



# Harbours Act 1964

## 1964 CHAPTER 40

### *Harbour Revision and Empowerment Orders*

#### **14 Ministers' powers, on application of harbour authorities, or others, to make orders for securing harbour efficiency, &c.**

- (1) Subject to the provisions of this section and to the following provisions of this Act, there may, in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties, be made by the appropriate Minister an order (in this Act referred to as a “harbour revision order”) for achieving all or any of the objects specified in Schedule 2 to this Act.

[<sup>F1</sup>(1A) Subsection (1) is subject to—

- (a) section 33(2) of the Planning Act 2008 (exclusion of powers to authorise development);
- (b) section 120(9) of that Act (exclusion of power to include ancillary provision in orders).]

- (2) Subject to the next following section, a harbour revision order shall not be made in relation to a harbour by the appropriate Minister—

- (a) except upon written application in that behalf made to him by the authority engaged in improving, maintaining or managing it or by a person appearing to him to have a substantial interest or body representative of persons appearing to him to have such an interest; and
- (b) unless the appropriate Minister is satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea [<sup>F2</sup>or in the interests of the recreational use of sea-going ships].

<sup>F3</sup>[(2A) The objects for achieving all or any of which a harbour revision order may be made in relation to a harbour include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour, or consolidating any statutory provisions of local application affecting the harbour; and subsection (2)(b)

---

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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*

---

of this section does not apply to an order in so far as it is made for objects mentioned in this subsection.]

<sup>F4</sup>[(2B) Nothing in subsection (2)(b) of this section shall prevent the making of an order for facilitating—

- (a) the closing of part of the harbour,
- (b) a reduction in the facilities available in the harbour, or
- (c) the disposal of property not required for the purposes of the harbour,

if the appropriate Minister is satisfied that the making of the order is desirable on grounds other than those specified in that subsection.]

(3) A harbour revision order may include all such provisions as appear to the appropriate Minister to be requisite or expedient for rendering of full effect [<sup>F5</sup>any other provision of the order]and any [<sup>F6</sup>supplementary, consequential or incidental] provisions appearing to him to be requisite or expedient for the purposes of [<sup>F7</sup>, or in connection with,] the order, including, but without prejudice to the generality of the foregoing words, penal provisions and provisions incorporating, with or without modifications, any provision of the Lands Clauses Acts or any other enactment and provisions for [<sup>F8</sup>excluding or modifying any provision of any Act or of any instrument made under any Act (including this Act) and for repealing] any statutory provision of local application affecting the harbour to which the order relates; but no penal provision of a harbour revision order shall be so framed as to permit of a person's being punished otherwise than on his conviction or as to permit—

- (a) on his being summarily convicted, of the infliction on him of a penalty other than a fine or of [<sup>F9</sup> —
  - (i) in the case of an offence triable either summarily or on indictment, the infliction on him of a fine exceeding the prescribed sum within the meaning of section 32 of the <sup>M1</sup>Magistrates' Courts Act 1980 or section 289B of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975;
  - (ii) in the case of an offence triable only summarily, the infliction on him of a fine exceeding [<sup>F10</sup>level 4 on the standard scale] or, in the case of a continuing offence, a daily fine exceeding £50 for each day on which the offence continues after conviction;]
- (b) on his being convicted on indictment, of the infliction on him of [<sup>F11</sup> a penalty other than a fine].

(4) In the case of a harbour revision order that provides for the establishment of a body as the harbour authority for the harbour to which the order relates in lieu of the existing one, references in paragraphs 2 to 17 of Schedule 2 to this Act to the authority (except in the case of the reference in paragraph 3 the references, other than the second, in paragraph 5 and the second reference in paragraph 11) shall be construed as referring to the body established by the order as the harbour authority, and in the said excepted case shall be construed as referring to the existing one.

