

ELIZABETH II



1963 CHAPTER xxxiii

An Act to empower the Central Oil Refining Company Limited to construct works and to acquire lands; and for other purposes. [31st July 1963]

WHEREAS—

The Central Oil Refining Company Limited (in this Act referred to as “ the Company ”) are a company within the meaning of the Companies Act, 1948, and are a company limited by shares:

And whereas the whole of the share capital of the Company is held as to one-half by Yorkshire Tar Corporation Limited and as to the other half by Major and Company Limited:

And whereas Yorkshire Tar Distillers Limited is a subsidiary within the meaning of section 154 of the Companies Act, 1948, of the said Yorkshire Tar Corporation Limited:

And whereas the said Yorkshire Tar Distillers Limited are engaged in the refining of benzole and tar acids and other crude tar and petroleum products, and in order to maintain and develop the range of their products to meet public demand in the United Kingdom and abroad, it is expedient that further facilities should be made available for the reception and dispatch of crude tar, petroleum and other materials:

And whereas the said Major and Company Limited are engaged in the distribution of petroleum products of all kinds and chemicals, and in order to facilitate such distribution it is expedient that such further facilities as aforesaid should be provided:

And whereas the Company have acquired an interest in certain land in the parish of North Killingholme in the rural district of Glanford Brigg in the county of Lincoln (Parts of Lindsey) having a frontage to the river Humber, and it is expedient in the public interest that the Company for the purpose of providing such further facilities as aforesaid should be empowered to construct a jetty and the other works authorised by this Act on the said land and in the said river and on the foreshore thereof for the accommodation of vessels (including tankers) and for the reception from and loading into such vessels of crude tar and petroleum and their products and other materials:

And whereas it is expedient that the Company be empowered to acquire lands:

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

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas a plan and section showing the lines and levels of the work by this Act authorised, such plan showing also the lands which may be acquired or used under the powers of this Act and for the purposes of this Act, together with a book of reference to the said plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, and with the clerk of the county council of the administrative county of Lincoln (Parts of Lindsey) and such plan, section and book of reference are respectively referred to in this Act as the deposited plan, section and 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, that is to say:—

Short title.

1. This Act may be cited as the Killingholme Jetty Act 1963.

2.—(1) The following enactments, so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Act, are hereby incorporated with this Act, namely:—

(a) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845);

(b) the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof:

Provided that for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act, 1845, the works authorised by this Act shall be deemed to be the railway and the centre lines of those works as shown on the deposited plan shall be deemed to be the centre of the railway;

(c) sections 1 to 5, 14, 15, 28, 97, 98, 100, 102 and 103 of the Harbours, Docks and Piers Clauses Act, 1847.

(2) (a) In the construction of the enactments so incorporated with this Act the expression “special Act” shall be read as a reference to this Act and the expressions “company” “promoters of the undertaking” and “undertakers” shall mean the Company.

(b) In the construction of the Harbours, Docks and Piers Clauses Act, 1847—

(i) the expression “the harbour dock or pier” shall mean the jetty;

(ii) the expression “vessel” shall include any vessel, ship, lighter, keel, barge, boat, raft, pontoon and craft of any kind however navigated, propelled or moved.

3.—(1) In this Act the following words and expressions have the several meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction, that is to say:—

“the Company” means the Central Oil Refining Company Limited;

“the conservancy board” means the Humber Conservancy Board;

“the docks board” means the British Transport Docks Board;

“the existing jetty” means the existing jetty at North Killingholme Haven belonging to Shell-Mex and B.P. Limited and authorised by the North Killingholme (Admiralty Pier) Acts, 1912 and 1931;

“the jetty” means the works as defined in this section;

“the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961;

- “ the limits of deviation ” means the limits of deviation authorised by section 7 (Power to deviate) of this Act;
- “ the Minister ” means the Minister of Transport;
- “ the protected authorities ” means the conservancy board and the river board;
- “ the river board ” means the Lincolnshire River Board;
- “ the tribunal ” means the Lands Tribunal;
- “ the works ” means the works authorised by this Act and includes those works as enlarged, altered, replaced or relaid under section 6 (Alteration and improvement of work) of this Act and the works authorised by section 5 (Power to make subsidiary works) of this Act and “ work ” shall be construed accordingly.

