

**ELIZABETH II**



**1965 CHAPTER xxiv**

An Act to empower Gulf Oil Refining Limited to construct works and to acquire lands; and for other purposes.

[5th August 1965]

**W**HEREAS Gulf Oil Refining Limited (in this Act referred to as “the Company”) is a company within the meaning of the Companies Act, 1948, and is a company limited by shares: c. 38.

And whereas the Company is a subsidiary within the meaning of section 154 of the Companies Act, 1948, of Gulf Oil Corporation (hereafter referred to as “the parent company”):

And whereas the parent company is engaged in the transporting, refining and marketing of petroleum and petroleum products throughout the world and, in order to meet the increasing public demand for its products in the United Kingdom, it is essential that further facilities for the importation of crude oil and petroleum products and for their refinement should be made available in the United Kingdom:

And whereas the deep waters of Milford Haven enable large tankers to be accommodated at any state of the tide:

And whereas the Company intend to establish a refinery in the parish of Llanstadwell in the rural district of Haverfordwest in the county of Pembroke, and it is expedient in the public interest

that in connection therewith the Company should be empowered to construct the works authorised by this Act including jetties in the waters of Milford Haven and on the foreshore thereof for the accommodation of vessels (including large tankers) and for the reception from such vessels of crude oil and petroleum products for the proposed refinery and for conveying oil and petroleum products therefrom:

And whereas it is expedient that the Company be empowered to acquire lands as in this Act provided:

And whereas in order to enable the Company to manage and control the said works it is expedient that the Company be constituted a pier authority as in this Act provided:

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

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

And whereas plans and sections showing the situations, lines and levels of the works by this Act authorised, and the lands which may be taken or used compulsorily under the powers of this Act for the purposes thereof and a book of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such 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 clerk of the county council of the administrative county of Pembroke and such plans, sections and book of reference are respectively referred to in this Act as the deposited plans, sections and book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

### PRELIMINARY

Short title.

1. This Act may be cited as the Gulf Oil Refining Act 1965.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Miscellaneous.

3.—(1) The following Acts so far as the same are applicable for the purposes of, and are not inconsistent with the provisions of, this Act, are incorporated with and form part of this Act and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

PART I  
—cont.

Incorporation  
of Acts.

(a) The Lands Clauses Acts, except section 92, sections 127 to 132 and sections 150 and 151 of the Lands Clauses Consolidation Act, 1845: c. 18.

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 Railways Clauses Consolidation Act, 1845, except sections 7 to 10, 17, 19, 20, 22, 23, 86 to 105, 117 to 164 thereof and Part I (relating to the construction of a railway) of the Railways Clauses Act, 1863; c. 20.  
c. 92.

(c) The Harbours Clauses Act, 1847, except sections 6 to 13, 16 to 23, 25 to 27, 31 to 42, 44 to 50, 59, 67, 77 to 82 and 84 to 96. c. 27.

(2) (a) In the construction of the enactments so incorporated with this Act the expressions “promoters of the undertaking”, “undertakers” and “company” shall mean the Company.

(b) The provisions of sections 18 and 21 of the Railways Clauses Consolidation Act, 1845, shall not extend to regulate the relations between the Company and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

(A) by the provisions of Part II of the Public Utilities Street Works Act, 1950; or c. 39.

(B) by the provisions of section 52 (For the protection of certain statutory undertakers) or section 53 (For protection of county council) of this Act.

(c) In the application of sections 38 to 44 and 68 to 75 of the Railways Clauses Consolidation Act, 1845, to Works Nos. 1 to 3, each of the said works shall be deemed to be the railway and the centre lines thereof as shown on the deposited plans shall be deemed to be the centre line of the railway.

(d) In the construction of the Harbours Clauses Act, 1847 as incorporated with this Act—

(i) the expression “harbour, dock or pier” shall mean the pier and any subsidiary works connected therewith and the water area within the limits of the pier;

(ii) the prescribed limits shall be the limits of the pier subject as provided in section 33 (Limits of the pier) of this Act;

(iii) “vessel” shall include a seaplane on the surface of the water.

