

SCHEDULES

SCHEDULE 3

PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

PART II

PROCEDURE FOR THE MAKING OF HARBOUR REVISION ORDERS BY THE MINISTER OF HIS OWN MOTION (AS SET OUT), BY THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD OF HIS OWN MOTION (SUBJECT TO PART V) OR BY THE SECRETARY OF STATE OF HIS OWN MOTION (SUBJECT TO PART VI)

- 7 Where the Minister proposes to make, of his own motion, a harbour revision order, he shall, before doing so—
- (a) publish by Gazette and local advertisement and by such (if any) other means as he thinks fit a notice stating that he proposes to make the order, containing a concise summary of the provisions to be embodied in it, naming a place where a copy of the draft of the proposed order may be seen at all reasonable hours and stating that any person who desires to make to him objection to the proposal 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) serve on the harbour authority and on such (if any) other persons as he thinks ought to have notice of the proposal a copy of the draft of the proposed order together with a notice stating that he proposes to make the order and that if the person served desires to make to the Minister objection to the proposal 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.
- 8 (1) Where effect has been given to paragraph 7 above in the case of a proposal of the Minister to make, of his own motion, a harbour revision order, and the time for the due making to the Minister of objection to the proposal has elapsed, the following provisions of this paragraph shall have effect.
- (2) If no objections to the proposal were duly made to the Minister, or if all objections to the proposal that were duly made to him have been withdrawn, the Minister, unless he decides to proceed no further in the matter, shall refer the draft of the order to the Council for consideration and report.
 - (3) If objections to the proposal that were duly made to the Minister have not been withdrawn, he shall, unless he decides to proceed no further in the matter, cause an inquiry to be held with respect to each objection so made and not withdrawn unless in his opinion it is frivolous or too trivial to warrant the holding of an inquiry with respect thereto and, after effect has been given to the foregoing provisions of this sub-paragraph, he shall, unless he decides to proceed no further in the matter, refer

Status: This is the original version (as it was originally enacted).

to the Council for consideration and report, the draft of the order, the objections so made and not withdrawn and the report of any person who held an inquiry.

- (4) Where, in pursuance of the reference to them under sub-paragraph (2) or (3) above, the Council have reported to the Minister, he shall consider their report and the documents reported on, and, unless he decides not to make the order, may make it in the form of the draft or (subject to the restriction imposed by sub-paragraph (5) below) in that form but subject to such modifications as he thinks fit.
 - (5) Where the Minister proposes to make the order subject to modifications which appear to him substantially to affect the character of the order as originally proposed to be made, he shall take such steps as appear to him to be reasonably practicable for informing persons likely to be concerned, and shall not make the order until such period for consideration of, and comment upon, the proposed modifications by those persons as he thinks reasonable has elapsed.
 - (6) The Minister may disregard for the purposes of this paragraph an objection to the proposal unless it states the grounds on which it is made.
- 9 So soon as may be after a harbour revision order has been made by the Minister of his own motion he shall publish by Gazette and local advertisement a notice stating that the order has been made and naming a place where a copy thereof may be inspected at all reasonable hours, and shall serve a copy of the order on every person on whom notice of the proposal to make the order was served in compliance with the requirement imposed by paragraph 7(b) above.