

ELIZABETH II



1990 CHAPTER xix

An Act to empower the Teesside Development Corporation to construct a barrage in and across the river Tees; to construct a road bridge and footbridge over the river Tees; and in connection therewith to execute other works and to acquire lands; to provide for the control and development of part of the river Tees for amenity and recreation; and for other purposes. [26th July 1990]

WHEREAS—

(1) Under the Local Government, Planning and Land Act 1980 the Teesside Development Corporation (in this Act called “the Corporation”) was established by the Teesside Development Corporation (Area and Constitution) Order 1987 as the urban development corporation for an area of about 4,565 hectares in the county of Cleveland for the purpose of securing the regeneration of its area:

1980 c. 65.

S.I. 1987/923.

(2) It is the view of the Corporation that the works authorised and the powers conferred by this Act will advance the securing of such regeneration:

(3) It is accordingly expedient that the Corporation should be empowered—

(a) to construct, maintain and operate in and across the river Tees a barrage, with movable gates and a lock and lock gates together with a footway and associated works including a canoe slalom course;

(b) to construct a road bridge over the river Tees together with associated road works; and

(c) to construct a footbridge over the river Tees;

and to provide the further works authorised by this Act, and to acquire lands therefor, so as to secure the development and the improvement both of the amenities of the locality and the recreational use of the river Tees and of the lands adjacent thereto:

(4) It is expedient that provision should be made for the maintenance of the level of the river Tees upstream of the barrage and for the control and development of the river:

(5) It is expedient that the other provisions contained in this Act be enacted:

(6) The objects of this Act cannot be effected without the authority of Parliament:

(7) Plans and sections showing the lines, situations and the levels of the works authorised by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which may be acquired or used compulsorily under the powers of this Act, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the proper officer of the Cleveland County Council, which plans, sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections and the deposited book of reference:

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 River Tees Barrage and Crossing Act 1990.

Interpretation.
1965 c. 56.

2.—(1) In this Act, unless the subject or context otherwise requires —
 “the Act of 1965” means the Compulsory Purchase Act 1965;
 “the barrage” means the barrage forming part of Work No. 1;
 “the barrage works” means Works Nos. 1 to 5;
 “the borough” means the borough of Stockton-on-Tees;
 “the borough council” means the Stockton-on-Tees Borough Council;
 “the bridge works” means Works Nos. 6 to 10 and the footbridge forming Work No. 11;
 “the Corporation” means the Teesside Development Corporation;
 “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;

“new rights” means rights to be created in favour of the Corporation, including rights restrictive of the user of land;

“the port authority” means the Tees and Hartlepool Port Authority;

“reference point” means Ordnance Survey National Grid Reference Point;

“the river” means the river Tees;

“the rivers authority” means the National Rivers Authority;

“tidal works” means so much of the works as is on, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Tribunal;

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

“the upstream river” has the meaning given by subsection (2) below;

“vessel” means every description of vessel, whether with or without means of propulsion of any kind, and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act 1968;

1968 c. 59.

“water company” means Northumbrian Water Limited; and

“the works” means the works authorised by this Act.

(2) “The upstream river” means the area of water coloured pink on sheet numbers 6 and 7 of the deposited plans, together with —

(a) an area of the river extending for 100 metres downstream of the said area coloured pink;

(b) such widening or lateral extension of the said area coloured pink as may be created or formed from time to time along the banks of the river; and

(c) any such canals, cuts, inlets, lakes, pools or other watercourses as may be constructed or provided on the Teesdale site and are connected, whether immediately or otherwise, with the said area coloured pink.

(3) In subsection (2) (c) above “the Teesdale site” means the area of land in the borough known as the Teesdale site, being the land shown edged red on the plan signed in triplicate by the Rt. Hon. the Lord Aberdare, K.B.E., the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited in each of the following offices: —

(a) the office of the Clerk of the Parliaments;

(b) the Private Bill Office of the House of Commons; and

(c) the office of the Chief Executive of the Corporation.

(4) All directions, distances and reference points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after such direction, distance and reference point.

(5) Unless the context otherwise requires, any reference to a work identified by a number of such work shall be construed as a reference to the work of that number authorised by this Act.

PART I
—cont.

Incorporation of
general
enactments.
1845 c. 20.

3. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are incorporated with this Act and, as so incorporated, shall have effect as if—

- (a) for the words “the period by the special Act limited for the completion of the railway” there were substituted the words “the period of five years from the commencement of the construction of the works authorised by the Special Act”;
- (b) the expression “the company” meant the Corporation; and
- (c) the expression “the railway” meant the works authorised by this Act and “the centre of the railway” meant the centre line of the works respectively.

Application of
Part I of
Compulsory
Purchase Act
1965.
1981 c. 67.

4.—(1) (a) Part I of the Act of 1965 (except sections 4 and 27 thereof, and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Part II of the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.

(b) In section 11 (1) of the Act of 1965, as so applied, for the words “fourteen days” there shall be substituted the words “three months”.

1845 c. 18.

(c) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

(2) Part II of Schedule 2 to the Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land under this Act as if this Act were a compulsory purchase order.

PART II

WORKS

Power to
construct works.

5.—(1) Subject to the provisions of this Act, the Corporation may in the lines or situations shown on the deposited plans and within the limits of deviation and according to the levels shown on the deposited sections make and maintain in the borough the works described in Schedule 1 to this Act, together with all necessary works and conveniences connected therewith or incidental thereto.

(2) In the construction of the barrage and Work No. 3 the Corporation may fill in and reclaim the navigation turning-circle on the north bank of the river where Work No. 3 terminates.

1984 c. 12.

(3) Subject to section 5 of the Telecommunications Act 1984, the Corporation may install and maintain telecommunication apparatus and run telecommunication systems (such apparatus and systems having the meanings given by that Act, including the extended definition of telecommunication apparatus in Schedule 2 thereto) on or over land, whether or not a street, for the purpose of telecommunication or of electrical communication between any place and any part of the works or between different parts of the works.

(4) On the completion of Work No. 10 the Corporation may fill in and discontinue the existing slipway at Corporation Quay on the north bank of the river between the points marked “N” and “P” on the deposited plans.

(5) The Corporation may within the limits of deviation, including the vertical limits prescribed by section 6 (Power to deviate) of this Act, alter, replace or re-lay any of the works described in Schedule 1 to this Act.

PART II
—cont.

(6) The Corporation shall erect a good and sufficient fence on each side of the bridge comprised in Work No. 8.

(7) Section 9 of the Salmon and Freshwater Fisheries Act 1975 shall apply to the making and maintenance of the fish pass comprised in Work No. 1 as it applies to the making and maintenance of a fish pass made pursuant to a notice under subsection (1) of that section.

1975 c. 51.

6.—(1) In constructing the works described in Schedule 1 to this Act the Corporation may, subject to subsections (2) and (3) below—

Power to deviate.

(a) deviate laterally from the lines or situations shown on the deposited plans within the limits of deviation for those works; and

(b) deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards or 3 metres downwards.

(2) (a) The piers carrying the central span of the road bridge (Work No. 8) shall be so placed in the river as to provide a distance between the riverward faces of the piers of not less than 28 metres and any permanent fenders for the protection of the piers shall not extend more than 6.5 metres riverwards from the face of the pier.

(b) The piers shall be so constructed as to allow for the dredging of the bed of the river between the permanent fenders to a depth of 3.5 metres below ordnance datum (Newlyn).

(c) The central span of the bridge shall be so constructed as to provide, for a distance of 15 metres, a headway under the deck of the span of not less than 5.5 metres above the level of high water.

(3) (a) The piers carrying the central span of the footbridge (Work No. 11) shall be so placed in the river as to provide a distance between the riverward faces of the piers of not less than 28 metres and any permanent fenders for the protection of the piers shall not extend more than 6.5 metres riverwards from the face of the pier.

(b) The piers shall be so constructed as to allow for the dredging of the bed of the river between the permanent fenders to a depth of 3.5 metres below ordnance datum (Newlyn).

(c) The central span of the bridge shall be so constructed as to provide, for a distance of 15 metres, a headway under the deck of the span of not less than 5.5 metres above the level of high water.

(d) The height of the towers above those piers shall not exceed 46 metres above ordnance datum (Newlyn).

(e) The span of the bridge over the A1305 (Riverside) shall be so constructed as to provide over the A1305 a headway under the deck of the span of not less than 5.3 metres above the road.

7.—(1) Subject to the provisions of this Act, the Corporation may from time to time within the limits of deviation 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.

Power to make
subsidiary works.

(2) On the completion of each of the works the Corporation shall remove all temporary works placed by them under the powers of this section.

PART II
—cont.

(3) The Corporation may, for the purposes of, or in connection with, the works on any lands abutting on lands within the limits of deviation, execute or do, by agreement with the owners and occupiers of such lands, any of the works or things referred to in subsection (1) above and any works necessary or convenient for the purpose of providing or facilitating access to or from the said lands or for preserving the amenities thereof.

Pipes, etc., under or over tidal waters or tidal lands.

8. Notwithstanding anything in this Part, any pipes to be laid or placed under the powers contained in this Part or telecommunication apparatus or telecommunication systems installed under subsection (3) of section 5 (Power to construct works) of this Act, under or over any tidal waters or 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.

Dredging and other operations in river Tees.

9.—(1) The Corporation may—

- (a) subject to the consent required by section 57 (Crown rights) of this Act, dredge, scour and cleanse the banks and bed of the upstream river;
- (b) in connection with, or for the purposes of, the works, moor or anchor vessels temporarily in the river.

(2) No materials so dredged by the Corporation under subsection (1) above shall be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

Works Nos. 1 and 2 deemed to be constructed under impounding licence. 1963 c. 38.

10. Works Nos. 1 and 2 shall be deemed to have been constructed under a licence under section 36 of the Water Resources Act 1963 granted by the rivers authority and, except as may be otherwise provided by this Act, the provisions of the said Act of 1963 relating to licences granted under section 36 of that Act shall apply to the licence deemed by this section to have been granted under that section as they apply to those so granted.

Agreements with owners of land and others for construction of works.

11.—(1) The Corporation may enter into and carry into effect agreements or arrangements with the port authority, the rivers authority or the owners of, or other persons interested in, any land in or through which any of the works are or may be constructed, or the drainage of which may be affected by the construction of any of the works, for or with respect to the doing of anything which may be rendered necessary or convenient by reason or in consequence of the exercise of the powers of this Act.

(2) Any such agreement may provide for—

- (a) the payment by the Corporation of or the making of contributions by them towards the cost incurred, or to be incurred, by the port authority, the rivers authority or any such owners or other persons in or in connection with the doing of any such thing; or
- (b) the payment by the Corporation of compensation for any injury suffered by the port authority, the rivers authority or any such owners or other persons by reason or in consequence of the execution by the Corporation of the works.

Stopping up and diversion of footpaths.

