



# Harbours Act 1964

## 1964 CHAPTER 40

### *[<sup>F1</sup>Delegation of certain functions ]*

#### **[<sup>F1</sup>42D Consent of Secretary of State required for certain orders and schemes**

- (1) This section applies to any harbour revision order or harbour empowerment order which makes provision excluding, modifying or repealing—
  - (a) any provision of the Marine and Coastal Access Act 2009 in so far as it applies to England;
  - (b) any instrument made under that Act by the Secretary of State;
  - (c) any statutory provision of local application made by the Secretary of State.
- (2) This section also applies to any harbour reorganisation scheme which makes provision repealing or amending any statutory provision of local application made by the Secretary of State.

[ The references in subsections (1)(c) and (2) to a statutory provision of local application <sup>F2</sup>(2A) do not include a harbour revision order, a harbour empowerment order or a harbour reorganisation scheme.]

- (3) The Welsh Ministers must notify the Secretary of State of any intention to make an order or scheme to which this section applies.
- (4) The order or scheme must not include any provision falling within subsection (1) or, as the case may be, (2) if, within the prescribed period beginning with the date of the notification under subsection (3), the Secretary of State refuses consent to the inclusion of that provision in the order or scheme.
- (5) In this section “prescribed period” means such period as is prescribed in an order made by the Secretary of State for the purposes of this section.]

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**Changes to legislation:** Harbours Act 1964, Section 42D is up to date with all changes known to be in force on or before 14 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](#)

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### Textual Amendments

- F1** Ss. 42C, 42D 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. 4](#); S.I. 2009/3345, art. 2, Sch. para. 26
- F2** [S. 42D\(2A\)](#) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 37\(2\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/1179, reg. 3(g)

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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\(7\)](#)