(2) This Act shall be read as if the words “ or thereabouts ” were inserted after each distance mentioned in section 4 (Power to make work) of this Act.

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

Power to
make work.

4.—Subject to the provisions of this Act, the Company may make in the lines and situations and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited section the work hereinafter described, that is to say:—

A pipe jetty and jetty head for berthing vessels, both of open construction, commencing at a point fronting the foreshore near North Killingholme Haven in the parish of North Killingholme in the rural district of Glanford Brigg in the county of Lincoln (Parts of Lindsey), one thousand five hundred and forty feet north-westwards of the existing jetty extending into the waters of the river Humber in an east-north-easterly direction for a distance of one thousand two hundred and sixty-five feet and thence in a south-easterly direction for a distance of two hundred and twenty-five feet and in a north-westerly direction for a distance of twenty-five feet the whole having decks of concrete or steel (or a combination of concrete and steel) with roadways, pipeways and walkways thereon.

Power to
make
subsidiary
works.

5. Subject to the provisions of this Act, the Company for the purposes of or in connection with the work authorised by section 4 (Power to make work) of this Act may within the limits of deviation in addition to such work from time to time construct or place and maintain all such mains, pipes, cables, tanks, valves and valve chambers, landing-places, mooring dolphins, moorings, buoys, walkways, approaches, pipeways and other works and

conveniences subsidiary or ancillary to the jetty and all such appliances, machinery and apparatus as they may from time to time deem necessary or convenient for any purpose of or in connection with the jetty or the accommodation of vessels and traffic thereat.

6. Subject to the provisions of this Act, the Company may from time to time maintain, renew, enlarge and alter temporarily or permanently the work authorised by section 4 (Power to make work) of this Act or any part thereof: Alteration and improvement of work.

Provided that nothing in this section shall authorise the Company to deviate laterally beyond the limits of deviation.

7. In the construction of the work authorised by section 4 (Power to make work) of this Act the Company may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate vertically from the levels of that work shown on the deposited section to any extent upwards or downwards. Power to deviate.

8. So much of the work as is outside the area of the petty sessional division of Barton-upon-Humber in the county of Lincoln (Parts of Lindsey) or the rural district of Glanford Brigg shall be deemed to be within the said area or the said rural district, as the case may be. Works to be within petty sessional division of Barton-upon-Humber and rural district of Glanford Brigg.

9. If the works authorised by section 4 (Power to make work) of this Act are not completed within seven years from the passing of this Act or such extended time as the Minister may on the application of the Company allow then on the expiration of that period or such extended time (as the case may be) the powers granted by the said section 4 for the making thereof shall cease except as to so much thereof as is then completed. Period for completion of works.

10. Subject to the provisions of this Act, the Company may, from time to time, deepen, dredge, scour, cleanse, alter and improve the bed, shores and channels of the river Humber adjoining or near to the jetty for the purpose of affording uninterrupted means of access thereto and may use, appropriate or dispose of the materials from time to time dredged by them from the river Humber: Power to dredge.

Provided that no materials so dredged by them shall be deposited below the level of mean high-water springs, except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Minister, nor shall such materials be deposited in any place within the jurisdiction of the conservancy board without the consent of that board.

Works below the level of mean high-water springs to be subject to approval of Minister.

11.—(1) Subject to the provisions of this Act, any work shall be constructed so far as the same shall be on, under or over tidal waters or tidal lands below the level of mean high-water springs only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section, the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt.

Lights on works during construction.

12.—(1) The Company shall, at or near such part of any work as shall be on, under or over tidal waters or tidal lands below the level of mean high-water springs during the whole time of the construction, alteration or extension of the same, exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister and the conservancy board or as, failing agreement between the Minister and the conservancy board, the Minister shall from time to time require or approve.