<sup>F12</sup>[(4A) Where two or more harbours are being improved, maintained or managed by the same harbour authority or by harbour authorities which are members of the same group, a harbour revision order may relate to more than one of the harbours; and for this purpose two authorities are members of the same group if one is a subsidiary (within the meaning of [<sup>F13</sup>the Companies Acts (see section 1159 of the Companies Act 2006)]) of the other or both are subsidiaries of another company (within the meaning of [<sup>F14</sup>that section]).]

---

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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*

---

- (5) Where a harbour revision order includes provision for the compulsory acquisition of land, there must, in the case of each parcel of land proposed to be acquired compulsorily, be annexed to the order a [<sup>F15</sup>map of a scale not less than 1:2500] on which the boundaries of that parcel are plainly delineated.
- <sup>F16</sup>[(5A) Where a harbour revision order includes provision for extinguishing or diverting a public right of way over a footpath [<sup>F17</sup>or bridleway][<sup>F17</sup>, bridleway or restricted byway], there must be annexed to the order a map of a scale not less than 1:2500 on which the path or way concerned, and in the case of a diversion the new path or way, are plainly delineated.]
- <sup>F18</sup>(6) . . . . .
- (7) In this section and in Schedule 2 to this Act “the appropriate Minister”, in the case of an order to be made in relation to a harbour not being a fishery harbour or a marine work means the Minister, in the case of an order to be made in relation to a fishery harbour means the Minister of Agriculture, Fisheries and Food, and in the case of an order to be made in relation to a marine work means the Secretary of State.

#### Textual Amendments

- F1** S. 14(1A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 2 para. 9** (with s. 226); [S.I. 2010/101](#), art. 2 (with art. 6)
- F2** Words in s. 14(2)(b) added (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 1(2)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F3** S. 14(2A) inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 2**
- F4** S. 14(2B) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 1(3)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F5** Words in s. 14(3) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 1(4)(a)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F6** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 3**.
- F7** Words in s. 14(3) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 1(4)(b)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F8** Words in s. 14(3) expressed to be substituted (15.7.1992) for the words 'repealing and amending' by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 1(4)(c)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F9** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 14(2)**
- F10** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s.54)
- F11** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 14(3)**
- F12** S. 14(4A) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 1(5)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F13** Words in s. 14(4A) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 12(2)(a)** (with art. 10)
- F14** Words in s. 14(4A) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 12(2)(b)** (with art. 10)
- F15** Words in s. 14(5) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 1(6)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F16** S. 14(5A) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 1(7)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)

**Changes to legislation:** Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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

- F17** Words in s. 14(5A) substituted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))
- F18** S. 14(6) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 4(1)(8)**, **Sch. 12 Pt. II** except as to a harbour revision or empowerment order in relation to which the notices required by para. 3(a) or 7(a) of Sch. 3 to this Act have been published before 1.10.1981

#### Modifications etc. (not altering text)

- C1** S. 14 amended by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), **s. 36(4)**
- C2** Functions of Minister of Agriculture, Fisheries and Food under s. 14 now exercisable (W.) by Secretary of State or by Minister of Agriculture, Fisheries and Food and Secretary of State for Wales jointly: [S.I. 1969/388, art. 3, Sch. 2](#) and 1978/272, art. 2 Sch. 1
- C3** S. 14 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), 2(1), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))
- C4** Ss. 14-17: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 29(2)(b)(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.](#))
- C5** S. 14(2)(b) excluded by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), **s. 36(2)**
- C6** S. 14(3) extended by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), **s. 43(3)**; explained by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), **s. 45**

#### Marginal Citations

- M1** 1980 c. 43 (82).
- M2** 1975 c. 21 (39:1).

## 15 Ministers' powers to make, of their own motion, orders for limited purposes for securing harbour efficiency, &c.

- (1) If, with respect to a harbour, the appropriate Minister is satisfied, . . . <sup>F19</sup> that a harbour revision order ought to be made for the purpose of achieving, in relation to the harbour, either or both of the following objects, namely,—

- (a) reconstituting the harbour authority by whom the harbour is being improved, maintained or managed or altering their constitution; and
- (b) regulating (in whole or to a less extent) the procedure of, or of any committee of, the authority and fixing the quorum at a meeting of, or of any committee of, the authority;

he may, if he is satisfied as mentioned in subsection (2)(b) of the last foregoing section, make the order despite the fact that no application to him for the making of it is forthcoming from the authority engaged in improving, maintaining or managing the harbour or from any such person or representative body as is mentioned in subsection (2)(a) of that section.

