

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

Modifications etc. (not altering text)

- C1** Sch. 3 amended by [Post Office Act 1969](#) (c. 48, SIF 96), s. 76, [Sch. 4 para. 93\(1\)\(xxii\)\(2\)\(K\)](#), S.I. 1970/1681, Sch. 3 para. 11(3) and 1974/691, art. 2; extended by [Civil Aviation Act 1982](#) (c. 16, SIF 9), [Sch. 2 para. 4](#)
- C2** Functions of Minister of Agriculture, Fisheries and Food under Sch. 3 now exercisable (W.) by Secretary of State or by Minister of Agriculture, Fisheries and Food and Secretary of State for Wales jointly: (except para. 6) [S.I. 1978/272](#), art. 2, Sch. 1; (para. 6) [S.I. 1969/388](#), art. 3, [Sch. 2 para. 5\(x\)](#) and 1978/272, art. 2, Sch. 1
- C3** Sch. 3 extended by [Gas Act 1986](#) (c. 44, SIF 44:2), s. 67(1)(3), Sch. 7 para. 2(1)(xiv), [Sch. 8 para. 33](#) and by [Electricity Act 1989](#) (c. 29, SIF 44:1), ss. 112(1)(3), Sch. 16 para. 1(1)(xiv), [Sch. 17 para. 33](#)
- C4** Sch. 3 modified by [Gas Act 1986](#) (c. 44, SIF 44:2), s. 67(1)(3), [Sch. 7 para. 2\(10\)\(b\)](#), Sch. 8 para. 33, and by [Electricity Act 1989](#) (c. 29, SIF 44:1), ss. 112(1)(3), Sch. 16 para. 3(2)(c), [Sch. 17 para. 33](#)
- C5** Sch. 3 extended (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 25 para. 1\(2\)](#) (xi), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
Sch. 3 extended (1.3.1996) by 1995 c. 45, s. 16(1), [Sch. 4 para. 2\(1\)\(xii\)](#); S.I. 1996/218, [art. 2](#)
Sch. 3 modified (1.3.1996) by 1995 c. 45 s. 16(1), Sch. 4 para. 2(11)(b); S.I. 1996/218, [art. 2](#)
- C6** Sch. 3 modified (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 1(10)(ii), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), [58](#)
Sch. 3: transfer of certain functions (1.7.1999) by S.I. 1999/672, art. 2, [Sch. 1](#)

PART I

PROCEDURE FOR MAKING HARBOUR REVISION ORDERS ON APPLICATION TO ^{F1}THE SECRETARY OF STATE](AS SET OUT, . . . ^{F2}, AND FOR THE MAKING OF HARBOUR EMPOWERMENT ORDERS BY ^{F1}THE SECRETARY OF STATE] (SUBJECT TO PART VII), . . . ^{F2}.

Textual Amendments

- F1** Words substituted by [Transport Act 1981](#) (c. 56, SIF 58), [Sch. 5 para. 14\(2\)](#)
- F2** Words repealed by [Transport Act 1981](#) (c. 56, SIF 58), [Sch. 12 Pt. II](#)

^{F3}A1 In this Part of this Schedule “the Directive” means Council Directive No.85/337/EEC on the assessment of the effects of certain public and private projects on the environment; and “project” has the meaning given by article 1 of the Directive.]

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F3 [Paras. A1](#) and A2 inserted (21.8.1996) by [S.I. 1996/1946, reg. 2\(1\)\(2\)](#)

