

ELIZABETH II



1973 CHAPTER xviii

An Act to authorise the mayor, aldermen and burgesses of the borough of Ryde to construct works; and for other purposes.

[18th July 1973]

WHEREAS—

(1) The borough of Ryde (hereinafter referred to as “the borough”) is a municipal borough under the management and local government of the mayor, aldermen and burgesses of the borough (hereinafter referred to as “the Corporation”):

(2) It is expedient that the Corporation should be empowered to use certain tidal lands in the borough in connection with the construction and provision of a terminal for hovercraft and other vessels and to construct the works authorised by this Act:

(3) It is expedient that powers should be conferred on the Corporation as in this Act contained and that the other provisions contained in this Act be enacted:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

(5) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

The construction of the works authorised by this Act (including the construction and provision of a terminal for hovercraft, and other vessels and the construction and layout of buildings)	£700,000:
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(6) The several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

1933 c. 51.

(7) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

(8) Plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act and plans of the lands authorised to be used by this Act and a book of reference to such plans containing the names of the owners or reputed owners and of the occupiers of those lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the clerk of the county council of the administrative county of the Isle of Wight, which plans and sections are respectively referred to in this Act as the deposited plans and the deposited sections:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Ryde Corporation Act 1973.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Powers of Corporation as terminal authority.

Part III.—Works.

Part IV.—Finance and miscellaneous.

Part V.—General.

Interpretation.

3.—(1) In this Act unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

1847 c. 27.

“the Act of 1847” means the Harbours, Docks and Piers Clauses Act 1847;

1894 c. 60.

“the Act of 1894” means the Merchant Shipping Act 1894;

“the authorised works” means Works Nos. 1, 2 and 3 and any works or conveniences constructed or provided by the Corporation as part of or in connection with or for the purposes of those works or any of them;

- “ the borough ” means the borough of Ryde;
- “ the Corporation ” means the mayor, aldermen and burgesses of the borough;
- “ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ the general rate fund ” means the general rate fund of the borough;
- “ the harbourmaster ” means the harbourmaster of the Corporation and includes his authorised deputies and assistants and any person authorised by the Corporation to act in that capacity;
- “ houseboat ” means any vessel or structure lying in the water or on the foreshore of the terminal, the whole or any part of which is used or capable of being used as a place of habitation or store and, if used as a place of habitation, whether such use be temporary, intermittent or permanent, or as a place for accommodating or receiving persons for purposes of shelter, recreation, entertainment or refreshment or as club premises or as offices, and shall include the remains or wreckage of a vessel or structure formerly so used or capable of being so used but shall not include any ship registered under the Act of 1894 or any vessel bona fide used for navigation;
- “ hovercraft ” has the same meaning as in the Hovercraft Act 1968;
- “ hydrofoil vessel ” means a vessel however propelled designed to be supported on foils;
- “ the level of high water ” means the level of mean high-water springs;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ the limits of the terminal ” means the limits of the terminal as defined in subsection (1) of section 5 (Limits) of this Act;
- “ mooring ” includes any buoy, post, chain, pillar or like apparatus or convenience used for the mooring of vessels;
- “ pleasure craft ” means any vessel used wholly or mainly for recreation, not being either a vessel for the carriage of passengers or goods for hire or reward, or a vessel used solely as a houseboat, mooring stage or pontoon;

1968 c. 59.

PART I
—cont.

1865 c. 125.

“ the Queen’s harbour master ” means the person for the time being appointed to be Queen’s harbour master of the Dockyard Port of Portsmouth under the Dockyard Ports Regulation Act 1865;

“ the Secretary of State ” means the Secretary of State for Trade and Industry;

“ the signed plan ” means the plan of which five copies have been signed by the Right Honourable the Earl of Listowel the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and deposited respectively at—

- (a) the office of the Clerk of the Parliaments;
- (b) the Private Bill Office, House of Commons;
- (c) the Department of the Environment;
- (d) the Department of Trade and Industry; and
- (e) the office of the town clerk of the borough;

“ the terminal ” means—

(a) the terminal constructed or provided by the Corporation within the limits of deviation for hovercraft and other vessels;

(b) the authorised works including the harbour formed by the construction of Works Nos. 1 and 2; and

(c) any land adjacent to the terminal referred to in paragraph (a) above or to the authorised works appropriated or used by the Corporation in connection with the terminal;

“ tidal work ” means so much of any work authorised by this Act as is in, on, under or over tidal waters or tidal lands below the level of high water;

“ Trinity House ” means the Corporation of Trinity House of Deptford Strond;

“ the undertaking ” means the undertaking of the Corporation in connection with the terminal as for the time being authorised;

“ vessel ” means every description of vessel however propelled or moved, a hovercraft, a hydrofoil vessel and a seaplane on the surface of the water.

(2) Unless the context otherwise requires, any reference in this Act to—

(a) any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any enactment, including this Act;

(b) a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(3) All distances and lengths stated in any description of works, powers or lands shall be construed as if the words "or thereabouts" were inserted after each such distance and length.

