

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1981, Cross Heading: Secretary of State's power to make harbour reorganisation schemes of his own motion. (See end of Document for details)

SCHEDULES

SCHEDULE 6

AMENDMENTS OF ^{M1}THE HARBOURS ACT 1964

Modifications etc. (not altering text)

- C1** The text of Sch. 5 Pt. I para. 14, Sch. 6, Sch. 10 Pts. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M1** 1964 c. 40.

Secretary of State's power to make harbour reorganisation schemes of his own motion

- 6 (1) In section 18 (harbour reorganisation schemes) the following subsection is inserted after subsection (1) (submission of scheme to Secretary of State by relevant authorities)—
- “(1A) If the Secretary of State is of opinion that, with a view to securing the efficient and economical development of any such group of harbours as is mentioned in subsection (1) of this section, a harbour reorganisation scheme ought to be made providing for all or any of the matters for which provision may be made for such a scheme, he may by order make a harbour reorganisation scheme providing for those matters.”.
- (2) For subsection (4) of section 18 (which introduces Schedule 4 and provides for special parliamentary procedure) there is substituted—
- “(4) The provisions of Schedule 4 to this Act shall have effect as follows with respect to the procedure for confirming and making harbour reorganisation schemes—
- (a) Part I of that Schedule shall have effect with respect to the procedure for confirming schemes submitted to the Secretary of State;
- (b) Part I of that Schedule shall, subject to the modifications specified in Part II thereof, have effect with respect to the procedure for the making of schemes by the Secretary of State of his own motion;
- and a harbour reorganisation scheme as confirmed or made by the Secretary of State shall be subject to special parliamentary procedure.”.
- (3) In subsections (5) and (6) of section 18 (restrictions on orders containing certain provisions) after “confirm” there is inserted “ or make ”.
- (4) In section 44 (statutory application for review of orders within six week time limit), in subsection (4) which extends the foregoing provisions of the section to harbour reorganisation schemes)—

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- (a) after “confirmed”, where first occurring, there is inserted “ or made ”; and
 - (b) after “with the substitution” there is inserted “ , in relation to a harbour reorganisation scheme confirmed by the Secretary of State, ”.
- (5) In section 47(3) (inquiries into schemes relating to Scotland) after “confirmation” there is inserted “ or making ”.
- (6) For the heading before paragraph 1 of Schedule 4 there is substituted—

“PROCEDURE FOR CONFIRMING AND MAKING HARBOUR REORGANISATION SCHEMES

PART I

PROCEDURE FOR SUBMISSION AND CONFIRMATION OF HARBOUR REORGANISATION SCHEMES”.

- (7) After paragraph 4 of Schedule 4 there is inserted—

“PART II

MODIFICATIONS SUBJECT TO WHICH PART I HAS EFFECT WITH RESPECT TO PROCEDURE FOR MAKING HARBOUR REORGANISATION SCHEMES BY THE SECRETARY OF STATE OF HIS OWN MOTION.

- 5 References to confirming a scheme shall be construed as references to making a scheme.
- 6 Paragraph 1 shall be omitted.
- 7 In paragraph 2—
 - (a) for the opening words down to “proceed there shall be substituted “Where the Secretary of State proposes to make, of his own motion, a harbour reorganisation scheme;
 - (b) for the words “has been submitted to wherever occurring there shall be substituted the words “is proposed to be made by and in sub-paragraph (d) the words “and are not parties to the submission of the scheme shall be omitted;
 - (c) for any reference in sub-paragraph (a), (b) or (d) to a map deposited with a scheme there shall be substituted a reference to a map to be annexed to the scheme.
- 8 In paragraph 3—
 - (a) in sub-paragraph (1) for the words “submitted to there shall be substituted the words “proposed to be made by”;
 - (b) in sub-paragraph (7) for the words “as submitted to him” there shall be substituted the words “as served under paragraph 2(d) above on the authorities there mentioned, and there shall be omitted the words “that submitted the scheme to him” and the words “that submitted the scheme”.

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9 In paragraph 4 for the words “submitted to” there shall be substituted the words “proposed to be made by”.

(8) In section 42(2) of the ^{M1}Docks and Harbours Act 1966 (further provision as to harbour reorganisation schemes)—

- (a) for “submission and confirmation there is substituted “ confirmation and making ”; and
- (b) in paragraph (b), for the words from “a submission to “in relation to there is substituted “ the submission to the Secretary of State of a harbour 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”.

Marginal Citations

M1 1966 c. 28.

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