- ^{F4}A2 (1) A person may not make an application for a harbour revision order which, directly or indirectly, authorises any project unless—
- (a) he has given the Secretary of State prior notice of his intention to make the application, and
 - (b) the Secretary of State has responded under sub-paragraph (3) or, as the case may be, (4) below.
- (2) Sub-paragraph (3) below applies where it appears to the Secretary of State that a proposed application of which he is notified under sub-paragraph (1)(a) above relates to—
- (a) a project which falls within Annex I to the Directive, or
 - (b) a project which falls within Annex II to the Directive the characteristics of which require that it should be made subject to an environmental assessment.
- (3) The Secretary of State shall direct the proposed applicant to supply him in such form as he may specify with the information referred to in Annex III to the Directive to the extent—
- (a) that it is relevant to any stage of the procedure set out in this Part and to the specific characteristics of the project to which the proposed application relates and of the environmental features likely to be affected by it; and
 - (b) that (having regard in particular to current knowledge and methods of assessment) the proposed applicant may reasonably be required to gather that information, and including at least—
 - (i) a description of the project comprising information on the site, design and size of the project;
 - (ii) a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
 - (iii) the data required to identify and assess the main effects which the project is likely to have on the environment; and
 - (iv) a non-technical summary of the information mentioned in paragraphs (i) to (iii) above.
- (4) Where sub-paragraph (3) above does not apply in relation to a proposed application of which the Secretary of State is notified under sub-paragraph (1)(a) above, he shall forthwith notify the proposed applicant accordingly.

Textual Amendments

F4 [Paras. A1](#) and A2 inserted (21.8.1996) by [S.I. 1996/1946, reg. 2\(1\)\(2\)](#)

- 1 An application for a harbour revision order must be accompanied by not less than six copies of a draft of the proposed order and not less than six copies of any map or maps which, if the order is made in the form of the draft, will be required to be annexed to it.

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

.....
[^{F5}1A]

.....
Textual Amendments

F5 Sch. 3 para. 1A inserted (E.W.) by S.I. 1988/1336, reg. 4; (S.)(15.7.1992) by S.I. 1992/1421, reg.2. and omitted (E.W.S) (21.8.1996) by virtue of S.I. 1996/1946, reg. 2(3)

[^{F6}1B Such fees as may be determined by the Secretary of State shall be payable on the making of an application for a harbour revision order.]

.....
Textual Amendments

F6 Sch. 3 para. 1B inserted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 63(1), Sch. 3 para. 10(2); S.I. 1992/1347, art. 2, Sch. (subject as mentioned in art. 3)

^{F7}
.....

2

.....
Textual Amendments

F7 Sch. 3 Pt. I paras. 2, 4(2) repealed by Transport Act 1981 (c. 56, SIF 58), Sch. 12 Pt. II

3 : [^{F8}—(1)Where an application for a harbour revision has been duly made to the Secretary of State, the following shall be conditions precedent to the taking by him of any steps (otherwise than under this paragraph) in the matter of the application, that is to say-

- (a) compliance with any directions given under paragraph A2(3) above in response to the notice of intention to make the application;
- (b) compliance with the requirement mentioned in paragraph (a) of sub-paragraph (2) below; and
- (c) compliance with such of the requirements mentioned in paragraphs (b) to (d) of that sub-paragraph as are applicable in the circumstances.

(2) The requirements referred to above are as follows—]

- (a) there must be published by the applicant by Gazette and local advertisement and (if so required by [^{F9}the Secretary of State]) by such other means as [^{F9}the Secretary of State] may specify, a notice stating that application has been made to him for the making of the order [^{F10}and whether information has been supplied under paragraph [^{F8}A2] above and], containing a concise summary of the proposed order and (if provision is proposed to be included therein authorising the execution of works or the compulsory acquisition of land) a general description of the nature of the works and the land on which their execution is proposed to be authorised or, as the case may be, of the land whose compulsory acquisition is proposed to be authorised, naming a place

