

Conwy Tunnel (Supplementary Powers) Act 1983

1983 CHAPTER 7

Miscellaneous and supplemental

15 **Protection of the tunnel, etc.**

- (1) A person may not without the consent in writing of the Secretary of State (which may be given subject to conditions)—
 - (a) use, for the purpose of landing or embarking persons or landing or loading goods from or into any vessel, the tunnel, any of the tunnel units, any tunnel approach works or any work constructed in pursuance of Schedule 2 to this Act;
 - (b) interfere with the tunnel, any of the tunnel units or any tunnel approach works; or
 - (c) remove, move or otherwise interfere with any such work or any machinery, apparatus, tools or other things in use or intended for use in constructing or carrying out the tunnel works or any tunnel maintenance works.
- (2) A person who without reasonable excuse contravenes subsection (1) above or fails to comply with any condition attached to a consent given by the Secretary of State under that subsection shall be liable on summary conviction to a fine not exceeding level 3 of the standard scale ^{F1}....
- (3) In this section "tunnel approach works" means works for providing access to the tunnel on either side of the Estuary.

Textual Amendments

F1 Words in s. 15(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIV Group2.

16 Delegation of certain decisions affecting works.

- (1) Without prejudice to the power of the Secretary of State to enter into such contracts as he thinks fit with any persons for the purpose of carrying out any works or taking any other action he is authorised by this Act to carry out or take, any contract entered into by the Secretary of State for that purpose may provide for any relevant decision which is reserved by this Act to the Secretary of State to be made instead on his behalf by any person or in any manner specified in or determined in accordance with the contract.
- (2) For the purposes of subsection (1) above as it applies to any contract, a decision is a relevant decision reserved by this Act to the Secretary of State if it is a decision with respect to any works or action to which the contract relates that falls to be made by the Secretary of State by virtue of any provision of Schedule 2 or Part I of Schedule 3 to this Act referring (in whatever terms) to the opinion or judgment of the Secretary of State with respect to any matter.
- (3) This section shall not be read as prejudicing the power of the Secretary of State to authorise the taking, by any of his officers or servants or in any other manner permitted by law, of any decision or other action that falls to be taken by him for the purposes of this Act.

17 Employment of local labour.

Any contract entered into by the Secretary of State for the purpose of carrying out the tunnel works shall include such provisions as the Secretary of State considers appropriate for securing so far as practicable the maximum employment in carrying out those works of persons normally resident in the area formed by the counties of Gwynedd and Clwyd.

18 Proof of certain facts by certificate of Secretary of State.

- (1) A certificate by the Secretary of State stating the date on which the tunnel works were begun and either—
 - (a) the date on which the tunnel was first open to public traffic; or
 - (b) that the tunnel had not been open to public traffic on any occasion before a date specified in the certificate;

shall be conclusive evidence of the facts stated.

(2) A certificate by the Secretary of State stating the date of completion of any action taken or financed by the Secretary of State under section 10 of this Act for the purpose of restoring, replenishing or renewing the mussel beds within the Conwy Mussel Fishery shall be conclusive evidence that that action was completed on the date stated.

19 Correction of deposited plan.

(1) If the deposited plan or a book of reference to the plan is inaccurate in its description of any land, or in its statement or description of the ownership or occupation of any land, the Secretary of State, after giving not less than ten days notice to the owner, lessee or occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction of the plan or (as the case may be) the book of reference.

- (2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, the justices shall certify accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.
- (3) The certificate shall be deposited with the Chief Executive of the Gwynedd County Council and in the Office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, and thereupon the deposited plan or the book of reference (as the case may be) shall be deemed to be corrected according to the certificate, and the Secretary of State may proceed under this Act as if the deposited plan or the book of reference had always been in the corrected form.
- (4) A person with whom a copy of the certificate is deposited under this section shall keep it with the documents to which it relates.
- (5) In this section, "book of reference" means a book deposited in connection with the Bill for this Act with the Chief Executive of the Gwynedd County Council and in the Office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of land which may be acquired under section 2 of this Act.