- (2) . . . . . <sup>F20</sup>

- (3) In this section “the appropriate Minister”, in relation to a harbour not being a fishery harbour or a marine work means the Minister, in relation to a fishery harbour means the Minister of Agriculture, Fisheries and Food, and in relation to a marine work means the Secretary of State.

---

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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*

---

#### Textual Amendments

- F19** Words repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)  
**F20** S. 15(2) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 12 Pt. II](#)

#### Modifications etc. (not altering text)

- C4** Ss. 14-17: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 29\(2\)\(b\)\(ii\)](#), [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.](#))  
**C7** Functions of Minister of Agriculture, Fisheries and Food under s. 15 now exercisable (W.) by Secretary of State or by Minister of Agriculture, Fisheries and Food and Secretary of State for Wales jointly: [S.I. 1969/388](#), [art. 3](#), [Sch. 2](#) and [1978/272](#), [art. 2](#) [Sch. 1](#)  
**C8** S. 15: transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)

### [<sup>F21</sup>15A Ministers' powers to make orders about port appointments.

- (1) Each of the Ministers may, subject to subsection (2) of this section, by order vary the constitution of a harbour authority so far as it provides for the appointment by him of any member or members of the authority—
  - (a) so as to abolish the power of appointment (except where the power is to appoint the chairman of the authority); or
  - (b) so as to provide for the power of appointment to be exercised by such other person or persons as may be specified in the order.
- (2) No order under this section may be made by the Secretary of State with respect to the constitution of a harbour authority if under the constitution all the members of the authority, apart from *ex officio* and co-opted members, are appointed by him.
- (3) An order under this section—
  - (a) may relate to more than one harbour authority; and
  - (b) may contain such supplementary, incidental and consequential provisions as appear to the Minister making the order to be necessary or expedient;and where the constitution of a harbour authority provides for the appointment by the Minister making the order of more than one member, an order under this section may make different provision for each member falling to be so appointed and may make provision for some only of those members.
- (4) A Minister proposing to make an order under this section shall before doing so consult the harbour authority concerned and such other persons affected, or bodies representative of such persons, as he thinks fit.
- (5) In this section “the Ministers” means the Secretary of State and the Minister of Agriculture, Fisheries and Food.]

#### Textual Amendments

- F21** S. 15A inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), [Sch. 6 para. 5\(1\)](#)

---

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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*

---

**Modifications etc. (not altering text)**

- C4** Ss. 14-17: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 29(2)(b)(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.](#))
- C9** S. 15A: transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)

**16 Ministers' powers, on application of intending undertakers, or others, to make orders conferring powers for improvement, construction, &c., of harbours.**

- (1) In a case where a person is desirous of securing the achievement of any of the following objects, namely,—

- (a) the improvement, maintenance or management of a harbour (whether natural or artificial) navigated by sea-going ships (not being a fishery harbour or a marine work) or of a port, haven, estuary, tidal or other river or inland waterway so navigated (not being a fishery harbour or a marine work);
- (b) the construction of an artificial harbour navigable by sea-going ships or an inland waterway so navigable, other than a harbour or waterway which, in the opinion of the Minister and the Secretary of State, will, on completion, be a marine work; and
- (c) the construction, improvement, maintenance or management of a dock elsewhere than at a fishery harbour or marine work or of a wharf elsewhere than at such a harbour or work;

but neither he nor any other person has powers, or sufficient powers, to secure it, or to do so effectively, he may make a written application to the Minister for the making by him of an order conferring on the applicant, some other designated person or a body to be constituted for the purpose by the order (according as may be specified in the application) all such powers (including, in particular, power to acquire land compulsorily and to levy charges other than ship, passenger and goods dues) as are requisite for enabling that object to be achieved.