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- where a copy of the draft of the proposed order [^{F11}, a copy of any information supplied under paragraph [^{F8}A2] above] and (if the application for the order was accompanied by copies of a map or maps) 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 [^{F9}the Secretary of State] objection to the application 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;
- (b) if provision is proposed to be included in the order authorising the compulsory acquisition of land, there must, in the case of each parcel of land whose compulsory acquisition is proposed to be authorised, be served by the applicant on every owner, lessee and occupier (except a tenant for a month or any period less than a month) of that parcel a notice stating that application has been made to [^{F9}the Secretary of State] for the making of the order with the inclusion therein of provision authorising the compulsory acquisition of that parcel (describing it), naming a place where a copy of the draft of the proposed order and a copy (on the like scale) of the map that accompanied the application therefor 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 [^{F9}the Secretary of State] objection to the application so far as regards the inclusion in the order of provision authorising the compulsory acquisition of 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;
- [^{F12}(ba) if provision is proposed to be included in the order extinguishing or diverting a public right of way over a footpath or bridleway, the applicant shall—
- (i) serve on every local authority for the area in which the path or way is situated a notice stating the effect of the provision, naming a place where a copy of the draft of the proposed order (and of any relevant map accompanying the application for the order) may be seen at all reasonable hours and stating that, if the local authority desire to make to the Secretary of State objection to the inclusion of the provision in the order, 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;
- (ii) cause a copy of the notice to be displayed in a prominent position at the ends of so much of any path or way as would by virtue of the order cease to be subject to a public right of way; and for the purposes of this sub-paragraph, “local authority” means, in England and [^{F13} . . . , a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a parish [^{F13} . . . council and a parish meeting of a parish not having a separate parish council [^{F14}, in Wales, a county council, a county borough council and a community council]and, in Scotland, regional, islands or district council.
- (c) if the applicant is not the harbour authority, there must be served by the applicant on that authority a copy of the draft order together (if the application for the order was accompanied by copies of a map or 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 [^{F9}the Secretary of State]

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

for the making of the order and that, if the authority desire to make to [F9the Secretary of State] objection to the application, 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;

- (d) if [F9the Secretary of State] so requires, there must, on any person specified by him, [F15and within such time as may be so specified, be] served by the applicant the like documents as are required to be served in compliance with sub-paragraph (c) above where it applies.]

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F8** Words in [Sch. 3 Pt. 1 para. 3](#) substituted (21.8.1996) by [S.I. 1996/1946, reg.2\(4\)](#)
- F9** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 14\(2\)](#)
- F10** Words inserted (E.W.) by [S.I. 1988/1336, reg. 5\(b\)\(i\)](#)
Words in [Sch. 3 para. 3\(a\)](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg. 2](#)
- F11** Words inserted (E.W.) by [S.I. 1988/1336, reg. 5\(b\)\(ii\)](#)
Words in [Sch. 3 para. 3\(a\)](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg. 2](#)
- F12** [Sch. 3 para. 3\(ba\)](#) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 10\(3\)](#); [S.I. 1992/1347, art. 2, Sch.](#) (subject as mentioned in art. 3)
- F13** Words in [Sch. 3 para. 3\(ba\)](#) repealed (1.4.1996) by [1994 c. 19, S. 66\(6\)\(8\)](#), [Sch.16 para. 23, Sch. 18](#); [S.I. 1996/396, art. 4, Sch. 2](#)
- F14** Words in [Sch. 3 para. 3\(ba\)](#) inserted (1.4.1996) by [S. 66\(6\)\(8\)](#), [Sch. 16 para. 23, Sch. 18](#); [S.I. 1996/396, art. 4, Sch. 2](#)
- F15** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 12\(c\)](#)

Modifications etc. (not altering text)

- C7** [Sch. 3 para. 3](#) excluded by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(3), [Sch. 1 para. 3\(b\)](#)

3 : [F36.—(1)Where an application for a harbour revision has been duly made to the Secretary of State, the following shall be conditions precedent to the taking by him of any steps (otherwise than under this paragraph) in the matter of the application, that is to say-

- (a) compliance with any directions given under paragraph A2(3) above in response to the notice of intention to make the application;
- (b) compliance with the requirement mentioned in paragraph (a) of sub-paragraph (2) below; and
- (c) compliance with such of the requirements mentioned in paragraphs (b) to (d) of that sub-paragraph as are applicable in the circumstances.

(2) The requirements referred to above are as follows—]

- (a) there must be published by the applicant by Gazette and local advertisement and (if so required by [F37the Secretary of State]) by such other means as [F37the Secretary of State] may specify, a notice stating that application has been made to him for the making of the order [F38and whether information has been supplied under paragraph [F36A2] above and], containing a concise

Status: Point in time view as at 21/08/1996.