PART I
—cont.

4.—(1) The Act of 1847 (except sections 6 to 13, 16 to 20, 25 to 27, 31, 49, 50, 84 to 90, 95, 97, 98 and 101) so far as the same is applicable for the purposes of, and is not inconsistent with or varied by the provisions of, this Act, is hereby incorporated with and forms part of this Act: Incorporation of Act of 1847.

Provided that section 83 as so incorporated shall have effect as if so much of the proviso as follows the words "the special Act" were omitted.

(2) In construing the provisions as so incorporated—

(a) the expression "the special Act" shall mean this Act, the expressions "the promoters of the undertaking" and "the undertakers" shall mean the Corporation and the expression "the harbour dock or pier" shall mean the terminal;

(b) the meaning of the word "vessel" as defined in section 3 (Interpretation) of this Act shall be substituted for the meaning assigned to that word by section 3 of the Act of 1847;

(c) section 33 shall not be construed as derogating from the power of the Corporation to discontinue any part of the undertaking.

PART II

POWERS OF CORPORATION AS TERMINAL AUTHORITY

5.—(1) The limits of the terminal shall be the area within the inner edge of the black line delineated on the signed plan. Limits.

(2) The limits of the terminal shall be the prescribed limits for the purposes of the Act of 1847.

(3) Within the limits of the terminal the Corporation shall, subject to the provisions of this Act, be the terminal authority and the Corporation and the harbourmaster may exercise all such powers as are conferred upon them respectively by this Act and the provisions of the Act of 1847 incorporated with this Act for the purpose of, or in connection with or incidental to, the management of the terminal.

(4) The copy of the signed plan deposited in pursuance of this Act in the office of the town clerk of the borough shall be kept at that office and shall there be open to inspection by any person at all reasonable hours, and copies thereof certified by the said town clerk to be true shall be received in all courts of justice and elsewhere as evidence of the contents of the signed plan.

6.—(1) Subject to the provisions of this Act the Corporation General may provide, conserve, maintain and improve the terminal and powers.

PART II
—cont.

afford such services and facilities therein, or in connection therewith, as the Corporation consider necessary or desirable and may take such action as they consider incidental to the provision of the terminal and such services and facilities.

(2) For those purposes, and without prejudice to the generality of the foregoing, the Corporation shall have power to—

- (a) take such action and do all things which in their opinion are expedient, necessary or desirable for the proper development or operation of the undertaking;
- (b) improve, maintain, regulate, manage, mark and light the terminal;
- (c) provide, erect and maintain such accommodation, buildings, structures, erections, vehicles, plant, machinery, apparatus or equipment as the Corporation may think necessary or expedient for the purposes of this Act or the enjoyment of the terminal or any facilities provided for those purposes.

(3) Particular powers conferred or particular duties laid upon the Corporation by this Act shall not be construed as derogating from each other or from the generality of subsections (1) and (2) of this section.

Harbour-
master's
powers.

7.—(1) Section 52 of the Act of 1847, as incorporated with this Act, in its application to the Corporation and to the harbourmaster—

- (a) shall, notwithstanding the provisions of section 33 of the Act of 1847, as also so incorporated, extend so as to empower the harbourmaster to impose terms and conditions upon which a pleasure craft or hydrofoil vessel may enter the limits of the terminal or any other part thereof;
- (b) shall extend to empower the harbourmaster to give directions prohibiting the mooring of vessels in any particular part or parts of the limits of the terminal; and
- (c) shall not be construed to require the harbourmaster in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section, but in pursuance of that section for all or any of the purposes thereof the harbourmaster shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels.

(2) Section 53 of the Act of 1847 as incorporated with this Act, in its application to the Corporation and the harbourmaster, shall not be construed to require the harbourmaster to serve a notice in writing of his directions upon the master of a vessel, and such

directions may be given orally or otherwise communicated to the master on any occasion when it is not reasonably practicable for a written notice to be served on the master.

PART II
—cont.

8.—(1) In relation to any vessels sunk, stranded or abandoned (whether before or after the passing of this Act) in such a manner as to be an obstruction or danger to navigation within the limits of the terminal or in or near any approach thereto— Powers with respect to disposal of wrecks.

(a) subject to paragraph (b) of this subsection, and to any enactment for the time being in force limiting their liability, the Corporation may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under section 530 of the Act of 1894 any expenses incurred by them under that section which are not reimbursed out of the proceeds of any sale effected under that section;

(b) except in a case which is in the opinion of the Corporation a case of emergency, paragraph (a) of this subsection shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530 other than the power of lighting and buoying, the Corporation have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so, and if before the notice expires they receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the next following section, he shall be at liberty to do so, and the Corporation shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Corporation.

(2) Notice under paragraph (b) of subsection (1) of this section to the owner of any vessel may be served by the Corporation either by delivering it to him or by sending it to him by registered post or by the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom, or, if the owner or any such place of business or abode is not known to the Corporation, by displaying the notice at the offices of the Corporation for the period of its duration.