- (2) In a case where a person is desirous of securing the achievement of either or both of the following objects, namely,—

- (a) the improvement, maintenance or management of a fishery harbour; and
- (b) the construction, improvement, maintenance or management of a dock at a fishery harbour or of a wharf at such a harbour;

but neither he nor any other person has powers, or sufficient powers, to secure it, or to do so effectively, he may make a written application to the Minister of Agriculture, Fisheries and Food for the making by him of such an order as aforesaid.

- (3) In a case where a person is desirous of securing the achievement of any of the following objects, namely,—

- (a) the improvement, maintenance or management of a marine work, being a harbour (whether natural or artificial) navigated by sea-going ships or being a port, haven, estuary, tidal or other river or inland waterway so navigated;
- (b) the construction of an artificial harbour navigable by sea-going ships which, in the opinion of the Minister and the Secretary of State, will, on completion, be a marine work or an inland waterway so navigable which, in the opinion of the Minister and the Secretary of State, will, on completion, be a marine work; and

---

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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*

---

- (c) the construction, improvement, maintenance or management of a dock at a marine work or of a wharf at such a work;

but neither he nor any other person has powers, or sufficient powers, to secure it, or to do so effectively, he may make a written application to the Secretary of State for the making by him of such an order as is mentioned subsection (1) of this section.

[<sup>F22</sup>(3A) Subsections (1) to (3) are subject to—

- (a) section 33(2) of the Planning Act 2008 (exclusion of powers to authorise development);
- (b) section 120(9) of that Act (exclusion of power to include ancillary provision in orders).]

(4) An order under this section is in this Act referred to as a “harbour empowerment order”.

(5) Neither the Minister, nor the Minister of Agriculture, Fisheries and Food nor the Secretary of State shall make a harbour empowerment order unless he is satisfied that the making thereof is desirable in the interests of facilitating the efficient and economic transport of goods or passengers by sea [<sup>F23</sup>or in the interests of the recreational use of sea-going ships].

(6) A harbour empowerment order may include all such provisions as appear to the Minister of the Crown by whom it is made to be requisite or expedient for giving full effect to any provision included in the order by virtue of the foregoing provisions of this section and any [<sup>F24</sup>supplementary, consequential or incidental] provisions appearing to him to be requisite or expedient for the purposes of, or in connection with, the order, including, but without prejudice to the generality of the foregoing words, penal provisions and provisions incorporating, with or without modifications, any provision of the Lands Clauses Acts or any other enactment [<sup>F25</sup>and provisions for excluding or modifying any provision of any Act or of any instrument made under any Act (including this Act)] [<sup>F26</sup>and for repealing any statutory provision of local application affecting the area in relation to which the powers are intended to be exercised]; but no penal provision of a harbour empowerment order shall be so framed as to permit of a person’s being punished otherwise than on his conviction or as to permit—

(a) on his being summarily convicted, of the infliction on him of a penalty other than a fine or of [<sup>F27</sup>—

(i) in the case of an offence triable either summarily or on indictment, the infliction on him of a fine exceeding the prescribed sum within the meaning of section 32 of the <sup>M3</sup>Magistrates’ Courts Act 1980 or section 289B of the <sup>M4</sup>Criminal Procedure (Scotland) Act 1975;

(ii) in the case of an offence triable only summarily, the infliction on him of a fine exceeding [<sup>F28</sup>level 4 on the standard scale] or, in the case of a continuing offence, a daily fine exceeding £50 for each day on which the offence continues after conviction;]

(b) on his being convicted on indictment, of the infliction on him of [<sup>F29</sup>a penalty other than a fine].

(7) Where a harbour empowerment order includes provision for the compulsory acquisition of land, there must, in the case of each parcel of land proposed to be acquired compulsorily, be annexed to the order a [<sup>F30</sup>map of a scale not less than 1:2500] on which the boundaries of that parcel are plainly delineated.

