lighthouse authority, means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and includes a dock, a wharf, and in Scotland a . . . ^{F90}boatslip being a marine work, and, where used with reference to such an authority, has the [^{F91}same meaning as in the Merchant Shipping Act 1995]

“harbour authority” means any person in whom are vested under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order powers or duties of improving, maintaining or managing a harbour;

“harbour empowerment order” has the meaning assigned to it by section 16(4) of this Act;

“harbour land” means land adjacent to a harbour and occupied wholly or mainly for the purposes of activities there carried on;

“harbour operations” means,—

- (a) the marking or lighting of a harbour or any part thereof;
- (b) the berthing or dry docking of a ship;
- (c) the warehousing, sorting, weighing or handling of goods on harbour land or at a wharf;
- (d) the movement of goods or passengers within the limits within which the person engaged in improving, maintaining or managing a harbour has jurisdiction or on harbour land;
- (e) in relation to a harbour (which expression for the purposes of this paragraph does not include a wharf)—
 - (i) the towing, or moving of a ship which is in or is about to enter or has recently left the harbour;
 - (ii) the loading or unloading of goods, or embarking or disembarking of passengers, in or from a ship which is in the harbour or the approaches thereto;

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- (iii) the lighterage or handling of goods in the harbour; and
 - (f) in relation to a wharf,—
 - (i) the towing or moving of a ship to or from the wharf;
 - (ii) the loading or unloading of goods, or the embarking or disembarking of passengers, at the wharf in or from a ship;
- “harbour revision order” has the meaning assigned to it by section 14(1) of this Act;
- “harbour reorganisation scheme” has the meaning assigned to it by section 18(1) of this Act;
- “improvement committee” has the meaning assigned to it by section 3(1) of the ^{M11}Land Drainage (Scotland) Act 1958;
- “land” includes land covered by water;
- ^{F92}
.....
- “lighthouse” has the [^{F91}same meaning as in the Merchant Shipping Act 1995]
- “local lighthouse authority” means any person having by law or usage authority over local lighthouses, buoys or beacons;
- “marine work” [^{F93}means a harbour or boatslip in Scotland (other than a harbour or boatslip which is vested in any of the bodies specified in Schedule 3 to the ^{M12}Harbours, Piers and Ferries (Scotland) Act 1937 or which is vested in any of the Boards other than the Scottish Transport Group or a subsidiary within the meaning of [^{F94}section 1159 of the Companies Act 2006] of that Group)];
- (a) which, in the opinion of the Secretary of State and the Minister, is principally used or required for the fishing industry, or
 - (b) which, being situated in one of the following [^{F93}areas, namely, the Highland Region, the islands areas of Orkney, Shetland and the Western Isles or the Argyll district other than the former burgh of Rothesay and the former district of Bute] is, in the opinion of the Secretary of State and the Minister, principally used or required for the fishing or agricultural industries or the maintenance of communications between any place in those [^{F93}areas] counties and any other place in Scotland;
- [^{F95}“master”, in relation to a ship, means the person who has command or charge of the ship for the time being;]
- “the Minister” means [^{F96}the Secretary of State for Transport];
- “owner”, in relation to any land, other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term of which exceeds three years, and in relation to any land in Scotland—
- (a) unless the land is held on a long lease, means ^{F97}... the owner of the land;
 - (b) if the land is held on a long lease, means the lessee under that lease; and
 - (c) includes any other person who under the Lands Clauses Acts would be entitled to sell and convey or assign the land or the interest of lessee under such a long lease, as the case may be, to the promoters of an undertaking;
- and “long lease” means a lease which has been, or is capable of being, [^{F98}registered in the Land Register of Scotland or] recorded in the General Register of Sasines under the ^{M13}Registration of Leases (Scotland) Act 1857;
- “plant or equipment” includes vessels;

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“port”, where used with reference to a local lighthouse authority, includes place;
“provisional order” means an order confirmed by an Act, by the Board of Agriculture and Fisheries, the Minister of Agriculture and Fisheries or the Minister of Agriculture, Fisheries and Food in pursuance of section 2(3)(2) of the ^{M14}Fishery Harbours Act 1915 or by the Secretary of State in pursuance of section 5(5)(ii) of the ^{M15}Harbours, Piers and Ferries (Scotland) Act 1937;