(3) In their application to the Corporation sections 530 and 532 of the Act of 1894 shall have effect subject to the consent of the Queen's harbour master.

PART II
—cont.

(4) In this section the expression “owner” in relation to any vessel means the person who was the owner of the vessel at the time of the sinking, stranding or abandoning thereof, and for the purposes of this section and section 9 (Protection of Crown interests in wrecks) of this Act the word “vessel” shall include any aircraft.

Protection
of Crown
interests in
wrecks.

1906 c. 48.

9.—(1) Without prejudice to section 741 of the Act of 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty), as modified by any Order in Council made under section 80 of the Merchant Shipping Act 1906, the powers conferred on the Corporation by sections 530 and 532 of the Act of 1894 shall not be exercisable—

- (a) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;
- (b) except with the consent of the Secretary of State for Defence, which may be given with or without such a direction as is referred to in paragraph (b) of subsection (2) of this section, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which at the time when the vessel was sunk, stranded or abandoned—
 - (i) had been required to be placed at the disposal of Her Majesty or of a government department; and
 - (ii) was appropriated to the service, under the direction and control of the Secretary of State for Defence, of Her Majesty’s ships of war.

(2) The Corporation shall give notice in writing to the Secretary of State for Defence and to the Secretary of State of any decision of the Corporation to exercise in relation to any vessel referred to in paragraph (b) of subsection (1) of this section any of the powers conferred by sections 530 and 532 of the Act of 1894 other than the power of lighting and buoying and, except in a case which is in the opinion of the Corporation a case of emergency, shall not proceed with the exercise thereof—

- (a) except with the consent of the Secretary of State for Defence and the Secretary of State before the expiration of a period of fourteen days from the giving of the notice; or
- (b) if before the expiration of the said period there is served on the Corporation a direction by the Secretary of State for Defence or the Secretary of State that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where, in any such case as aforesaid, the Corporation proceed to exercise those powers without the consent and before the

expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if, before the expiration of the period aforesaid, such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by paragraph (a) of subsection (1) of section 8 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

- (i) the Corporation shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) of this section, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of paragraph (b) of subsection (1) of the said section 8 to have been duly served under paragraph (b) of this subsection;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the Corporation by the said section 530, the Corporation shall hold and dispose of any wreck within the meaning of Part IX of the Act of 1894 raised, removed or recovered under that section, and any surplus proceeds of sale within the meaning of that section, in accordance with such directions (if any) as may be given to them by the receiver of wreck and on exercising the said power of sale in the case of any property the Corporation shall discharge any sums payable in respect of that property by way of duties of customs or excise, and any sum so discharged shall be deemed to be expenses incurred by the Corporation under that section.

(4) Any limitations on the powers of the Corporation in relation to any vessel arising by virtue of subsection (1) or subsection (2) of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on Trinity House by section 531 of the Act of 1894.

10.—(1) The Corporation may with the previous consent in writing of and upon such terms, conditions and restrictions and for such period as may be approved by the Secretary of State for the Environment—

Power to lease undertaking or charges.

(a) lease to any person—

- (i) the undertaking or any part thereof; or
- (ii) the charges they are empowered to levy; and

PART II
—cont.

(b) enter into an agreement for such lease which may include provisions for construction of works by the lessee.

(2) As from the commencement of any lease or agreement for lease made under the preceding subsection the lessee shall have during the continuance of and to the extent provided in the lease or the agreement for lease, and may, in relation to the undertaking or so much thereof as is the subject of the lease or the agreement for the lease, exercise all or any of the powers conferred upon the Corporation by this Act or which the Corporation have or might exercise under this Act and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Act in respect of the undertaking or so much thereof as is the subject of the lease or agreement for the lease.

(3) No lease or agreement for lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Secretary of State for the Environment and the provisions of this Act with respect to such lease or agreement for lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Corporation shall within one month after the date of any lease or agreement for lease made under this section deposit a certified copy thereof at the Department of the Environment and shall upon failure to do so be liable to a fine not exceeding twenty pounds.

Power to
make certain
charges.

11.—(1) The Corporation may demand, take and recover such reasonable charges in respect of anything done or provided by them or on their behalf in connection with the terminal as they may determine.

1964 c. 40.

(2) In this section “charge” does not include ship, passenger or goods dues as defined by section 57 of the Harbours Act 1964.

Recovery of
rates in
respect of
vessels.

12. In addition to any other remedy given by this Act and by the Act of 1847 as incorporated with this Act, and whether the demand required by section 44 of that Act has been made or not, the Corporation may recover any dues, rates, rents or other charges payable to them as a debt in any court of competent jurisdiction.

Byelaws.