Changes to legislation: *Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

summary of the proposed order and (if provision is proposed to be included therein authorising the execution of works or the compulsory acquisition of land) a general description of the nature of the works and the land on which their execution is proposed to be authorised or, as the case may be, of the land whose compulsory acquisition is proposed to be authorised, naming a place where a copy of the draft of the proposed order [^{F39}, a copy of any information supplied under paragraph [^{F36}A2] above] and (if the application for the order was accompanied by copies of a map or maps) 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 [^{F37}the Secretary of State] objection to the application 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;

- (b) if provision is proposed to be included in the order authorising the compulsory acquisition of land, there must, in the case of each parcel of land whose compulsory acquisition is proposed to be authorised, be served by the applicant on every owner, lessee and occupier (except a tenant for a month or any period less than a month) of that parcel a notice stating that application has been made to [^{F37}the Secretary of State] for the making of the order with the inclusion therein of provision authorising the compulsory acquisition of that parcel (describing it), naming a place where a copy of the draft of the proposed order and a copy (on the like scale) of the map that accompanied the application therefor 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 [^{F37}the Secretary of State] objection to the application so far as regards the inclusion in the order of provision authorising the compulsory acquisition of 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;

- (ba) [^{F40}if provision is proposed to be included in the order extinguishing or diverting a public right of way over a footpath or bridleway, the applicant shall—

- (i) serve on every local authority for the area in which the path or way is situated a notice stating the effect of the provision, naming a place where a copy of the draft of the proposed order (and of any relevant map accompanying the application for the order) may be seen at all reasonable hours and stating that, if the local authority desire to make to the Secretary of State objection to the inclusion of the provision in the order, 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;

- (ii) cause a copy of the notice to be displayed in a prominent position at the ends of so much of any path or way as would by virtue of the order cease to be subject to a public right of way; and for the purposes of this sub-paragraph, “local authority” means, in England and ^{F41} . . . , a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a parish ^{F41} . . . council and a parish meeting of a parish not having a separate parish council [^{F42}, in Wales, a county council, a county borough council and a community council]and, in Scotland, [^{F43}council

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

constituted under section 2 of the Local Government etc. (Scotland) Act 1994]].

- (c) if the applicant is not the harbour authority, there must be served by the applicant on that authority a copy of the draft order together (if the application for the order was accompanied by copies of a map or 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 [^{F37}the Secretary of State] for the making of the order and that, if the authority desire to make to [^{F37}the Secretary of State] objection to the application, 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;
- (d) if [^{F37}the Secretary of State] so requires, there must, on any person specified by him, [^{F44}and within such time as may be so specified, be] served by the applicant the like documents as are required to be served in compliance with sub-paragraph (c) above where it applies.

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F36** Words in [Sch. 3 Pt. 1 para. 3](#) substituted (21.8.1996) by [S.I. 1996/1946, reg.2\(4\)](#)
- F37** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 14\(2\)](#)
- F38** Words inserted (E.W.) by [S.I. 1988/1336, reg. 5\(b\)\(i\)](#)
Words in [Sch. 3 para. 3\(a\)](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg. 2](#)
- F39** Words inserted (E.W.) by [S.I. 1988/1336, reg. 5\(b\)\(ii\)](#)
Words in [Sch. 3 para. 3\(a\)](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg. 2](#)
- F40** [Sch. 3 para. 3\(ba\)](#) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 10\(3\)](#); [S.I. 1992/1347, art. 2, Sch.](#) (subject as mentioned in art. 3)
- F41** Words in [Sch. 3 para. 3\(ba\)](#) repealed (1.4.1996) by [1994 c. 19, S. 66\(6\)\(8\)](#), [Sch.16 para. 23, Sch. 18](#); [S.I. 1996/396, art. 4, Sch. 2](#)
- F42** Words in [Sch. 3 para. 3\(ba\)](#) inserted (1.4.1996) by [S. 66\(6\)\(8\)](#), [Sch. 16 para. 23, Sch. 18](#); [S.I. 1996/396, art. 4, Sch. 2](#)
- F43** Words in [Sch. 3 para. 3\(ba\)](#) substituted (1.4.1996) by [1994 c. 39, S. 180\(1\)](#), [Sch. 13, para. 63](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)
- F44** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 12\(c\)](#)