[^{F99}“reserved trust port” has the meaning given in section 32 of the Wales Act 2017;]

[^{F100}“restricted byway” has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000;]

[^{F101}“river purification authority” has the meaning assigned to it by section 17 of the Rivers (Prevention of Pollution) (Scotland) Act 1951;]

“river works duties” means duties imposed by an Act to do things of the kinds authorised to be done in exercise of river works powers;

“river works powers” means powers conferred by [^{F102}section 17 of the ^{M16}Land Drainage Act 1976] or corresponding provisions of a local Act [^{F103}or under section 67 or by section 69 of the ^{M17}Water Resources Act 1963] or by an improvement order under section 1 of the ^{M18}Land Drainage (Scotland) Act 1958 or by section 13 as read with section 41 of the ^{M19}Salmon Fisheries (Scotland) Act 1868 ^{F104} ... or by any local enactment relating to Scotland which confers powers corresponding to the powers conferred by an improvement order or which contains provisions corresponding to the provisions of the said Acts of 1868 ^{F105} ...;

“ship”, where used as a noun, includes every description of vessel used in navigation, seaplanes on the surface of the water and [^{F106}hovercraft within the meaning of the ^{M20}Hovercraft Act 1968];

“ship, passenger and goods dues” means, in relation to a harbour, charges (other than any exigible by virtue of section 29 of this Act) of any of the following kinds, namely,—

- (a) charges in respect of any ship for entering, using or leaving the harbour, including charges made on the ship in respect of marking or lighting the harbour;
- (b) charges for any passengers embarking or disembarking at the harbour (but not including charges in respect of any services rendered or facilities provided for them); and
- (c) charges in respect of goods brought into, taken out of, or carried through the harbour by ship (but not including charges in respect of work performed, services rendered or facilities provided in respect of goods so brought, taken or carried);

“statutory duties” means, in relation to a harbour authority, duties vested in them under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order, other than river works duties;

“statutory powers” means, in relation to a harbour authority, powers vested in them under this Act, by another Act or by an order or other instrument (except a provisional order) made under another Act or by a provisional order, other than river works powers;

“statutory provision” means a provision, whether of a general or a special nature, contained in, or in a document made or issued under, this Act or any Act (whether of a general or of a special nature) other than this Act;

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“wharf” means any wharf, quay, pier, jetty or other place at which sea-going ships can ship or unship goods or embark or disembark passengers.

- (2) References in this Act to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties shall be construed as references to a harbour which is being improved, maintained or managed by such an authority in the exercise of statutory powers, in the performance of statutory duties or in the exercise and performance of statutory powers and statutory duties, and cognate references shall be similarly construed.
- (3) Any reference in this Act to a buoy or beacon shall be construed as including a reference to any other mark or sign of the sea.
- (4) Any reference in this Act (elsewhere than in the foregoing provisions of this section or in section 39) to ship, passenger and goods dues shall be construed as including a reference to charges payable by persons using a ferry which is a marine work.
- (5) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any other Act.
- [^{F107}(6) Any reference in this Act to Canal & River Trust shall be construed as including a reference to any company that is a subsidiary (within the meaning of the Companies Act 2006) of Canal & River Trust.]

