



Docks and Harbours Act 1966

1966 CHAPTER 28

PART III

HARBOURS

42 Further provision as to harbour reorganisation schemes.

- (1) A harbour reorganisation scheme may include, as respects any harbour authority (including a body which is to be a harbour authority under the scheme) to which statutory powers or duties are transferred by the scheme or as respects any harbour which under the scheme is to be managed by that authority,—
 - (a) provisions imposing duties or conferring powers for any of the objects specified in sub-paragraphs (a) to (c) of paragraph 3 of Schedule 2 to the 1964 Act (objects for which harbour revision orders may be made), including powers to make byelaws;
 - (b) provisions for any of the objects specified in paragraphs 6 to 17 of that Schedule; and
 - (c) provisions which may be included in a harbour revision order by virtue of section 14(3) of that Act (consequential and incidental provisions).

- (2) A provision authorising the compulsory acquisition of land which is included by virtue of this section in a harbour reorganisation scheme shall be treated for the purposes of section 18(3) of the 1964 Act (maps) and Schedule 4 to that Act ([^{F1}confirmation and making] of such schemes) as a provision transferring an interest in land; and—
 - (a) [^{F2}the Minister may, if an objection is made to any provision authorising the compulsory purchase of land, instead of causing an inquiry to be held under sub-paragraph . . . ^{F3}(5) of paragraph 3 of that Schedule, afford an opportunity to the objector, and if the latter avails himself of the opportunity, to the person who submitted the scheme and any other persons to whom it appears to the Minister expedient to afford it, of appearing before and being heard by a person appointed by the Minister for the purpose, and . . .]^{F3}
 - (b) [^{F4}paragraph 25] of Schedule 3 to that Act (provision for compulsory acquisition of land of statutory undertakers in harbour revision orders) shall apply in relation to [^{F5}the submission to the Secretary of State of a harbour

Changes to legislation: There are currently no known outstanding effects for the Docks and Harbours Act 1966, Section 42. (See end of Document for details)

reorganisation scheme and to a proposal by the Secretary of State to make such a scheme of his own motion as it applies in relation to the making of] an application for a harbour revision order.

- (3) If a provision authorising the execution of works on any land is included in a harbour reorganisation scheme by virtue of this section, the notice required to be published by paragraph 2(a) of Schedule 4 to that Act (publication of notice of such a scheme) shall contain, in addition to the other matters required to be contained in the notice, a general description of the nature of the works and the land on which it is proposed to execute them.
- (4) In accordance with subsection (1) of this section—
- (a) the reference in paragraph (i) of section 18(2) of the 1964 Act to the foregoing paragraphs of that subsection shall be construed as including a reference to subsection (1) of this section; and
 - (b) the references in section 52 (application to the Crown) and section 53 (saving for telegraphic lines) of that Act to a harbour revision order shall be construed as including references to a harbour reorganisation scheme.

Textual Amendments

- F1** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), s. 18, **Sch. 6 para. 6(8)(a)**
- F2** S. 42(2)(a) repealed (S.) (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), s. 30(4), **Sch. 3**; [S.S.I. 2007/516](#), art. 2
- F3** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), s. 40, **Sch. 12 Pt. II**
- F4** Words in s. 42(2)(b) substituted (1.2.2000) by [S.I. 1999/3445](#), reg. 15(5), **Sch. 4 para. 1**
- F5** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), s. 18, **Sch. 6 para. 6(8)(b)**

Modifications etc. (not altering text)

- C1** [S. 42](#): transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 29(2)(c)(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.)

Changes to legislation:

There are currently no known outstanding effects for the Docks and Harbours Act 1966, Section 42.