Modifications etc. (not altering text)

- C10** [Sch. 3 para. 3](#) excluded by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(3), [Sch. 1 para. 3\(b\)](#)

[^{F163A} [^{F17}The Secretary of State shall] furnish such bodies appearing to him to have environmental responsibilities as he thinks fit with any information supplied under paragraph [^{F17}A2 above and shall] consult such bodies.]

Textual Amendments

- F16** [Sch. 3 para. 3A](#) inserted (E.W.) by [S.I. 1988/1336, reg. 6](#)
[Sch.3 para. 3A](#) inserted (S.) (15.7.1992) by [S.I. 1992/1421, reg. 2](#)

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F17 Words in Sch. 3 para. 3A substituted (21.8.1996) by S.I. 1996/1946, reg. 2(5)

4 (1) Where the proper notices concerning an application for the making of a harbour revision order have been published under paragraph 3 above, and all persons required thereunder to be served in the case of the application with notices and other documents have been properly served therewith, and the time for the due making to [F18the Secretary of State] of objection to the application has elapsed, the following provisions of this paragraph shall have effect.

(2) F19

(3) If objections to the application were duly made to [F18the Secretary of State] and have not been withdrawn, [F18the Secretary of State], unless he decides that the application shall not proceed further,—

- (a) in the case of an objection so far as regards the inclusion in the draft order of a provision authorising the compulsory acquisition of a parcel of land, shall either cause an inquiry to be held with respect to the objection or afford to the objector an opportunity of appearing before and being heard by a person appointed by [F18the Secretary of State] for the purpose;
- (b) in the case of any other objection, shall cause an inquiry to be held with respect thereto, unless he is of opinion that it is frivolous or too trivial to warrant the holding of an inquiry with respect to it,

..... F20

(4) Where an objector to the application avails himself of an opportunity of being heard afforded to him in pursuance of sub-paragraph (3)(a) above, [F18the Secretary of State] shall afford to the applicant, and to any other persons to whom it appears to [F18the Secretary of State] expedient to afford it, an opportunity of being heard on the same occasion.

[F21(5) After considering—

- (a) the objections (if any) made and not withdrawn;
- (b) any information supplied under paragraph A2(3)(b) above;
- (c) the result of any consultations under paragraph 3A above; and
- (d) the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector,

the Secretary of State may decide—

- (i) not to make the order applied for; or
- (ii) to make it in the form of the draft submitted to him or (subject to the restrictions imposed by sub-paragraph (6) below and by paragraph 6 below) in that form but subject to such modification as he thinks fit.]

(6) Where [F18the Secretary of State] proposes to make the order applied for with modifications which appear to him substantially to affect the character of the order as applied for, he shall take such steps as appear to him to be sufficient and reasonably practicable for informing the applicant and other persons likely to be concerned, and shall not make the order until such period for consideration of, and comment upon, the proposed modifications by the applicant and those other persons as he thinks reasonable has elapsed; nor shall he, unless all persons interested consent, so make the order as to authorise the compulsory acquisition of any land that was

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

not described in the draft submitted to him as being land subject to be acquired compulsorily.

- (7) [^{F18}the Secretary of State] may disregard for the purposes of this paragraph an objection to the application 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 draft order of a provision authorising the compulsory acquisition of land if he is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom compensation in respect of the acquisition will fall to be assessed in default of agreement.