20 Provision for expenditure by Secretary of State.

Any expenditure incurred by the Secretary of State under this Act shall be defrayed out of money provided by Parliament.

21 Removal of certain statutory controls.

- (1) Where any operation is authorised to be carried out by any provision of this Act, that provision shall not be regarded as limited—
 - (a) by any prohibition on the carrying out of operations of that description or any prohibition on carrying them out without the consent of any person; or
 - (b) by any restriction on the level of noise which may be emitted in the course of carrying out operations of that description; or
 - (c) by any prohibition or restriction on the times when or the periods of time for which operations of that description may be carried out.
- (2) The powers conferred by paragraph 4 of Schedule 2 to this Act to deal with materials (including liquid) excavated, dredged or pumped in pursuance of that paragraph shall not be regarded as limited by any prohibition or restriction on depositing in or discharging into any waters materials of that description so far as, in the course or in consequence of so dealing with those materials, they are deposited in or discharged into waters within the limits for the exercise of those powers set by paragraph 7 of that Schedule.
- (3) This section is not to be taken as prejudicing the generality of any of the powers conferred by this Act.
- (4) In this section "operation" means any works or action; and references to a prohibition or a restriction are references to a prohibition or, as the case may be, a restriction imposed by or under any enactment other than this Act.

22 Interpretation.

(1) In this Act—

"apparatus" includes any device, structure or work;

"Conwy harbour" means such part of the Estuary and any land adjacent to it as is for the time being within the limits of the jurisdiction of the harbour authority under any harbour order;

"Conwy Mussel Fishery" means the fishery comprised in the ^{MI}Conwy Mussel Fishery (Amendment) Order 1948;

"Crown land" has the same meaning as in [^{F2}Part XIII of the Town and Country Planning Act 1990];

"deposited plan" and "deposited section" mean respectively the plan and the section deposited in connection with the Bill for this Act with the Chief Executive of the Gwynedd County Council and in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons;

"harbour" and "harbour authority" have the same meanings as in the ^{M2}Harbours Act 1964, and "harbour order" means a harbour revision order made under section 14 of that Act;

"land" includes land covered with water, any interest in land and any easement or other right in, to or over land;

"mooring" means any buoy, pile, post, chain, pillar or other apparatus used for the mooring of vessels;

"the harbour authority" means the harbour authority for the harbour formed by the Estuary;

"the harbour master" means the person appointed by the harbour authority as harbour master for Conwy harbour and includes his authorised deputies and assistants and any person authorised by the harbour authority to act as harbour master;

"tunnel units" means sections of concrete, steel or other material (or combination of materials) designed to be attached together so as to constitute the framework of the tunnel;

"vessel" includes a hovercraft within the meaning of the ^{M3}Hovercraft Act 1968.

(2) In this Act, the expressions listed in column 1 below have the meaning given by, or are to be construed in accordance with, the provisions of this Act listed against them in column 2 below.

| Expression | Relevant provision | |
|------------------------------|--------------------|--|
| construction period | section 8(7) | |
| Estuary | section 1(2) | |
| harbour area | section 7(8) | |
| principal construction works | section 1(2) | |
| principal works | section 1(3) | |
| Scheme | section 1(2) | |
| the 1980 Act | section 1(1) | |
| tunnel | section 1(2) | |
| | | |

| tunnel maintenance area | section 7(8) |
|--------------------------|--------------|
| tunnel maintenance works | section 6(3) |
| tunnel works | section 6(2) |

Textual Amendments

F2 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, Sch. 2 para. 58(1)

Marginal Citations

 M1
 S.I. 1948 No. 1888.

 M2
 1964 c. 40.

 M3
 1968 c. 59.

23 Short title.

This Act may be cited as the ^{M4}Conwy Tunnel (Supplementary Powers) Act 1983.

Marginal Citations

M4 1983 c. 7.

Changes to legislation:

There are currently no known outstanding effects for the Conwy Tunnel (Supplementary Powers) Act 1983, Cross Heading: Miscellaneous and supplemental.