



# British Transport Docks Act 1964

CHAPTER xxxviii

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of Acts.

### PART II

#### LANDS

5. Power to acquire lands.
6. Correction of errors in deposited plans and book of reference.
7. Power to acquire easements only.
8. Acquisition of part only of certain properties.
9. Power to expedite entry.
10. Power to enter for survey or valuation.
11. Disregard of recent improvements and interests.
12. Extinction of private rights of way.
13. Grant of easements by persons under disability.

## PART III

## WORKS, ETC.

## Section

14. Power to make works.
15. Subsidiary works at Port Talbot, Immingham and King's Lynn.
16. Subsidiary works at Kingston upon Hull.
17. Power to dredge Port Talbot harbour and approaches.
18. Power to dredge in Humber and Ouse.
19. Power to deviate.
20. Temporary stoppage of roads and footpaths.
21. Power to make trial borings.
22. Works affecting river Hull.
23. Power to enter into agreements with the Steel Company of Wales Limited or subsidiary thereof.
24. Power to enter into agreements with Kingston upon Hull Corporation.
25. Port Talbot works to be within petty sessional division and borough of Port Talbot.
26. Work No. 6 to be within petty sessional division and rural district of Grimsby.
27. Limits of dock master's jurisdiction at Immingham and King's Lynn harbours.
28. Works and tidal harbour to form part of undertaking, etc.
29. Marking approaches to tidal harbour.
30. Fine for obstructing works.
31. Charges at Port Talbot, Immingham and King's Lynn harbours.
32. Application of byelaws of Board.
33. Works below level of high water to be subject to approval of Minister.
34. Survey of works.
35. Lights on works during construction.
36. Permanent lights on works.
37. Abatement of work abandoned or decayed.
38. Provision against danger to navigation.

## PART IV

## PROTECTIVE PROVISIONS

39. Crown rights.
40. Consent of Minister to construction of Port Talbot works, etc.
41. For protection of Postmaster General.
42. For protection of Kingston upon Hull Corporation.
43. For protection of Great Ouse River Board.
44. Saving for Humber Bridge Act, 1959.

Section

45. For protection of Humber Conservancy Board.
46. For protection of King's Lynn Conservancy Board.
47. For protection of Lincolnshire River Board.

PART V

MISCELLANEOUS AND GENERAL

48. Interpretation of Part V.
49. Amendment of section 54 of British Transport Commission Act, 1949.
50. Amendment of section 26 of British Transport Commission Act, 1961.
51. Application of section 83 of Act of 1847.
52. Power to Board to make byelaws.
53. Application of Board's byelaws.
54. General provisions as to byelaws.
55. Byelaws relating to certain dangerous goods.
56. Notice before entry of dangerous goods.
57. Powers with respect to disposal of wrecks.
58. Protection of Crown interests in wrecks.
59. Saving for Trinity House.
60. Saving for town and country planning.
61. Arbitration.
62. Costs of Act.

**ELIZABETH II**



**1964 CHAPTER xxxviii**

An Act to empower the British Transport Docks Board to construct works and to acquire lands; to confer powers on the Steel Company of Wales Limited or a subsidiary thereof with respect to certain of such works and lands; to confer further powers on the Board; and for other purposes. [31st July 1964]

**W**HEREAS by the Transport Act, 1962, the British Transport Docks Board (in this Act referred to as "the Board") were established:

And whereas it is the duty of the Board under the Transport Act, 1962 (*inter alia*), to provide, to such extent as they may think expedient, port facilities at the harbours owned or managed by the Board, to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them and to operate the harbours owned or managed by the Board and to provide port facilities at those harbours:

And whereas it is expedient that the Board should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas it is expedient that the Board and the Steel Company of Wales Limited or a subsidiary of that company should be empowered to enter into agreements as in this Act provided:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Board and that the other provisions in this Act contained should be enacted:

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and plans of the lands authorised to be acquired or used 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 said lands 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 clerks of the county councils of the several counties and the town clerk of the county borough within which the said works will be constructed or the said lands are situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

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 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 British Transport Docks Act 1964.
- Division of Act into Parts.      2. This Act is divided into Parts as follows:—  
     Part I.—Preliminary.  
     Part II.—Lands.  
     Part III.—Works, etc.  
     Part IV.—Protective provisions.  
     Part V.—Miscellaneous and general.
- Interpretation.      3.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings and—  
     “the Act of 1847” means the Harbours, Docks and Piers Clauses Act, 1847;  
     “the Board” means the British Transport Docks Board;  
     “enactment” means any enactment, whether public, general, or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

- “ hover vehicle ” means a vehicle, however propelled, designed to be supported on a cushion of air;
- “ hydrofoil vessel ” means a vessel, however propelled, designed to be supported on foils;
- “ Immingham harbour ” means the harbour of Immingham transferred to and vested in the Board by the Transport Act, 1962;
- “ King’s Lynn harbour ” means the harbour of King’s Lynn transferred to and vested in the Board by the Transport Act, 1962;
- “ the Kingston upon Hull works ” means Works Nos. 8, 9 and 10 and any works constructed for the purposes of or in connection therewith;
- “ land ” includes any estate or interest in land and land covered by water;
- “ 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;
- “ the Minister ” means the Minister of Transport;
- “ Port Talbot harbour ” means the harbour of Port Talbot transferred to and vested in the Board by the Transport Act, 1962;
- “ the Port Talbot works ” means Works Nos. 1, 2, 3, 4 and 5 and the tidal harbour and any works constructed for the purposes of or in connection therewith and includes those works as extended, enlarged, altered, replaced or relaid under subsection (2) of section 14 (Power to make works) of this Act;
- “ the tidal harbour ” means the water area comprised within the harbour formed by Works Nos. 1 and 2;
- “ the tribunal ” means the Lands Tribunal;
- “ the Trinity House ” means the corporation of Trinity House of Deptford Strond;
- “ undertaking ” means the undertaking of the Board as authorised from time to time;
- “ vessel ” includes—
- (a) any ship, boat, raft or craft of every class or description, howsoever navigated or propelled and a hover vehicle and a hydrofoil vessel; and
- (b) for the purposes of section 57 (Powers with respect to disposal of wrecks) and section 58 (Protection of Crown interests in wrecks) of this Act an aircraft of any description (whether designed to manoeuvre on the water or not);

PART I  
—cont.

and in relation to goods conveyed or intended to be conveyed by a hover vehicle or hydrofoil vessel “shipped” means loaded thereon, “unshipped” means unloaded therefrom and “shipping,” “unshipping” and “shipper” shall be construed accordingly;

“the works” means the works authorised by Part III (Works, etc.) of this Act.

(2) Nothing in subsection (1) of this section shall extend to authorise a harbour master or other officer of the Board to require the dismantling of a hover vehicle, hydrofoil vessel or any part thereof, or any alteration or modification to its structure or equipment which will affect its safety or manoeuvrability.

(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.

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

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

Incorporation  
of Acts.

4.—(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 92, 127 to 133, 150 and 151 of the Lands Clauses Consolidation Act, 1845):

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section;

- (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 said incorporated provisions 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 plans shall be deemed to be the centre of the railway;

- (c) the provisions of the Act of 1847 (except sections 6 to 9, 11 to 13, 16 to 23, 25, 26, 47, 49, 50, 79, 80, 84, 85 to 90, 94 and 95):

Provided that—

PART I  
—cont.

