

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Newport (Isle of Wight) Harbour Revision Order 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

1988 No. 2304

The Newport (Isle of Wight) Harbour Revision Order 1988

PROSPECTIVE

Appeals under last preceding article

9.—(1) Any person aggrieved by the terms and conditions attached to any consent, any refusal of consent or any requirement of the Council under article 8 (As to houseboats) of this Order may appeal to the Secretary of State.

(2) The time within which any such appeal may be brought shall be 42 days from the date on which notice of the refusal or requirement was given to the person desiring to appeal.

(3) When application is made to the Council for consent to moor, place, keep or maintain any houseboat in the harbour then unless within two months from the date on which the Council receive such application, or within such extended period as may at any time be agreed upon in writing between the applicant and the Council, the Council give written notice to the applicant of their decision on the application the provisions of this article shall apply in relation to the application as if the consent to which it relates had been refused by the Council and as if notification of their decision had been received by the applicant at the end of the said period of two months or at the end of the said extended period, as the case may be.

(4) On the hearing of an appeal the Secretary of State may dismiss or allow the appeal or may vary the terms, conditions or requirements appealed against by substituting therefore any terms, conditions or requirements which the Council could have prescribed or imposed under the said article 8.

(5) In any case in which such an appeal lies, the document notifying the refusal or requirement in the matter shall state the right of appeal to the Secretary of State and the time within which such an appeal may be brought.

(6) Where any refusal or requirement against which a right of appeal is conferred by this article becomes the subject of an appeal no proceedings shall be brought or taken by the Council under paragraph (4) of the said article 8 until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where the Secretary of State allows an appeal under this article effect shall be given to the order of the Secretary of State and in particular any necessary consent shall be granted.

(8) The Secretary of State may cause to be held such inquiries as he may consider necessary in regard to the performance of his functions under this article and section 47 of the Harbours Act 1964 shall apply to any such inquiry as if it were an inquiry held under a provision of that Act in England.

Commencement Information

II Art. 9 in force at 12.12.1988

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Newport (Isle of Wight) Harbour Revision Order 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 9 coming into force by

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

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

- art. 8(2)(f) inserted by [S.I. 2021/139 art. 20\(3\)\(b\)](#)