13.—(1) The Corporation may, with the consent of the Queen’s harbour master in matters within his jurisdiction, from time to time make byelaws for all or any of the following purposes:—

- (a) for regulating the mooring or anchoring of vessels within the limits of the terminal;
- (b) for prohibiting any person from placing, laying down, maintaining or using any mooring (including a mooring

- placed or laid before the coming into operation of any such byelaw) within the limits of the terminal otherwise than under the authority of a licence in that behalf granted by the Corporation in accordance with the conditions subject to which it is so granted;
- (c) for prohibiting (otherwise than in the case of an emergency) the use of any mooring laid down by the Corporation in respect of which a licence affording the privilege of preferential rights of user of such moorings is for the time being in force, by any person other than the licensee;
 - (d) for prescribing the patterns of moorings within the limits of the terminal;
 - (e) for regulating the use of hovercraft;
 - (f) for securing the good and orderly conduct of persons in charge of or using vessels within the limits of the terminal;
 - (g) for the regulation or prevention of the use of firearms within the terminal;
 - (h) for the prevention of nuisances and offences against decency within the terminal;
 - (i) for regulating and controlling within the limits of the terminal the navigation and speed of mechanically propelled vessels and preventing obstruction to vessels using the terminal;
 - (j) for securing the safety of persons using the terminal;
 - (k) for regulating the removal and disposal within the limits of the terminal of all rubbish;
 - (l) for preventing the discharge or deposit of noxious things or substances within the limits of the terminal except noxious things or substances the discharge or deposit of which is subject to the provisions of the Prevention of Oil Pollution Act 1971.

1971 c. 60.

(2) Byelaws made under paragraph (a) of subsection (1) of this section may prescribe the reasonable fees payable for any licence which may be granted by the Corporation thereunder and different fees may be prescribed for different circumstances.

(3) Without prejudice to the generality of the foregoing provisions of this section, byelaws under paragraph (e) of subsection (1) of this section may—

- (a) ensure the safety of persons;
- (b) conserve amenity;
- (c) prevent nuisance or damage, including nuisance caused by noise or vibration, and damage to shell and other fisheries;

PART II
—cont.

- (d) prescribe rules of navigation and impose speed limits; and
- (e) make different provision for different circumstances, and in particular impose different restrictions in different parts of the borough and at different times or seasons.

(4) The Corporation shall consult—

- (a) the British Railways Board, British Rail Hovercraft Limited and Hovertravel Limited before making any byelaws under paragraph (e) of subsection (1) of this section;
- (b) the local fisheries committee of the Southern Sea Fisheries district before making any byelaws under paragraph (d) of that subsection.

(5) As respects byelaws made under this section or under section 83 of the Act of 1847 the confirming authority for the purpose of section 250 of the Local Government Act 1933 or section 236 of the Local Government Act 1972 shall be the Secretary of State for the Environment.

1933 c. 51.
1972 c. 70.

(6) The said Secretary of State in deciding whether to confirm any byelaw made under paragraph (e) of subsection (1) of this section shall take into account any representations which may be made regarding the adverse effect of such byelaw on the commercial operation of hovercraft or from bodies representative of recreational users.

As to
houseboats.

14.—(1) It shall not be lawful—

- (a) without the written consent of the Corporation; or
- (b) where that consent has been given, in contravention of any terms or conditions attached to it;

to moor, place, keep or maintain within the limits of the terminal any houseboat whether or not the same shall have been so moored or placed before the passing of this Act:

Provided that—

- (i) such consent shall not be refused unless the Corporation are satisfied that the mooring, placing, keeping or maintaining of the houseboat would constitute a danger to or interfere with the navigation of vessels within the limits of the terminal and the Corporation shall on the refusal of any consent under this subsection specify in writing the ground or grounds for such refusal;
- (ii) nothing in this subsection shall prejudice or affect any obligation existing under any enactment to obtain the consent of the port health authority for the terminal or of the Corporation to such mooring, placing, keeping or maintaining.

(2) (a) If any houseboat shall be moored, placed, kept or maintained contrary to the provisions of paragraph (a) of subsection (1) of this section the Corporation may by notice in writing

to be given in the manner hereinafter provided require the person having control of the houseboat within such period, not being less than twenty-one days, as may be specified in the notice to remove it out of the terminal or, if he so elects, to demolish it and remove to the satisfaction of the Corporation any rubbish or other material resulting from the demolition.

(b) Any such notice may, if it is not practicable after reasonable inquiry to ascertain the name and address of the person having the control of the houseboat, be served by posting the same in a conspicuous position on such houseboat or on the land or foreshore near to such houseboat and shall specify the period within which such removal shall be completed.

(3) (a) If any person fails without reasonable cause to comply with any notice given by the Corporation under the provisions of subsection (2) of this section or the terms or conditions of any consent he shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a failure to comply with any such notice the Corporation may at any time after the expiration of the period specified in such notice either remove the houseboat referred to in the notice out of the terminal or demolish it and remove out of the terminal any rubbish or other material resulting from the demolition.

(b) Subject to subsection (5) of this section the costs and expenses reasonably incurred by the Corporation in or in connection with any such removal or demolition may be recovered by the Corporation as a simple contract debt in any court of competent jurisdiction from the person having the control of such houseboat.

(4) For the purposes of subsections (2) and (3) of this section the owner of any houseboat shall until the contrary shall be proved be deemed to be the person having the control thereof.