(i) the expression “the harbour dock or pier” where used in the said incorporated provisions means in relation to the Port Talbot works, those works, in relation to Work No. 6, that work, and in relation to Work No. 7, that work;

(ii) the expression “the harbour master” where used in the said incorporated provisions means in relation to the Port Talbot works, the Board’s dock master at Port Talbot, in relation to Work No. 6, the Board’s dock master at Immingham and in relation to Work No. 7, the Board’s dock master at King’s Lynn;

(iii) the meaning of the word “vessel” as defined in this Act shall be substituted for the meaning assigned to that word by section 3 of the Act of 1847;

(iv) sections 30 and 33 of the said incorporated provisions shall not apply to the Port Talbot works;

(v) section 52 of the Act of 1847 shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour;

(vi) section 53 of the Act of 1847 shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given orally or otherwise communicated to such master, provided that a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.

(2) 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 expression “company” shall mean the Board.

## PART II

### LANDS

5.—(1) Subject to the provisions of this Act, the Board may enter upon, take 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 the works or for any purpose connected with or ancillary to the undertaking and for the reclamation of land from the bed of the sea in accordance with the provisions of this Act. Power to acquire lands.



PART II  
—cont.

(2) The powers of the Board for the compulsory acquisition of land under this section shall cease after the expiration of three years from the 31st December, 1964.

(3) Subject to the provisions of this Act, the Board may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the works without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

## Correction of errors in deposited plans and book of reference.

6.—(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 Board, 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 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 every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (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 plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Board 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 acquire easements only.

7.—(1) The Board may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing 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.

(2) Accordingly the Board may give notice to treat in respect of any such easement or right describing the nature thereof and may exercise the powers of this Act, including in particular the

powers of section 9 (Power to expedite entry), in respect of such easements or rights and subject thereto the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Board have acquired an easement or right only over or in any land under this section—

- (a) they shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Board to acquire the land, the Board shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Board may acquire the land compulsorily notwithstanding that the period mentioned in section 5 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

8.—(1) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden unless the tribunal determines—

Acquisition  
of part only  
of certain  
properties.

- (a) in the case of a house, building or factory, that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or
- (b) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(2) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the

PART II  
—cont.

part proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the Board that part of the house, building, factory, park or garden.

## Power to expedite entry.

9.—(1) At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act or in respect of any easement or right over or in any such land, but not less than three months after giving the owner and occupier of the land notice in writing of their intention to exercise the powers of this section, the Board may, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845, enter on the land or on such part of it as may be specified in the last-mentioned notice, and take possession of the land or part or, as the case may be, enjoy any easement or exercise any right to be acquired under this Act over or in the land or part:

Provided that the Board shall pay the like compensation for land entered 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.

(2) Any land of which possession is taken by the Board under the powers of this section shall be deemed, for the purposes of section 12 (Extinction of private rights of way) of this Act, to have been acquired by the Board.

## Power to enter for survey or valuation.

10. Any person acting on behalf of the Board 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 Board are authorised by this Act to acquire compulsorily, or that may be affected by the construction of the works, for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Board, 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.

## Disregard of recent improvements and interests.

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

- (a) any improvements or alteration made, building erected or work done after the 5th December, 1963; or

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

PART II  
—cont.

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

12.—(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 private 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 Board compensation to be determined in case of dispute by the tribunal.

13.—(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 Board any easement or right required for the purposes of this Act over or in 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.

### PART III

#### WORKS, ETC.

14.—(1) Subject to the provisions of this Act, the Board may, in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:— Power to make works.

In the county of Glamorgan—

Partly in the borough of Port Talbot and partly on the foreshore and bed of the sea adjacent thereto—

Work No. 1 A breakwater commencing at a point one thousand four hundred and twenty-five yards south-east of the disused coastguard lookout station at the landward end of the existing breakwater on the south side of the entrance channel to Port Talbot docks and extending into Swansea Bay in a south-westerly direction for a distance of five hundred and ten yards, thence curving to and proceeding in a west-north-westerly direction for a distance of one thousand seven hundred and thirty-three yards and there terminating; (Harbour works at Port Talbot.)

PART III  
—cont.

Work No. 2 A breakwater commencing by a junction with the said existing breakwater at a point on its south-western side eighty yards from its seaward extremity, and extending into Swansea Bay in a south-westerly direction for a distance of five hundred and thirteen yards and there terminating;

Work No. 3 A jetty of open construction commencing at a point one thousand one hundred yards south-east of the said disused coastguard lookout station and extending into Swansea Bay in a westerly direction for a distance of eight hundred yards and there terminating;

Work No. 4 A conveyor, partly in tunnel, commencing on the boundary between the property of the Steel Company of Wales Limited and the property of the British Railways Board at a point one thousand two hundred and thirty-five yards east-south-east of the said disused coastguard lookout station and extending in a westerly direction for a distance of two hundred and thirty-three yards and there terminating by a junction with Work No. 3 at its commencement;

Work No. 5 An embankment commencing at a point on the level of high water one thousand seven hundred and ninety yards south-east of the said disused coastguard lookout station and extending in a south-south-westerly direction for a distance of two hundred and seventy yards, thence curving to and proceeding in a south-south-easterly direction for a distance of one thousand eight hundred and ninety-seven yards, thence curving to and proceeding in an east-north-easterly direction for a distance of one hundred and eighty yards and there terminating at a point on the level of high water two thousand and seventy yards south-south-east of the point of commencement:

In the county of Lincoln, Parts of Lindsey—

Partly in the parish of Immingham in the rural district of Grimsby and partly on the foreshore and bed of the river Humber adjacent thereto—

(Jetty at  
Immingham.)

Work No. 6 A jetty of open construction commencing at a point on the river wall nine hundred and seventy-five yards south-east of the entrance lock to Immingham Dock and extending in a northerly

direction into the said river for a distance of four hundred and seventy-three yards and there terminating with an arm, dolphins and connecting catwalks extending into the said river for a distance of one hundred and thirty-five yards in a generally north-westerly direction and an arm, dolphins and connecting catwalks extending into the said river for a distance of one hundred and forty yards in a generally south-easterly direction:

PART III  
—cont.

In the county of Norfolk—

In the borough of King's Lynn—

Work No. 7 A jetty and two dolphins, all of open construction, the jetty commencing at a point on the banks of the river Ouse ninety-three yards south-east of the confluence of the Fisher Fleet and the said river and extending into the said river in a west-south-westerly direction for a distance of nineteen yards and there terminating with a dolphin nineteen yards therefrom on the northern side and a dolphin nineteen yards therefrom on the southern side: (Jetty and dolphins at King's Lynn.)

In the city and county of Kingston upon Hull—

Work No. 8 A dam across the west end of the entrance lock to Drypool Basin at Victoria Dock; (Hull (Victoria Dock) development works.)

Work No. 9 A new road between Tower Street and St. Peter Street over the lock to be filled in in pursuance of the provisions of paragraph (a) of subsection (4) of this section commencing at the junction of Tower Street with the swing bridge first mentioned in paragraph (b) of the said subsection and terminating by a junction with St. Peter Street at a point twenty yards north-east of the northern end of the said swing bridge;

Work No. 10 Two lines of rails across and on the level of Tower Street and the road to be used by the public delineated between the points marked "G" and "H" on the deposited plans near the junction of the said road with Tower Street.

