

**Changes to legislation:** Harbours Act 1964, Cross Heading: Objections is up to date with all changes known to be in force on or before 13 April 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) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3

#### PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

##### Textual Amendments

- F1** Sch. 3 substituted (1.2.2000) by [The Harbour Works \(Environmental Impact Assessment\) Regulations 1999 \(S.I. 1999/3445\)](#), reg. 15(4), **Sch. 3**

##### Modifications etc. (not altering text)

- C1** Sch. 3 modified (1.4.2001) by [2000 c. 38, s. 37, Sch. 5 para. 1\(2\)\(j\)](#) (with s. 106); [S.I. 2001/869, art.2](#)
- C1** Sch. 3: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 29\(2\)\(b\)\(ii\), 71\(4\)](#) (with Sch. 7 paras. 1, 6, 9); [S.I. 2017/1179, reg. 3\(g\)](#) (with transitional provisions and savings in [S.I. 2018/278, reg. 2, Sch.](#))
- C1** Sch. 3: power to amend or repeal conferred for specified purposes (26.12.2023) by [Levelling Up and Regeneration Act 2023 \(c. 55\), ss. 164\(3\), 255\(5\), Sch. 14 Pts. 1, 2](#) (with s. 247)

### PART I

#### ORDERS MADE ON APPLICATION TO THE SECRETARY OF STATE

##### *Objections*

- 17 — The following paragraphs in this Part have effect where—
- (a) all relevant notices concerning an application for the making of a harbour revision order have been published under paragraph 10(1)<sup>[<sup>F2</sup>, 10A]</sup> or 16(2)(a),
  - (b) all notices and other documents which are required to be served under paragraph 11, 12(1), 13(1), 14 or 16(2)(b) have been served, and
  - (c) every period for the making of objections [<sup>F3</sup>or representations][<sup>F4</sup>or representations] to the Secretary of State in respect of the application has expired.

##### Textual Amendments

- F2** Word in Sch. 3 para. 17(a) inserted (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), **9(a)** (with reg. 1(2))
- F3** Words in Sch. 3 para. 17(c) inserted (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), **9(b)** (with reg. 1(2))
- F4** Words in Sch. 3 para. 17(c) inserted (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\), ss. 25\(5\)\(g\), 30\(3\)](#) (with s. 30(5))

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18 [F5(1) This paragraph applies if an objection to the application was made to the appropriate authority and has not been withdrawn.

(1A) This paragraph does not apply if—

- (a) the appropriate authority decides that the application is not to proceed further,
- (b) the appropriate authority considers that the objection is frivolous or trivial,
- (c) the objection does not specify the grounds on which it is made, or
- (d) the objection was not made within the period allowed for making it.

(1B) Before deciding the application under paragraph 19, the appropriate authority may—

- (a) cause an inquiry to be held, or
- (b) give to the person who made the objection an opportunity of appearing before, and being heard by, a person appointed by the appropriate authority.

(1C) If the objection—

- (a) was made by the Welsh Ministers to the Secretary of State, and
  - (b) is not an objection regarding compulsory acquisition of a parcel of land,
- the Secretary of State must cause an inquiry to be held under sub-paragraph (1B)(a).

(1D) If, in a case where sub-paragraph (1C) does not apply,—

- (a) the objection was made by a person within sub-paragraph (1E), and
- (b) that person makes a request in writing to the appropriate authority that the objection be referred to an inquiry or dealt with in accordance with sub-paragraph (1B)(b),

the appropriate authority must either cause an inquiry to be held under sub-paragraph (1B)(a) or cause the objection to be dealt with in accordance with sub-paragraph (1B)(b), as the appropriate authority may determine.

(1E) The persons within this sub-paragraph are—

- (a) in the case of an application to the Secretary of State, the Welsh Ministers;
- (b) any local authority for an area in which the harbour (or any part of it) is situated;
- (c) the relevant conservation body;
- (d) if the order will authorise the compulsory acquisition of land, any person who is entitled to be served with notice under paragraph 11.]

[F6(1) This paragraph applies if an objection to the application was made to the Scottish Ministers and has not been withdrawn.

(1A) It does not apply, however, if—

- (a) the Scottish Ministers decide that the application is not to proceed further;
- (b) they consider the objection is frivolous or trivial;
- (c) the objection does not specify the grounds on which it is made; or
- (d) the objection was not made within the period allowed for making it.

(1B) Before making their decision under paragraph 19, the Scottish Ministers may—

- (a) cause an inquiry to be held; or
- (b) give to the person who made the objection referred to in sub-paragraph (1) an opportunity of appearing before and being heard by a person appointed by them.

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(1C) Where—

- (a) the objection referred to in sub-paragraph (1) is made by a person within sub-paragraph (1D); and
- (b) the person informs the Scottish Ministers in writing that the person wishes the objection to be referred to an inquiry or dealt with in accordance with sub-paragraph (1B)(b),

the Scottish Ministers shall, before making their decision under paragraph 19, either cause an inquiry to be held or, if they so determine, cause the objection to be dealt with in accordance with sub-paragraph (1B)(b).