12.—(1) In the construction of Works Nos. 1 to 3 the Corporation may stop up and discontinue so much of Footpath No. 37 between Stockton Riverside and Portrack as lies between the points marked "A", "D", "E" and "G" on the deposited plans and substitute therefor a new footpath between the points there marked "A", "B", "C", "D", "E", "F" and "G".

(2) In the construction of the bridge works on the northern bank of the river the Corporation may stop up and discontinue so much of the footpath between Corporation Quay and Commercial Street as lies between the points marked "H", "J" and "K" on the deposited plans and substitute therefor a new footpath between the points there marked "H", "L", "M" and "K".

PART II
—cont.

13.—(1) The Corporation during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any road, bridleway or footpath and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road, bridleway or footpath from passing along and using the same.

Temporary stoppage of roads, bridleways and footpaths.

(2) The Corporation shall provide reasonable access for persons on foot, with or without animals, bona fide going to or from any such land, house or building.

(3) The Corporation shall not exercise the powers of this section without the consent of the highway authority whose consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be referred to and settled by arbitration.

14.—(1) Notwithstanding anything in any other enactment or in any rule of law, but without prejudice to any requirement imposed on the Corporation by or under section 30 (Operation of barrage, etc.) of this Act, the Corporation may temporarily close the river, or any part thereof, to navigation in the course of executing any works or doing any things authorised by or under this Act.

Temporary closing of river Tees in connection with works.

(2) The Corporation shall not exercise the powers of subsection (1) above as respects any part of the river without the consent of the port authority and, in the exercise of those powers—

- (a) the Corporation shall so execute or do such works or things as to ensure that at any time no more of the river is so closed than is reasonably necessary in all the circumstances; and
- (b) if it becomes necessary to close the river completely to navigation, the Corporation shall use their best endeavours to secure that the minimum obstruction, delay or interference is caused to vessels which may be using or intending to use the river and that the minimum interference is caused to persons who may be using or intending to use the river for the purposes of trade or business.

(3) Without prejudice to the provisions of section 3 (Incorporation of general enactments) or section 4 (Application of Part I of Compulsory Purchase Act 1965) of this Act the Corporation shall not be liable for any costs, damages or expenses whatsoever incurred by any person as a result, directly or indirectly, of any closure of the river under subsection (1) above.

1965 c. 56.

15.—(1) Subject to the provisions of this Act, the Corporation may for the purposes of the works enter upon and use so much of the bed or banks of any watercourse as is within the limits of deviation and as may be required for those purposes, and they may also for the purposes of executing and placing temporary works and conveniences in connection with the works occupy and use temporarily so much of such bed and banks within the said limits as may be required for those purposes or any of them.

Power to use bed and banks of watercourses.

PART II
—cont.

(2) The Corporation shall, not less than 14 days before entering upon and using the bed or banks of any watercourse give notice of their intention to the port authority, the rivers authority and to the occupier of the land comprising such bed or banks and shall pay compensation to all persons interested in that land for any damage sustained by them or liability to which they may become subject in respect of that land by reason of the exercise of the powers of this section, and any question as to the amount of the compensation to be so paid shall be determined by the tribunal.

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

16.—(1) A tidal work shall not be constructed, 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 him before the work is begun.

(2) If a tidal work is constructed, 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 30 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.

Provision against danger to navigation.

17.—(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.

(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 the statutory maximum and on conviction on indictment to a fine.

Abatement of works abandoned or decayed.

18.—(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.

(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 30 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.

PART II
—cont.

19. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work constructed by the Corporation, 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.

Survey of tidal works.

20.—(1) The Corporation shall at or near a tidal work during the whole of the construction, alteration, replacement or re-laying 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.

Lights on tidal works.

(2) 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.

(3) 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 the statutory maximum and on conviction on indictment to a fine.

PART III

LANDS

21.—(1) The Corporation may acquire compulsorily and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of—

Power to acquire lands.

(a) the works or obtaining access thereto;

(b) obtaining materials for the construction of the works, or depositing spoil or other material excavated during the construction thereof;

or otherwise for the purpose of this Act or other purposes connected therewith.

(2) No spoil or other material shall by virtue of the powers of this section be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

(3) (a) The powers of the Corporation for the compulsory acquisition of lands under this section shall not be exercised after 31st December 1994.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if notice to treat has been served in respect of that land.

22.—(1) In this section references to the acquisition by the Corporation of new rights are references to the acquisition of rights to be created in favour of the Corporation.

Power to acquire new rights only.

PART III
—cont.

(2) Subject to the provisions of this Act, the Corporation may for the purpose of constructing, maintaining, altering, renewing and using the works, or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works, acquire compulsorily such new rights as they require over any of the land delineated on the deposited plans and described in the deposited book of reference instead of acquiring that land under section 21 (Power to acquire lands) of this Act.

(3) The Act of 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory acquisition of new rights under subsection (2) above as it applies to the compulsory acquisition of land so that, in appropriate contexts, references in the Act of 1965 to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

(4) Without prejudice to the generality of subsection (3) above, in relation to the acquisition of new rights under subsection (2) above—

- (a) Part I of the Act of 1965 shall have effect with the modifications specified in Schedule 2 to this Act; and
- (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

Temporary
possession of
land.

23.—(1) This section applies to so much of the land delineated on the deposited plans and thereon numbered 22 as lies within the line marked “Limit of working site” (hereinafter in this section referred to as “the said lands”).

(2) The Corporation may, for the purpose of enabling them to construct Work No. 11, enter upon and take possession temporarily of the said lands after giving the owners, lessees and occupiers thereof not less than 28 days’ previous notice in writing and may remove any structures thereon and may construct temporary works and structures thereon for such purpose:

(3) The Corporation—

- (a) shall not without the agreement of the owners, lessees and occupiers thereof remain in possession of any of the said lands under the powers of this section after a period of 10 years from the date of entry thereon:
- (b) shall not be empowered to acquire compulsorily or be required to acquire the said lands (except such subsoil or new rights as they require under the provisions of section 22 (Power to acquire new rights only) of this Act).

(4) Before relinquishing possession of any of the said lands the Corporation shall remove all works and structures erected by them on the surface thereof and shall, subject to any agreement to the contrary with the respective owners, lessees or occupiers thereof, reinstate the land so far as reasonably practicable to its condition immediately before entry thereon by the Corporation.

(5) The Corporation shall compensate the owners and occupiers of the said lands for any loss or damage which may result to them by reason of the exercise of the powers of this section.

(6) Nothing in this section shall relieve the Corporation from liability to compensate under section 10 (2) of the Act of 1965, as incorporated with or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any of the works, other than loss or damage for which compensation is payable under subsection (5) above.

(7) Any dispute as to a person's entitlement to compensation under subsection (5) above or as to the amount thereof shall be determined by the tribunal.

24. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land or new rights under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, or any building erected, works executed, or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was, at the time of the erecting, executing or making of the building, works, improvement or alteration, directly or indirectly concerned if the tribunal are satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration (as the case may be) was not reasonably necessary and was undertaken with a view to obtaining increased compensation.

25.—(1) All rights over or in any land which may be acquired or appropriated by the Corporation for the purposes of this Act shall, as from the acquisition or appropriation of the land, be extinguished.

(2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute by the tribunal.

26.—(1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the Corporation any new right required for the purposes of this Act over or in the lands, not being a new right of water in which some person other than the grantor has an interest.

(2) The provisions of the Act of 1965 with respect to lands and rentcharges, so far as they are applicable, shall extend and apply to any such grant and to any such new right as aforesaid.

27.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, either any land adjoining any portion of the works, or any land which may be acquired by the Corporation under this Act, with respect to the sale by the Corporation to him (subject to such reservations, restrictions or other provisions as to the Corporation seem fit) of any land not required for the work.

(2) The Corporation may accept as satisfaction for the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation of this Act or any new right so required.

28.—(1) In this section "relevant land" means any land or any subsoil or undersurface of, or new rights over, any land acquired by the Corporation for the purposes of the works.

(2) In assessing the compensation payable to any person on the acquisition by the Corporation from him of any relevant land, the tribunal shall—

PART III
—cont.

Disregard of recent improvements and interests.

Extinction of rights affecting land.

Grant of new rights by persons under disability.

Agreements with adjoining owners.

Set-off for enhancement in value of retained land.

PART III
—cont.

- (a) have regard to the extent to which the land or the remaining contiguous lands belonging to the same person may be benefited by any of the works; and
- (b) set off against the value of the relevant land any increase in value of the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of any of the works.

1961 c. 33.

(3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

Correction of errors in deposited plans and book of reference.

29.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the proper officers of the Cleveland County Council and the Stockton-on-Tees Borough Council, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land or an easement therein (as the case may be) and execute the works in accordance with the certificate.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

PART IV

OPERATION OF BARRAGE, ETC.

Operation of barrage, etc.

30.—(1) In this section —

“control gates” means the barrage gates, the lock and lock gates, fish pass, slalom and slalom gates, sluice pipes and other works comprised in Works Nos. 1 and 2; and

“the scheme” means the scheme of operation of the control gates which is in effect pursuant to subsection (5) or (7) below.

(2) As soon as may be after the passing of this Act, the Corporation shall prepare proposals for a scheme of operation of the control gates, after consultation with the rivers authority and such other bodies as they consider to have an interest in such operation.

(3) The Corporation shall publish in a newspaper circulating in the borough and in the district of Hambleton notice —

- (a) that the proposals have been prepared;
- (b) that copies of the proposals may be inspected, and at a reasonable price obtained, at an office named in the notice;
- (c) of the general effect of the proposals; and

(d) that representations in respect of the proposals may be made to the Corporation in writing before a date specified in the notice, being not less than six weeks from the date of the notice.

PART IV
—cont.

(4) The Corporation, after considering all representations made in accordance with subsection (3) above, shall determine a scheme of operation of the control gates and shall publish in a newspaper circulating in the borough and in the district of Hambleton notice —

(a) that the scheme has been made;

(b) that copies of the scheme may be inspected, and at a reasonable price obtained, at an office mentioned in the notice; and

(c) that objections to the scheme may be made to the Secretary of State at an address specified in the notice before a date specified in the notice, being not less than six weeks from the date of the notice.

(5) If no objections to the scheme are made under subsection (4) above, the scheme shall take effect in the form determined by the Corporation under that subsection.

(6) If objections are made under subsection (4) above and are not withdrawn, the Secretary of State shall cause an inquiry to be held with respect thereto, unless he is of opinion that the objections are frivolous or too trivial to warrant the holding of an inquiry with respect to them.

(7) After considering the objections (if any) made and not withdrawn and the report of any person who held an inquiry, the Secretary of State may confirm the scheme —

(a) in the form determined by the Corporation; or

(b) in that form subject to such modifications as he thinks fit;

and the scheme shall take effect in that form.

(8) The Corporation shall not bring Work No. 1 into operation before the scheme takes effect.

(9) (a) The Corporation shall carry out a periodic review of the scheme, such review to be undertaken at the request of the rivers authority not more than once every year after the scheme is brought into operation but in any event not less than once every five years.