(2) The Board may within the limits of deviation extend, enlarge, alter, replace or relay the works.

PART III  
—cont.

(3) The Board may fill in and reclaim from the foreshore and bed of the sea and may hold and use as part of the undertaking so much of the foreshore and bed of the sea as is situated within the limits of land to be reclaimed shown on the deposited plans and is landward of Work No. 5.

(4) (a) The Board may within the limits of deviation fill in the entrance lock to Drypool Basin authorised by the Kingston-upon-Hull Dock Act, 1844, and thereupon all obligations imposed upon the Board with respect to or in connection with the said lock shall cease.

(b) The Board may abandon and remove the bridge constructed over and across the said lock in pursuance of the provisions of section CLXXXIII (Power to stop up streets and ways) of the said Act of 1844 and may also abandon and remove the second bridge constructed in pursuance of the provisions of the said section and so much of the said section as relates to the making of the said bridges is accordingly hereby repealed.

(5) (a) The Board may stop up and discontinue in the city and county of Kingston upon Hull—

- (i) so much of the road and footway between Great Union Street and Citadel Street as lies between the points marked “ J ” and “ K ” on the deposited plans; and
- (ii) so much of the existing footway as lies between the said road and footway and the point marked “ G ” on the deposited plans.

(b) On such stopping up and discontinuance all public rights of way between the said points “ J ” and “ K ” and, subject to the provisions of paragraph (c) of this subsection, between the said road and footway and the said point marked “ G ” shall be extinguished.

(c) As from the completion of the construction of the new road comprising Work No. 9 and the extinguishment of public rights of way in pursuance of paragraph (b) of this subsection the public shall have the same rights of free passage over the said new road and also over the road between Tower Street and Citadel Street delineated between the points marked “ G ” and “ H ” on the deposited plans as they were before the passing of this Act entitled to by the said section CLXXXIII, or any other enactment in respect of the bridges referred to in paragraph (b) of subsection (4) of this section and the approaches thereto.

(6) Nothing in this section shall affect the rights of way to which the public are entitled under section 30 of the North Eastern Railway (Hull Docks) Act, 1893, as amended by subsections (14) and (15) of section 26 of the North Eastern Railway Act, 1911, over—

PART III  
—cont.

- (a) so much of the footway from the garrison side footway north of the Drypool entrance to the Victoria Dock as lies between the said garrison side footway and the point marked "J" on the deposited plans; and
- (b) so much of the footway from the garrison side footway south of the said Drypool entrance as lies between the said garrison side footway and the point marked "G" on the deposited plans.

15. Subject to the provisions of this Act the Board in connection with the Port Talbot works and Works Nos. 6 and 7 may within the limits of deviation construct or place and maintain all such piers, wharves, jetties, quays, conveyors, roads, buildings, works and conveniences subsidiary or ancillary to the said works or any of them 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 said works or the accommodation of vessels and traffic within the tidal harbour or at Works Nos. 3, 6 and 7.

Subsidiary works at Port Talbot, Immingham and King's Lynn.

16.—(1) Subject to the provisions of this Act the Board within the limits of deviation relating to the Kingston upon Hull works may—

Subsidiary works at Kingston upon Hull.

- (a) make junctions with, and may alter the line or level of, any street or way interfered with by, or contiguous to, the said works and may alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavements and may execute any works for the protection of any adjoining land or building;
- (b) temporarily or permanently use, strengthen, widen, improve, alter or otherwise interfere with drains, sewers, telegraphic, telephonic, electric, gas, water and other pipes, lines, wires, works and apparatus (all of which are hereafter in this section referred to as "apparatus") providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus.

(2) Any paving, metalling or materials in, on or under any street altered or otherwise interfered with by the Board under the powers of this section and rendered unnecessary and any



PART III  
—cont.

apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Board and the substituted apparatus shall be under the same jurisdiction, care, management and direction as the existing apparatus for which it may be so substituted.

(3) In the exercise of the powers conferred by this section the Board shall cause as little detriment and inconvenience as the circumstances permit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(4) (a) Before executing any works under paragraph (b) of subsection (1) of this section affecting any apparatus, the Board shall submit to the appropriate authority sufficient plans of the proposed works for their reasonable approval and shall not commence the Kingston upon Hull works until such plans have been approved in writing by the appropriate authority or, if not so approved, until they have been settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the appropriate authority, they shall not have intimated their disapproval thereof and the grounds of the disapproval they shall be deemed to have approved them.

(b) The Board shall execute such works in accordance with such plans as may be submitted to and approved by the appropriate authority or, if such approval be refused, as may be settled by arbitration and all such works shall be executed to the reasonable satisfaction of the appropriate authority and the Board shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) The Board shall give reasonable notice to the appropriate authority of the time at which such works are intended to be executed and shall comply with such reasonable conditions as the appropriate authority may require (including in the case of any electric line, wire or apparatus conditions for obviating or reducing interference with the supply or distribution of electricity).

(d) Any dispute or difference which may arise between the appropriate authority and the Board under this section (other than one relating to disputed compensation) shall be settled by arbitration.

(5) Any question of disputed compensation payable under the provisions of this section shall be determined under and in accordance with the Land Compensation Act, 1961.

(6) In this section—

“the appropriate authority” means in relation to any apparatus the authority to whom it belongs or by whom it is repairable;

“ plans ” includes sections and particulars;

PART III  
—cont.

“ street ” has the same meaning as in the Public Utilities Street Works Act, 1950.

17.—(1) The Board may from time to time deepen, dredge, scour, cleanse, alter and improve the bed and foreshore of the sea and blast any rock—

Power to dredge Port Talbot harbour and approaches.

(a) within Port Talbot harbour; and

(b) within the limits of deviation relating to the Port Talbot works;

or any part or parts thereof and the channels and approaches thereto and to the tidal harbour and any materials taken up or collected in the course of any such operations shall be the property of the Board and may be used, sold, removed, deposited or otherwise disposed of as the Board may think fit:

Provided that no such materials shall be deposited below the level of high water except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Minister.

(2) Section 37 (Power to dredge &c. the Harbour) of the Port Talbot Railway and Docks Act, 1894, and section 6 (Dredging &c.) of the Port Talbot Railway and Docks Act, 1914, are hereby repealed.

18. The Board 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 Work No. 6 or of the river Ouse adjoining or near to Work No. 7 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 or the river Ouse, as the case may be:

Power to dredge in Humber and Ouse.

Provided that no such materials shall be deposited below the level of high water 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 Humber Conservancy Board without the consent of the said board.

19. In the execution of any, or any part, of the works the Board may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to such extent downwards as may be found necessary or convenient:

Power to deviate.

PART III  
—cont.

Provided that the Board shall not—

- (a) in the construction of Work No. 1, deviate from the line of that work shown on the deposited plans to any extent on the southward side thereof exceeding seven hundred feet;
- (b) in the construction of Work No. 2, deviate from the line of that work shown on the deposited plans to any extent on the north-west side thereof exceeding three hundred feet; and
- (c) in the construction of Work No. 7, deviate from the situation of that work shown on the deposited plans to any extent in a northerly direction exceeding twenty feet.

Temporary  
stoppage of  
roads and  
footpaths.

20.—(1) The Board during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any road 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 or footpath from passing along and using the same.