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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*

<sup>F31</sup>[(7A) Where a harbour empowerment order includes provision for extinguishing or diverting a public right of way over a footpath [<sup>F32</sup>or bridleway]<sup>F32</sup>, bridleway or restricted byway], there must be annexed to the order a map of a scale not less than 1:2500 on which the path or way concerned, and in the case of a diversion the new path or way, are plainly delineated.]

(8) ..... <sup>F33</sup>

### Textual Amendments

- F22** S. 16(3A) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), s. 241(8), **Sch. 2 para. 10** (with s. 226); [S.I. 2010/101](#), art. 2 (with art. 6)
- F23** Words in s. 16(5) added (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 2(2)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F24** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 3**
- F25** Words in s. 16(6) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 2(3)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F26** Words in s. 16(6) inserted (E.W.) (12.11.2009 for specified purposes, 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(1)(c)(d), **Sch. 21 para. 2(2)**; [S.I. 2009/3345](#), art. 2, Sch. para. 26
- F27** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 14(2)**
- F28** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s.54)
- F29** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 14(3)**
- F30** Words in s. 16(7) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 2(4)**; [S.I. 1992/1347](#), art. 2, Sch. (subject as mentioned in art. 3)
- F31** S. 16(7A) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 2(5)**; [S.I. 1992/1347](#), art. 2, **Sch.** (subject as mentioned in art. 3)
- F32** Words in s. 16(7A) substituted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), **Sch. Pt. I** (see [S.I. 2006/1172](#), art. 2(a)-(d) (with art. 3) and [S.I. 2006/1279](#), art. 2(a)-(d) (with art. 3))
- F33** S. 16(8) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 6 para. 4(1)(8)**, **Sch. 12 Pt. II** except as to a harbour revision or empowerment order in relation to which the notices required by para. 3(a) or 7(a) of Sch. 3 to this Act have been published before 1.10.1981

### Modifications etc. (not altering text)

- C4** Ss. 14-17: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 29(2)(b)(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.)
- C10** Functions of Minister of Agriculture, Fisheries and Food under s. 16 now exercisable (W.) by Secretary of State or by Minister of Agriculture, Fisheries and Food and Secretary of State for Wales jointly: [S.I. 1969/388](#), art. 3, **Sch. 2** and 1978/272, art.2, Sch. 1
- C11** S. 16: transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), art. 2, **Sch. 1**
- C12** S. 16 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), reg. 1(2)(4), 2(1), **Sch. Pt. I** (see [S.I. 2006/1172](#), art. 2(a)-(d) (with art. 3) and [S.I. 2006/1279](#), art. 2(a)-(d) (with art. 3))
- C13** References in s. 16(1)(b), (3)(b) to Minister and Secretary of State to have effect as references to Secretary of State for the time being concerned with harbours generally and Secretary of State for Scotland: [S.I. 1970/1681](#), **Sch. 3 para. 11(1)**
- C14** S. 16(5) excluded by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), s. 36(2)



---

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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*

---

C15 S. 16(6) explained by [Docks and Harbours Act 1966 \(c. 28, SIF 58\)](#), s. 45

**Marginal Citations**

M3 1980 c. 43 (82).

M4 1975 c. 21 (39:1).

**17 Procedure for making harbour revision and empowerment orders, and substitution thereof, in general, for provisional orders.**

(1) The provisions of Schedule 3 to this Act shall have effect as follows with respect to the procedure for making harbour revision and empowerment orders:—

- (a) Part I of that Schedule shall have effect with respect to the procedure for making harbour revision orders upon application therefor to [<sup>F34</sup>the Secretary of State];
- (b) Part II of that Schedule shall have effect with respect to the procedure for the making of harbour revision orders by [<sup>F34</sup>the Secretary of State] of his own motion;
- (c) .....<sup>F35</sup>
- (g) Part I of that Schedule shall, subject to the modifications specified in Part [<sup>F36</sup>III] thereof, have effect with respect to the procedure for the making of harbour empowerment orders by [<sup>F34</sup>the Secretary of State];
- (h) .....<sup>F37</sup>

[<sup>F38</sup>and the said Parts I, II and [<sup>F36</sup>III] shall have effect with respect to the procedure for the making of orders by the Minister of Agriculture, Fisheries and Food with the substitution <sup>F39</sup> . . . of references to him for references to the Secretary of State.]