(b) The results of the review and any proposals for the modification of the scheme shall be the subject of the procedures of this section as they apply to the scheme, unless the context otherwise requires.

(10) The Corporation shall operate the control gates in accordance with the scheme and not otherwise, notwithstanding that the upstream river or any part thereof will thereby be closed to navigation and that the passage of vessels in the river may thereby be obstructed, delayed or interfered with, and the Corporation shall not, as a result of such closure, be liable for any costs, damages or expenses whatsoever incurred by any person as a result, directly or indirectly, of such obstruction, delay or interference.

(11) Without prejudice to subsection (10) above, the Corporation shall give to the port authority and the rivers authority as much notice as is reasonably practicable in the circumstances of their intention to operate the control gates for the purposes of the scheme.

(12) Nothing in this section shall have the effect of overriding the application of section 9 of the Salmon and Freshwater Fisheries Act 1975 to the fish pass comprised in Work No. 1.

1975 c. 51.

PART IV
—cont.

Misuse of
equipment or
machinery.

31.—(1) Any person who, without lawful authority or excuse, closes or opens or operates any of the equipment or machinery comprised in Works Nos. 1 and 2, or in any other way interferes with the operation thereof, shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale or on conviction on indictment to a fine.

(2) A person shall not be guilty of an offence under subsection (1) above as respects any act done in an emergency in order to avoid danger to any person.

PART V

THE UPSTREAM RIVER

Commencement
of Part V.

32.—(1) This Part shall come into operation upon such day as may be fixed for the purpose in accordance with subsection (2) below by resolution of the Corporation.

(2) The Corporation shall publish in a newspaper circulating in the borough and in the district of Hambleton notice—

- (a) of the passing of such resolution and of the day fixed thereby; and
- (b) of the general effect of this Part;

and the day so fixed shall not be earlier than the expiration of 28 days from the date of publication of the notice.

(3) A photostatic or other reproduction certified by an officer of the Corporation designated by them for the purposes of this subsection to be a true reproduction of a page, or part of a page, of any newspaper, being a page or part of a page bearing the date of its publication and containing the notice mentioned in subsection (2) above, shall be evidence of the publication of the notice and of the date of publication.

Interpretation of
Part V.

33. In this Part—

“daily fine” means a fine for each day on which an offence is continued after conviction thereof;

“houseboat” means any vessel or structure not used bona fide for navigation and which is lying in the water and is used or intended for use as a place of habitation (whether temporarily, intermittently or permanently) or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment, or of viewing regattas or other events, or as club premises, as a store or as offices;

“local authority” means the borough council, the Hambleton District Council or a parish council within the district of either of the said councils;

“master” means, in relation to any vessel, the person (whether or not the owner) for the time being having command or charge of the vessel;

“mooring” includes any buoy, pile, post, chain, pillar or like apparatus or convenience used for the mooring of vessels;

“statutory undertakers” means any person authorised by any enactment to carry on an undertaking for the supply of electricity, gas, water or telecommunications, for the provision of sewerage services or for land drainage; and

“works licence” has the meaning given in section 47 (Licensing of works) of this Act.

PART V
—cont.

34.—(1) The Harbours, Docks, and Piers Clauses Act 1847 (except sections 6 to 50, 60, 66 to 68, 79 to 90 and 95), so far as applicable to the purposes of and not inconsistent with the provisions of this Act, is hereby incorporated with this Act subject to the following modifications:—

Incorporation of Harbours, Docks, and Piers Clauses Act 1847.
1847 c. 27.

(a) section 63 shall have effect as if for the words from “liable to” to the end of the section there were substituted the words “be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale”; and

(b) section 69 shall have effect as if for the words from “shall forfeit” to the end of the section there were substituted the words “shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”.

(2) In any proceedings for a contravention of the said section 63 or 69 as incorporated with this Act, it shall be a defence for the person charged to prove that he had a reasonable excuse for the contravention.

(3) The limits within which the Corporation shall exercise jurisdiction under the said Act of 1847 and within which the powers of the harbour master shall be exercised shall be—

(a) the upstream river; and

(b) Works Nos. 1 and 2.

35.—(1) The area of jurisdiction of the port authority for any purpose shall cease to include any part of the upstream river.

Alteration of limits of port.

(2) Nothing in this section shall derogate from any rights of the port authority as a landowner.

36.—(1) Subject to the provisions of this Act, the Corporation may from time to time in or on the upstream river erect, construct and maintain, whether temporarily or permanently, all such works and conveniences as may be requisite or expedient for the purposes of, or in connection with, the management or control of the upstream river.

Works in upstream river.

(2) The Corporation may, for the purposes of, or in connection with, the management or control of the upstream river execute or do on any lands abutting on the upstream river, by agreement with the owners and occupiers of such lands, any of the works or things referred to in subsection (1) above and any works requisite or expedient for the purpose of providing or facilitating access to or from the said lands or for preserving the amenities thereof.

(3) The powers of this section shall not be exercised without the consent of the rivers authority, whose consent shall not be unreasonably withheld, and any question whether such consent is unreasonably withheld shall be referred to and settled by arbitration.

37.—(1) A master who navigates his vessel on the upstream river—

(a) without due care and attention; or

(b) in a manner liable to injure or endanger persons, other vessels, the banks of the upstream river (whether above or below the level of high water) or any structure or installation in or beside the upstream river;

General rules for navigation.

PART V
—cont.

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In any proceedings under subsection (1) (b) above, it shall be a defence for the person charged to prove that the action complained of was done in emergency and that in all the circumstances the course of action taken was reasonable.

Vessels adrift.

38. If, due to neglect on the part of the owner or master in securing a vessel at a mooring, any vessel is adrift in the upstream river, the owner or, as the case may be, the master shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Removal of vessels.

39.—(1) Whenever any vessel is sunk, stranded or abandoned in the upstream river, or without lawful authority left or moored therein, the Corporation may after giving (except in an emergency) not less than three months' notice to the owner of the vessel unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, raise and remove the vessel.

(2) The Corporation may recover from the owner of any such vessel all expenses reasonably incurred by the Corporation in respect of the raising, removal and storage thereof or in raising, removing or storing any furniture, tackle and apparel thereof or any goods, chattels and effects raised or removed therefrom.

(3) Subject to subsection (4) below, if any vessel to which subsection (1) above applies be not within six weeks of its removal by the Corporation proved to the satisfaction of the Corporation to belong to any claimant, it shall together with any such furniture, tackle and apparel vest in the Corporation.

(4) If within 12 months of its removal a claim is made to the vessel by a person who subsequently proves to the satisfaction of the Corporation that he was the owner thereof, or has become the owner since the vessel was sunk, stranded, abandoned, left or moored as mentioned in subsection (1) above, then the Corporation shall —

(a) if the vessel is unsold, permit that person to retake it with any furniture, tackle, apparel, goods, chattels and effects thereon upon payment of the expenses referred to in subsection (2) above; or

(b) if the vessel and the furniture, tackle and apparel thereon have been sold, pay to that person the amount of the proceeds of such sale after deducting the said expenses, and in case such proceeds shall be insufficient to reimburse the Corporation such expenses the deficiency may be recovered from that person by the Corporation.

(5) In this section, unless the context otherwise requires —

“owner” in relation to any vessel sunk, stranded, abandoned, left or moored as aforesaid means the owner of the vessel at the time of the sinking, stranding, abandonment, leaving or mooring thereof; and

“vessel” includes any part of a vessel.

Removal of obstructions other than vessels.

40.—(1) The Corporation may remove —

(a) anything, other than a vessel, causing or likely to become an obstruction or impediment to navigation in any part of the upstream river; and

- (b) anything causing or likely to become an obstruction or impediment to the proper use of a footpath adjacent to or over the upstream river.

PART V
—cont.

(2) (a) If anything removed by the Corporation under subsection (1) above is so marked as to be readily identifiable as the property of any person, the Corporation shall within one month of its coming into their custody give notice, as required by subsection (5) below, to that person and, if possession of the thing is not retaken within the period specified in, and in accordance with the terms of, the notice, it shall at the end of that period vest in the Corporation.

(b) If anything removed by the Corporation under subsection (1) above which is not so marked is not within three months of its coming into the custody of the Corporation proved to their reasonable satisfaction to belong to any person, it shall thereupon vest in the Corporation.

(3) The Corporation may at such time and in such manner as they think fit dispose of anything referred to in subsection (2) (b) above which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in the Corporation under this section, and if it is sold the proceeds of sale shall be applied by the Corporation in payment of the expenses incurred by them under this section in relation to the thing, and any balance —

- (a) shall be paid to any person who, within three months from the time when the thing came into the custody of the Corporation proves to the reasonable satisfaction of the Corporation that he was the owner thereof at that time; or
- (b) if within the said period no person proves his ownership at the same time, shall vest in the Corporation.

(4) If anything removed under this section —

- (a) is sold by the Corporation and the proceeds of sale are insufficient to reimburse them for the amount of the expenses incurred by them in the exercise of their powers of removal; or
- (b) is unsaleable;

the Corporation may recover the deficiency of the whole of the expenses, as the case may be, from the person who was the owner at the time when the thing removed came into the custody of the Corporation or who was the owner at the time of its abandonment or loss.

(5) A notice given under subsection (2) (a) above shall specify the thing removed and state that, upon proof of ownership to the reasonable satisfaction to the Corporation, possession may be retaken at a place named in the notice within the time specified in the notice, being not less than 14 days after the date when the notice is served.

41. —(1) In this section “projection” means anything which projects over the upstream river or any footpath adjoining the upstream river and includes stairs and any tree, bush or other plant but does not include any such thing authorised by or under statute or by a works licence to be placed or constructed.

Removal of
projections.

(2) (a) If any projection is a danger to the navigation of the upstream river or to persons using any footpath adjoining the same, the Corporation may remove it and recover the expenses of removal from the owner or occupier of the land on which the projection was situated.

PART V
—cont.

(b) Before exercising their powers under this subsection the Corporation shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the land on which the projection is situated.

(c) In proceedings to recover expenses under paragraph (a) above the court may inquire whether the Corporation might reasonably have proceeded instead under subsection (3) below, and, if the court determines that the Corporation might reasonably have proceeded instead under that subsection, the Corporation shall not recover the expenses.

(3) If any projection is an obstruction or inconvenience to the navigation of the upstream river, but not a danger thereto, the Corporation may by notice require the owner or occupier of the land on which the projection is situated to remove the projection within such time, not being less than 7 days, as may be specified in the notice.

Repair of landing
places and
embankments.

42. Without prejudice to section 41 (Removal of projections) of this Act, the Corporation may by notice require the owner or occupier of a landing place or embankment which in the opinion of the Corporation is, or is likely to become, by reason of its insecure condition or want of repair—

- (a) dangerous to persons or vessels using the upstream river;
- (b) injurious to the condition of the upstream river as a navigable waterway; or
- (c) a hindrance to the navigation of the upstream river;

to remedy its condition to the satisfaction of the Corporation within a reasonable time specified in the notice.

Default powers
in respect of
sections 41 and
42.
1936 c. 49.