(2) The Board shall provide reasonable access for foot passengers bona fide going to or from any such land, house or building.

(3) The Board shall not exercise the powers of this section without the consent of the highway authority but such consent shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(4) The Board shall not exercise the powers of this section with respect to any road upon which public service vehicles are authorised by a road service licence to operate unless the Board give not less than forty-eight hours' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

Power to  
make trial  
borings.

21.—(1) The Board may make trial borings, at such places within the lands which may be acquired compulsorily under this Act as they may think fit, for the purpose of ascertaining the nature of the soil:

Provided that—

- (a) no land shall be entered for the purpose of making trial borings under this section unless the Board, not less than seven days before 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; and

PART III  
—cont.

- (b) no trial borings shall be made under the powers of this section in the carriageway of any highway without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(2) Where land is damaged in the exercise of the powers conferred by subsection (1) of this section, any person interested in the land may recover from the Board compensation for the damage to be determined in case of dispute by the tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, Rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

22. The Board may construct, place and maintain in the approach channel to the river Hull and the bed, banks, and shores thereof so much of Work No. 8 as the Board may deem expedient or necessary.

Works  
affecting  
river Hull.

23.—(1) In this section—

“the company” means the Steel Company of Wales Limited or a subsidiary thereof within the meaning of section 154 of the Companies Act, 1948;

“lands” includes easements or rights in, under or over land and land covered by water.

Power to  
enter into  
agreements  
with the Steel  
Company of  
Wales Limited  
or subsidiary  
thereof.

(2) The Board and the company may enter into and carry into effect agreements with respect to—

- (a) the construction, maintenance, extension, enlargement, alteration and renewal of the Port Talbot works or any of them;
- (b) the acquisition and reclamation of lands for the purposes of the said works;
- (c) the use and operation of the said works or any of them and the charges to be made therefor;

and any other matters incidental thereto or consequential thereon including agreements for the defraying or making of contributions towards the cost of the matters aforesaid or any of them.

PART III  
— cont.

(3) Any such agreement may provide (inter alia) for the exercise by the company or the Board and the company jointly of all or any of the powers of the Board in respect of the Port Talbot works or any of them and the acquisition of lands for such works and for the transfer to and vesting in the company or the Board and the company jointly of such works and lands or any part thereof together with the rights and obligations of the Board in relation thereto.

(4) The exercise by the company or by the Board and the company jointly of any of the powers of this Act shall be subject to the like provisions in relation thereto as would apply if those powers were exercised by the Board and accordingly those provisions with any necessary modifications shall apply to the exercise of such powers by the company or by the Board and the company jointly.

Power to enter into agreements with Kingston upon Hull Corporation.

24.—(1) In this section “the corporation” means the lord mayor, aldermen and citizens of the city and county of Kingston upon Hull.

(2) The Board and the corporation may enter into and carry into effect agreements with respect to the construction and maintenance of the Kingston upon Hull works or any of them and any other matters incidental thereto or consequential thereon including agreements for the defraying or making of contributions towards the cost of the matters aforesaid or any of them.

(3) Any expenses incurred by the corporation for the purposes of this section shall be deemed to be expenses incurred by them in exercise of their powers as a highway authority.

Port Talbot works to be within petty sessional division and borough of Port Talbot.

25. So much of the Port Talbot works as is outside the area of the petty sessional division of Port Talbot in the county of Glamorgan or the borough of Port Talbot shall be deemed to be within the said area or the said borough as the case may be.

Work No. 6 to be within petty sessional division and rural district of Grimsby.

26. So much of Work No. 6 as is outside the area of the petty sessional division of Grimsby in the county of Lincoln, Parts of Lindsey, or the parish of Immingham in the rural district of Grimsby in the said county shall be deemed to be within the said area or the said parish as the case may be.

Limits of dock master's jurisdiction at Immingham and King's Lynn harbours.

27.—(1) Subject to the provisions of subsection (2) of this section the limits within which the powers of the dock master may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this Act, shall extend to a distance of two hundred yards in every direction from Work No. 6 and one hundred yards in every direction from Work No. 7.

(2) The powers conferred by this section shall be limited to vessels going to, moored at or departing from Work No. 6 or Work No. 7, as the case may be, and shall not be exercised so as to affect (a) vessels navigating or at anchor in the channels of the river Humber or the river Ouse, as the case may be, unless such vessels shall obstruct the access to Work No. 6 or Work No. 7 or (b) vessels in, going to or departing from the Fisher Fleet.

PART III  
—cont.

**28.**—(1) The works shall for all purposes form part of the undertaking.

Works and tidal harbour to form part of undertaking, etc.

(2) Except as otherwise provided in this Act the tidal harbour shall for all purposes form part of Port Talbot harbour.

(3) The foregoing provisions of this section shall not apply to any of the works which, in accordance with any agreement entered into and carried into effect in pursuance of the provisions of section 23 (Power to enter into agreements with the Steel Company of Wales Limited or subsidiary thereof) of this Act, is constructed by the company (as defined in the said section) in exercise of the powers of this Act or is transferred to and vested in the said company.

**29.**—(1) The Board may, with the consent of the Trinity House, provide, place and erect inside or outside the tidal harbour in such places as they deem proper lightships, lighthouses, buoys, beacons, guiding posts or signs for the guidance of vessels entering or leaving the tidal harbour.

Marking approaches to tidal harbour.

(2) The Board may maintain and repair any lightships, lighthouses, buoys, beacons, guiding posts or signs provided and erected by them under this section.

**30.** Any person who wilfully obstructs any person acting under the authority of the Board in setting out the lines of the works, or who damages, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out, shall for every such offence be liable to a fine not exceeding five pounds.

Fine for obstructing works.

**31.** The provisions of section 50 of, and paragraph 5 of the Ninth Schedule to, the Transport Act, 1962, as amended by the Harbours Act, 1964, shall apply to Port Talbot harbour, Immingham harbour and King's Lynn harbour as if—

Charges at Port Talbot, Immingham and King's Lynn harbours.

- (a) Works Nos. 1, 2 and 3 and the tidal harbour formed part of Port Talbot harbour;
- (b) Work No. 6 formed part of Immingham harbour;
- (c) Work No. 7 formed part of King's Lynn harbour.

PART III  
—cont.Application  
of byelaws  
of Board.

32. All byelaws, rules and regulations of the Board for the time being in force relating to—

- (a) Port Talbot harbour, shall be deemed to apply to the tidal harbour and may be enforced by the Board accordingly;
- (b) Immingham harbour, shall be deemed to apply to Work No. 6 and may be enforced by the Board accordingly;
- (c) King's Lynn harbour, shall be deemed to apply to Work No. 7 and may be enforced by the Board accordingly.

Works below  
level of  
high water  
to be subject  
to approval  
of Minister.

33.—(1) Subject to the provisions of this Act, any work authorised by this Act shall be constructed so far as the same shall be on, under or over tidal waters or tidal lands below the level of high water 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 Board and the amount of such cost shall be a debt due from the Board 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.

Survey of  
works.

34. If at any time the Minister deems it expedient to order a survey and examination of any work constructed under the powers of this Act which shall be on, under or over tidal waters or tidal lands below the level of high water, or of the site upon which it is proposed to construct any such work, or if at any time the Lincolnshire River Board deem it expedient to order such a survey and examination of any such work in the river Humber, the Board 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 Board 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 the Lincolnshire River Board, shall be a debt due from the Board to the Lincolnshire River Board and shall be recoverable by the Lincolnshire River Board in any court of competent jurisdiction.