Textual Amendments

- F18** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(2)**
F19 [Sch. 3 Pt. I paras. 2, 4\(2\)](#) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
F20 Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
F21 [Sch. 3 Pt. 1 para. 4\(5\)](#) substituted (21.8.1996) by [S.I. 1996/1946, reg. 2\(6\)](#)

Modifications etc. (not altering text)

- C8** [Sch. 3 para. 4](#) excluded by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(3), **Sch. 1 para. 3(b)**

- [^{F22}4ZA Where it appears to the Secretary of State that the application relates to:
- (a) a project which falls within Annex I to the Directive, or
 - (b) a project which falls within Annex II to the Directive the characteristics of which require that it should be subject to an environmental assessment,
- the Secretary of State shall publish in such manner as he thinks fit his decision whether or not to make an order and the reasons and considerations upon which his decision was based, including a statement that the matters referred to in paragraph 4(5) above have been taken into consideration.]

Textual Amendments

- F22** [Sch. 3 Pt. 1 para. 4ZA](#) substituted (21.8.1996) by [S.I. 1996/1946 reg. 2\(2\)](#) (for [Sch. 3 Pt. 1, para. 4ZA](#) which has been inserted (E. W.) by [S.I. 1998/1336, reg. 8](#) and (S.)(15.7.1992) by [S.I. 1992/1421, reg. 2](#))

- [^{F23}4A (1) The provisions of this paragraph have effect where the Secretary of State makes—
- (a) a harbour revision order relating to a harbour in England or Wales; or
 - (b) a harbour empowerment order relating to a harbour or to works to be carried out in England or Wales,
- and, in either case, the order [^{F24}authorises the compulsory purchase of land].

- [Where this paragraph has effect in relation to an order, it shall be subject to special
^{F25}(2) parliamentary procedure to the same extent as it would be, by virtue of section 18 or 19 of the Acquisition of Land Act 1981 (or by virtue of paragraph 5 or 6 of Schedule 3 to that Act) (National Trust land, commons etc), if the purchase were authorised by an order under section 2(1) of that Act.]]

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F23** Paras. 4A, 4B inserted by Transport Act 1981 (c. 56, SIF 58), **Sch. 6 para. 4(2)(8)** except as to a harbour revision or empowerment order in relation to which the notices required by para. 3(a) or 7(a) of Sch. 3 to this Act have been published before 1.10.1981
- F24** Words in Sch. 3 para. 4A(1) substituted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 63(1), **Sch. 3 para. 10(4)**; S.I. 1992/1347, **art. 2**, Sch. (subject as mentioned in art. 3)
- F25** Sch. 3 para. 4A(2) substituted (15.7.1992) for para. 4A(2)-(4) by Transport and Works Act 1992 (c. 42), s. 63(1), **Sch. 3 para. 10(4)**; S.I. 1992/1347, **art. 2**, Sch. (subject as mentioned in art. 3)

- ^{F26}4B – (1) The provisions of this paragraph apply to—
- (a) a harbour revision order relating to a harbour in Scotland, or
 - (b) a harbour empowerment order relating to a harbour or to works to be carried out in Scotland,
- where the order authorises the compulsory purchase of land.
- (2) Where this paragraph applies to an order, the order shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 1(2)(b) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (land forming part of a common or open space or held inalienably by the National Trust for Scotland), if the purchase were authorised by an order under section 1(1) of that Act.]

Textual Amendments

- F26** Sch. 3 para. 4B substituted (15.7.1992) for para. 4B (which was inserted by Transport Act 1981 (c. 56), s. 18, **Sch. 6 para. 4(2)(8)**) by Transport and Works Act 1992 (c. 42), s. 63(1), **Sch. 3 para. 10(5)**; S.I. 1992/1347, **art. 2**, Sch. (subject as mentioned in art. 3)

- 5 So soon as may be after a harbour revision order has been made, the applicant for it—
- (a) shall publish by Gazette and local advertisement a notice stating that the order has been made and naming a place where a copy thereof (and, if a map or maps is or are annexed to the order, a copy of that map or, as the case may be, copies of those maps) may be inspected at all reasonable hours [^{F27}and further stating, in the case of an order [^{F28}which is not subject to special parliamentary procedure,], the date on which it came or will come into operation;]
 - (b) shall, if not the harbour authority, serve on that authority a copy of the order, together (if a map or maps is or are annexed to it) with a copy of that map or, as the case may be, copies of those maps;
 - (c) shall serve a copy of the order, together (if a map or maps is or are annexed to it) with a copy of that map or, as the case may be, copies of those maps, on each person on whom, in compliance with a requirement imposed by virtue of paragraph 3(d) above, a copy of the draft of the order as submitted to [^{F29}the Secretary of State] was served.