43.—(1) The provisions of section 290 of the Public Health Act 1936 (appeals against and enforcement of notices as to execution of works) shall apply to notices given by the Corporation under subsection (3) of section 41 (Removal of projections) and section 42 (Repair of landing places and embankments) of this Act as they apply to the notices mentioned in subsection (1) of that section.

(2) A notice under subsection (3) of the said section 41 or under the said section 42 shall have annexed to it a copy of the said section 41 or 42, as the case may be, and shall indicate in the notice that there is a right of appeal under this section.

Registration of
houseboats.

44.—(1) The Corporation on payment to them for the registration of any houseboat of the charge prescribed under section 46 (Charges for registration of houseboats) of this Act and delivery on a form to be supplied by them of the particulars which are set out in Schedule 3 to this Act, together with such additional information as the Corporation may reasonably from time to time require, may, subject to such conditions (including conditions relating to the prevention of pollution) as they think fit—

- (a) assign to such houseboat a number, which shall be displayed thereon;
- (b) identify for such houseboat the place where it is to be stationed;
- (c) register such houseboat in a register to be kept by them;
- (d) issue to the applicant a registration certificate in respect of such registration bearing the number assigned to such houseboat and valid for such period as may be specified in it, being not less than one year or such shorter period as may be required by the applicant.

(2) The Corporation shall not refuse registration in accordance with subsection (1) above as respects any houseboat stationed on the upstream river on 4th December 1988 for its mooring, placing, keeping and maintaining in the station in which it was positioned on that day but any registration of a houseboat by virtue of this subsection shall be subject to such conditions relating to the prevention of pollution as the Corporation see fit to impose and to compliance with the terms of all enactments relating to the upstream river.

PART V
—cont.

45.—(1) It shall not be lawful without the consent of the Corporation to moor, place, keep or maintain any houseboat on the upstream river (whether or not the houseboat shall have been so moored or placed before the passing of this Act) unless a registration certificate in relation to it is in force and any conditions contained in such certificate are complied with.

Prohibition of
unregistered
houseboats.

(2) Nothing in subsection (1) above shall prejudice or affect any obligation under any enactment to obtain the consent thereto of any authority within whose area the houseboat is or is proposed to be moored, placed, kept or maintained but, in the event of there being any conflict between any conditions imposed by the Corporation under subsection (1) above and those imposed by any other authority, those imposed by the Corporation shall prevail.

(3) (a) If any houseboat shall be moored, placed, kept or maintained contrary to the provisions of subsection (1) above, the Corporation may by notice in writing require the person having control of the houseboat to remove or demolish it and to clear and restore the bed and banks of that part of the upstream river from or on which the houseboat has been removed or demolished or to comply with such of the conditions imposed under that subsection as are specified in the notice.

(b) Any such notice—

- (i) shall be given by leaving it or sending it in a prepaid letter by the recorded delivery service addressed to the person having control of such houseboat at his usual or last known residence or (if it is not practicable after reasonable inquiry to ascertain the name and address of such person) by exhibiting the same in a conspicuous position on such houseboat; and
- (ii) shall specify the period (not being less than two months) within which such removal or demolition and clearance and restoration, or compliance with conditions, shall be completed.

(4) (a) If any person fails without reasonable cause to comply with any notice under subsection (3) above—

- (i) he shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a daily fine not exceeding one-tenth of level 2; and
- (ii) the Corporation may, at any time after the expiration of the period specified in such notice, remove or demolish the houseboat referred to therein and clear and restore the bed and banks of the upstream river disturbed by such removal or demolition.

(b) The effect of paragraph (a) above shall be stated in every such notice.

(c) Subject to the provisions of subsection (5) below, the expenses reasonably incurred by the Corporation in or in connection with any such removal or demolition and clearance and restoration, may be recovered by the Corporation from the person having the control of such houseboat.

PART V
—cont.

(5) (a) In the event of any houseboat being so removed or demolished by the Corporation they may retain the same 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 subsection (4) (c) above, credit shall be given for the net amount (if any) received by the Corporation of the proceeds of the sale or disposal (after deduction of any expenses incurred by the Corporation in effecting the same) of the houseboat or the materials thereof. If such net amount shall exceed the amount of the expense incurred by the Corporation in or in connection with such removal or demolition, or clearance and restoration, as aforesaid, they shall pay the amount of such excess to the owner of the houseboat.

(6) For the purposes of this section the owner of any houseboat shall, until the contrary be proved, be deemed to be the person having the control of it.

Charges for
registration of
houseboats.

46. There shall be paid to the Corporation for the registration of any houseboat on the upstream river and for every renewal of the registration certificate such reasonable charge as the Corporation may from time to time prescribe.

Licensing of
works.

47.—(1) (a) The Corporation may, upon such terms and conditions as they think fit and upon payment of such reasonable fee as may from time to time be prescribed by the Corporation, grant to any person a licence (in this Part referred to as a “works licence”) to construct, alter, renew, extend or maintain any works in or on the upstream river or involving the cutting of any of the banks of the upstream river notwithstanding interference with public rights of navigation and other public rights by such works as constructed, altered, renewed, extended or maintained.

(b) Before in any case granting a works licence as respects works which will or may affect the regime of the river downstream of Work No. 1, the Corporation shall consult the port authority.

(2) Application for a works licence shall be made in writing to the Corporation and shall be accompanied by plans, sections and particulars of the works to which the application relates, and in granting any such licence the Corporation may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) above, the Corporation do not grant a works licence in accordance with the application, they shall be deemed to have refused the application.

(4) Where, on an application for a works licence, the Corporation refuse to grant the licence, or grant it upon terms or conditions, or require any modifications in the plans, sections and particulars, the notice in which their decision is conveyed to the applicant shall state clearly and precisely the reasons for their refusal or, as the case may be, for the terms or conditions imposed or the modifications required.

(5) Any applicant for a works licence who is aggrieved by —

(a) the refusal of the Corporation to grant the licence;

(b) any terms or conditions upon which the licence is granted;

- (c) any modifications required by the Corporation in the plans, sections and particulars submitted by the applicant;

PART V
—cont.

may, within 28 days after the date on which the Corporation give him notice of the decision, appeal to the Secretary of State, whose decision shall be binding upon the parties.

(6) A person who appeals to the Secretary of State under this section shall give to the Corporation notice of his appeal accompanied by a copy of his statement of appeal and the Corporation shall within 28 days from the giving of such notice be entitled to give in writing to the Secretary of State their observations on the appeal.

(7) On an appeal under this section the Secretary of State may —

(a) dismiss the appeal; or

(b) require the Corporation either —

(i) to grant the licence upon such terms and conditions as the Secretary of State may determine; or

(ii) to approve the plans, sections and particulars without modifications or subject to such modifications as the Secretary of State may determine;

not being terms, conditions or modifications more onerous than those imposed by the Corporation; and the Corporation shall give effect to any requirement made by the Secretary of State under this subsection.

48.—(1) No person other than the Corporation shall construct, alter, renew or extend any works in or on the upstream river or involving the cutting of any of the banks of the upstream river (other than moorings laid down for vessels) unless he is licensed so to do by a works licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars prescribed by the licence: but this subsection shall not apply to —

Restriction on
construction of
works.

(a) the construction, alteration, renewal or extension of any works specifically authorised by any enactment or of any works executed by a highway authority under any enactment;

(b) the renewal of any work in existence at the date of the coming into operation of this Part.

(2) Any person who knowingly contravenes this section or who knowingly contravenes or fails to comply with any term or condition upon which a works licence is granted by the Corporation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) The Corporation may by notice require a person who contravenes this section to remove or abate within a reasonable time specified in the notice any works to which the contravention relates and to restore the site thereof to its former condition and, if the person to whom the notice is given fails to comply with the notice, the Corporation may carry out the work required by the notice and recover the cost of so doing from that person.

(4) A works licence shall not be required under this section for the construction, alteration, renewal or extension of any work by the rivers authority in the exercise of any of their functions.

PART V
—cont.
Powers as to
moorings, etc.

49.—(1) Subject to the provisions of subsection (9) below, the Corporation may provide, lay down, maintain and use moorings in the upstream river or on the banks adjoining the upstream river, on land owned or leased by the Corporation or in which they hold an appropriate interest, or on any other land with the consent in writing of the owner and lessee thereof.

(2) The Corporation may recover in respect of any vessel using any of the moorings provided under this section or moored to land owned or leased by the Corporation in or adjoining the upstream river such reasonable charges as they may from time to time prescribe.

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

(4) The Corporation may, having regard to the requirements of safe and unobstructed navigation, grant licences (which may be given on such terms or conditions or subject to compliance with such requirements as the Corporation think fit) to any person to lay down, maintain and use existing and future moorings in the upstream river or on the banks thereof; but —

(a) nothing in any such licence shall entitle a person to place, lay down, maintain or use any mooring on land not owned or leased by him or by the Corporation or in which he has no appropriate interest;

(b) the Corporation shall not unreasonably refuse to grant a licence or grant it on unreasonable terms or conditions or subject to unreasonable requirements —

(i) to an owner or lessee of any land not leased by the Corporation with respect to a mooring on that land; or

(ii) with respect to a mooring on the banks of the upstream river which is positioned above the level of high water and exists at the date of the coming into operation of this Part;

and any question whether the grant of a licence has been so unreasonably refused or whether the terms or conditions of the licence or the requirements subject to which it is granted are unreasonable shall be referred to and determined by the Secretary of State.

(5) Any licence granted under subsection (4) above shall be valid only for such period not exceeding three years commencing with its date as may be specified in the licence.

(6) The Corporation may charge a reasonable fee for granting a licence under subsection (4) above.

(7) Any person who —

(a) without reasonable excuse causes a vessel other than a houseboat to be moored except at a mooring provided or licensed by the Corporation under this section or causes a houseboat to be moored except at a mooring to which it is assigned under the terms of its registration then in force under section 44 (Registration of houseboats) of this Act; or

(b) lays down, maintains, or, without reasonable excuse, uses any mooring not so provided or licensed or not so assigned;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(8) If any person lays down or maintains a mooring contrary to subsection (7) (b) above the Corporation may remove the mooring in question and recover from that person the expenses incurred in doing so.

PART V
—cont.

(9) The powers of this section shall not be exercised without the consent of the rivers authority, whose consent shall not be unreasonably withheld, and any question whether such consent is unreasonably withheld shall be referred to and settled by arbitration.

50.—(1) The Corporation may make byelaws in connection with this Part for all or any of the following purposes:—

Byelaws.

