



# 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for achieving all or any of which a harbour revision order may be made in relation to a harbour include repealing superseded, obsolete or otherwise unnecessary statutory provisions of local application affecting the harbour, or consolidating any statutory provisions of local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)

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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]).]

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- (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)

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- 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

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**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**

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**Marginal Citations**

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

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

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