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F27** Words inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 4\(3\)\(8\)](#) except as to a harbour revision or empowerment order in relation to which the notices required by para. 3(a) or 7(a) of Sch. 3 to this Act have been published before 1.10.1981
- F28** Words in [Sch. 3 para. 5\(a\)](#) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), [Sch. 3 para. 10\(6\)](#); S.I. 1992/1347, [art. 2](#), Sch. (subject as mentioned in art. 3)
- F29** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 5 para. 14\(2\)](#)

Modifications etc. (not altering text)

- C9** [Sch. 3 para. 5\(c\)](#) excluded by [Pilotage Act 1987 \(c. 21, SIF 111\)](#), s. 32(3), [Sch. 1 para. 3\(b\)](#)

F30 5A

Textual Amendments

- F30** [Sch. 3 para. 5A](#) (which was inserted by [Transport Act 1981 \(c. 56\)](#), s. 18, [Sch. 6 para. 4\(4\)\(8\)](#)) 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)

- 6 (1) Where application is made to [^{F31}the Secretary of State] for a harbour revision order which includes provision authorising the compulsory acquisition of land which includes land which has been acquired by statutory undertakers for the purposes of their undertaking, then if on a representation made to the appropriate Minister before the expiration of the period of forty-two days from the date of the first local advertisement of notice that the application has been so made that Minister is satisfied—
- (a) that any of the said land is used for the purposes of the carrying on of their undertaking, or
- (b) that an interest in any of the said land is held for those purposes,
- the order shall not be so made as to authorise the acquisition of any land as to which that Minister is satisfied as aforesaid except land as to which he is satisfied that its nature and situation are such—
- (i) that, without serious detriment to the carrying on of the undertaking, it can be acquired and not replaced, or
- (ii) that, if acquired, it can, without such detriment as aforesaid, be replaced by other land belonging to, or available for acquisition by, the undertakers,
- and certifies accordingly.
- (2) In this paragraph the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- “statutory undertakers” means any person authorised by an Act (whether public, general or local) or by any order or scheme made under or confirmed by an Act to carry on any such undertaking as follows, that is to say,—
- (a) a railway, light railway, tramway or road transport undertaking;
- (b) an undertaking the activities whereof consist in—

Status: Point in time view as at 21/08/1996.

Changes to legislation: Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) the maintenance of a canal;
- (ii) the conservation or improvement of a river or other inland navigation;
- (iii) the improvement, maintenance or management of a harbour (whether natural or artificial), port, haven or estuary, a dock (whether used by sea-going ships or not) or a wharf, quay, pier, jetty or other place at which ships (whether sea-going or not) can ship or unship goods or embark or disembark passengers; or
- (iv) the provision and maintenance of a lighthouse; or
- (c) an undertaking for the supply of . . . ^{F32}, . . . ^{F33}, [^{F34}hydraulic power or water]^{F34} or hydraulic power];

. ^{F35}

Textual Amendments

F31 Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(2)**

F32 Word repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), **Sch. 18**

F33 Word repealed by [Gas Act 1986 \(c. 44, SIF 44:2\)](#), s. 67(4), **Sch. 9 Pt. I**

F34 Words “or hydraulic power” substituted (E.W.) for “hydraulic power or water” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 25 para. 31\(3\)](#), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\)](#), **58**

F35 Definition of “the appropriate Minister” repealed by [S.I. 1970/1681](#), art 5(3), **Sch. 4**

Status:

Point in time view as at 21/08/1996.

Changes to legislation:

Harbours Act 1964, Part I is up to date with all changes known to be in force on or before 06 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.