(5) (a) Where any houseboat shall have been removed or demolished by the Corporation as aforesaid the Corporation may retain the houseboat or the materials thereof and may and shall, if so required by the owner, sell or dispose of the same or of such materials and subject as hereinafter provided retain the proceeds of such sale or disposal.

(b) For the purpose of ascertaining the amount recoverable by the Corporation under paragraph (b) of subsection (3) of this section in respect of the costs and expenses incurred by them in or in connection with the removal or demolition of any such houseboat credit shall be given for the net amount (if any) of the proceeds of the sale received by the Corporation (after deduction of any costs and expenses incurred by the Corporation in effecting the same) of such houseboat or the materials thereof. If such net amount shall exceed the amount of the costs and expenses incurred by the Corporation in or in connection with such removal or

PART II
—cont.

demolition as aforesaid they shall pay the amount of such excess to the owner of such houseboat which shall have been removed or demolished.

Appeals under
last preceding
section.

15.—(1) Any person aggrieved by any terms, conditions or refusal of consent or any requirement of the Corporation under section 14 (As to houseboats) of this Act may appeal to the Secretary of State for the Environment.

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

(3) Where application is made to the Corporation for consent to moor, place, keep or maintain any houseboat within the terminal then, unless within two months from the date on which the Corporation receive such application or within such extended period as may at any time be agreed upon in writing between the applicant and the Corporation the Corporation give written notice to the applicant of their decision on the application, the provisions of this section shall apply in relation to the application as if the consent to which it relates had been refused by the Corporation 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 for the Environment may dismiss or allow the appeal or may vary the terms, conditions or requirement appealed against by substituting therefor any terms, conditions or requirement which the Corporation could have prescribed or imposed under the said section 14.

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

(6) Where any refusal or requirement or any term or condition against which a right of appeal is conferred by this section involves the execution of any work or the taking of any action or makes it unlawful for any person to use any houseboat for any purpose for which it could lawfully be used up to the time of such refusal or requirement—

- (a) no proceeding in respect of any failure to execute the work or take the action shall be taken;
- (b) the Corporation shall not execute any such work or take such action; and

(c) any person may use such houseboat for such purpose; until the time for appealing has expired or, when an appeal is lodged, until the appeal has been disposed of or withdrawn.

(7) Where upon an appeal under this section the Secretary of State for the Environment varies or reverses any refusal or requirement of the Corporation effect shall be given to the order of the said Secretary of State and in particular any necessary consent shall be granted.

16.—(1) Sections 14 (As to houseboats) and 15 (Appeals under last preceding section) of this Act shall come into operation on 1st April, 1974.

Commence-
ment of
sections 14
and 15 of
this Act.

(2) (a) The Corporation shall forthwith after the passing of this Act cause public notice to be given of the effect of the said sections 14 and 15 of this Act by advertisement in one or more local newspapers published or circulating in the county of the Isle of Wight and otherwise in such manner as the Corporation think fit.

(b) In any proceedings it shall be presumed until the contrary is proved that the provisions of the foregoing paragraph have been complied with.

PART III

WORKS

17.—(1) Subject to the provisions of this Act the Corporation may in the borough and on the foreshore and bed of the sea on lands belonging to them, in the lines and situations shown on the deposited plans and within the limits of deviation, and according to the levels shown on the deposited sections, construct and maintain the works hereinafter described together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Power to
construct, etc.
works.

Work No. 1 A breakwater commencing at a point on the existing sea wall adjacent to Eastern Gardens on the Esplanade situated to the north-east of the Bowling Green Pavilion, thence extending seaward in a northerly and north-westerly direction for a distance of 186 metres and there terminating;

Work No. 2 A quay or quay wall commencing alongside the said sea wall at a point situated to the north of the Esplanade Pavilion thence extending seaward in a north-north-easterly direction and thence in an east-south-easterly direction for a distance of 130 metres and there terminating;

PART III
—cont.

Work No. 3 A sea wall or embankment commencing on the said existing sea wall at a point to the south-east of the existing hovercraft terminal thence extending seaward in a north-north-easterly direction for a distance of 95 metres and thence in an east-south-easterly direction to and terminating by a junction with Work No. 2.

(2) The Corporation may within the limits of deviation extend, enlarge, alter, replace or relay the authorised works.

(3) The Corporation may by means of the authorised works enclose, reclaim from the foreshore and bed of the sea and fill in and may hold and use as part of the undertaking so much of the foreshore and bed of the sea as is situate within the limits of deviation and is required for or in connection with the authorised works.

Power to
make
subsidiary
works.

18.—(1) Subject to the provisions of this Act the Corporation may from time to time erect, construct and maintain whether temporarily or permanently all such necessary works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance and use of the works authorised by section 17 (Power to construct, etc., works) of this Act:

Provided that no such permanent works or conveniences shall be erected or constructed outside the limits of deviation.

(2) On the completion of the works authorised by the said section 17 the Corporation shall remove all temporary works placed by them under the powers of this section on, under or over land below the level of high water.