35.—(1) The Board shall at or near such part of any work constructed under the powers of this Act as shall be on, under or over tidal waters or tidal lands below the level of high water 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 shall from time to time require or approve.

PART III  
—cont.  
Lights on  
works during  
construction.

(2) If the Board 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.

36.—(1) After the completion of the works, the Board shall at the outer extremity of those works on, under or over tidal waters or tidal lands below the level of high water 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 Trinity House or, in the case of Work No. 6, Humber Conservancy Board shall from time to time direct.

Permanent  
lights on  
works.

(2) If the Board 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.

37.—(1) Where any work constructed under the powers of this Act situate wholly or partially on, under or over tidal waters or tidal lands below the level of high water is abandoned or suffered to fall into decay, the Minister, or, in the case of any such work in the river Humber, the Lincolnshire River Board, may by notice in writing either require the Board at their own expense to repair and restore such part of such work as is situate below the level of high water 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 Lincolnshire River Board, 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 high water 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 Lincolnshire River Board, as the case may be, may include any such part of such work or any portion thereof in any notice under this section.



PART III  
—cont.

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

- (a) in the case of works executed by the Minister, be a debt due from the Board 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 the Lincolnshire River Board, be a debt due from the Board to the Lincolnshire River Board, and shall be recoverable by the Lincolnshire River Board in any court of competent jurisdiction.

Provision  
against  
danger to  
navigation.

38.—(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 high water the Board 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 Trinity House or, in the case of Work No. 6, by the Humber Conservancy Board and shall apply to the Trinity House or the Humber Conservancy Board, as the case may be, for directions as to the means to be taken.

(2) If the Board fail to comply in any respect with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding ten pounds and, in the case of a continuing offence, to an additional fine not exceeding one pound 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.

## PART IV

## PROTECTIVE PROVISIONS

## Crown rights.

39. 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 in this Act authorises the Board 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.

PART IV  
—cont.

40. The Port Talbot works shall not be constructed nor shall any of the lands required for the purposes of the said works be acquired without the Board first obtaining the consent of the Minister.

Consent of Minister to construction of Port Talbot works, etc.

41.—(1) Any electrical appliances, machinery or apparatus constructed, placed, maintained or used under the powers of section 15 (Subsidiary works at Port Talbot, Immingham and King's Lynn) of this Act shall be so constructed or placed and so maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

For protection of Postmaster General.

(2) The exercise by the Board of the powers of section 20 (Temporary stoppage of roads and footpaths) of this Act in relation to any road or footpath shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which may for the time being be under, in, upon, over, along or across that road or footpath; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that road or footpath.

(3) In this section "telegraphic line" has the same meaning as in the Telegraph Act, 1878.

42. For the protection of the lord mayor, aldermen and citizens of the city and county of Kingston upon Hull the following provisions shall unless otherwise agreed in writing between the Board and the corporation apply and have effect:—

For protection of Kingston upon Hull Corporation.

(1) In this section—

"the corporation" means the lord mayor, aldermen and citizens of the city and county of Kingston upon Hull;

"telegraphic line" has the same meaning as in the Telegraph Act, 1878:

(2) Notwithstanding anything contained in section 16 (Subsidiary works at Kingston upon Hull) of this Act the Board shall not use any telegraphic line belonging to or used by the corporation.

PART IV  
—cont.For protection  
of Great Ouse  
River Board.

43. For the protection of the Great Ouse River Board (in this section referred to as “ the river board ”) the following provisions shall, unless otherwise agreed in writing between the Board and the river board, apply and have effect:—

(1) In this section—

“ alter ” includes replace and enlarge and “ alteration ” shall be construed accordingly;

“ authorised work ” means Work No. 7 and includes all subsidiary works carried out under the provisions of section 15 (Subsidiary works at Port Talbot, Immingham and King’s Lynn) of this Act within the confines of the high-water mark of the ordinary spring tides of the river Ouse or within twenty-five feet therefrom and all works (other than maintenance works) carried out under the provisions of section 18 (Power to dredge in Humber and Ouse) of this Act;

“ banks ” has the meaning assigned to this expression by the Land Drainage Act, 1930:

- (2) (a) Before commencing to construct or alter the authorised work the Board shall submit to the river board for their reasonable approval plans, sections and particulars thereof;
- (b) If within twenty-eight days after the submission to them of such plans, sections or particulars the river board do not signify in writing their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof:
- (3) (a) Subject to the provisions of this section the authorised work shall not be constructed or altered otherwise than in accordance with such plans, sections and particulars as may be approved or deemed to be approved by the river board as aforesaid or settled by arbitration;
- (b) The Board shall at all reasonable times afford to the engineer to the river board, or his duly authorised representative, access to the authorised work during the construction or alteration thereof for the purpose of inspection:
- (4) If there is any inconsistency between any plans, sections and particulars approved or deemed to be approved by the river board or settled by arbitration under the provisions of this section and the plans, sections and particulars approved by the Minister under section 33

(Works below level of high water to be subject to approval of Minister) of this Act the authorised work shall be constructed in accordance with the plans, sections and particulars approved by the Minister:

- (5) (a) In the construction, alteration or repair of the authorised work the Board shall take all reasonable precautions to prevent interference with the flow of water in, into, through or out of the river Ouse and to prevent the deposit from the authorised work of any solid matter in the river Ouse;
- (b) At any time during or after the construction, alteration or repair of the authorised work, as and when they may be reasonably requested in writing to do so by the river board, the Board shall remove with all reasonable dispatch any accumulation of debris or other material which is caused by the construction, alteration or repair of the authorised work or the existence of that work, and which interferes with the free flow of water in the river Ouse:
- (6) The Board shall give not less than twenty-eight days' notice in writing to the river board before commencing to construct or alter the authorised work:
- (7) If, by reason or in consequence of the construction or alteration of the authorised work or failure of such work, the channel or banks of the river Ouse shall at any time be damaged, such damage shall be made good by the Board to the reasonable satisfaction of the river board, and if within such reasonable time as may be required after receiving notice thereof the Board fail to make good such damage, the river board may make good the same and recover from the Board the costs and expenses reasonably incurred by them in so doing:
- (8) The fact that any work or thing has been executed or done in accordance with a plan approved, or not objected to, by the river board or to their satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the Board from any liability under the provisions of paragraph (7) of this section:
- (9) Any difference arising between the Board and the river board under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

PART IV  
—cont.Saving for  
Humber  
Bridge Act,  
1959.

44. The provisions of section 85 (For protection of British Transport Commission) of the Humber Bridge Act, 1959 (as applied to the Board by the Transport Act, 1962), shall not apply to any works authorised by this Act or carried out in pursuance thereof.

For protection  
of Humber  
Conservancy  
Board.

45. For the protection of the Humber Conservancy Board (in this section referred to as "the conservancy board") the following provisions shall, unless otherwise agreed in writing between the Board and the conservancy board, apply and have effect:—

- (1) Before commencing the construction of any part of Work No. 6 which will be situate on the foreshore or bed of the river Humber plans and sections showing the general mode of construction thereof shall be delivered by the Board 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 Work No. 6 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 Board 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 Board and on their failing so to do the conservancy board may remove the same, charging the Board with the reasonable expense of so doing, and the Board shall repay to the conservancy board all such expense:
- (3) The Board 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 conservancy board or as may be settled by arbitration:

PART IV  
—cont.