(2) If the Company fail to comply in any respect with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding twenty pounds and, in the case of a continuing offence, to an additional fine not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent lights on works.

13.—(1) After the completion of the works, the Company shall, at the outer extremity of those works on, under or over tidal waters or tidal lands below the level of mean high-water springs, exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation, as the conservancy board shall from time to time direct.

(2) If the Company fail to comply in any respect with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding twenty pounds and, in the case of a continuing offence, to an additional fine not exceeding two pounds for every day on which after conviction thereof they so fail.

14.—(1) In case of injury to or destruction or decay of the works or any part thereof, so far as the same shall be constructed on, under or over tidal waters or tidal lands below the level of mean high-water springs, the Company shall lay down such buoys, exhibit such lights or take such other means for preventing, so far as may be, danger to navigation as shall from time to time be directed by the conservancy board, and shall apply to the conservancy board for directions as to the means to be taken.

Provision
against
danger to
navigation.

(2) If the Company fail to comply in any respect with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding twenty pounds and, in the case of a continuing offence, to an additional fine not exceeding two pounds for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

15.—(1) Where any work situate wholly or partially on, under or over tidal waters or tidal lands below the level of mean high-water springs is abandoned or suffered to fall into decay, the Minister or either of the protected authorities may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below the level of mean high-water springs or any portion thereof, or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister or the protected authority, as the case may be, may think proper.

Abatement
of work
abandoned
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the level of mean high-water springs and is in such condition as to interfere or cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore, the Minister or the protected authority, as the case may be, may include any such part of such work or any portion thereof in any notice under this section.

(3) If, during the period of thirty days from the date when the notice is served upon the Company, they have failed to comply with such notice, the Minister or the protected authority, as the case may be, may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall—

(a) in the case of works executed by the Minister, be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt; and

- (b) in the case of works executed by either of the protected authorities, be a debt due from the Company to the protected authority, and shall be recoverable by the protected authority in any court of competent jurisdiction.

Survey of works.

16. If at any time the Minister or either of the protected authorities deem it expedient to order a survey and examination of any work which shall be on, under or over tidal waters or tidal lands below the level of mean high-water springs or of the site upon which it is proposed to construct any such work, the Company shall defray the expense of the survey and examination and the amount thereof—

- (a) if carried out by the Minister, shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt; and
- (b) if carried out by a protected authority, shall be a debt due from the Company to the protected authority and shall be recoverable by the protected authority in any court of competent jurisdiction.

Provisions applicable to sections 15 and 16.

17. If it appears to the Company that any requirement or order made or given by either of the protected authorities under section 15 (Abatement of work abandoned or decayed) or section 16 (Survey of works) of this Act is unreasonable, they may, within thirty days after the receipt of any such requirement or order, appeal to the Minister whose decision shall be binding on both parties, and the Company shall not be liable to repay to the protected authority any expenses incurred by the protected authority for the purpose of giving effect to any requirement or order which the Minister may on such appeal determine to be unreasonable.

Power to sell jetty.

18.—(1) At any time after the works have been completed, the Company may, with the previous consent in writing of and upon such terms, conditions and restrictions as may be approved by the Minister, sell the jetty, and the purchaser, to the extent authorised by his conveyance, shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations in respect of the jetty to which the Company are subject, and shall perform all the duties of the Company under this Act in respect of the jetty:

Provided that the Company shall not exercise the powers of this section unless, at least one month before making application to the Minister for his consent to the sale of the jetty, they give to both the protected authorities and to the docks board notice

in writing of their intention so to do and of the name of the intended purchaser and the Minister before giving his consent shall take into consideration any representations in writing which may be submitted to him by either of the protected authorities or by the docks board.