- PART I  
—cont.  
Interpretation.
- 4.—(1) In this Act unless there be something in the subject or context repugnant to such construction—
- c. 23. “the authorised works” means the works authorised by section 15 (Power to construct works) of this Act;
- “the Act of 1958” means the Milford Haven Conservancy Act, 1958;
- “the Company” means Gulf Oil Refining Limited;
- “the conservancy board” means the Milford Haven Conservancy Board;
- “the county council” means the council of the administrative county of Pembroke;
- “enactment” means any Act, whether public, general or local, or any order made thereunder, or any provision in any Act or in any such order;
- c. 27. “the Harbours Clauses Act, 1847” means the Harbours, Docks and Piers Clauses Act, 1847;
- c. 42. “the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, the Land Compensation Act, 1961 and this Act;
- c. 33. “the level of high water” means the level of mean high-water springs;
- “the limits of deviation” means the limits of deviation authorised by section 18 (Power to deviate) of this Act;
- “the limits of the pier” means the limits of the pier as defined by section 33 (Limits of the pier) of this Act;
- “the Minister” means the Minister of Transport;
- “the pier” means Works Nos. 1, 2 and 3;
- “the pier undertaking” means the undertaking of the Company in connection with the pier as from time to time authorised;
- c. 76. “telegraphic line” has the same meaning as in the Telegraph Act, 1878;
- “tidal work” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of high water;
- “the tribunal” means the Lands Tribunal;
- “Trinity House” means the Corporation of Trinity House of Deptford Strond;
- “vessel” includes in section 40 (Powers with respect to disposal of wrecks) and section 41 (Protection of Crown interests in wrecks) of this Act, any aircraft.

(2) This Act shall be read as if the words “or thereabouts” were inserted after each distance mentioned in section 15 (Power to construct works) of this Act.

(3) Any reference in this Act to a work identified by the number of the work shall be construed as the work of that number authorised by the said section 15.

PART I  
—cont.

(4) 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.

## PART II

### LANDS

5.—(1) Subject to the provisions of this Act, the Company may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as it may require for the purposes of the authorised works or for the construction of a refinery in the parish of Llanstadwell in the rural district of Haverfordwest in the county of Pembroke or for purposes ancillary thereto or connected therewith. Power to acquire lands.

(2) The powers of compulsory acquisition of land under this section shall cease after the expiration of three years from the 1st October, 1965.

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 Company, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the county of Pembroke for the correction thereof. Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, with the clerk of the county council of the administrative county of Pembroke, 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 deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Company to take the land and execute the works in accordance with the certificate.

PART II  
—cont.

(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 Company may, instead of acquiring any land that it is authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as it may require for the purpose of constructing, using, maintaining, renewing or removing the works authorised by this Act 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 or for the construction of a refinery.

(2) Accordingly the Company 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 section 10 (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 Company has acquired an easement or right only over or in any land under this section—

- (a) it shall not be required or, except by agreement or during the execution of the said 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 Company to acquire the land the Company 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 Company may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of 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.

PART II  
—cont.

Grant of easements by persons under disability.

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

(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.

9.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act, 1845.

Acquisition of part only of certain properties.

(2) 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—

c. 18.

(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.

(3) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the 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 Company that part of the house, building, factory, park or garden.

10. 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 of its intention to exercise the powers of this section, the Company 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:

Power to expedite entry.

Provided that the Company 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.

PART II  
—cont.

Power to  
enter for  
survey or  
valuation.

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

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

c. 49.

(2) The power of survey conferred by the last foregoing subsection includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention to do so was included in the notice required by the last foregoing subsection.

(3) Where land is damaged in the exercise of a right of entry or survey conferred under this section, any person interested in the land may recover from the Company compensation for the damage to be determined in the 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.

c. 33.

Disregard  
of recent  
improvements  
and  
interests.

**12.** 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, or building erected, after the 5th December, 1964; or

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

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

Extinction  
of private  
rights of way.

**13.**—(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.

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



14.—(1) Subject to the provisions of this Act, the Company may stop up the road, bridleways and footpaths, or portions thereof, in the parish of Llanstadwell in the rural district of Haverfordwest and in the urban district of Milford Haven referred to in the next following table, so far as the same are shown on the deposited plans as intended to be stopped up, and any other footpaths over or across the lands of the Company, and thereupon all public rights of way over the said road, bridleways and footpaths, or portions thereof, shall be extinguished:—

PART II  
—cont.

Power to  
Company to  
stop up  
road and  
footpaths.