(1D) The persons within this sub-paragraph are—

- (a) any council constituted under the Local Government etc. (Scotland) Act 1994 (c. 39) for an area in which the harbour (or any part of it) is situated; and
  - [ the harbour authority;]
- <sup>F7</sup>(aa)
- (b) if the order will authorise the compulsory acquisition of land, any person who is entitled to be served with notice under paragraph 11.]

(2) Where an objector is heard in accordance with [<sup>F8</sup>sub-paragraph (1B)(b)] [<sup>F9</sup>sub-paragraph (1B)(b)], the [<sup>F10</sup>Secretary of State][<sup>F10</sup>appropriate authority] shall allow the applicant and such other persons as [<sup>F11</sup>he][<sup>F11</sup>the authority] thinks appropriate to be heard on the same occasion.

(3) The [<sup>F12</sup>Secretary of State][<sup>F12</sup>appropriate authority] may disregard an objection—

- <sup>F13</sup><sup>F14</sup>(a) .....
- (b) in the case of an objection about compulsory acquisition, if [<sup>F15</sup>he][<sup>F15</sup>the appropriate authority] 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.

[<sup>F16</sup>(4) In this paragraph—

“the appropriate authority” means—

- (a) in a case where the application was made to the Secretary of State, the Secretary of State;
- (b) in a case where the application was made to the Welsh Ministers, the Welsh Ministers;

“local authority” means—

- (a) in England, 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 council and a parish meeting of a parish not having a separate parish council, and
- (b) in Wales, a county council, a county borough council and a community council;

“the relevant conservation body” means—

- (a) if the harbour (or any part of it) is situated in England, Natural England, and
- (b) if the harbour (or any part of it) is situated in Wales, [<sup>F17</sup>the Natural Resources Body for Wales].]

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### Textual Amendments

- F5** Sch. 3 para. 18(1)-(1E) substituted for Sch. 3 para. 18(1) (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. 5\(2\)](#) (with [Sch. 21 para. 7](#)); S.I. 2009/3345, art. 2, [Sch. para. 26](#)
- F6** Sch. 3 para. 18(1)-(1D) substituted (S.) for Sch. 3 para. 18(1) (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), [ss. 46\(2\)](#), [54\(2\)](#) (with s. 48); S.S.I. 2005/454, art. 2, [sch. 2](#)
- F7** Sch. 3 para. 18(1D)(aa) inserted (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), [ss. 25\(5\)\(h\)](#), [30\(4\)](#); S.S.I. 2007/516, art. 2
- F8** Words in Sch. 3 para. 18(2) substituted (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. 5\(3\)\(a\)](#) (with [Sch. 21 para. 7](#)); S.I. 2009/3345, art. 2, [Sch. para. 26](#)
- F9** Words in Sch. 3 para. 18(2) substituted (S.) (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), [ss. 46\(3\)](#), [54\(2\)](#) (with s. 48); S.S.I. 2005/454, art. 2, [sch. 2](#)
- F10** Words in Sch. 3 para. 18(2) substituted (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. 5\(3\)\(b\)](#) (with [Sch. 21 para. 7](#)); S.I. 2009/3345, art. 2, [Sch. para. 26](#)
- F11** Words in Sch. 3 para. 18(2) substituted (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. 5\(3\)\(c\)](#) (with [Sch. 21 para. 7](#)); S.I. 2009/3345, art. 2, [Sch. para. 26](#)
- F12** Words in Sch. 3 para. 18(3) substituted (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. 5\(4\)\(a\)](#) (with [Sch. 21 para. 7](#)); S.I. 2009/3345, art. 2, [Sch. para. 26](#)
- F13** Sch. 3 para. 18(3)(a) repealed (S.) (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), [ss. 46\(4\)](#), [54\(2\)](#) (with s. 48); S.S.I. 2005/454, art. 2, [sch. 2](#)
- F14** Sch. 3 para. 18(3)(a) repealed (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. 5\(4\)\(b\)](#), [Sch. 22 Pt. 6](#) (with [Sch. 21 para. 7](#)); S.I. 2009/3345, art. 2, [Sch. paras. 2627\(c\)](#)
- F15** Words in Sch. 3 para. 18(3)(b) substituted (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. 5\(4\)\(c\)](#) (with [Sch. 21 para. 7](#)); S.I. 2009/3345, art. 2, [Sch. para. 26](#)
- F16** Sch. 3 para. 18(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. 5\(5\)](#) (with [Sch. 21 para. 7](#)); S.I. 2009/3345, art. 2, [Sch. para. 26](#)
- F17** Words in Sch. 3 para. 18(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 32](#) (with [Sch. 7](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2023 c. 8 s. 9\(7\)](#)