



Harbours Act 1964

1964 CHAPTER 40

Harbour Revision and Empowerment Orders

17 Procedure for making harbour revision and empowerment orders, and substitution thereof, in general, for provisional orders.

(1) The provisions of Schedule 3 to this Act shall have effect as follows with respect to the procedure for making harbour revision and empowerment orders:—

- (a) Part I of that Schedule shall have effect with respect to the procedure for making harbour revision orders upon application therefor to [^{F1}the Secretary of State];
- (b) Part II of that Schedule shall have effect with respect to the procedure for the making of harbour revision orders by [^{F1}the Secretary of State] of his own motion;
- (c)^{F2}
- (g) Part I of that Schedule shall, subject to the modifications specified in Part [^{F3}III] thereof, have effect with respect to the procedure for the making of harbour empowerment orders by [^{F1}the Secretary of State];
- (h)^{F4}

[^{F5}and the said Parts I, II and [^{F3}III] shall have effect with respect to the procedure for the making of orders by the Minister of Agriculture, Fisheries and Food with the substitution ^{F6} . . . of references to him for references to the Secretary of State.]

(2) Neither the Minister nor the Minister of Agriculture, Fisheries and Food nor the Secretary of State shall make a harbour revision or empowerment order including provision authorising the compulsory acquisition of land unless it also includes provision for the payment of compensation in respect of the acquisition.

^{F7}[(2A) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for extinguishing a public right of way over a footpath [^{F8}or bridleway][^{F8}, bridleway or restricted byway] unless he is satisfied—

- (a) that an alternative right of way has been or will be provided, or

Changes to legislation: Harbours Act 1964, Section 17 is up to date with all changes known to be in force on or before 03 February 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

(b) that the provision of an alternative right of way is not required.

(2B) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for diverting a public right of way over a footpath [^{F8}or bridleway][^{F8}, bridleway or restricted byway] unless he is satisfied that the path or way will not be substantially less convenient to the public in consequence of the diversion.]

[^{F9}(2C) In this section and in Schedule 3 to this Act (except in [^{F10}paragraphs 20A and] 25(6) (c) of Schedule 3), references to “the Secretary of State” are to be construed, in relation to a [^{F11}harbour that is wholly in Wales, other than a reserved trust port, as references to the Welsh Ministers], and in relation to Scotland, as references to the Scottish Ministers.]

^{F12}(3)

^{F12}(4)

Textual Amendments

- F1** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(2)**
- F2** S. 17(1)(c)–(f) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F3** Words in s. 17(1) substituted (1.2.2000) by [S.I. 1999/3445](#), **reg. 15(1)(a)**
- F4** S. 17(1)(h)(i) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F5** Words inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(1)(3)**
- F6** Words in S. 17(1) omitted (1.2.2000) by [S.I. 1999/3445](#), **reg. 15(1)(b)**
- F7** S. 17(2A)(2B) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 3**; [S.I. 1992/1347](#), art. 2, **Sch.** (subject as mentioned in art. 3)
- F8** Words in s. 17(2A)(2B) substituted (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))
- F9** S. 17(2C) added (1.2.2000) by [S.I. 1999/3445](#), **reg. 15(2)**
- F10** Words in s. 17(2C) 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. 2** (with [Sch. 6 para. 2\(2\)](#))
- F11** Words in s. 17(2C) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 30(2)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(g)
- F12** S. 17(3)(4) 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)

Modifications etc. (not altering text)

- C1** S. 17 applied (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), 2(1), **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))
- C2** Ss. 14-17: 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.](#))

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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\(7\)](#)