Road or footpath	Letters on deposited plans denoting points between which road, or footpath or portion thereof to be stopped up	Sheet No. or Nos. of deposited plans on which stopping up shown
Road ...	A B	2
Bridleway ...	B C	2
Bridleway ...	D E	2
Footpath ...	F G	2
Footpath ...	G H	2
Footpath ...	G I	2
Footpath ...	J K	5

(2) No portion of any road or footpath shall be stopped up under the powers of this section until the Company is in possession of all lands on both sides of such portion except so far as the owners, lessees and occupiers of those lands may otherwise agree.

(3) No portion of the footpath between the points marked “ J ” and “ K ” on the deposited plans shall be stopped up until the footpath diversion shown on those plans has been completed to the satisfaction of the county council and is open for public use or, in case of difference between the Company and the county council, completed to the satisfaction of the Secretary of State for Wales and open for public use.

(4) (a) In this subsection—

“ approved situation ” means such situation as may be agreed between the Company and the National Parks Commission after consultation with the highway authority responsible for the maintenance of the existing footpath and approved by the Secretary of State for Wales or, in case of difference between the Company and the National Parks Commission, as may be determined by the Secretary of State for Wales;

“ the coastal footpath ” means the Pembrokeshire coastal footpath as defined by the National Parks Commission and approved by the Minister of Housing and Local Government under section 52 of the National Parks and Access to the Countryside Act, 1949;

c. 97.

PART II  
—cont.

“the existing footpath” means so much of the coastal footpath as traverses the lands to be acquired shown on the deposited plans.

(b) Notwithstanding anything in subsection (1) of this section whether or not any road or bridleway along or beside which the existing footpath passes is stopped up or discontinued under the powers of this section, the Company shall not stop up or discontinue the existing footpath or any part thereof until a substituted footpath has been provided in an approved situation.

c. 97.

(c) When the substituted footpath has been provided in accordance with paragraph (b) of this subsection, it shall be deemed to have been approved by the Secretary of State for Wales under subsection (1) of section 52 of the National Parks and Access to the Countryside Act, 1949, and shall for all purposes form part of the coastal footpath and shall be subject to the same public rights of way as were exercisable in respect of the existing footpath before it was stopped up or discontinued.

## PART III

## WORKS

Power to  
construct  
works.

15.—(1) Subject to the provisions of this Act, the Company may construct 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 the works hereinafter described, together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Work No. 1 A main approach jetty of open construction 70 feet wide commencing on the north shore of Milford Haven at a point 5,500 feet east of Newton Noyes Pier, extending in a southerly direction and terminating 340 feet from its commencement.

Work No. 2 A jetty head of open construction 70 feet wide commencing at the termination of Work No. 1, extending in a west north westerly direction and terminating at a point 2,200 feet from its commencement, together with on the south side thereof two approaches 70 feet wide and 155 feet long and two berthing heads 45 feet wide and 120 feet long, the centre points of which are situated 1,040 feet, and 2,155 feet respectively from the commencement of the work, with mooring dolphins connected thereto and to one another by roadways, pipeways and walkways, the whole work having decks of concrete or steel (or a combination of concrete and steel) supported on piles, columns or caissons of concrete or steel (or a combination of concrete and steel).

Work No. 3 A jetty head of open construction 70 feet wide commencing at the termination of Work No. 1, extending in a south easterly direction and terminating at a point 800 feet from its commencement, together with on the south side thereof two approaches 70 feet wide one of which is 205 feet long and the other 155 feet long with two berthing heads 45 feet wide and 110 feet long and 140 feet long respectively, the centre points of which are 105 feet and 750 feet respectively from the commencement of the work, with mooring dolphins connected thereto and to one another by roadways, pipeways and walkways, the whole work having decks of concrete or steel (or a combination of concrete and steel) supported on piles, columns or caissons of concrete or steel (or a combination of concrete and steel).

Work No. 4 A single track railway commencing at a point immediately south of the Milford Haven-Neyland Road 1,450 feet east of the intersection of the Milford Haven Urban District-Haverfordwest Rural District boundary and the Milford Haven-Neyland Road extending for two miles four furlongs in a northerly direction and terminating by a junction with the Milford Haven branch railway of the British Railways Board at a point 312 yards south-west of the bridge carrying the road B.4324 over that railway.

