

---

**Changes to legislation:** *Marine and Coastal Access Act 2009, Cross Heading: Procedure where harbour revision orders are made otherwise than on application is up to date with all changes known to be in force on or before 21 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 where harbour revision orders are made otherwise than on application*

- 6 (1) For paragraph 28 of Schedule 3 (inquiry to be held in most cases where an objection is made) substitute—
- “28 (1) This paragraph applies if an objection to the proposal was made to the proposing authority and has not been withdrawn.
- (2) This paragraph does not apply if—
- (a) the proposing authority decides that the proposal is not to proceed further,
  - (b) the proposing 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.
- (3) Before deciding the application under paragraph 29, the proposing 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 proposing authority.
- (4) If the objection was made by the Welsh Ministers to the Secretary of State, the Secretary of State must cause an inquiry to be held under sub-paragraph (3)(a).
- (5) Where—
- (a) the objection was made by a person within sub-paragraph (6), and
  - (b) that person makes a request in writing to the proposing authority that the objection be referred to an inquiry or dealt with in accordance with sub-paragraph (3)(b),
- the proposing authority must either cause an inquiry to be held under sub-paragraph (3)(a) or cause the objection to be dealt with in accordance with sub-paragraph (3)(b), as the proposing authority may determine.
- (6) The persons within this sub-paragraph are—

---

**Changes to legislation:** *Marine and Coastal Access Act 2009, Cross Heading: Procedure where harbour revision orders are made otherwise than on application is up to date with all changes known to be in force on or before 21 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*

---

- (a) any local authority for an area in which the harbour (or any part of it) is situated, and
  - (b) the relevant conservation body.
- (7) Where an objector is heard in accordance with sub-paragraph (3)(b), the proposing authority must allow such other persons as the proposing authority thinks appropriate to be heard on the same occasion.
- (8) In this paragraph—
- “local authority” has the same meaning as in paragraph 18;
  - “the proposing authority” means—
    - (a) the Secretary of State, in a case where it is the Secretary of State who proposes to make a harbour revision order;
    - (b) the Welsh Ministers, in a case where it is the Welsh Ministers who propose to make a harbour revision order;
  - “the relevant conservation body” has the same meaning as in paragraph 18.”.
- (2) In paragraph 29 of that Schedule (decision on harbour revision order proposed by Secretary of State), in sub-paragraph (1)(b), after “inquiry” insert “ and of any person appointed for the purpose of hearing an objector ”.

**Commencement Information**

- II** [Sch. 21 para. 6](#) in force at 12.1.2010 in so far as not already in force by [S.I. 2009/3345](#), [art. 2](#), [Sch. para. 26](#)

**Changes to legislation:**

Marine and Coastal Access Act 2009, Cross Heading: Procedure where harbour revision orders are made otherwise than on application is up to date with all changes known to be in force on or before 21 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.

[View outstanding changes](#)

**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\(2\)\(a\)](#)