- (a) for securing the conservation and improvement of the upstream river and its amenities (including fisheries) for the purposes of recreation, for prohibiting or regulating recreational activities and for promoting the ease, convenience and safety of navigation;
- (b) for regulating the navigation of the upstream river and for the prevention of obstruction to such navigation;
- (c) for regulating the speed of vessels on the upstream river;
- (d) for requiring the registration of, or of any class of, vessels (other than houseboats), for the renewal of registration, for revocation of registration in specified circumstances and for prohibiting the use or navigation of the upstream river by vessels which are required to be but which are not registered with the Corporation;
- (e) for prescribing precautions for the prevention of fire and precautions to be taken in cases of fire or accident occurring in or to any vessel;
- (f) for prescribing the conditions on which vessels providing sleeping accommodation (whether or not being houseboats) shall be allowed on the upstream river and for prohibiting the mooring of such vessels for overnight use on the upstream river except at places approved by the Corporation or unless suitable and sufficient sanitary conveniences exist or are provided upon the land adjacent to the point of mooring for the use of the occupants of such vessels;
- (g) for preventing or controlling pollution, including the provision of sanitary appliances, by vessels on the upstream river;
- (h) for regulating the launching of vessels within the upstream river, the placing, maintenance and use of moorings and the use of pontoons, slipways and landing places;
- (i) for securing the safety of vessels and persons using, and of property within, the upstream river;
- (j) for prohibiting or regulating the discharge into the upstream river of any material or substance;
- (k) for preventing damage to any land or property situated in or about the upstream river;
- (l) for preserving flora and fauna in, or on the banks of, the upstream river;
- (m) for regulating the passage of vessels, or any class of vessels, through the lock or over the barrage comprised in Work No. 1, through the slalom comprised in Work No. 2 or over or through other structures, works or apparatus in the upstream river, either generally or in circumstances prescribed by the byelaws.

(2) Byelaws made under subsection (1) (d) above may authorise the Corporation—

PART V
—cont.

- (a) to make charges in respect of the registration of vessels, including different charges for the use of the upstream river by vessels of different descriptions;
- (b) to attach conditions to the registration of vessels, and to make registration revocable in circumstances specified in the byelaws;
- (c) to grant exemptions from the requirements of registration;
- (d) to inspect vessels or have them inspected on behalf of the Corporation in connection with their registration; and
- (e) to require notice of the transfer or sale of any vessel so registered to be given to the Corporation.

(3) (a) Nothing in any byelaws made under subsection (1) (d) above shall require the registration of—

- (i) any newly constructed or newly restored vessel in respect of any bona fide trial trip of such vessel on the upstream river; or
- (ii) any vessel in respect of its movement from any boat-builder's yard on the upstream river to any other place thereon with a view to its immediate removal from the upstream river; or
- (iii) any vessel for the purpose of its participation in any regatta or boat race.

(b) Not less than 48 hours' notice in writing shall be given to the Corporation of the intention to make such trip, move such vessel or use it in such regatta or boat race, and any conditions specified by the Corporation in that behalf shall be complied with.

(4) Any charge payable in respect of a certificate of registration issued under byelaws made under this section shall be recoverable by the Corporation from the owner of the vessel so registered or other person who has applied for its registration.

(5) Byelaws made under this section may relate to the whole of the upstream river and the banks thereof, or to any part thereof, and may make different provisions for different parts.

(6) Byelaws made under this section may provide for the imposition on any person offending against any byelaws of a fine on summary conviction not exceeding level 3 on the standard scale and, in the case of a continuing offence, a daily fine not exceeding one-tenth of level 3.

(7) Any person offending against any byelaw made under this section may be required by the court, in addition to any fine thereby incurred, to pay to the Corporation a sum in satisfaction of the cost of repairing or making good any damage occasioned thereby to the property of the Corporation; and the provisions of section 41 of the Administration of Justice Act 1970 (recovery of compensation awarded) shall apply to any sum required to be paid pursuant to this section as they apply in the cases specified in Part I of Schedule 9 to that Act.

(8) (a) The Corporation shall not make any byelaws under this section without the consent of the rivers authority.

(b) The rivers authority shall not withhold their consent to the making of any byelaw except on the ground that it conflicts with or duplicates a byelaw of the rivers authority; and any question whether there is any such conflict or duplication shall be referred to and settled by arbitration.

(9) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972 (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the

1970 c. 31.

1972 c. 70.

Corporation under this section as if the Corporation were a local authority and the Chief Executive of the Corporation were a proper officer of a local authority.

PART V
—cont.

(10) (a) The Secretary of State may confirm the byelaws in the form submitted to him or with such modifications as he thinks fit.

(b) Where the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Corporation and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Corporation and by other persons who have been informed of it.

51.—(1) If after receiving and considering any complaint made to the Corporation respecting the navigation or use on the upstream river of any vessel registered under byelaws made under section 50 (Byelaws) of this Act or if, after receiving and considering a report from any of their officers authorised to examine and who shall have examined any such vessel, the Corporation are of opinion that in the interest of the safety of navigation or of the amenity of the upstream river such vessel should not be registered or continue to be registered, the Corporation may, notwithstanding anything contained in this Act or in any byelaws made thereunder, refuse to register such vessel or may cancel the certificate of registration thereof and thereupon such certificate shall cease to be of any force.

Power to refuse
or cancel
registration.

(2) Before so refusing to register a vessel or cancelling the certificate of registration thereof, the Corporation shall give to the person applying for registration or, in the case of a cancellation, the person in whose name a vessel is registered, an opportunity of appearing before and of being heard by a committee of the Corporation and, if so required by him, the Corporation shall within 7 days of their decision give to him a statement of the grounds upon which it is based.

(3) Any such owner aggrieved as to the reasonableness of any such refusal or cancellation may appeal to a magistrates' court and section 300 to 302 of the Public Health Act 1936 shall apply in respect of any such appeal.

1936 c. 49.

52.—(1) On demand by a constable, the harbour master or any officer of the Corporation on producing his authority, the master of any vessel on the upstream river shall produce to such officer any certificate of registration, or any licence for the vessel to be let or used for hire, issued in respect of the vessel; and on the like demand by such an officer—

Power to require
information,
entry, etc.

(a) the master of any vessel on the upstream river shall give to the officer particulars of the names and addresses known to him of any person on board the vessel;

(b) the owner of any vessel on the upstream river shall give to the officer particulars of the name and address of any person at any time specified by the officer as acting as master of the vessel;

being particulars or information needed for the purposes of any function conferred on the Corporation under any enactment and concerning the upstream river.

(2) A person who fails without reasonable excuse to give information demanded under subsection (1) above, or in giving it, makes any statement which he knows to be false in a material particular, or recklessly makes any

PART V
—cont.

statement which is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) Any officer of the Corporation authorised in writing in that behalf may at any reasonable time and on production, if so required, of that authority—

(a) enter upon any land or vessel for the purpose of—

(i) performing any function conferred on the Corporation or that officer by virtue of this Part; or

(ii) determining whether, and if so in what manner, such a function should be performed; or

(iii) determining whether any provision of this Part or of an instrument made by virtue of this Part is being complied with;

(b) carry out such inspections, measurements and tests of any vessel or of any articles on it and take away such samples of the articles as he considers appropriate for such a purpose;

but the powers of this subsection as to entry on to land shall not be exercised except for the purposes of sections 41 (Removal of projections), 42 (Repair of landing places and embankments), 45 (Prohibition of unregistered houseboats), 48 (Restriction on construction of works), 49 (Powers as to moorings, etc.) and 50 (Byelaws) of this Act.

1974 c. 40.

(4) The provisions of subsections (2), (3) and (4) of section 91 and section 92 of the Control of Pollution Act 1974 (as to rights of entry and inspection and provisions supplemental thereto) shall with necessary modifications apply and have effect for the purposes of subsection (3) above as those provisions apply and have effect for the purposes of section 91(1) and other provisions of that Act.

(5) Nothing in subsection (3) above shall authorise entry upon any operational land of the water company without their consent.

1971 c. 78.

(6) In this section “operational land” has the same meaning as in section 222 of the Town and Country Planning Act 1971.

Temporary
closure of
upstream river.

53.—(1) The Corporation may temporarily prohibit, restrict or regulate the use of navigation of the upstream river or any part thereof to facilitate the holding of any boat race or regatta or of any other function in connection with the use of the upstream river as a place of recreation.

(2) (a) Before exercising their powers under subsection (1) above the Corporation shall give notice of the proposal to exercise the powers by advertisement in one or more local newspapers circulating in the borough and in the district of Hambleton.

(b) The notice shall be published not less than 28 days before the powers are to be exercised and shall state the extent to which, the period during and the purpose for which the use or navigation of the upstream river is to be prohibited, restricted or regulated.

(3) A copy of the notice published under subsection (2) above shall be conspicuously displayed in such one or more places on or adjacent to the upstream river or the part thereof to which it relates as the Corporation consider appropriate for bringing its contents to the notice of persons using or navigating the upstream river.

(4) The powers of this section shall not be exercised without the consent of the rivers authority, whose consent shall not be unreasonably withheld, and any question whether such consent is unreasonably withheld shall be referred to and settled by arbitration.

PART V
—cont.

54. A list showing the charges prescribed pursuant to section 46 (Charges for registration of houseboats) and under byelaws made under subsection (2) (a) of section 50 (Byelaws) of this Act, for the time being in force under this Part, shall be displayed at one or more convenient places on or adjacent to the upstream river and a copy of the list shall be supplied by the Corporation on request to any person appearing to have an interest.

List of charges.

55. The Corporation may at their discretion remit or reduce any charge shown in the list referred to in section 54 (List of charges) of this Act in respect of any houseboat or other vessel used for charitable purposes or for purposes which the Corporation consider merit remission or reduction of the charge.

Provision for charitable or other bodies.

PART VI

PROTECTIVE PROVISIONS

56. Before breaking up or otherwise interfering with any road in connection with the construction of the works, the Corporation shall (except in a case of emergency) give not less than 14 days' notice to the chief officer of police of their intention so to do.

Notice to police.

57.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act shall authorise any person to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary) —

Crown rights.

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners; or

(b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that department.

(2) Consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

58. Nothing in this Act shall prejudice or derogate from the powers, rights and privileges of Trinity House.

Saving for Trinity House.

59.—(1) In this section “relevant area” means an area of land of special scientific interest which is for the time being the subject of a notification under section 28(1) of the Wildlife and Countryside Act 1981 and which is so notified by any one of the following titles: —

For protection of flora, fauna, etc.
1981 c. 69.

(a) Cowpen Marsh;

(b) Seal Sands;

(c) Seaton Dunes and Common;

PART VI
—cont.

(d) South Gare and Coatham Sands.

(2) The Corporation shall—

- (a) in formulating or considering any proposal relating to the exercise of their powers under this Act take into account any effect which the proposal may have on any flora, fauna or geological or physiographical features within a relevant area; and
- (b) so exercise their powers with respect to such a proposal as to secure so far as practicable the conservation of any such flora or fauna or features.

For protection of electricity, gas and water undertakers.