Power to
deviate.

19.—(1) Subject to the provisions of this Act in constructing the authorised works the Corporation may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent, not exceeding the limits of deviation, and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

(2) In constructing Works Nos. 2 and 3 the Corporation may construct of solid construction or open construction the whole or any part thereof.

Power to
use lands for
hovercraft
terminal.
1969 c. xvi.

20.—(1) Without prejudice to the generality of section 16 (Power to provide facilities for hovercraft, hydrofoil vessels, etc.) of the Ryde Corporation Act 1969, the Corporation may exercise the powers of that section in respect of so much of the land within the limits of deviation as is not required for the authorised works, notwithstanding any right of navigation or other public rights thereover.

PART III
—cont.

1949 c. 74.

(2) Nothing in this section shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Board of Trade or the Secretary of State to certain operations and contain other provisions for the safety of navigation).

21.—(1) A tidal work shall not be constructed, erected, extended, enlarged, altered, replaced or relaid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

Tidal works not to be executed without approval of Secretary of State.

(2) If a tidal work is constructed, erected, extended, enlarged, altered, replaced or relaid in contravention of this section or of any condition or restriction imposed under this section—

(a) the Secretary of State may by notice in writing require the Corporation at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Corporation, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Corporation as a simple contract debt.

22.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Corporation shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

Provision against danger to navigation.

(2) If the Corporation fail to notify Trinity House as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

23.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Corporation at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

Abatement of works abandoned or decayed.

PART III
—cont.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Corporation, they have failed to comply with the requirements of the notice the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Corporation as a simple contract debt.

Survey of
tidal works.

24. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work, or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Corporation as a simple contract debt.

Permanent
lights on
tidal works.

25.—(1) After the completion of a tidal work the Corporation shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall from time to time direct.

(2) If the Corporation fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Lights on
tidal works
during
construction.

26.—(1) The Corporation shall at or near a tidal work during the whole time of the construction, erection, extension, enlargement, alteration, replacement or relaying thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

(2) If the Corporation fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

27. Notwithstanding anything in this Act any cables, pipes or wires to be laid or placed under the powers contained in this Act by the Corporation under or over any tidal lands below the level of high water shall be laid or placed at such depth under or such height over tidal waters or tidal lands as the Secretary of State may require.

PART III
—cont.

Cables, pipes or wires under or over tidal waters or tidal lands.

28. For the protection of the board the following provisions shall, unless otherwise agreed in writing between the Corporation and the board, apply and have effect:—

For protection of British Railways Board.

(1) In this section unless the subject or context otherwise requires—

“ the board ” means the British Railways Board;

“ the determined site ” means the site of the pier and an area 15 metres from any part of that pier below the level of high water which the board agrees is suitable in all the circumstances (taking account of the intention of the Corporation and of the board respectively to maintain the conditions as to littoral drift in the vicinity of any tidal work or, as the case may be, to restore those conditions, so far as may be, to those which would be likely to have obtained had no such work been constructed) for the deposit of any beach required to be deposited by the Corporation in implementation of this section or, in default of agreement, which is determined by arbitration as being so suitable;

“ the pier ” means the Ryde Pier of the board:

(2) (a) Before constructing any tidal work the Corporation shall carry out or cause to be carried out not less than four surveys to establish the then present estimated amount of beach on the determined site and such surveys shall be carried out to the reasonable satisfaction of the board;

(b) The survey of the determined site whether carried out before or after the passing of this Act showing the lowest amount of beach on the determined site shall be adopted for the purpose of this section and is hereinafter referred to as “ the adopted survey ”:

(3) If at any time after the commencement of the construction of the tidal works it is agreed between the Corporation

PART III
—cont.

and the board or in default of agreement determined by arbitration that there appears to be such a loss of beach (being a permanent and significant reduction from the amount ascertained by the adopted survey) from the area surveyed under the adopted survey as to render reasonably necessary the carrying out of a further survey the Corporation shall, on each occasion that such a loss occurs, carry out or cause to be carried out a further survey of a nature similar to the adopted survey:

Provided that if at the expiration of the period of ten years after the adopted survey no permanent and significant loss of beach has occurred on the area surveyed under the adopted survey the Corporation shall not thereafter be required to carry out or cause to be carried out any further survey under this paragraph.

- (4) The Corporation shall supply the board with full details of the results of any survey including photographic and other evidence:
- (5) If at any time after the construction of any tidal work there is a loss of beach (being a permanent and significant reduction from the amount ascertained by the adopted survey carried out under paragraph (2) of this section) from the determined site and it is agreed between the Corporation and the board or in default of agreement determined by arbitration that—
- (a) such loss is wholly or mainly attributable to the existence of the tidal work; and
 - (b) it is likely to detract materially from the defences against the sea of the pier by depriving the foundations of the pier of beach;

the Corporation shall, if so required by notice in writing given by the board, deposit on the determined site such quantity of beach as is agreed between the Corporation and the board or in default of agreement determined by arbitration to be attributable to the existence of such work and to be necessary to make good the said defences:

- (6) Any difference arising under this section between the Corporation and the board (other than a difference as to the construction of this section) shall be settled by arbitration by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

PART IV

FINANCE AND MISCELLANEOUS

29.—(1) The Corporation may borrow—

Power to borrow.

