



## CHAPTER xv

An Act to confer further powers upon the Humber Conservancy Board with respect to dues and for other purposes. [10th May 1951.]

**W**HEREAS by the Humber Conservancy Acts 1852 to 1907 the Humber Conservancy Board (hereinafter referred to as "the Board") were constituted and incorporated and are invested with power for the conservancy improvement and regulation of the river Humber and other purposes connected therewith:

And whereas by virtue of the Humber Conservancy Act 1907 7 Edw. 7. c. xcvi. and the Humber Pilotage Order 1922 (confirmed by the Pilotage Orders Confirmation (No. 1) Act 1922) 12 & 13 Geo. 5. c. xxxvii. the Board are the pilotage authority for the Humber pilotage district and invested with powers and duties as such authority:

And whereas the Minister of Transport in exercise of the powers conferred upon him by regulation 56 of the Defence (General) Regulations 1939 authorised the Board by the Humber Conservancy (Increase of Charges) Order 1946 (hereinafter referred to as "the Order of 1946") to increase by an amount not exceeding one hundred per centum all or any of the shipping dues and registration dues authorised by the Humber Conservancy Act 1907:

And whereas it is anticipated that the said increased dues and the right of the Board to impose the same will shortly cease to remain in operation and to be exercisable:

And whereas on the cesser of the powers conferred by the Order of 1946 the resources of the Board will be insufficient to meet the expenditure necessarily incurred by them in carrying on efficiently the undertaking of the Board and it is necessary that the said undertaking should continue to be so carried on and it is

expedient that the said increased dues and the right of the Board to impose the same should continue in operation and to be exercisable:

And whereas it is expedient that the other powers contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 (that is to say):—

## PART I

### PRELIMINARY

Short and  
collective titles.

1. This Act may be cited as the Humber Conservancy Act 1951 and the Humber Conservancy Acts 1852 to 1907 and this Act may be cited together for all purposes as the Humber Conservancy Acts 1852 to 1951.

Act divided  
into Parts.

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

Part I.—Preliminary.

Part II.—Dues.

Part III.—Miscellaneous.

Interpretation.

3. In this Act unless the context otherwise requires:—

“ Act of 1907 ” means the Humber Conservancy Act 1907;

“ authorised rates ” means the dues which the Board are for the time being authorised to levy demand and recover in pursuance of the Humber Conservancy Acts 1852 to 1951 or any Order made under section 6 (Revision of dues) of this Act;

“ Board ” means the Humber Conservancy Board constituted by the Act of 1907;

“ existing Acts and Order ” means the Humber Conservancy Acts 1852 to 1907 the Humber Pilotage Act 1832 and the Humber Pilotage Order 1922 (confirmed by the Pilotage Orders Confirmation (No. 1) Act 1922);

“ Hull Trinity House ” means the Corporation of the Guild or Brotherhood of Masters and Pilots Seamen of the Trinity House in Kingston-upon-Hull;

“ Minister ” means the Minister of Transport;

“ Order of 1946 ” means the Humber Conservancy (Increase of Charges) Order 1946;

2 & 3 Will. 4.  
c. cv.

“ river Humber ” means and includes the river Trent below the south side of the stone bridge at Gainsborough and the river Humber and the estuary thereof from the confluence of the rivers Ouse and Trent to the sea and all navigable havens and creeks of the river Trent below the south side of the said stone bridge and of the river Humber or of the estuary thereof wherein the tide flows and reflows but shall not include any part of the old harbour or haven at Hull.

## PART II

## DUES

4.—(1) Section 28 of the Harbours Docks and Piers Clauses Act 1847 is hereby incorporated with and forms part of this Act.

Incorporation  
of section 28 of  
Harbours  
Docks and  
Piers Clauses  
Act 1847.  
10 & 11 Vict.  
c. 27.

(2) The said section 28 as incorporated with this Act shall apply to and for the benefit of any government department in the same manner as it applies to and for the benefit of the government departments specially named therein and in construing the said section the expression “ the special Act ” shall mean this Act and the expression “ the harbour dock or pier ” shall mean the river Humber.

5.—(1) The Board may demand levy or impose and take increased dues not exceeding in any case by more than one hundred per centum the corresponding dues authorised by the Act of 1907 and the Board may exercise in respect of any increased due authorised by this Act all or any of the powers of collecting recovering and receiving the corresponding due vested in or exercisable by them under or by virtue of the provisions of the Act of 1907 or any Act amending or extending the same or otherwise howsoever.

Continuance  
of increased  
dues.

(2) As from the passing of this Act the Order of 1946 shall cease to have effect.

6.—(1) If it is represented by application in writing to the Minister—

Revision  
of dues.

(a) by any chamber of commerce or shipping or any representative body of traders or shipowners; or

(b) by any person who in the opinion of the Minister has a substantial interest in the trade of the river Humber and is a proper person to make an application; or

(c) by the Board;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates

PART II  
—cont.

referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(2) An application made to the Minister under subsection (1) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application under subsection (1) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the authorised rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) Before making an order under subsection (1) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Board where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Board or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.