60. For the protection of the several undertakers referred to in this section, the following provisions shall, unless otherwise agreed in writing between the Corporation and the undertakers concerned, apply and have effect:—

(1) In this section—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) in the case of electricity undertakers, electric lines or electrical plant (as defined in the Electricity Act 1989) belonging to or maintained by such undertakers; or

(b) in the case of gas or water undertakers, any mains, pipes or other apparatus belonging to or maintained by such undertakers;

(not being, in either case, apparatus in respect of which the relations between the Corporation and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes any building, structure or works for the lodging therein of apparatus;

“functions” includes powers and duties:

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land; and

“the undertakers” means any person authorised to carry on an undertaking for the supply of electricity, gas or water within the area within which the Corporation are by this Act authorised to purchase land or execute works and, in relation to any apparatus, means the undertakers to whom the apparatus belongs or by whom the apparatus is maintained:

- (2) Notwithstanding the temporary stopping up or diversion of any road, bridleway or footpath under the powers of section 12 (Stopping up and diversion of footpaths) and section 13 (Temporary stoppage of roads, bridleways and footpaths) of this Act the undertakers shall be at liberty at all times to execute and do all such works and things in, upon or under any such road, bridleway or footpath as may be reasonably necessary or desirable to enable them to inspect, repair, maintain, renew, remove or use any apparatus which at the time of the stopping up or diversion was in that road, bridleway or footpath:
- (3) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not acquire any apparatus under the powers of this Act otherwise than by agreement:

1989 c. 29.

1950 c. 39.

- (4) If the Corporation, in the exercise of the powers of this Act, acquire any interest in any land in which any apparatus is placed that apparatus shall not be removed under this section and any right of the undertakers to maintain, repair, renew or inspect that apparatus in that land shall not be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:
- (5) If the Corporation, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Act, require the removal of any apparatus placed in that land and shall give to the undertakers written notice of such requirement, together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed, or if, in consequence of the exercise of any of the powers of this Act, the undertakers shall reasonably require to remove any apparatus, the Corporation shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other land of the Corporation and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that, if the alternative apparatus or any part thereof is to be constructed elsewhere than in other land of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the land in which the alternative apparatus or such part thereof is to be constructed, the undertakers shall, on receipt of a written notice to that effect from the Corporation, forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned land:

- (6) (a) Any alternative apparatus to be constructed in land of the Corporation under this section shall be constructed to the undertakers' standard specification for the relevant apparatus in the location and at depths and gradients applying in these circumstances or in such manner and in such line or situation as may be agreed between the undertakers and the Corporation or in default of agreement settled by arbitration;
- (b) The undertakers shall, after the alternative apparatus to be provided or constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) above, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section:
- (7) Notwithstanding anything in paragraph (6) above, if the Corporation give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any land of the Corporation, such work, in lieu of being executed by the undertakers, shall be executed by the Corporation with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

PART VI
—cont.

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around any apparatus extending (where the apparatus is laid in a trench) to 300 millimetres or more above the apparatus:

- (8) Where, in accordance with the provisions of this section, the Corporation afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in land of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the undertakers or in default of agreement determined by arbitration:

Provided that —

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed in or along any works of the Corporation, the arbitrator shall —

(i) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the works and for securing any subsequent alterations which may be required to prevent interference with any proposed works of the Corporation; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions applicable to the apparatus, if any, constructed in or along the works for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the undertakers than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation by the Corporation to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (9) (a) Not less than 56 days before commencing to execute any such works as are referred to in paragraph (5) above and are near to or will or may affect any apparatus the removal of which has not been required by the Corporation under the said paragraph (5) the Corporation shall submit to the undertakers a plan, section and description of the works to be executed;

- (b) Such works shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officer to watch and inspect the execution of such works:

Provided that —

(i) if the undertakers within 28 days after the submission to them of any such plan, section and description shall, in consequence of the works proposed by the Corporation,

reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under the said paragraph (5);

PART VI
—cont.

(ii) nothing in this sub-paragraph shall preclude the Corporation from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any such works a new plan, section and description thereof in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

(c) The Corporation shall not be required to comply with sub-paragraph (a) above in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) above so far as reasonably practicable in the circumstances:

(10) Where, in consequence of this Act, any part of any street, road, bridleway or footpath in which any apparatus is situate ceases to be part of a street, road, bridleway or footpath, the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act, but nothing in this paragraph shall prejudice or affect any right of the Corporation or of the undertakers to require removal of such apparatus under this section or the power of the Corporation to execute works in accordance with paragraph (9) above:

(11) The Corporation shall pay to the undertakers the costs, charges and expenses reasonably incurred by the undertakers in or in connection with the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph (5) above, less the value of any apparatus removed under the provisions of this section (such value being calculated after removal) and shall also make compensation to the undertakers —

(a) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(b) for any other expenses, loss, damages, penalty or costs incurred by the undertakers;

by reason or in consequence of the execution, maintenance, user or failure of any such works or otherwise by reason or in consequence of the exercise by the Corporation of the powers of this Act:

(12) Where, by reason or in consequence of the stopping up of any street, road, bridleway or footpath under the powers of this Act, any apparatus belonging to the undertakers and laid or placed in such street, road or footpath or elsewhere is rendered derelict or unnecessary, the Corporation shall pay to the undertakers the then value of such apparatus (which shall thereupon become the property of the Corporation) and the reasonable cost of and

PART VI
—cont.

incidental to the cutting off of such apparatus from any other apparatus and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of such apparatus being so rendered derelict or unnecessary:

Provided that the Corporation shall not under the provisions of this paragraph be required to pay to the undertakers the value of any apparatus rendered derelict or unnecessary if, to the reasonable satisfaction of the undertakers, other apparatus shall at the expense of the Corporation have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict or unnecessary:

- (13) Any difference arising between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration:
- (14) Nothing in this section shall be deemed to prejudice or affect the provisions of any enactment or agreement regulating the relations between the Corporation and the undertakers in respect of any apparatus laid or erected in land belonging to the Corporation at the date of the passing of this Act.

For protection of
sewers of
Northumbrian
Water Limited.

61. For the protection of the sewers of the water company the following provisions shall, unless otherwise agreed in writing between the Corporation and the water company, apply and have effect:—

- (1) In this section—

“construction” includes execution, placing and altering and, in relation to temporary works, includes removal and “constructed” shall be construed accordingly;

“new, altered or substituted works” includes any works required for the protection of any sewer;

“sewer” includes any sewer, drain or works vested in the water company under the Water Act 1989, any main used for the conveyance of sewage sludge or sewage effluent and any pipe subway vested in or maintained by the water company; and

“specified work” means so much of the works and of any work (whether temporary or permanent) forming part of, or constructed in connection with, the works, or any of them, as will or may be situated over or within 10 metres measured in any direction of, or (wherever situated) impose any load directly upon, any sewer:

- (2) The Corporation shall not commence the construction of any specified work unless they shall have given to the water company 56 days’ notice in writing of their intention to commence the same by leaving such notice at the principal office of the water company with plans as described in paragraph (7) below (in this section referred to as “the said plans”) and until the water company shall have signified their approval of the said plans:

Provided that such approval shall not be unreasonably withheld and, if within 56 days after the submission of the said plans the water company have not approved or disapproved them, they shall be deemed to have approved the said plans:

- (3) The Corporation shall comply with and conform to all reasonable orders, directions and regulations of the water company in the construction of any specified work and shall provide new, altered or substituted works which shall be constructed to the water company's standard specification for the relevant apparatus and in the location and at depths and gradients applying in these circumstances in such manner as the water company shall reasonably require for the proper protection of, and for preventing injury or impediment to, a sewer of the water company by reason of any specified work and shall save harmless the water company against all expenses to be occasioned thereby:
- (4) All such new, altered or substituted works shall, where so required by the authority, be constructed by or under the direction, superintendence and control of an officer of the water company duly appointed for the purpose at the cost, charge and expense in all respects of the Corporation and all reasonable costs, charges and expenses to which the water company may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the water company by the Corporation on demand:
- (5) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the cost, charge and expense of the Corporation under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the water company as any sewers or works now or hereafter may be:
- (6) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the water company in relation to sewers but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (7) The plans to be submitted to the water company for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall accurately describe the position of all sewers of the water company within the limits of deviation (for which purpose the water company shall allow the Corporation access to plans in their possession and to any of their sewers in order to enable the Corporation to obtain reliable information) and shall comprise detailed drawings of every alteration which the Corporation may propose to make in any such sewers:
- (8) The water company may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewerage system of the water company against interference or risk of damage and to provide and secure a proper and convenient means of access to the sewers of the water company:
- (9) The Corporation shall be liable to make good, or, if the water company so decide, to bear any expense reasonably incurred by the water company in making good, all injury or damage caused by or resulting from the construction of any specified work to any sewers, drains or works vested in the water company and the water company shall have power to recover any expense so incurred by them from the Corporation:

PART VI
—cont.

- (10) If, in the construction of any specified work, or any new, altered or substituted works, or any work of defence connected therewith provided in accordance with this section, the Corporation damage, or, without the consent of the water company, alter or in any way interfere with any existing sewer of the water company the Corporation shall —
- (a) pay to the water company any additional expense to which they may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and
- (b) give to the water company full, free and uninterrupted access at all times to any such new, altered or substituted sewer (but under the supervision and control of the Corporation which shall be provided as soon as possible) and every reasonable facility for the inspection, maintenance, alteration and repair thereof:
- (11) It shall be lawful for an officer of the water company duly appointed for the purpose at any reasonable time and, if required by the Corporation, under their supervision to enter upon and inspect any specified work or any other works constructed under the powers of this section:
- (12) The approval by the water company of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Corporation from any liability or affect any claim for damages under this section or otherwise:
- (13) As soon as reasonably practicable after the completion of the construction of a specified work the Corporation shall deliver to the water company a plan and section showing the position and level of that work as constructed and all new, altered or substituted works provided under this section:
- (14) Any difference arising between the Corporation and the water company under this section shall be referred to and settled by arbitration.

For protection of
National Rivers
Authority.

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

- (1) In relation to both the upstream river and that part of the river which is downstream of the upstream river the Corporation shall take such steps as are practicable to prevent or, as the case may be, ameliorate such conditions, caused by the construction and subsequent operation of the barrage, as —
- (a) create fish mortalities or inhibit the passage of migratory fish through the estuary of the river; or
- (b) cause unpleasant odours to arise from the river:
- (2) The Corporation shall take, or bear the reasonable cost of, such ameliorative measures as may be reasonably necessary in consequence of —
- (a) any raising of the water table which has an adverse effect on existing land drainage systems in land adjacent to the upstream river, such measures to be carried out to the reasonable satisfaction of the rivers authority;
- (b) any increased flooding or risk of flooding of land which has an adverse effect on that land;

and which can be shown to be caused by, or as a result of, the construction or operation of the barrage:

PART VI
—cont.

- (3) In the event of the barrage being constructed, the Corporation, as part of the programme of works for the construction, shall include the fish pass comprised in Work No. 1 and incorporate therein or in connection therewith an elver pass:
- (4) Any difference arising between the Corporation and the rivers authority under this section shall be referred to and settled by arbitration.

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

For protection of
Tees and
Hartlepool Port
Authority.

