

**Changes to legislation:** Harbours Act 1964, Paragraph 3 is up to date with all changes known to be in force on or before 14 March 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

### SCHEDULE 4

#### [<sup>F1</sup>PROCEDURE FOR CONFIRMING AND MAKING HARBOUR REORGANISATION SCHEMES]

##### Textual Amendments

**F1** Heading substituted by Transport Act 1981 (c. 56, SIF 58), Sch. 6 para. 6(6)

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

**C1** Sch. 4 amended by Docks and Harbours Act 1966 (c. 28, SIF 58), s. 42(2)

**C1** Sch. 4: transfer of functions (1.4.2018) by Wales Act 2017 (c. 4), ss. 29(2)(b)(iii), 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.)

### PART I

#### PROCEDURE FOR SUBMISSION AND CONFIRMATION OF HARBOUR REORGANISATION SCHEMES

- 3 (1) Where effect has been given to paragraph 2 above in the case of a harbour reorganisation scheme submitted to the Minister and the time for the due making to the Minister of objection to the scheme has elapsed, the following provisions of this paragraph shall have effect.

<sup>F1</sup>(2) .....

- (5) If <sup>F2</sup>... objections thereto that were duly made to the Minister have not been withdrawn, he shall, unless he decides that the scheme shall not proceed further [<sup>F3</sup>and subject to sub-paragraph (5A) below], cause [<sup>F4</sup>an inquiry to be held with respect to] each objection so made and not withdrawn [<sup>F5</sup>to be considered—

- (a) at an inquiry;
- (b) at a hearing before a person appointed by the Scottish Ministers; or
- (c) by way of written representations,]

unless, in his opinion, it is frivolous or too trivial to warrant [<sup>F6</sup>the holding of an inquiry with respect thereto][<sup>F6</sup>being considered in any of these ways]<sup>F2</sup>... .

[<sup>F7</sup>(5A) The Scottish Ministers are not to cause to be considered by way of written representations under sub-paragraph (5)(c) above an objection made by a harbour authority on whom a copy of the scheme was served under paragraph 2(d) above.]

- (6) [<sup>F8</sup>After considering the objections (if any) made and not withdrawn, and the reports of any person who held an inquiry and any person appointed for the purpose of hearing an objector, the Secretary of State] if he then decides to confirm the scheme,

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may by order confirm it without modifications or (subject to the restrictions imposed by sub-paragraph (7) below) with such modifications as he thinks fit.

- (7) Where the Minister proposes to confirm the scheme with modifications which appear to him substantially to affect the character of the scheme as submitted to him, he shall take such steps as appear to him to be sufficient and reasonably practicable for informing them that submitted the scheme to him, and other persons likely to be concerned, and shall not confirm the scheme until such period for consideration of, and comment upon, the proposed modifications by them that submitted the scheme and those other persons as he thinks reasonable has elapsed; nor shall he confirm the scheme subject to a modification that results in its including provision transferring an interest of a person in property that was not described in the scheme as submitted to him as being property in which interests of that person were subject to be transferred unless that person consents to its being so confirmed.
- (8) The Minister may disregard for the purposes of this paragraph an objection to the scheme 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 scheme of a provision transferring interests of a person in any property if he is satisfied that the objection relates exclusively to matters in respect of which compensation falls to be provided under the scheme and that the scheme is so framed as to enable those matters to be properly dealt with.

#### Textual Amendments

- F1** Sch. 4 para. 3(2)–(4) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F2** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F3** Words in Sch. 4 para. 3(5) inserted (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(6)(a)(i)**, 30(4); S.S.I. 2007/516, art. 2
- F4** Words in Sch. 4 para. 3(5) repealed (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(6)(a)(ii)**, 30(4); S.S.I. 2007/516, art. 2
- F5** Words in Sch. 4 para. 3(5) inserted (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(6)(a)(iii)**, 30(4); S.S.I. 2007/516, art. 2
- F6** Words in Sch. 4 para. 3(5) substituted (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(6)(a)(iv)**, 30(4); S.S.I. 2007/516, art. 2
- F7** Sch. 4 para. 3(5A) inserted (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(6)(b)**, 30(4); S.S.I. 2007/516, art. 2
- F8** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(4)**

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

- C1** Para. 3(5) amended by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), **s. 42(2)**

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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\(7\)](#)