(2) The Company shall, within one month after the date of any conveyance made under this section, deposit a certified copy thereof at the Ministry of Transport and at the principal office of the conservancy board and shall, upon failure to do so, be liable to a fine not exceeding twenty pounds.

19.—(1) Subject to the provisions of subsection (4) of this section, the Company may, with the previous consent in writing of and upon such terms, conditions and restrictions and for such period as may be approved by the Minister, lease the jetty to any company, corporation or person. Power to lease jetty.

(2) As from the commencement of any lease made under the last preceding subsection, the lessee, during the continuance of and to the extent provided in his lease, shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act, and shall be subject to all the liabilities and obligations in respect of the jetty to which the Company are subject, and shall perform all the duties of the Company under this Act in respect of the jetty.

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

(4) The Company or, as the case may be, a lessee shall not exercise the powers of this section unless at least one month before making application to the Minister for his consent to the leasing of the jetty or, as the case may be, to an assignment of a lease of the jetty, they or he give to both the protected authorities and to the docks board notice in writing of their or his intention so to do and of the name of the intended lessee or assignee, as the case may be, and of the terms, conditions and restrictions of any proposed lease and the Minister before giving his consent shall take into consideration any representations in writing which may be submitted to him by either of the protected authorities or by the docks board.

(5) The Company shall, within one month after the date of any lease made under this section, deposit a certified copy thereof at the Ministry of Transport and with each of the protected authorities at the principal office of that authority and shall, upon failure to do so, be liable to a fine not exceeding twenty pounds.

Power to
acquire
lands.

20.—(1) Subject to the provisions of this Act, the Company may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of the works and for purposes ancillary thereto, or connected therewith.

(2) The powers of the Company for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October, nineteen hundred and sixty-three.

Correction of
errors in
deposited
plan and
book of
reference.

21.—(1) If the deposited plan 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 Company, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the county of Lincoln (Parts of Lindsey) 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, with the clerk of the county council of the administrative county of Lincoln (Parts of Lindsey), and with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plan (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament, or who has the custody of any copy so deposited; and thereupon the deposited plan and deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Company to take the land and execute the works in accordance with the certificate.

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

Power to
expedite
entry.

22. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act, but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Company may enter on and take possession of the land, or

such part thereof as is specified in the last-mentioned notice, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

Provided that the Company shall pay the like compensation for land of which possession is taken under this section, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

23. Any person acting on behalf of the Company and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land that the Company are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Company, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier of the land in manner provided by section 285 of the Public Health Act, 1936.

24. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act, the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvements or alteration made, or building erected, after the fifth day of December, nineteen hundred and sixty-two; or

(b) any interest in the land created after the said date;

which, in the opinion of the tribunal, was not reasonably necessary, and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

25.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

Extinction of rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Company compensation, to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.

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

Grant of easements by persons under disability.

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

Inquiries by
Minister.

27. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order under this Act, and section 290 of the Local Government Act, 1933, shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Company were a local authority.

For protection
of
conservancy
board.

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

- (1) Before commencing the construction of any part of the jetty which will be situate on the foreshore or bed of the river Humber or any enlargement or alteration thereof, plans and sections showing the general mode of construction thereof shall be delivered by the Company to the conservancy board for their reasonable approval, and such works shall not be constructed otherwise than in accordance with such plans and sections as may be approved by the conservancy board, or as may be settled by arbitration, and all such works shall be executed to the reasonable satisfaction of the engineer of the conservancy board:
- (2) All temporary structures in the river Humber which may be necessary to enable the jetty to be constructed shall be constructed to the reasonable satisfaction in all respects of the engineer of the conservancy board in accordance with plans and sections to be previously submitted to and approved by the conservancy board or settled by arbitration and so as not to interfere more than may be necessary with the navigation of, or the traffic on, the river Humber, and after the purpose for which such temporary structures were constructed has been accomplished, the Company shall with all reasonable dispatch, or after fourteen days' notice in writing from the conservancy board requiring them so to do, remove any such temporary structures or any materials for the same which may have been placed in the river Humber by the Company, and on their failing so to do the conservancy board may remove the same, charging the Company with the reasonable expense of so doing, and the Company shall repay to the conservancy board all such expense:

- (3) The Company shall, before commencing any dredging in the river Humber under the powers of this Act (other than maintenance dredging), deliver to the conservancy board for their reasonable approval plans and sections defining the nature, extent and manner of such dredging, and such dredging shall not be carried out otherwise than in accordance with such plans and sections and in such manner as may be approved by the board or as may be settled by arbitration;

For the purposes of this paragraph the expression "maintenance dredging" means dredging within such area and to such extent as are defined on plans and sections approved by the conservancy board pursuant to this paragraph for the purpose of or in connection with the construction of the jetty:

- (4) In the event of the conservancy board omitting to express their disapproval of any plans or sections within two months after the same shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the same:
- (5) (a) The Company shall, for a period of ten years after the completion of any dredging carried out by them in the river Humber under the powers of this Act, and for such further period as is hereinafter referred to in this paragraph, maintain the general level of the river bed over the dredged area at a depth of not more than one fathom above the depth thereof at the time when such dredging is completed;
- (b) The further period referred to in this paragraph is such period (if any) after the expiration of the said period of ten years during which it is agreed between the Company and the conservancy board (or in default of agreement, determined by arbitration) that continued dredging to the minimum depth referred to in subparagraph (a) of this paragraph is reasonably necessary for the purpose of maintaining the stability of the navigable channel of, or the safety of navigation in, the river Humber:
- (6) (a) If, during the construction of the jetty on the foreshore or bed of the river Humber or of any temporary structures in connection therewith respectively or within five years after the completion of such works or after the removal of such temporary structures and in consequence of the construction or execution of such works or temporary structures, any accumulation of

silt or other material shall be created in the river Humber in the vicinity of such works which shall cause an impediment to the free navigation of the river Humber, the Company, if so requested by the conservancy board within the period of five years after such completion, shall remove such accumulation of silt or other material, and if they refuse or fail to do so the conservancy board may themselves cause the work to be done and may recover from the Company the reasonable cost thereof;

- (b) Should any such accumulation arise within the said period of five years and be removed in accordance with the provisions of sub-paragraph (a) of this paragraph, then any recurrence of such accumulation shall from time to time be removed as aforesaid during a period of ten years after the completion of the jetty or the removal of such temporary structures, as the case may be:
- (7) From and after the commencement of the construction of the jetty the Company shall (if the conservancy board so direct) provide and maintain on the works an effective fog-signalling apparatus of a type approved by the conservancy board and shall duly and properly work such apparatus in foggy weather for the purpose of warning passing vessels of the existence of the works:
- (8) During the continuance of any dredging operations which the Company are authorised to execute in the course of the construction of the jetty, the Company shall, if required by the conservancy board, provide and maintain to their reasonable satisfaction such lighted mooring or other buoys at any deposit ground in the river Humber which may be approved for the deposit of dredgings from the site of the works, and take all such other steps as may be necessary to prevent danger to navigation:
- (9) The Company shall allow at all reasonable times access both by water and by land to the conservancy board, their officers, servants, licensed pilots and vessels on, to and over any part of the jetty without payment or hindrance whilst in the execution of their duties:
- (10) Any difference arising between the Company and the conservancy board under this section (other than a difference as to the construction of this section) shall be settled by arbitration:

- (11) (a) The Company shall not under the powers of this Act acquire in respect of the jetty any greater right or interest in the land numbered on the deposited plans 2 in the parish of North Killingholme, being part of the foreshore and bed of the river Humber, than an easement or right of constructing, maintaining, renewing and using the jetty, which easement or right the conservancy board and the Crown Estate Commissioners are hereby empowered to grant;
- (b) The compensation for such easement or right shall be a rentcharge to be fixed (unless otherwise agreed with the conservancy board with the approval of the Crown Estate Commissioners) by arbitration under the provisions of the Lands Clauses Acts, and such grant shall be subject in other respects to the Humber Conservancy Act, 1868;
- (c) The conservancy board with the consent of the Crown Estate Commissioners are hereby empowered to sell or surrender the rentcharge mentioned in this paragraph:
- (12) The Company shall on request afford all such reasonable facilities to the conservancy board to place and maintain on the jetty any such signals, tide-boards, tide-gauges or other apparatus for the benefit of navigation as the conservancy board may from time to time reasonably require:
- (13) Except as in this Act otherwise expressly provided, nothing in this Act shall prejudice or alter or be deemed to prejudice or alter any of the provisions of the Humber Conservancy Acts, 1852 to 1951, or any title of the conservancy board in, to or over any lands or foreshore held or acquired by them under the said Acts, or under any lease or agreement made under the powers thereof or confirmed thereby, or any other of the rights, powers, privileges or authorities of the conservancy board:
- (14) If there shall be any inconsistency between any plans or sections approved by the conservancy board or settled by arbitration under this section and the plans and sections approved by the Minister under section 11 (Works below the level of mean high-water springs to be subject to approval of Minister) of this Act the works shall be executed in accordance with the plans and sections so approved by the Minister.

Petroleum
spirit
byelaws.

29. The byelaws made from time to time by the conservancy board under section 7 of the Petroleum (Consolidation) Act, 1928, shall extend and apply to the jetty and the Company shall be under no duty to make byelaws under the said section 7 notwithstanding anything contained therein.

For
protection of
existing jetty.

30. If during the construction or within five years after the completion of the works any part of the river Humber shall be silted up or in any way affected so as to render the approaches to the existing jetty less safe, efficient or convenient than they were at the passing of this Act and Shell-Mex and B.P. Limited shall prove affirmatively that such silting up or affecting is wholly or partly attributable to the construction of the works, the Company shall pay to Shell-Mex and B.P. Limited the cost from time to time reasonably incurred by Shell-Mex and B.P. Limited in carrying out so much of the dredging rendered necessary by the said silting up or affecting (or by any continuance or recurrence thereof after the said period of five years) as may be so proved by Shell-Mex and B.P. Limited to be attributable to the construction of the works and as would not have been required to be carried out by Shell-Mex and B.P. Limited if the works had not been constructed:

Provided that no claim shall be made under this section unless notice in writing thereof shall forthwith have been given by Shell-Mex and B.P. Limited to the Company after the silting up or affecting in relation to which any claim is made shall have come to the knowledge of Shell-Mex and B.P. Limited.

For protection
of river
board.

31. For the protection of the river board the following provisions shall unless otherwise agreed in writing between the Company and the river board apply and have effect:—

(1) In this section—

“ authorised work ” means any work which will or may affect a sea defence work;

“ construction ” includes execution and placing and in relation to temporary works also includes removal and “ construct ” and “ constructed ” have corresponding meanings;

“ plans ” includes drawings and specifications;

“ protective works ” means any temporary or permanent works or measures necessary to ensure the

stability of a sea defence work or to protect it from injury;

“ the river ” means the river Humber;

“ sea defence work ” means so much of the sea defence wall on the south bank of the river as is for the time being under the jurisdiction of the river board for the purpose of the Land Drainage Acts, 1930 and 1961, and the River Boards Act, 1948, and includes the land lying between the northern toe of the said wall and the level of mean high-water springs;

“ temporary works ” means any temporary structures which may be necessary to enable the works to be constructed:

- (2) (a) Not less than twenty-eight days before commencing an authorised work the Company shall submit plans of such work to the river board for their reasonable approval and shall not commence the authorised work until such plans have been approved by the river board or in the case of difference until they shall have been settled by arbitration:

Provided that if—

(i) the river board do not within twenty-eight days after the receipt of any such plans signify to the Company their disapproval thereof and the grounds for their disapproval they shall be deemed to have approved thereof;