- (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 Board 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 Board and the conservancy board (or in default of agreement determined by arbitration) that continued dredging to the minimum depth referred to in sub-paragraph (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 Work No. 6 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 Board 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 Board 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

PART IV  
—cont.

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 Work No. 6 or the removal of such temporary structures, as the case may be:

- (7) From and after the commencement of the construction of Work No. 6 the Board 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 Board may execute in the course of the construction of Work No. 6 the Board 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) In relation to Work No. 6, the provisions of section 34 (Survey of works), section 35 (Lights on works during construction) and section 37 (Abatement of work abandoned or decayed) of this Act shall, with the necessary modifications, apply to the conservancy board as if the conservancy board were named therein in addition to the Minister and any expenses incurred by the conservancy board in pursuance of any of the said sections shall be a debt due to them from the Board and may be recoverable summarily as a civil debt where the amount recoverable does not exceed twenty pounds or in any civil court:

Provided that in the event of any inconsistency between any requirement of the Minister and of the conservancy board or in the event of the conservancy board refusing to give any consent or approval under any of the said sections, the Board shall be deemed to have complied with the provisions of those sections if they have complied with the requirement or obtained the consent or approval of the Minister, as the case may be:

- (10) The Board shall allow at all reasonable times access both by water and by land to the conservancy board, their officers and servants, licensed pilots and vessels on, to and over any part of Work No. 6 without payment or hindrance whilst in the execution of their duties:

- (11) Any difference arising between the Board and the conservancy board under this section (other than a difference as to the construction of this section) shall be settled by arbitration:
- (12) 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 33 (Works below level of high water 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:
- (13) (a) The Board shall not under the powers of this Act acquire in respect of Work No. 6 any greater right or interest in the land numbered on the deposited plans 1 in the parish of Immingham (being part of the foreshore and bed of the river Humber) than an easement or right of constructing, maintaining, renewing and using Work No. 6, 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:
- (14) In this section the expression "Work No. 6" includes any subsidiary works constructed by the Board in the river Humber under the powers of section 15 (Subsidiary works at Port Talbot, Immingham and King's Lynn) of this Act:
- (15) 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 of the rights, powers, privileges or authorities of the conservancy board.



PART IV  
—cont.

For protection  
of King's  
Lynn  
Conservancy  
Board.

46. For the protection of the King's Lynn Conservancy Board (in this section referred to as "the conservancy board") the following provisions shall, unless otherwise agreed in writing between the Board and the conservancy board apply and have effect:—

(1) In this section—

"authorised work" means—

(a) Work No. 7 and includes—

(i) the extension, enlargement, alteration, replacement or relaying of Work No. 7; and

(ii) any subsidiary works in connection therewith carried out below the level of high water under section 15 (Subsidiary works at Port Talbot, Immingham and King's Lynn) of this Act;

(b) any work (other than maintenance) of deepening, dredging, scouring, cleansing, altering or improving the bed, shores and channels of the river carried out under section 18 (Power to dredge in Humber and Ouse) of this Act;

"plans" includes sections;

"the river" means the river Ouse:

(2) For the purpose of ensuring that no authorised work will more than is reasonably necessary either impede the tidal flow of the river or adversely affect the regime of the river, the Board shall, except in an emergency, before commencing an authorised work submit to the conservancy board for their reasonable approval plans of such work showing the general mode of construction or carrying out thereof:

Provided that if the conservancy board do not within twenty-eight days after the receipt of any such plans signify to the Board their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof:

(3) Subject to the provisions of this section an authorised work shall not be constructed or carried out except in accordance with such plans as may be approved, or as are deemed to be approved by the conservancy board, or if such approval be withheld as may be settled by the Minister:

- (4) If there shall be any inconsistency between any plans approved or deemed to be approved by the conservancy board under the provisions of this section and the plans approved by the Minister under section 33 (Works below level of high water 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:
- (5) The Board shall at all reasonable times afford to the duly authorised representative of the conservancy board all reasonable facilities for inspecting an authorised work in the course of construction:
- (6) If, for the purpose of an authorised work, it becomes necessary to alter the position of any buoy in the river adjoining or near Work No. 7 the Board may with the consent of the conservancy board carry out the alteration at their own expense and to the reasonable satisfaction of the conservancy board and any damage caused by the Board in carrying out such alteration shall be made good by the Board:
- (7) Notwithstanding the provisions of section 18 (Power to dredge in Humber and Ouse) of this Act no materials dredged by the Board under the provisions of that section shall be laid down or deposited in any place within the port of King's Lynn as defined in section 45 (Limits of port defined) of the King's Lynn Conservancy Act, 1897 and the Second Schedule to that Act, without the Board first obtaining the consent in writing of the conservancy board.
- (8) Nothing in section 27 (Limits of dock master's jurisdiction at Immingham and King's Lynn harbours) of this Act shall affect the rights, powers, authorities and privileges of the harbour master of the conservancy board:
- (9) Nothing in this Act shall prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of the conservancy board:
- (10) Any difference arising between the Board and the conservancy board under this section (other than a difference as to the construction of this section or as to the approval of plans under paragraph (3) or under paragraph (4) of this section) shall be settled by arbitration.

PART IV  
—cont.  
For protection  
of Lincoln-  
shire River  
Board.

47. For the protection of the Lincolnshire River Board (in this section referred to as “the river board”) the following provisions shall unless otherwise agreed in writing between the Board and the river board apply and have effect:—

(1) In this section—

“authorised work” means so much of Work No. 6 or any subsidiary work forming part of or constructed in connection with the said Work No. 6 under the powers of this Act as will or may affect the protected property and includes such work as, or as proposed to be, extended, enlarged, altered, replaced or relaid under subsection (2) of section 14 (Power to make works) of this Act;

“construction” includes execution and placing and “construct” and “constructed” have corresponding meanings;

“plans” includes drawings and specifications;

“protected property” means any works or apparatus now constructed or provided by the river board or any works for the time being under their jurisdiction for the purpose of the Land Drainage Acts, 1930 and 1961, and the River Boards Act, 1948, and includes the sluice and outfall of the Habrough Marsh Drain and so much of the river defence wall on the south bank of the river as lies to the east of that drain;

“protective works” means any works constructed or measures taken by the river board under paragraph (6) of this section;

“the river” means the river Humber:

(2) (a) Not less than twenty-eight days before commencing an authorised work the Board 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 the river board do not within twenty-eight days after the receipt of any such plans signify in writing to the Board their disapproval thereof and the grounds for their disapproval they shall be deemed to have approved thereof;

(b) Not less than fourteen days before commencing any work of maintenance, replacement or relaying of an authorised work the Board 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) (a) Subject to the provisions of paragraph (4) 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 on which the authorised work is to be commenced;
- (b) The Board shall at all reasonable times afford to the engineer of the river board and his duly authorised representatives access to such authorised work during the construction, maintenance or repair thereof for the purpose of inspection;
- (4) 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 33 (Works below level of high water 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:
- (5) If by reason of—
  - (a) the construction, maintenance, extension, enlargement, alteration, replacement or relaying of any authorised work; or
  - (b) the failure of that work or of the Board to maintain it; or
  - (c) any operations carried out by the Board under section 18 (Power to dredge in Humber and Ouse) of this Act;

any protected property shall be breached or shall at any time be injured or its efficiency is otherwise impaired, the river board may recover from the Board the reasonable cost (including a proper proportion of the overhead charges of the river board) of filling in the breach or (as the case may be) making good such injury, and in either such case of restoring it to a proper standard of efficiency:

- (6) If the river board have reasonable grounds for believing that damage to any protected property is likely to take place in any of the circumstances mentioned in the last foregoing subsection, they may carry out such temporary or permanent works or take such measures

PART IV  
—cont.

necessary to ensure the stability or efficiency of any protected property or to protect it from injury as may be agreed between the river board and the Board 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 Board:

- (7) Any additional expense which may be reasonably incurred by the river board in maintaining any protective works which become part of the protected property shall on demand be repaid to the river board by the Board:
- (8) The Board 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 to or impairment of the efficiency of any protected property which may be caused or result to any protected property by or in consequence of any operations carried out by the Board under the said section 18 of this Act or of the construction, maintenance, extension, enlargement, repair, alteration, replacement or relaying of an authorised work or of the failure or want of repair thereof or in consequence of any act or omission of the Board, their contractors, agents, workmen or servants whilst engaged upon an authorised work:

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

- (9) 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 Board from any liability under the provisions of this section:
- (10) Any difference arising between the Board and the river board under this section (other than a difference (a) as to the construction of this section or (b) under paragraph (8) of this section) shall be settled by arbitration.

## PART V

## MISCELLANEOUS AND GENERAL

Interpretation  
of Part V.

48. In this Part of this Act unless there be something in the subject or context repugnant to such construction—

“the harbour” means any harbour, dock or pier undertaking from time to time owned, managed or leased by

the Board and includes the docks, canals, piers, wharves, quays, bridges, and other works and conveniences and the lands and buildings, hereditaments and property of every description and of whatever nature of or at any time vested in or belonging to the Board comprising such undertaking; and "the Board's harbours" shall be construed accordingly;

PART V  
—cont.

"the limits of the harbour" means the limits within which the powers of the harbour master, dock master or pier master for the regulation of the harbour are authorised to be exercised in the enactments relating to the harbour.

**49.** In its application to the Board pursuant to the provisions of Part III of the Second Schedule to the Transport Act, 1962, subsection (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act, 1949, as amended by section 77 (Amendment of section 54 of Act of 1949) of the British Transport Commission Act, 1959, shall have effect as if the words "one thousand nine hundred and sixty-nine" were substituted for the words "one thousand nine hundred and sixty-four".

Amendment of section 54 of British Transport Commission Act, 1949.

**50.** In its application to the Board pursuant to the provisions of Part III of the Second Schedule to the Transport Act, 1962, subsection (4) of section 26 (Traffic offences on dock roads) of the British Transport Commission Act, 1961, shall have effect as if in paragraph (b) thereof for the word "twenty" there were substituted the word "thirty".

Amendment of section 26 of British Transport Commission Act, 1961.

**51.**—(1) Notwithstanding anything in any Act or Order relating to any of the Board's harbours section 83 of the Act of 1847, as incorporated with this Act, shall apply to each of the Board's harbours as if the harbour had been originally authorised to be constructed or improved by this Act.

Application of section 83 of Act of 1847.

(2) For the purpose of the application of the said section of the Act of 1847 to each of the Board's harbours the expression "the special Act" in that Act shall mean this Act; the expression "the harbour dock or pier" shall mean the harbour and the expression "the prescribed limits" shall mean the limits of the harbour.

**52.** In addition to the byelaws which may be made by the Board under any enactment from time to time relating to any of the Board's harbours the Board may from time to time make, alter and repeal such byelaws as they think fit with reference to all or any of the following purposes:—

Power to Board to make byelaws.

(a) The management, control and regulation of the harbour and of goods, wares, merchandise and vehicles using or passing over or frequenting or resorting to the harbour;

PART V  
—cont.

The control and regulation of vessels being within the limits of the harbour;

The conduct of persons using or being within the limits of the harbour and the control or prohibition of smoking by such persons;

Safety precautions to be observed by persons on vessels being within the limits of the harbour or persons using or being within the limits of the harbour.

Application  
of Board's  
byelaws.

53. Any byelaws which may from time to time be made by the Board in exercise of the powers in that behalf conferred on them by section 83 of the Act of 1847, as incorporated with this Act, and by section 52 (Power to Board to make byelaws) of this Act may apply to all or any one or more of the Board's harbours as may be prescribed in such byelaws.

General  
provisions as  
to byelaws.

54.—(1) Notwithstanding anything in any enactment relating to any of the Board's harbours byelaws made by the Board after the passing of this Act shall be subject to the following provisions of this section.

(2) Byelaws may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding twenty-five pounds for each offence and, in the case of a continuing offence, a fine not exceeding five pounds for each day on which the offence is continued after conviction thereof.

(3) Byelaws shall not come into operation until they have been confirmed by the Minister.

(4) At least twenty-eight days before application for confirmation of any byelaws is made the Board shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the byelaws will be open for public inspection; and any person affected by any of the byelaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.

(5) For at least twenty-four days before application for confirmation of any byelaws is made under this section, a copy of the byelaws shall be kept at the office of the principal officer of the Board at the harbour or at each of the harbours to which the byelaws relate and shall at all reasonable hours be open to public inspection without payment.

(6) The Board shall supply a copy of any such byelaws to any person who applies for a copy thereof on payment of such sum not exceeding ten shillings as the Board shall determine.

(7) The Minister may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this section for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws shall come into operation; and if no date is so fixed the byelaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.

(8) A copy of the byelaws when confirmed shall be printed and deposited at the office of the principal officer of the Board at the harbour or at each of the harbours to which the byelaws relate and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such byelaws to any person who applies for a copy thereof on payment of such sum not exceeding ten shillings as the Board shall determine.

(9) The production of a printed copy of byelaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—

- (a) that the byelaws were made by the Board;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Minister; and
- (d) the date when the byelaws come into operation;

shall be prima facie evidence of the facts stated in the certificate.

(10) Byelaws may vary or repeal any byelaws previously made by the Board or their predecessors.

**55.**—(1) The Board may make byelaws as to the loading and discharging by vessels within any of the Board's harbours of dangerous goods (which expression in this section and in section 56 (Notice before entry of dangerous goods) does not include dangerous goods to which byelaws made by the Board or their predecessors under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being apply) and as to the bringing, handling, transport or storage of such goods within the harbour and generally as to the precautions to be observed with respect to such goods while within the limits of the harbour of the Board to which the byelaws relate and such byelaws may in particular provide—

Byelaws relating to certain dangerous goods.

- (a) for regulating the places at which vessels are to load or discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging; and



PART V  
—cont.

- (b) for regulating the places at which vessels carrying dangerous goods are to be moored; and  
(c) for the due enforcement of the byelaws.

(2) Where a person is charged with an offence against a byelaw in force under this section it shall be a defence for that person to prove that the offence was not caused or facilitated by any act or neglect on his part or on the part of any person engaged or employed by him, and, if that person is charged as the owner or master of a vessel, that in addition, all reasonable means were taken by the master to prevent the commission of the offence.