- (1) In this section, unless the context otherwise requires—
 - “the downstream river” means that part of the river which is downstream of the upstream river;
 - “scouring” includes disturbance or collapse of the foreshore or bed of the river; and
 - “tidal work” includes any work carried out under a licence granted under section 47 (Licensing of works) of this Act:
- (2) If, following the commencement of the construction of a tidal work or within 10 years after the completion of that tidal work—
 - (a) any part of the downstream river becomes subjected to silting or scouring which is wholly or partly caused as a result of that tidal work; or
 - (b) other alterations occur in the regime of the downstream river wholly or partly as a result of that tidal work, so that dredging or other operations are necessary to facilitate navigation in the downstream river or the access of vessels to or from, or the berthing of vessels at, other works or installations in the downstream river;

and the port authority give notice within the period of 10 years after such completion that the silting or scouring should be removed or, as the case may be, made good, or that dredging or other operations should be carried out in consequence of the alterations mentioned in sub-paragraph (b) above, in the interests of persons using the downstream river or for the protection of any works or installations in the downstream river (whether or not owned by the port authority), the Corporation shall pay to the port authority any additional costs reasonably incurred by the port authority in connection with dredging the river, making good the scouring or carrying out any other operations, as the case may be, in so far as the necessity therefor is attributable to that tidal work:

- (3) If, following the commencement of the construction of a tidal work or within 10 years after completion of the work, any alteration occurs in the nature of deposits in the downstream river which need to be dredged for the purposes mentioned in paragraph (2) (b) above, and that alteration is wholly or partly caused as a result of that tidal work, the Corporation shall pay to the port authority any additional costs reasonably incurred by the port authority in removing and disposing of those deposits, in so far as the necessity for incurring those costs is attributable to that tidal work:

PART VI
—cont.

- (4) In the event of any payment falling due under paragraph (2) or (3) above the period of 10 years shall be extended for a further 10 years from the date of discovery of such silting or scouring or other alteration referred to in the said paragraph (2) or (3) so that the Corporation shall be liable in each successive period of 10 years up to a maximum of 30 years after completion of the tidal work which gave rise to the payment:
- (5) In the event of any payment falling due under paragraph (2) or (3) above the Corporation shall pay compensation to the port authority for any loss or damage which is sustained by the port authority for a period of 30 years after completion of the tidal work:
- (6) The Corporation shall pay to the port authority any costs reasonably incurred by the port authority in order to ascertain whether any such events or alterations as are mentioned in paragraph (2) (a) and (b) or (3) above have occurred, not being costs which the port authority would have incurred for other reasons:
- (7) The Corporation shall pay compensation to the port authority for any loss or damage which is sustained by the port authority by reason or in consequence of the failure or the want of repair of a tidal work or the negligent operation of the barrage under the provisions of section 30 (Operation of barrage, etc.) of this Act:
- (8) The Corporation shall pay to the port authority the reasonable costs of such alterations to the marking and lighting of the navigational channel of the downstream river as may be reasonably necessary during, or as a direct consequence, of the construction of a tidal work:
- (9) Any difference arising between the Corporation and the port authority under this section shall be referred to and settled by arbitration.

For further protection of Tees and Hartlepool Port Authority. 1966 c.xxv.

64.—(1) Notwithstanding anything in this Act or in the Tees and Hartlepool Port Authority Act 1966, the Corporation shall not —

- (a) construct, alter, renew or extend any tidal works; or
- (b) dredge;

within the area of jurisdiction of the port authority except in accordance with a licence granted under section 22 or, as the case may be, section 23 of the said Act of 1966.

(2) The Corporation shall not exercise the powers of subsection (1) (b) of section 9 (Dredging and other operations in river Tees) of this Act within the area of jurisdiction of the port authority without the consent of that authority.

For protection of Tees wharf operators.

65. For the protection of the specified bodies and installations, the following provisions shall, unless otherwise agreed in writing between the Corporation and the specified body concerned, apply and have effect:—

- (1) In this section, unless the context otherwise requires —

“the downstream river” means that part of the river which is downstream of the upstream river;

“scouring” includes disturbance or collapse of the foreshore or bed of the river;

“specified body” and “specified installation” means the bodies and installations specified in Schedule 4 to this Act, and includes the successors in title to any specified body as the owner of any specified installation; and

“tidal work” includes any work carried out under a licence granted under section 47 (Licensing of works) of this Act:

(2) If, following the commencement of the construction of a tidal work or within 10 years after the completion of that tidal work —

(a) any part of the downstream river becomes subjected to silting or scouring which is wholly or partly caused as a result of that tidal work; or

(b) other alterations occur in the regime of the downstream river wholly or partly as a result of that tidal work;

and that silting or scouring or, as the case may be, the other alterations referred to in sub-paragraph (b) above adversely affect the stability or the operation of or, as the case may be, the access of vessels to or from, or the berthing of vessels at, any specified installation of a specified body, that specified body shall notify the Corporation of the operations which the specified body considers to be necessary in consequence of the silting or scouring or, as the case may be, other alterations referred to in sub-paragraph (b) above, including such rebuilding works, protective works or other measures as may be necessary:

(3) The Corporation shall, on application by a specified body, pay to that specified body its reasonable costs in connection with the carrying out of such operations as are mentioned in paragraph (2) above, in so far as the necessity therefor is attributable to a tidal work:

(4) In the event of any payment falling due under paragraph (3) above the period of 10 years shall be extended for a further 10 years from the date of discovery of such silting or scouring or other alteration referred to in paragraph (2) above so that the Corporation shall be liable in each successive period of 10 years up to a maximum of 30 years after completion of the tidal work which gave rise to such payment:

(5) In the event of any payment falling due under paragraph (3) above the Corporation shall pay compensation to the specified body for any loss or damage which is sustained by the specified body in connection with any business carried on at the specified installation for a period of 30 years after completion of the tidal work:

(6) The Corporation shall pay compensation to the specified body for any loss or damage which is sustained by the specified body by reason or in consequence of the failure or the want of repair of a tidal work or the negligent operation of the barrage under the provisions of section 30 (Operation of barrage, etc.) of this Act:

(7) Any difference arising between the Corporation and a specified body under this section shall be referred to and settled by arbitration.

66. For the protection of the landowners referred to in this section, the following provisions shall, unless otherwise agreed in writing between the Corporation and the landowners concerned, apply and have effect:—

(1) In this section —

PART VI
—cont.

Land drainage
and flooding.

PART VI
—cont.

“the landowners” means the specified landowners and other owners and occupiers of any land adjacent to the upstream river; and

“the specified landowners” means the owners and occupiers specified in Schedule 5 to this Act:

- (2) The Corporation shall take, or bear the reasonable cost of, such ameliorative measures as may be necessary in consequence of—
- (a) any raising of the water table which has an adverse effect on existing land drainage systems in land adjacent to the upstream river, such measures to be carried out to the reasonable satisfaction of the rivers authority; and
- (b) any increased flooding or risk of flooding of land which has an adverse effect on that land;
- and which can be shown to be caused by, or as a result of, the construction or operation of the barrage:
- (3) Any difference arising between the Corporation and—
- (a) the rivers authority under paragraph (2) (a) above; or
- (b) any landowner under paragraph (2) (b) above;
- shall be referred to and settled by arbitration.

PART VII

MISCELLANEOUS AND GENERAL

Management
arrangements.

67.—(1) The Corporation may enter into and carry into effect agreements with respect to the construction, maintenance, use, management and operation by any other person of all or part of the works, lands, facilities, functions and activities comprising the undertaking of the Corporation, including the upstream river, as authorised by or established under, or in connection with, this Act, and any other matters incidental or subsidiary thereto or consequential thereon, including the defraying of, or the making of contributions towards, the cost thereof.

(2) Any agreement under subsection (1) above may provide (inter alia) for the exercise of the powers of the Corporation in respect of the said undertaking or any part or parts thereof.

(3) The Corporation may at any time lease any part of the said undertaking on such terms and conditions as may be agreed.

(4) The exercise of the powers of any enactment by any person in pursuance of any agreement under subsection (1) above or any lease under subsection (3) above shall be subject to the same restrictions, liabilities and obligations as would apply under this Act if those powers were exercised by the Corporation.

Corporation's
undertaking.

1980 c. 65.

68. The powers and duties conferred or imposed on the Corporation by or by virtue of this Act shall form a part of the undertaking of the Corporation for the purposes of sections 165 and 166 of the Local Government, Planning and Land Act 1980 (which relate to the transfer of undertakings and dissolution of urban development corporations).

Transfer of
functions.

69.—(1) Notwithstanding any other provision of this Act or any provision of the Local Government, Planning and Land Act 1980, the Secretary of State, on the application of the Corporation, may by order made by statutory instrument at any time transfer to any person all or any

part of the undertaking authorised by this Act or all or any of the functions conferred on the Corporation by this Act and thereafter, in relation to the undertaking or part thereof, or to the functions so transferred that person shall have and may 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 under this Act and shall perform all the duties of the Corporation under this Act.

PART VII
—cont.

(2) Before in any case making application to the Secretary of State under subsection (1) above the Corporation shall give not less than three months' notice of their intention in that behalf to the borough council, the Hambleton District Council, the port authority and the rivers authority and shall forward with the application any written representations submitted to the Corporation by those councils or authorities within the period of such notice.

70. A person who intentionally obstructs any person acting in the execution of this Act or without reasonable excuse pulls up any peg or stake driven into the ground for the purposes of setting out the line, level or site of any works authorised by this Act or otherwise interferes with equipment or materials used in the construction of those works, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Obstructing
execution of Act.

71.—(1) In proceedings for an offence under the provisions of this Act mentioned in subsection (2) below it shall be a defence for the Corporation to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Defence of due
diligence.

(2) The provisions referred to in subsection (1) above are the following:—

- Section 17 (Provision against danger to navigation); and
- Section 20 (Lights on tidal works).

(3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the Corporation shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, they have served on the prosecutor a notice in writing giving such information as was then in their possession, identifying, or assisting in the identification of, that other person.

72. For the purposes of section 138 of the Local Government, Planning and Land Act 1980 (which permits restrictions to be imposed on the exercise of the powers of an urban development corporation under that Act) that section shall apply to the powers of the Corporation conferred by or by virtue of this Act as if they were powers under that Act.

Restriction on
powers of
Corporation.
1980 c. 65.

73.—(1) In their application to development authorised by this Act, article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Act were limited to such development begun within 10 years after the passing of this Act.

Modification of
Town and
Country Planning
General
Development
Order 1988.
S.I. 1988/1813.

PART VII
—cont.

(2) For the purposes of article 3 of, and Class B in Part 17 of Schedule 2 to, the said Order of 1988 (which permit development by dock, pier, harbour, water transport, canal or inland navigation undertakers) the Corporation shall, in relation to the undertaking authorised by this Act, be deemed to be undertakers carrying on an undertaking within the description of that Part.

Arbitration.

74. Where under any provision of this Act any difference (other than a difference as to the meaning or construction of any such provision) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled 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.

SCHEDULES

SCHEDULE 1

Section 5.