(5) Subject to the proviso to this subsection the Minister shall not by an order under subsection (1) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Board being insufficient or more than sufficient to enable the Board with efficient management of their undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the said undertaking including interest on loan capital (regard being had by him to any capital which the Board may reasonably be expected to expend) making good depreciation providing for any contributions which the Board may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses (if any) properly chargeable to revenue:

Provided that in any case where the Minister is satisfied that there are special circumstances affecting the undertaking taking into account its financial condition during such period preceding the date on which an application is made under subsection (1) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he

thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Board being insufficient to enable the Board to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection.

(6) The authorised rates as revised by an order under subsection (1) of this section shall not in any case be less than the maximum dues which the Board were authorised to levy demand and recover under or by virtue of the Act of 1907.

(7) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to inquiries which the Minister may cause to be held under this section as if they were an inquiry held in pursuance of subsection (1) of that section and the Board were a local authority. 23 & 24 Geo. 5.  
c. 51.

(8) The power of the Minister to make an order under subsection (1) of this section shall be exercisable by statutory instrument.

7. Section 72 (As to collection of dues) of the Act of 1907 shall be read and have effect as if the following subsection had been inserted therein:— Amendment of  
section 72 of  
Act of 1907.

“(4) All dues payable under this section shall be paid by the person liable therefor to the said collector or agent at the office of the Board for the time being or at such other office as the Board may from time to time direct and in order that the said dues may be correctly assessed the master or owner shall previously produce or cause to be produced to the said collector or agent at his request the certificate and register relating to the vessel together with any other books or documents which the said collector or agent may reasonably require”.

### PART III

#### MISCELLANEOUS

8. The Board if they think fit may pay to each of the six commissioners being members of the Board appointed by the Hull Trinity House such sums as they may consider reasonable in respect of the services rendered by the said commissioners to the Board and the committees and sub-committees thereof: As to payments  
to  
commissioners  
appointed by  
Hull Trinity  
House.

Provided that the total amount of the sums paid by the Board to the said commissioners under this section shall not exceed the sum of four hundred pounds in any one year:

Provided also that no payment shall be made under this section to any such commissioner who is for the time being in receipt of a salary as chairman or deputy chairman of the Board.

PART III  
—cont.

The said commissioners shall not by reason of any sums paid to them under this section be deemed to hold any paid office under the Board within the meaning of section 15 (C) of the Act of 1907.

Amendment of section 82 of Act of 1907.

9. As from the passing of this Act section 82 (Salaries to chairman and deputy chairman) of the Act of 1907 shall have effect as if instead of the words "three hundred" there had been inserted therein the words "six hundred" and as if instead of the words "one hundred and fifty" there had been inserted therein the words "three hundred".

As to application of borrowed money to pilotage purposes.

10. For the avoidance of doubt it is hereby declared that the purposes referred to in subsection (2) of section 83 (Power to borrow) of the Act of 1907 shall be deemed to include all purposes of the existing Acts and Order to which capital is properly applicable:

Provided that nothing herein shall operate to exempt the Board from any provisions of the existing Acts and Order requiring the keeping of separate accounts.

Power to dispose of land.

11.—(1) The Board may dispose of any land (or any estate or interest therein) for the time being vested in them and which may not be required by them or which consistently with the objects and purposes of the existing Acts and Order may be used and enjoyed by the purchasers lessees and tenants thereof in such manner (whether by way of sale exchange lease the creation of any easement right or privilege or otherwise) for such period upon such conditions and for such consideration as they may think fit:

8 & 9 Vict.  
c. 18.

Provided that the Board shall not sell any land to which the provisions of sections 127 to 131 (inclusive) of the Lands Clauses Consolidation Act 1845 apply otherwise than in accordance with those provisions so far as applicable.

(2) Section 78 (Application of capital) of the Act of 1907 so far as that section relates to the application of moneys received as consideration for lands sold shall extend and apply to moneys received as consideration on any sale or disposal of lands under the powers of this section.

Crown rights.

12. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Copy of Act to be registered.

13.—(1) The Board shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register it. If such copy is not so delivered within three months from the passing of the Act the Board shall incur a penalty not exceeding two pounds for every day after the expiration of those three

months during which the default continues and any director or officer of the Board who knowingly and wilfully authorises such default shall incur a like penalty.

PART III  
—cont.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the registrar by the Board on such copy being registered the fee of five shillings.

14. The costs charges and expenses preliminary to and of and incidental to the preparing of applying for and obtaining and passing of this Act shall be paid by the Board. Costs of Act.

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# Humber Conservancy Act, 1951

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## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short and collective titles.
2. Act divided into Parts.
3. Interpretation.

### PART II

#### DUES

4. Incorporation of section 28 of Harbours Docks and Piers Clauses Act 1847.
5. Continuance of increased dues.
6. Revision of dues.
7. Amendment of section 72 of Act of 1907.

### PART III

#### MISCELLANEOUS

8. As to payments to commissioners appointed by Hull Trinity House.
9. Amendment of section 82 of Act of 1907.
10. As to application of borrowed money to pilotage purposes.
11. Power to dispose of land.
12. Crown rights.
13. Copy of Act to be registered.
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