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table:—

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The construction of the authorised works (including the construction and provision of a terminal for hovercraft, and other vessels)	£605,000	Sixty years.
(b) The construction and layout of buildings	£95,000	Forty years.
(c) The costs, charges and expenses of this Act	The sum required	Ten years.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Corporation, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in the third column of the said table.

(4) Subject to the provisions of this section, Part IX of the Local Government Act 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

1933 c. 51.

(5) In respect of any money borrowed in pursuance of this section on or after 1st April, 1974, this section shall have effect as if—

- (a) for the words “any sanctioning authority” and “the sanctioning authority” there were substituted the words “the Secretary of State for the Environment”; and

PART IV
—cont.

(b) in subsection (4) for the words “ Part IX of the Local Government Act 1933 ” there were substituted the words “ Part I of Schedule 13 to the Local Government Act 1972 ”.

1933 c. 51.
1972 c. 70.

(6) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

Application
of revenue.

30.—(1) If in respect of any financial year the revenue and the investment income (if any) of the undertaking shall together exceed the moneys expended or applied by the Corporation in respect of the undertaking properly chargeable to revenue, the Corporation may in respect of that year apply out of the general rate fund a sum not exceeding the amount of such excess in any of the following ways or to any of the following purposes:—

- (a) the reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) in providing, renewing, improving or extending any works, buildings, machinery, plant or conveniences for the purposes of or forming part of the undertaking or in payment of any expenses in respect of the undertaking which might otherwise have been defrayed out of capital moneys;
- (c) in providing working capital for the undertaking;
- (d) in the exercise of the powers of the Corporation under section 31 (Reserve fund) of this Act of establishing and maintaining a reserve fund in respect of the undertaking.

(2) In this section—

“ financial year ” means the period of twelve months ending with 31st March in any year;

“ investment income ” in relation to the undertaking means so much of the income received by the Corporation from the investment of moneys of the reserve fund established under section 31 (Reserve fund) of this Act as cannot be carried to the credit of that fund because that fund has reached its prescribed maximum amount.

Reserve fund.

31.—(1) The Corporation may establish a fund to be called “ the reserve fund ” to which they may apply—

- (a) from the accounts of the undertaking any sum not exceeding in any period of twelve months ending on

31st March the equivalent of a rate of one new penny in the pound as determined under rules made pursuant to section 113 of the General Rate Act 1967;

PART IV
—cont.

1967 c. 9.

(b) the excess in any year of income from the undertaking over the expenditure of the undertaking;

and the maximum amount of the reserve fund shall be determined by resolution of the council of the borough.

(2) (a) Pending the application of the moneys in the reserve fund to any of the purposes authorised by subsection (3) of this section, such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment of the moneys of the reserve fund shall be carried to and form part of the general rate fund and the Corporation shall in every year so long as the reserve fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the income carried to the general rate fund in pursuance of this subsection.

(3) The reserve fund shall be applied in—

(a) making good any deficiency at any time happening in the income of the Corporation from the undertaking; or

(b) meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking; or

(c) defraying any expenditure incurred by reason or in consequence of any sudden accident to any works connected with the undertaking; or

(d) repaying any capital moneys borrowed for the purposes of the undertaking (but not in making the annual payments required to be made therefor); or

(e) providing, renewing, improving or extending any works, buildings, machinery, plant or conveniences for the purposes of or forming part of the undertaking or otherwise for the benefit thereof; or

(f) providing working capital for the undertaking;

and so that if at any time that fund be reduced it may thereafter be again restored to the maximum amount determined by the Corporation and so from time to time as often as such reduction happens, but nothing in this section shall prejudice or affect the right of the Corporation to apply any moneys forming part of the general rate fund for any of the purposes mentioned in this subsection or to levy a rate for any of those purposes.

(4) Resort may be had to the reserve fund under the foregoing provisions of this section although the reserve fund may not at the time have reached, or may have been reduced below, the maximum amount determined by the Corporation.

PART IV
—cont.

1875 c. 83.

(5) In this section “statutory securities” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage, bond, debenture, debenture stock, stock or other securities created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include any annuities, rentcharges or securities transferable by delivery.

Amendment
of accounts
regulations.

32.—(1) The Statutory Harbour Undertakings (Form of Accounts etc.) (Local Authorities) Regulations 1969 are hereby amended by the addition in Schedule 1 to those regulations of the words “Ryde Corporation” after the words “Ramsgate Corporation”.

1964 c. 40.

(2) The amendment made by subsection (1) of this section shall not prejudice in any way the power of the Secretary of State for the Environment to rescind, revoke, amend or vary the said regulations by further regulations made under section 42 of the Harbours Act 1964.

Officers
exempt from
rates.