(3) Notwithstanding the provisions of subsection (2) of section 54 (General provisions as to byelaws) of this Act, byelaws made under subsection (1) of this section may contain provisions for the imposing on persons offending against any of the byelaws of fines not exceeding, on summary conviction, one hundred pounds and, on conviction on indictment, one thousand pounds.

Notice before  
entry of  
dangerous  
goods.

**56.**—(1) Except in case of emergency, the owner or master of a vessel carrying any dangerous goods shall, when that vessel enters within the limits of any of the Board's harbours give notice to the harbour master of the harbour of the nature and quantity of dangerous goods carried in the vessel and, if such notice is not given, the owner or master of the vessel shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

(2) Where the owner or master of a vessel is charged with an offence under subsection (1) of this section it shall be a defence to prove that he did not know and could not with reasonable diligence have ascertained the nature of the goods in respect of which the proceedings are taken.

Powers with  
respect to  
disposal of  
wrecks.

**57.**—(1) In their application to the Board, sections 530 and 532 of the Merchant Shipping Act, 1894 (which confer powers on the Board with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the harbour or in or near any approach thereto), shall have effect—

- (a) subject to the provisions of section 58 (Protection of Crown interests in wrecks) of this Act; and  
(b) in relation to a vessel sunk, stranded or abandoned before, as well as after, the passing of this Act.

(2) Subject to subsection (3) of this section and to any enactment for the time being in force limiting his liability, the Board may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under

the said section 530 or the said section 532 any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of the proceeds of sale (if any) within the meaning of those sections.

(3) Except in a case which is in the opinion of the Board a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530 other than the power of lighting and buoying, the Board have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires the Board receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the said section 58 he shall be at liberty to do so, and the Board shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Board.

(4) Notice under subsection (3) of this section to the owner of any vessel may be served by the Board either by delivering it to him or by sending it to him by registered post or the recorded delivery service addressed to him at his last-known place of business or abode in the United Kingdom, or, if the owner or any such place of business or abode is not known to the Board or is not in the United Kingdom, by displaying the notice at the office of the principal officer of the Board at the harbour for the period of its duration.

(5) Except in a case which is in the opinion of the Board a case of emergency the Board shall, before raising, removing or destroying under the powers conferred upon them by the said section 530 any vessel sunk, stranded or abandoned in the harbour or in or near any approach thereto and within a distance of one hundred and fifty yards of any submarine cable placed or maintained by the Postmaster General in, on, along or across the bed or foreshore of the harbour or the bed of the sea, give to the Postmaster General in writing as long notice as is practicable of their intention to do so.

(6) In this section the expression "owner" in relation to any vessel means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment thereof.

58.—(1) Without prejudice to section 741 of the Merchant Shipping Act, 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty), as

Protection of  
Crown  
interests in  
wrecks.

PART V  
—cont.

modified by any Order in Council made under section 80 of the Merchant Shipping Act, 1906, the powers conferred on the Board by sections 530 and 532 of the said Act of 1894 shall not be exercisable—

(a) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;

(b) except with the consent of the Secretary of State, which may be given with or without such a direction as is referred to in paragraph (b) of subsection (2) of this section, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which, at the time when the vessel was sunk, stranded or abandoned—

(i) had been required to be placed at the disposal of Her Majesty or of a government department; and

(ii) was appropriated to the service, under the direction and control of the Secretary of State, of Her Majesty's ships of war.

(2) The Board shall give notice in writing to the Secretary of State and to the Minister of any decision of the Board to exercise in relation to any vessel referred to in paragraph (b) of subsection (1) of this section any of the powers aforesaid other than the power of lighting and buoying and, except in a case which is in the opinion of the Board a case of emergency, shall not proceed with the exercise thereof—

(a) except with the consent of the Secretary of State and the Minister before the expiration of a period of fourteen days from the giving of the notice; or

(b) if before the expiration of the said period there is served on the Board a direction by the Secretary of State or the Minister that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where in any such case as aforesaid, the Board proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if before the expiration of the period aforesaid such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of section 57 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

PART V  
—cont.

- (i) the Board shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) of this section, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 57 to have been duly served under paragraph (b) of this subsection;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Minister for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the Board by the said section 530, the Board shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894 raised, removed or recovered under that section, and any surplus proceeds of sale within the meaning of that section, in accordance with such directions, if any, as may be given to them by the receiver of wreck; and on exercising the said power of sale in the case of any property the Board shall discharge any sums payable in respect of that property by way of duties of customs or excise, purchase tax, or surcharge in respect of sugar or molasses, and any sums so discharged shall be deemed to be expenses incurred by the Board under that section.

(4) Any limitation on the powers of the Board in relation to any vessel arising by virtue of subsection (1) or subsection (2) of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on the Trinity House by section 531 of the said Act of 1894.

59. Nothing in section 36 (Permanent lights on works) or section 38 (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 Trinity House. Saving for Trinity House.

60. 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. Saving for town and country planning.

61. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a Arbitration.

PART V  
—cont.

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.

## Costs of Act.

62. All costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Board and may in whole or in part be defrayed out of revenue.

— — — — —  
*Table of Statutes referred to in this Act.*

Short title	Session and chapter
Kingston-upon-Hull Dock Act, 1844 ...	7 & 8 Vict. c. ciii.
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.
Explosives Act, 1875 ... ..	38 & 39 Vict. c. 17.
Telegraph Act, 1878 ... ..	41 & 42 Vict. c. 76.
North Eastern Railway (Hull Docks) Act, 1893	56 & 57 Vict. c. cxcviii.
Merchant Shipping Act, 1894 ... ..	57 & 58 Vict. c. 60.
Port Talbot Railway and Docks Act, 1894 ...	57 & 58 Vict. c. cxli.
King's Lynn Conservancy Act, 1897 ...	60 & 61 Vict. c. cxcvi.
Merchant Shipping Act, 1906 ... ..	9 Edw. 7 c. 48.
North Eastern Railway Act, 1911 ... ..	1 & 2 Geo. 5 c. xciv.
Port Talbot Railway and Docks Act, 1914...	4 & 5 Geo. 5 c. xcix.
Petroleum (Consolidation) Act, 1928 ...	18 & 19 Geo. 5 c. 32.
Land Drainage Act, 1930 ... ..	20 & 21 Geo. 5 c. 44.
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.
British Transport Commission Act, 1949 ...	12 & 13 Geo. 6 c. xxix.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
British Transport Commission Act, 1959 ...	7 & 8 Eliz. 2 c. xliv.
Humber Bridge Act, 1959 ... ..	7 & 8 Eliz. 2 c. xlvi.
Land Compensation Act, 1961 ... ..	9 & 10 Eliz. 2 c. 33.
Land Drainage Act, 1961 ... ..	9 & 10 Eliz. 2 c. 48.
British Transport Commission Act, 1961 ...	9 & 10 Eliz. 2 c. xxxvi.
Town and Country Planning Act, 1962 ...	10 & 11 Eliz. 2 c. 38.
Transport Act, 1962 ... ..	10 & 11 Eliz. 2 c. 46.
Harbours Act, 1964 ... ..	1964 c. 40.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR  
SIR PERCY FAULKNER, K.B.E., C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 3s. 0d. net

PRINTED IN ENGLAND