Textual Amendments

- F80** Definitions repealed by [Transport Act 1981 \(c. 56\), Sch. 12 Pt. II](#)
- F81** Words in s. 57(1) inserted (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\), ss. 25\(4\), 30\(4\); S.I. 2007/516, art. 2](#)
- F82** Words repealed by [Transport Act 1981 \(c. 56\), Sch. 12 Pt. I](#)
- F83** S. 57(1): words in the definition of “the Boards” repealed (1.2.2001) by [2000 c. 38, s. 274, Sch. 31 Pt. IV; S.I. 2001/57, art. 3, Sch. 2 Pt. I](#)
- F84** Words added by [Transport Act 1968 \(c. 73\), Sch. 16 para. 8\(1\)\(d\)\(i\)](#)
- F85** Words repealed by [Transport Act 1980 \(c. 34\), Sch. 9 Pt. III](#)
- F86** Definition in s. 57(1) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\), s. 63\(1\), Sch. 3 para. 7\(2\); S.I. 1992/1347, art. 2, Sch.](#) (subject as mentioned in art. 3)
- F87** Words in s. 57(1) inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\), ss. 6\(3\), 13; S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3; S.I. 2013/2006, art. 2](#)
- F88** Definition in s. 57(1) omitted (1.2.2000) by virtue of [S.I. 1999/3445, reg. 15\(3\)](#)
- F89** Definition in s. 57(1) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\), s. 63\(1\), Sch. 3 para. 7\(3\); S.I. 1992/1347, art. 2, Sch.](#) (subject as mentioned in art. 3)
- F90** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\), Sch. 29](#)
- F91** Words in definitions of “harbour” and “lighthouse” in s. 57(1) substituted (1.1.1996) by [1995 c. 21, ss. 314\(2\), 316\(2\), Sch. 13 para.33](#) (with s. 312(1))
- F92** Definition in s. 57(1) repealed (15.7.1992) by [Transport and Works Act 1992 \(c. 42\), s. 68\(1\), Sch. 4 Pt. II; S.I. 1992/1347, art. 2, Sch.](#) (subject as mentioned in art. 3)
- F93** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 19 para. 16](#)
- F94** Words in s. 57(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 1\(2\), Sch. 1 para. 12\(3\)](#) (with art. 10)
- F95** Words in s. 57(1) inserted (1.10.2013) by [Marine Navigation Act 2013 \(c. 23\), ss. 5\(3\), 13; S.I. 2013/254, art. 2; S.I. 2013/1489, art. 3; S.I. 2013/2006, art. 2](#)
- F96** Words substituted by virtue of [S.I. 1981/238, arts. 2\(2\), 3\(4\)](#)

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- F97** Words in s. 57(1) repealed (S.) (28.11.2004) by **Abolition of Feudal Tenure etc. (Scotland) Act 2000** (asp 5), ss. 71, 77(2), **Sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F98** Words in s. 57(1) inserted (S.) (8.12.2014) by **Land Registration etc. (Scotland) Act 2012** (asp 5), ss. 122, 123, **Sch. 5 para. 13** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F99** Words in s. 57(1) inserted (1.4.2018) by **Wales Act 2017** (c. 4), **ss. 30(6), 71(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(g)
- F100** Words in s. 57(1) inserted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by **The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006** (S.I. 2006/1177), reg. 1(2)(4), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))
- F101** Definition of "river purification authority" in s. 57(1) ceases to have effect (S.) (1.4.1996) by virtue of S.I. 1996/973, reg. 2, **Sch. para. 2(2)**
- F102** Words substituted by virtue of **Interpretation Act 1978** (c. 30, SIF 115:1), **s. 17(2)(a)**
- F103** Words repealed (E.W.) by **Water Act 1989** (c. 15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), **Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, Sch. 27 Pt. I**
- F104** Words in s. 57 omitted (S.) (1.4.2006) by virtue of **The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006** (S.S.I. 2006/181), art. 1, **Sch. Pt. IV para. 2(2)(a)**
- F105** Words in s. 57 omitted (S.) (1.4.2006) by virtue of **The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006** (S.S.I. 2006/181), art. 1, **Sch. Pt. IV para. 2(2)(b)**
- F106** Words substituted by **Hovercraft Act 1968** (c. 59), **Sch. para. 5**
- F107** S. 57(6) inserted (2.7.2012) by **The British Waterways Board (Transfer of Functions) Order 2012** (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 2(6)** (with arts. 4-6)

Modifications etc. (not altering text)

- C6** S. 57 extended by **Highland Regional Council (Harbours) Order Confirmation Act 1991** (c. xii), **s. 3(1)**
- C7** References to Minister and Secretary of State in definition of "marine work" to have effect as references to Secretary of State for the time being concerned with harbours generally and Secretary of State for Scotland: S.I. 1970/1681, **Sch. 3 para. 11(1)**

Marginal Citations

- M8** 1968 c. 73
- M9** 1951 c. 26
- M10** 1951 c. 30
- M11** 1958 c. 24
- M12** 1937 c. 28
- M13** 1857 c. 26
- M14** 1915 c. 48
- M15** 1937 c. 28
- M16** 1976 c. 70
- M17** 1963 c. 38
- M18** 1958 c. 24
- M19** 1868 c. 123
- M20** 1968 c. 59

