
Changes to legislation: *Marine and Coastal Access Act 2009, Cross Heading: Procedure for dealing with applications for harbour orders is up to date with all changes known to be in force on or before 20 April 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 21

AMENDMENTS OF THE HARBOURS ACT 1964

Procedure for dealing with applications for harbour orders

- 5 (1) In Schedule 3 (procedure for making harbour revision and empowerment orders), paragraph 18 (which provides for the holding of an inquiry or public hearing when an objection is made) is amended as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) This paragraph applies if an objection to the application was made to the appropriate authority and has not been withdrawn.
- (1A) This paragraph does not apply if—
- (a) the appropriate authority decides that the application is not to proceed further,
 - (b) the appropriate authority considers that the objection is frivolous or trivial,
 - (c) the objection does not specify the grounds on which it is made, or
 - (d) the objection was not made within the period allowed for making it.
- (1B) Before deciding the application under paragraph 19, the appropriate authority may—
- (a) cause an inquiry to be held, or
 - (b) give to the person who made the objection an opportunity of appearing before, and being heard by, a person appointed by the appropriate authority.
- (1C) If the objection—
- (a) was made by the Welsh Ministers to the Secretary of State, and
 - (b) is not an objection regarding compulsory acquisition of a parcel of land,
- the Secretary of State must cause an inquiry to be held under sub-paragraph (1B)(a).
- (1D) If, in a case where sub-paragraph (1C) does not apply,—
- (a) the objection was made by a person within sub-paragraph (1E), and
 - (b) that person makes a request in writing to the appropriate authority that the objection be referred to an inquiry or dealt with in accordance with sub-paragraph (1B)(b),
- the appropriate authority must either cause an inquiry to be held under sub-paragraph (1B)(a) or cause the objection to be dealt with in accordance with sub-paragraph (1B)(b), as the appropriate authority may determine.

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(1E) The persons within this sub-paragraph are—

- (a) in the case of an application to the Secretary of State, the Welsh Ministers;
- (b) any local authority for an area in which the harbour (or any part of it) is situated;
- (c) the relevant conservation body;
- (d) if the order will authorise the compulsory acquisition of land, any person who is entitled to be served with notice under paragraph 11.”.

(3) In sub-paragraph (2)—

- (a) for “sub-paragraph (1)(a)” substitute “ sub-paragraph (1B)(b) ”,
- (b) for “Secretary of State” substitute “ appropriate authority ”, and
- (c) for “he” substitute “ the authority ”.

(4) In sub-paragraph (3)—

- (a) for “Secretary of State” substitute “ appropriate authority ”,
- (b) omit paragraph (a), and
- (c) in paragraph (b), for “he” substitute “ the appropriate authority ”.

(5) After sub-paragraph (3) insert—

“(4) In this paragraph—

“the appropriate authority” means—

- (a) in a case where the application was made to the Secretary of State, the Secretary of State;
- (b) in a case where the application was made to the Welsh Ministers, the Welsh Ministers;

“local authority” means—

- (a) in England, a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a parish council and a parish meeting of a parish not having a separate parish council, and
- (b) in Wales, a county council, a county borough council and a community council;

“the relevant conservation body” means—

- (a) if the harbour (or any part of it) is situated in England, Natural England, and
- (b) if the harbour (or any part of it) is situated in Wales, the Countryside Council for Wales.”.

Commencement Information

II Sch. 21 para. 5 in force at 12.1.2010 in so far as not already in force by S.I. 2009/3345, art. 2, Sch. para. 26

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 72A(2A) inserted by [2023 c. 55 s. 232\(2\)\(d\)](#)
- s. 72A(6)(a) words in s. 72A(6) renumbered as s. 72A(6)(a) by [2023 c. 55 s. 232\(2\)\(f\)\(i\)](#)
- s. 72A(6)(a) words inserted by [2023 c. 55 s. 232\(2\)\(f\)\(ii\)](#)
- s. 72A(6)(b) and word inserted by [2023 c. 55 s. 232\(2\)\(f\)\(iii\)](#)
- Sch. 6 para. 1(2)(da) inserted by [2023 c. 55 Sch. 8 para. 31\(2\)\(a\)](#)