33. Officers of the Department of the Environment and of the Department of Trade and Industry, British sea-fishery officers, officers of the local fisheries committee of the Southern Sea Fisheries district and police officers acting in the execution of their duty shall at all times have free ingress, passage and egress to, along and from the terminal without payment.

Powers as to
moorings, etc.

34.—(1) The Corporation may after consultation with the Queen’s harbour master provide, place, lay down, maintain, use and have moorings, buoys and like apparatus and conveniences for vessels on land in the borough in each case owned or leased by the Corporation or with the consent in writing of the owner and lessee thereof on any other land in the borough and may from time to time remove the same.

(2) The Corporation may demand, receive and recover in respect of any vessel using any of the moorings, buoys or like apparatus or conveniences provided by the Corporation under this section or moored to land owned or leased by the Corporation in the borough such reasonable charges as may from time to time be prescribed by the Corporation.

(3) The Corporation may compound with any person with respect to the payment of the charges prescribed by the Corporation under this section.

(4) (a) The Corporation may upon such terms and conditions as they think fit from time to time grant licenses to any person to provide, place, lay down, maintain, use and have existing and future moorings, buoys and like apparatus and conveniences for vessels in the borough:

Provided that—

PART IV
—cont.

- (i) the Corporation shall not grant a licence to any person to place, lay down, maintain, use and have moorings, buoys and like apparatus and conveniences on land not owned or leased by the Corporation without the consent in writing of the owner and lessee thereof;
- (ii) the Corporation shall not unreasonably refuse to grant a licence to an owner or lessee of any land not leased by the Corporation to place, lay down, maintain, use and have existing and future moorings, buoys and like apparatus and conveniences on that land and any question whether the grant of a licence has or has not been unreasonably refused shall be determined by the Secretary of State for the Environment.

(b) The Corporation may charge a reasonable fee for granting a licence under paragraph (a) of this subsection.

(c) The Corporation may by notice require any person who places, lays down, maintains, uses or has any mooring, buoy or like apparatus or convenience in the borough without a licence granted under paragraph (a) of this subsection or who fails to comply with a term or condition upon which such a licence is granted to remove the mooring, buoy, apparatus or convenience within a reasonable time specified in the notice and if the person to whom the notice is given fails to comply with the notice the Corporation may remove the mooring, buoy, apparatus or convenience and recover the cost of so doing from that person as a debt in any court of competent jurisdiction.

PART V
GENERAL

35.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act. Local inquiries 1933 c. 51.

(2) (a) Until 1st April, 1974, subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “ department ” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act. 1933 c. 51.

(b) On and after 1st April, 1974, subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply to any such inquiry. 1972 c. 70.

(3) In this section “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946. 1946 c. 31.

36. The following provisions of the Ryde Corporation Act 1969 so far as the same are applicable in that behalf shall, with any necessary modifications, extend and apply to the exercise of Application of provisions of Ryde Corporation Act 1969. 1969 c. xvi.

PART V
—cont.

Application of general provisions of Public Health Act 1936.
1936 c. 49.

Application of provisions of Merchant Shipping Act 1894.
Saving for Harbours Act 1964.
1964 c. 40.

Saving for Trinity House.

Saving rights of Queen's harbour master.

Saving for Town and Country Planning Act 1971.
1971 c. 78.

the powers of this Act in the same manner as if those provisions were re-enacted in this Act, namely:—

Section 23 (Restriction on right to prosecute);

Section 26 (Protection of members and officers of Corporation from personal liability);

Section 28 (Costs of Act).

37. The sections of the Public Health Act 1936 mentioned in the Schedule to this Act shall have effect as if references therein to that Act included references to this Act.

38. The provisions of sections 652 to 654 of the Act of 1894 (which relate to local lighthouses) are hereby incorporated with and form part of this Act and in construing those sections as so incorporated the expression "local lighthouse authority" shall mean "the Corporation".

39. Nothing in this Act shall exempt the Corporation from the provisions of sections 9 and 10 of the Harbours Act 1964.

40. Nothing in this Act shall prejudice or derogate from any of the rights or privileges or the jurisdiction or authority of Trinity House.

41. Nothing in this Act or in any byelaws made thereunder shall take away, alter, prejudice or affect the jurisdiction or any rights, powers, authorities or privileges of the Queen's harbour master.

42.—(1) Section 289 of the Town and Country Planning Act 1971 shall apply to this Act as if it had been passed during the session 10 & 11 Geo 6; and accordingly the Town and Country Planning Act 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

(2) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 shall have effect as if the authority to develop given—

(a) by this Act in respect of Works Nos. 1 to 3 were limited to such development begun within five years after the passing of this Act; and

(b) by section 18 (Power to make subsidiary works) of this Act were limited to development carried out within twelve months of the completion of the authorised works.

(3) In this section the reference to article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provision of an Act repealing that section.

SCHEDULE

Section 37.

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

1936 c. 49.

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296	Summary proceedings for offences.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint, &c.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

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Ryde Corporation Act 1973

CHAPTER xviii

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