58 Drainage and river authorities not to be harbour authorities for purposes of this Act if not possessing exceptional powers. **E+W+S**

For the purposes of this Act neither an internal [^{F108} drainage board, the Environment Agency, the Natural Resources Body for Wales, a water][^{F109} [^{F110} undertaker], [^{F111} the Scottish Environment Protection Agency] a district board nor an improvement committee] shall be taken to be a harbour authority if, apart from this provision, they would only be taken to be such by reason of the fact that river works powers or duties

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are vested in them; and any reference in this Act to functions of a harbour authority relating to a harbour shall be construed as not including a reference to such powers or duties.

Textual Amendments

- F108** Words in s. 58 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 31** (with Sch. 7)
- F109** Words substituted by [Water Act 1973 \(c. 37\)](#), **Sch. 8 para. 87**
- F110** Words substituted (E.W.) by [Water Act 1989 \(c. 15\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 31(2), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F111** Words in s. 58 substituted (S.) (1.4.1996) by [S.I. 1996/973](#), reg. 2, **Sch. para. 2(3)**

59 ^{F112} **E+W+S**

Textual Amendments

- F112** S. 59 repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), **Sch. 6 Pt. I**

60 Power to amend Acts of local application. **E+W+S**

- (1) The appropriate Minister may, subject to the provisions of this section, by order repeal or amend any provision relating to a harbour which is contained in a local Act passed before this Act or in a provisional order confirmed or made before this Act or any provision in the ^{M21}Milford Haven Conservancy Act 1958, where it appears to him that the provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act.
- (2) The appropriate Minister shall not make an order under this section repealing or amending any provision in a local Act the Bill for which was promoted, or in a provisional order which was applied for, by a harbour authority or by any body who became a harbour authority by virtue of the Act or order or whose functions under the Act or order have become exercisable by a harbour authority, except on the application of that authority.
- (3) Before making an order under this section the appropriate Minister shall consult with any harbour authority who appear to him to be concerned, not being an authority by whom an application for the making of the order was made.
- (4) An order under this section may contain such transitional, supplemental or incidental provisions as appear to the appropriate Minister to be expedient.
- (5) In this section “the appropriate Minister”, except in the case of the repeal or amendment of a provision relating to a fishery harbour or marine work, means the Minister, in the case of the repeal or amendment of a provision relating to a fishery harbour means the Minister of Agriculture, Fisheries and Food, and in the case of the repeal or amendment of a provision relating to a marine work means the Secretary of State.

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Modifications etc. (not altering text)

- C8** Functions of Minister of Agriculture, Fisheries and Food under s. 60 now exercisable (W.) by Secretary of State or by Minister of Agriculture, Fisheries and Food and Secretary of State for Wales jointly: [S.I. 1978/272](#), [art. 2](#), [Sch. 1](#)
- C9** S. 60: transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)
- C10** S. 60: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 29\(2\)\(b\)\(viii\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(g\)](#) (with transitional provisions and savings in [S.I. 2018/278](#), [reg. 2](#), [Sch.](#))

Marginal Citations

- M21** [1958 c. 23](#).

61 Expenses. E+W+S

There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

^{F113}**62** E+W+S

Textual Amendments

- F113** S. 62 repealed (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), [ss. 63\(1\), 68\(1\)](#), [Sch. 3 para.8](#), [Sch. 4 Pt.II](#); [S.I. 1992/1347](#), [art. 2](#), [Sch.](#)(with [art. 4](#)) (subject as mentioned in [art. 3](#))

63 †Short title, extent, repeal and commencement. E+W+S

- (1) This Act may be cited as the Harbours Act 1964.
- (2) This Act . . . ^{F114} shall not extend to Northern Ireland.
- (3) ^{F115}
- (4) Sections 26 to 40 of this Act, and the last foregoing subsection, shall come into operation on such day as the Minister may by order appoint.

Textual Amendments

- F114** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 6 Pt. I](#) and [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), [Sch. 3](#)
- F115** S. 63(3) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

Modifications etc. (not altering text)

- C11** Unreliable marginal note
- C12** Power of appointment under s. 63(4) fully exercised: 1.10.1964 appointed under s. 63(4) by [S.I. 1964/1424](#)

Status:

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