



Conwy Tunnel (Supplementary Powers) Act 1983

1983 CHAPTER 7

Control of navigation, etc.

7 Special control during and after the construction period.

- (1) If at any time during the construction period it appears to the Secretary of State to be necessary or convenient for the purpose of any of the tunnel works he may give a direction under this section in respect of the harbour area or any part of it.
- (2) A direction under this section must specify the area to which it relates.
- (3) without prejudice to the giving of a further direction under this section, any such direction—
 - (a) shall have effect for a limited period only, which must be specified in the direction; and
 - (b) may be varied or revoked before the end of that period by a further direction under this section.
- (4) A direction under this section may apply to the area specified in the direction such of—
 - (a) the powers conferred on the Secretary of State by Part I of Schedule 3 to this Act; and
 - (b) the prohibitions and restrictions imposed by Part II of that Schedule;as may be so specified, whether generally or for such purposes or subject to such exceptions as may be so specified.
- (5) A direction under this section may provide—
 - (a) that any powers of the harbour authority or the harbour master under any harbour order shall cease to be exercisable in the area specified in the direction either altogether or to any extent specified in the direction or (as the case may be) shall be so exercisable subject to any restrictions so specified;
 - (b) that anything authorised or required by any such order or by any byelaws made or directions given under any such order to be done by or to the harbour

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- authority or the harbour master may or shall be done instead in that area by or to the Secretary of State or any person acting on his behalf; and
- (c) that any such order, byelaws or directions shall apply within that area subject to any modifications specified in the direction.
- (6) A direction under this section may provide that any powers of the harbour authority to levy ship, passenger and goods dues (within the meaning of the ^{M1}Harbours Act 1964) shall cease to be exercisable in the area specified in the direction to any extent so specified.
- (7) After the end of the construction period all the powers conferred on the Secretary of State by Part I of Schedule 3 to this Act and the prohibitions and restrictions imposed by Part II of that Schedule shall apply within the tunnel maintenance area.
- (8) In this Act—
- “the harbour area” means the area comprising
- (a) Conwy harbour; and
- (b) any land from which the waters of the Estuary have been diverted in accordance with the Scheme; and
- “the tunnel maintenance area” means the area marked by crosshatching (or by both crosshatching and dots) on the plan included in Schedule 3 to the Scheme (limit of tunnel backfill).

Marginal Citations

M1 1964 c. 40.

8 Provisions supplementary to section 7.

- (1) Part III of Schedule 3 to this Act has effect for the purpose of supplementing the provisions of Parts I and II of that Schedule.
- (2) References in any provision of that Schedule to the works and to the area affected by the works shall be read as referring respectively—
- (a) in a case where that provision applies by virtue of a direction given under section 7 of this Act, to the tunnel works and to the area specified in the direction in accordance with subsection (2) of that section; and
- (b) in a case where that provision applies by virtue of subsection (7) of that section, to any tunnel maintenance works and to the tunnel maintenance area.
- (3) Without prejudice to any provision made by a direction under that section, where under or by virtue of that section any prohibition or restriction under Part II of that Schedule applies in any area—
- (a) any power, right or duty (whether of the harbour authority or any other person) applicable under or by virtue of any other enactment or by virtue of any rule of law shall be subject to that prohibition or restriction; and
- (b) that prohibition or restriction is additional to any prohibition or restriction under any other enactment.
- (4) The Secretary of State shall—
- (a) publish notice of any direction under section 7 of this Act in a local newspaper circulating in the Conwy area; and

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- (b) give notice of any such direction to the [^{F1}the Aberconwy and Colwyn County Borough Council] and to the Corporation of Trinity House of Deptford Strond; describing the area to which the direction relates and giving such indication of the effect of the direction as appears to him to be appropriate.
- (5) The notice required by subsection (4) above in the case of any direction shall be published or given at least seven days before the direction is given, unless the Secretary of State considers it necessary by reason of any emergency to give the direction without complying with the preceding requirement; and in any such case—
- (a) the notice required by that subsection shall be published or given as soon as possible after the time by which in accordance with the preceding requirement it should have been published or given; and
- (b) where it is not possible to publish or give that notice before the direction is given the Secretary of State shall publish or give such advance notice (if any) of the direction as may be possible in the circumstances.
- (6) In relation to any advance notice of a direction under section 7 of this Act required by subsection (5) above, references in subsections (4) and (5) above to any such direction shall be read as references to a proposed direction.
- (7) In this Act “the construction period” means the period beginning with the date on which the tunnel works are begun and ending with the date on which the tunnel is first open to public traffic.

Textual Amendments

- F1** Words in s. 8(4)(b) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para.30** (with ss. 54(5) (7), 55(5), Sch. 7 paras. 22(1), 23(2)); S.I. 1996/396, art.3, **Sch. 1**

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