DESCRIPTIONS OF WORKS REFERRED TO IN SECTION 5 OF THIS ACT

In the borough of Stockton-on-Tees, county of Cleveland —

The barrage works

Work No. 1 A barrage across the river with movable gates, incorporating a lock with lock gates, a fish pass and sluice pipes, together with approaches thereto on either side of the river, a footway over and associated structures commencing on the northern bank of the river at reference point NZ 4622 1912 and terminating on the southern bank of the river at reference point NZ 4621 1892;

Work No. 2 A cut on the northern bank of the river (to form a canoe slalom course) comprising a channel with associated control gates, earthworks and river bank protection, commencing on the river bank at reference point NZ 4617 1906 and terminating on the pitched slope of the river bank at reference point NZ 4654 1919 including a new navigation turning-circle at its termination;

Work No. 3 A culvert (to replace an existing outfall pipe) with an outfall into the river commencing at reference point NZ 4628 1928 and terminating in the northern bank of the river at reference point NZ 4630 1911;

Work No. 4 An access road (with associated car parking space) commencing at the commencement of Work No. 1 (reference point NZ 4622 1912) and terminating by a junction with Malleable Way at reference point NZ 4573 1961;

Work No. 5 A temporary access road commencing at the termination of Work No. 1 (reference point NZ 4621 1892) and terminating by a junction with Hanover Street at reference point NZ 4527 1861:

The bridge works

Work No. 6 Improvements at the intersection of the A1046 (Church Road) with the A1305 (Riverside/Maritime Road) comprising —

Work No. 6A An improvement of Church Road commencing at a point in that road 128 metres east of its junction with Bath Lane and terminating at a point in that road 140 metres east of its commencement;

Work No. 6B An improvement of the A1305 (Maritime Road) commencing at a point in that road 25 metres north of its junction with Carrol Street and terminating by a junction with Work No. 6A at a point in the centre of the existing roundabout 50 metres north of the junction of Commercial Street with the A1305;

Work No. 7 Improvements of the A1305 (Riverside) comprising —

Work No. 7A A realignment and regrading of the A1305 commencing by a junction with Work No. 6B at its termination and terminating at a point in the A1305 45 metres east of the junction of Silver Street with Cross Street and Calvert's Lane;

Work No. 7B A new roundabout, in place of part of the A1305, at the intersection of Work No. 8 with the improved A1305 (Work No. 7A);

SCH. 1
—cont.

- Work No. 8 A fixed bridge, with approach roads, carrying a new road over the river, commencing by a junction with Work No. 7A, at the new roundabout (Work No. 7B), at a point 102 metres south-west of the junction of Commercial Street with the A1305 and terminating at a point in the Teesdale site 233 metres south of the junction of Commercial Street with the A1305;
- Work No. 9 A new road commencing by a junction with Work No. 8 at its termination and terminating by a junction with Trafalgar Street at a point 455 metres south of the junction of Commercial Street with the A1305;
- Work No. 10 A new slipway and access road commencing at a point on the northern bank of the river 225 metres east of the toe of the existing Corporation Quay slipway and terminating by a junction with Work No. 7A at a point 80 metres south of the termination of that work;
- Work No. 11 A fixed bridge carrying a pedestrian way over the river and the A1305, to link Stockton-on-Tees town centre with the Teesdale site, commencing at a point at the external face of the Castle Centre shopping precinct 4.2 metres above the existing heavy goods vehicle access to the Centre and terminating in the said site at a point 142 metres east of its commencement, including a means of pedestrian access down to the A1305 and the removal of the existing footbridge over the A1305 into the Castle Centre.

SCHEDULE 2

Section 22.

MODIFICATION OF PART I OF COMPULSORY PURCHASE ACT 1965
IN CONNECTION WITH PURCHASE OF NEW RIGHTS

1965 c. 56.

1. In the Compulsory Purchase Act 1965 (hereafter in this Schedule referred to as "the Act") for section 7 (which relates to compensation) there shall be substituted the following:—

"7.—(1) In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent, (if any) to which the value of the land over which the right is purchased is depreciated by the purchase but also to the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

(2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words 'land is acquired or taken' there shall be substituted 'a right over land is purchased' and for the words 'acquired or taken from him' there shall be substituted 'over which the right is exercisable'."

1973 c. 26.

2. For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following:—

"8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as 'the relevant land')—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as 'the Tribunal'); and
- (b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs;

the River Tees Barrage and Crossing Act 1990 shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which the River Tees Barrage and Crossing Act 1990 is deemed to authorise the purchase of an interest by virtue of subsection (1) above shall be determined by the Tribunal.

(3) Where, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) above, the River Tees Barrage and Crossing Act 1990 is deemed by virtue of that subsection

SCH. 2
—cont.

to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the acquiring authority to withdraw the notice.

1973 c. 26.

(4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words 'a right over', for the word 'severance' there shall be substituted 'right over the whole of the house, building or manufactory or of the house and the park or garden' and for the words 'part proposed' and 'part is' there shall be substituted respectively 'right proposed' and 'right is'."

3. The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely:—

section 9 (4) (failure of owners to convey);

paragraph 10 (3) of Schedule 1 (owners under incapacity);

paragraph 2 (3) of Schedule 2 (absent and untraced owners); and

paragraphs 2 (3) and 7 (2) of Schedule 4 (common land);

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.

4. Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty of unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.

5. Section 20 of the Act (compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

6. Section 22 of the Act (protection of acquiring authority's possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable the acquiring authority in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.

SCHEDULE 3

Section 44.

PARTICULARS TO BE SUPPLIED FOR REGISTRATION OF HOUSEBOATS

Name (if any) of houseboat;
Length of houseboat;
Period for which registration certificate required;
Precise location of proposed mooring of houseboat;
Name and address of owner;
Name and address of applicant for registration;
Interest (if owner and applicant not the same) of applicant in houseboat;
Signature of applicant for registration.

Section 65.

SCHEDULE 4

SPECIFIED BODIES AND INSTALLATIONS FOR PURPOSES OF SECTION 65 (FOR PROTECTION OF TEES WHARF OPERATORS) OF THIS ACT

Specified Body (1)	Specified Installation (2)
Able U.K. Limited	Three quays on the north bank of the river at Billingham Reach Industrial Estate.
B.A.S.F. plc	Two jetties on the north bank of the river and three discharge outlets.
Bell Lines Limited	Two berths on the south bank of the river, 294 metres of river frontage and one surface water outfall.
Bitmac Limited	One wharf on the north bank of the river and two discharge outlets under the wharf.
British Steel plc, General Steels, Teesside	Two berths at the Steel Export Terminal, Tees Dock. Two jetties at South Bank Wharf. One jetty at Redcar Ore Terminal. Various inlets and outfalls.
A. V. Dawson Limited	Four berths on the south bank of the river, 1,300 feet of quay frontage and various outfalls.
I.C.I. Chemicals and Polymers Limited	One wharf at Billingham Reach. One wharf at Bamlets. Billingham Oil Jetty. Various effluent outfalls at Billingham. Four jetties and three discharge outlets at North Tees. On the south bank of the river, Queen Elizabeth II Oil Jetty, West Byng Oil Jetty and Arthur Taylor Oil Jetty.
Norpipeline A.S., Norpipe Petroleum U.K. Limited, Norse Pipeline Limited, Phillips Petroleum Company United Kingdom Limited	Eight jetties on the north bank of the river at its mouth and two effluent outfalls.
Phillips—Imperial Petroleum Limited	One jetty on the north bank of the river.
Seal Sands Storage Limited	Two berths on the north bank of the river and 250 metres of river frontage.
Tarmac Roadstone Limited	One wharf on the south bank of the river.
Tees Storage Company Limited	Three jetties and two outfalls at Seal Sands Terminal on the north bank of the river. Two jetties and one outfall at Middlesbrough Terminal on the south bank of the river.
Tees Towing Company Limited	One jetty on the south bank of the river.
Teesbulk Handling Limited	One jetty on the south bank of the river.

SCHEDULE 5

Section 66.

SPECIFIED LANDOWNERS REFERRED TO IN SECTION 66
(LAND DRAINAGE AND FLOODING) OF THIS ACT

- T. L. Bainbridge, of Worsall Manor Farm, Low Worsall, Yarm, Cleveland.
- B. G. Dale, of Newsham Grange, Aislaby, Eaglescliffe, Stockton, Cleveland.
- K. E. Deacon, of Fardeanside Farm, Worsall, Yarm, Cleveland.
- A. G. Frank, of Quarry Farm, Ingleby Barwick, Stockton, Cleveland.
- W. E. Frank, of Barwick Farm, Ingleby Barwick, Stockton, Cleveland.
- K. M. Harker, of Worsall Grove Farm, Worsall, Yarm, Cleveland.
- T. W. Harker, of Low Moor Farm, Over Dinsdale, Darlington, Co. Durham.
- G. Herring, of Aislaby West Farm, Aislaby, Eaglescliffe, Stockton, Cleveland.
- A. W. Hutchinson, of Aislaby Grange, Aislaby, Eaglescliffe, Stockton, Cleveland.
- G. Hutchinson, of West Moor Farm, Aislaby, Eaglescliffe, Stockton, Cleveland.
- J. E. H. Lowther, of Portknowle Farm, Aislaby, Eaglescliffe, Stockton, Cleveland.
- P. A. Martin, of East Farm, Aislaby, Eaglescliffe, Stockton, Cleveland.
- A. H. Rutherford, of Winterfield House Farm, High Worsall, Yarm, Cleveland.
- J. G. C. Simpson, of Leven Close Farm, High Leven, Yarm, Cleveland.
- D. F. Smith, of Manor House, Egglecliffe, Stockton, Cleveland.
- J. C. Smith, of Grange Farm, Egglecliffe, Stockton, Cleveland.
- J. R. Smith, of Preston Farm, Yarm Road, Stockton, Cleveland.
- B. Suddes, of Lowlands Farm, Yarm, Cleveland.



River Tees Barrage and Crossing Act 1990

CHAPTER xix

ARRANGEMENT OF SECTIONS

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4. Application of Part I of Compulsory Purchase Act 1965.

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38. Vessels adrift.
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47. Licensing of works.
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49. Powers as to moorings, etc.
50. Byelaws.
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58. Saving for Trinity House.
59. For protection of flora, fauna, etc.
60. For protection of electricity, gas and water undertakers.
61. For protection of sewers of Northumbrian Water Limited.
62. For protection of National Rivers Authority.
63. For protection of Tees and Hartlepool Port Authority.
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65. For protection of Tees wharf operators.
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SCHEDULES:

- Schedule 1—Descriptions of works referred to in section 5 of this Act.
- Schedule 2—Modification of Part I of Compulsory Purchase Act 1965 in connection with purchase of new rights.
- Schedule 3—Particulars to be supplied for registration of houseboats.
- Schedule 4—Specified bodies and installations for purposes of section 65 (For protection of Tees wharf operators) of this Act.
- Schedule 5—Specified landowners referred to in section 66 (Land drainage and flooding) of this Act.