(ii) following the submission of plans both to the river board under this subsection and to the conservancy board under the provisions of paragraph (1) of section 28 (For protection of conservancy board) of this Act either or both of those authorities disapprove such plans the plans shall not be deemed to be approved unless approved by both the authorities and in any arbitration proceedings which may take place as a result of the disapproval of one of the authorities the authority which is not a party to those proceedings shall be entitled to be heard in such proceedings and the plans (if any) as settled by such arbitration shall be deemed to have been approved by such authority whether or not it has been heard in the proceedings;

- (b) Not less than fourteen days before commencing any work of maintenance, repair or renewal of an authorised work the Company shall, except in the case of emergency,

submit to the river board for their information a notice of intention to commence the work and a description of the work:

- (3) Upon signifying their approval or disapproval of the said plans the river board may specify any protective works which in their opinion should be carried out or taken by the Company during the construction of the authorised work and such of the works so specified as may be reasonably necessary for those purposes shall be constructed by the Company at their own expense and under the supervision (if given) and to the reasonable satisfaction of the river board:
- (4) (a) Subject to the provisions of this section an authorised work shall not be constructed except in accordance with such plans as may be approved or deemed to be approved by the river board as aforesaid or settled by arbitration and shall be constructed to the reasonable satisfaction of the engineer of the river board who shall be given reasonable notice of the date and time on and at which the authorised work is to be commenced;
- (b) The Company shall at all reasonable times afford to the engineer of the river board and his duly authorised representatives access to such authorised work for the purpose of inspection;
- (c) As soon as is reasonably practicable after the completion of the works the Company shall remove so much of any authorised work as consists only of temporary works carried out for the purposes of such construction:
- (5) If there shall be any inconsistency between any plans approved or deemed to be approved by the river board or settled by arbitration under the provisions of this section and the plans approved by the Minister under section 11 (Works below the level of mean high-water springs to be subject to approval of Minister) of this Act the authorised work shall be constructed in accordance with the plans approved by the Minister:
- (6) If by reason of—
 - (a) the construction, maintenance, repair, alteration or renewal of any authorised work;
 - (b) the failure of that work or of the Company to maintain it;

(c) any operations carried out by the Company under section 10 (Power to dredge) of this Act; or

(d) any vessel using the works or proceeding thereto or departing therefrom;

a sea defence work shall be breached or (as the case may be) shall at any time be injured or its efficiency as a sea defence work is otherwise impaired, the river board may fill in the breach or (as the case may be) make good such injury, and in either such a case restore it to a proper standard of efficiency as a sea defence work and recover the reasonable cost thereof (including a proper proportion of the overhead charges of the river board) from the Company:

(7) If the river board have reasonable grounds for believing that damage to a sea defence work is likely to take place or its efficiency as a sea defence work is likely to be impaired in any of the circumstances mentioned in the last foregoing subsection, they may carry out such protective works as may be agreed between the river board and the Company or as, in default of agreement, may be settled by arbitration and recover the reasonable cost thereof (including a proper proportion of the overhead charges of the river board) from the Company:

(8) Any additional expense which may be reasonably incurred by the river board in maintaining any protective works which become part of the sea defence works shall on demand be repaid to the river board by the Company:

(9) (a) Where an authorised work or any lands acquired by the Company under this Act abut upon a sea defence work the river board and their officers, servants, workmen, contractors and agents together with any vehicles, plant or machinery shall be entitled at all reasonable times—

(i) to enter upon the said authorised work for the purpose of carrying out works thereon in connection with the sea defence work; and

(ii) to enter upon the authorised work or the said land for the purpose of obtaining access to the sea defence work;

(b) An authorised work shall not be constructed so as to prevent access during construction along a sea defence work by the river board and their officers, servants,

workmen, contractors and agents together with any vehicles, plant and machinery as may be reasonably necessary:

- (10) If at any time after the construction of the works the river board raise the height of or otherwise strengthen or improve the sea defence works adjoining any authorised work which is constructed on or in a sea defence work the Company shall to the reasonable satisfaction of the river board carry out such works (if any) in relation to the said authorised work as are agreed with the river board or in default of agreement settled by arbitration to be reasonably necessary to make it conform with the adjacent parts of the sea defence work as so raised in height, strengthened or improved:

Provided that the cost reasonably incurred by the Company in carrying out such works (including a proper proportion of the overhead charges of the Company) shall be repaid by the river board to the Company on demand:

- (11) The Company shall indemnify and hold harmless the river board from all claims, demands or expenses which may be made on or against them or which they may have to pay by reason or in consequence of any injury or damage which may be caused or result to a sea defence work by or in consequence of the construction, maintenance, repair, alteration or renewal of an authorised work or of the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Company, their contractors, agents, workmen or servants whilst engaged upon an authorised work:

Provided that the river board shall give to the Company reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement of the Company:

- (12) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the river board or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Company from any liability under the provisions of this section:
- (13) Any difference arising between the Company and the river board under this section (other than a difference

as to the construction of this section) shall be settled by arbitration.

32. For the protection of the docks board the following provisions shall, unless otherwise agreed in writing between the docks board and the Company or any purchaser or lessee of the jetty from the Company, have effect:—

For protection of docks board.

- (1) In this section "the specified land" means the land coloured red on the plan signed in quintuplicate by the Right Honourable the Lord Merthyr the chairman of the committee of the House of Lords to which the Bill for this Act was referred, of which one copy has been deposited in the office of the Clerk of the Parliaments, one copy in the Private Bill Office of the House of Commons, one copy with the Minister, one copy with the secretary of the docks board, and one copy with the secretary of the Company:
- (2) The jetty shall only be equipped or used for the handling by pipeline of goods or substances which have been or are to be stored (including storage for the purpose of distribution) processed, used or dealt with on the specified land or on such other lands as the Minister may approve:
- (3) The Company shall at least one month before making application to the Minister for his approval of any lands under the last foregoing paragraph give notice in writing to the docks board and to any other person appearing to the Minister to be affected and the Minister before giving his approval shall take into consideration any representations in writing which may be submitted to him by the docks board or such other person:
- (4) The Company shall not in exercise of the powers of section 6 (Alteration and improvement of work) of this Act alter the jetty for use otherwise than as a pipe-jetty.

33. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties or, failing agreement, appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

Arbitration.

Saving for Trinity House. **34.** Nothing in section 13 (Permanent lights on works) or section 14 (Provision against danger to navigation) of this Act shall prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of the Corporation of Trinity House of Deptford Strond.

Crown rights. **35.** Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular, and without prejudice to the generality of the foregoing, nothing herein contained authorises the Company to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary, or any land, hereditaments, subjects or rights of whatsoever description 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 on behalf of Her Majesty first had and obtained for that purpose.

Saving for town and country planning. **36.** The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Costs of Act. **37.** The costs, charges and expenses preliminary to and of and incidental to the applying for and the preparing, obtaining and passing of this Act shall be paid by the Company.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 20.
Harbours, Docks and Piers Clauses Act, 1847	10 & 11 Vict. c. 27.
Humber Conservancy Act, 1868	31 & 32 Vict. c. lviii.
North Killingholme (Admiralty Pier) Act, 1912	2 & 3 Geo. 5 c. clx.
Petroleum (Consolidation) Act, 1928 ...	18 & 19 Geo. 5 c. 32.
Land Drainage Act, 1930	20 & 21 Geo. 5 c. 44.
North Killingholme (Admiralty Pier) Act, 1931	21 & 22 Geo. 5 c. lxiv.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
River Boards Act, 1948	11 & 12 Geo. 6 c. 32.
Companies Act, 1948	11 & 12 Geo. 6 c. 38.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6 c. 42.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.
Land Drainage Act, 1961	9 & 10 Eliz. 2 c. 48.
Town and Country Planning Act, 1962 ...	10 & 11 Eliz. 2 c. 38.

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