(2) Neither the Minister nor the Minister of Agriculture, Fisheries and Food nor the Secretary of State shall make a harbour revision or empowerment order including provision authorising the compulsory acquisition of land unless it also includes provision for the payment of compensation in respect of the acquisition.

<sup>F40</sup>[(2A) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for extinguishing a public right of way over a footpath [<sup>F41</sup>or bridleway][<sup>F41</sup>, bridleway or restricted byway] unless he is satisfied—

- (a) that an alternative right of way has been or will be provided, or
- (b) that the provision of an alternative right of way is not required.

(2B) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for diverting a public right of way over a footpath [<sup>F41</sup>or bridleway][<sup>F41</sup>, bridleway or restricted byway] unless he is satisfied that the path or way will not be substantially less convenient to the public in consequence of the diversion.]

<sup>F42</sup>(2C) In this section and in Schedule 3 to this Act (except in [<sup>F43</sup>paragraphs 20A and] 25(6) (c) of Schedule 3), references to “the Secretary of State” are to be construed, in relation to a [<sup>F44</sup>harbour that is wholly in Wales, other than a reserved trust port, as references to the Welsh Ministers], and in relation to Scotland, as references to the Scottish Ministers.]

<sup>F45</sup>(3) .....

---

*Changes to legislation: Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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*

---

F45(4) .....

#### Textual Amendments

- F34** Words substituted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(2)**
- F35** S. 17(1)(c)—(f) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F36** Words in s. 17(1) substituted (1.2.2000) by [S.I. 1999/3445](#), **reg. 15(1)(a)**
- F37** S. 17(1)(h)(i) repealed by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 12 Pt. II**
- F38** Words inserted by [Transport Act 1981 \(c. 56, SIF 58\)](#), **Sch. 5 para. 14(1)(3)**
- F39** Words in S. 17(1) omitted (1.2.2000) by [S.I. 1999/3445](#), **reg. 15(1)(b)**
- F40** S. 17(2A)(2B) inserted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 63(1), **Sch. 3 para. 3**; [S.I. 1992/1347](#), **art. 2, Sch.** (subject as mentioned in art. 3)
- F41** Words in s. 17(2A)(2B) substituted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), **reg. 1(2)(4), Sch. Pt. I** (see [S.I. 2006/1172](#), art. 2(a)-(d) (with art. 3) and [S.I. 2006/1279](#), art. 2(a)-(d) (with art. 3))
- F42** S. 17(2C) added (1.2.2000) by [S.I. 1999/3445](#), **reg. 15(2)**
- F43** Words in s. 17(2C) substituted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), **reg. 1(1), Sch. 1 para. 2** (with [Sch. 6 para. 2\(2\)](#))
- F44** Words in s. 17(2C) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 30(2)**, 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), **reg. 3(g)**
- F45** S. 17(3)(4) repealed (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), **Sch. 4 Pt. II**; [S.I. 1992/1347](#), **art. 2, Sch.** (subject as mentioned in art. 3)

#### Modifications etc. (not altering text)

- C4** Ss. 14-17: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 29(2)(b)(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.**)
- C16** S. 17 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by [The Restricted Byways \(Application and Consequential Amendment of Provisions\) Regulations 2006 \(S.I. 2006/1177\)](#), **reg. 1(2)(4), 2(1), Sch. Pt. I** (see [S.I. 2006/1172](#), art. 2(a)-(d) (with art. 3) and [S.I. 2006/1279](#), art. 2(a)-(d) (with art. 3))

**Changes to legislation:**

Harbours Act 1964, Cross Heading: Harbour Revision and Empowerment Orders is up to date with all changes known to be in force on or before 20 March 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:**

- Act modified by [2023 c. 8 s. 9\(7\)](#)