(2) The Company may by means of Works Nos. 1, 2 and 3 enclose and reclaim from the foreshore and bed of the sea and may hold and use as part of the pier undertaking so much of the foreshore and bed of the sea as is situate within the limits of deviation and within a distance of 300 feet in an easterly, westerly and northerly direction from the said works and is required for or in connection with the said works.

(3) Subject to the provisions of this Act the Company may, for the purpose of constructing Work No. 4, enter upon, open, break up and interfere with so much of the surface of the road from Neyland to Milford Haven as is within the limits of deviation.

16.—(1) Subject to the provisions of this Act, the Company for the purposes of or in connection with the authorised works may within the limits of deviation in addition to such works—

(a) construct or place and maintain and use all such cuts, channels, docks, entrances, sea walls, gates, weirs, dams, basins, reservoirs, ponds, trenches, pounds, slipways, lay-byes, sluices, culverts, syphons, by-passes, arches, bridges (fixed or opening), ferries, sewers, drains, mains, pipes, cables, tanks, valves and valve chambers,

PART III  
—cont.

embankments, towing-paths, banks, walls, jetties, berthing heads, strong points, landing places, mooring dolphins, moorings, buoys, beacons, lights, signals, telecommunication installations, groynes, quays, wharves, warehouses, sheds, buildings, engines, pumps, machinery, lifts, cranes, towers, drops, winches, capstans, gantries, conveyors, staithes, tips, railways, tramways, junctions, sidings, turntables, roads, roadways, tunnels, walkways, approaches, pipeways, works and appliances as may be necessary or convenient for or in connection with or subsidiary to the authorised works;

- (b) temporarily or permanently use, strengthen, widen, improve, alter or otherwise interfere with drains, sewers, submarine cables, telegraphic, telephonic, electric, gas, water and other pipes, lines, wires, works and apparatus (all of which are hereinafter in this section referred to as "apparatus") and streets, railways, canals and streams, providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus;
- (c) raise, sink or otherwise alter the position of any of the steps, areas, cellars, windows and pipes or spouts belonging to any house or building and may remove any other obstruction.

(2) Any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Company 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 Company shall cause as little detriment and inconvenience as the circumstances permit to any person and shall make reasonable compensation for any damage caused by the exercise of such powers.

(4) (a) Not less than twenty-eight days before executing any works under paragraph (b) of subsection (1) of this section affecting any apparatus or streams the Company shall submit to the appropriate authority sufficient plans, sections and particulars of the proposed works for their reasonable approval.

(b) The Company shall execute such works in accordance with such plans, sections and particulars 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 Company shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) Any dispute or difference which may arise between the appropriate authority and the Company under this subsection shall be settled by arbitration.

PART III  
—cont.

(d) In this subsection “the appropriate authority” means in relation to any apparatus the authority to whom it belongs or by whom it is repairable and in relation to streams the South West Wales River Authority.

(5) Notwithstanding anything in this section contained the Company shall not—

(a) use any telegraphic line belonging to or used by the Postmaster General;

(b) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878.

c. 76.

(6) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used in pursuance of the powers conferred by this section shall be so constructed, erected or laid down and so maintained, worked 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 or with any apparatus of the South Wales Electricity Board or with any purpose for which such apparatus is used.

(7) Any telegraphic and telephonic apparatus used under the provisions of this section shall be so used as not to contravene the exclusive privilege conferred upon the Postmaster General by the Telegraph Act, 1869.

c. 73.

(8) Notwithstanding anything in this section contained, the Company shall not instal or use apparatus for wireless telegraphy in contravention of the provisions of the Wireless Telegraphy Act, 1949.

c. 54.

(9) In subsection (5) of this section, the expression “alter” has the same meaning as in the Telegraph Act, 1878, and, in subsection (8), the expression “apparatus for wireless telegraphy” has the same meaning as in the Wireless Telegraphy Act, 1949.

17. Subject to the provisions of this Act, the Company may from time to time maintain, renew, enlarge and alter temporarily or permanently the authorised works or any part thereof:

Alteration  
and  
improvement  
of works.

Provided that nothing in this section shall authorise the Company to deviate laterally beyond the limits of deviation, or to make any renewal, enlargement or alteration of Works Nos. 1, 2 or 3 otherwise than of open construction.

PART III  
—cont.

Power to deviate.

18. In the construction of Works Nos. 1, 2 and 3 the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards.

Works to be within petty sessional division of Milford Haven and parish of Llanstadwell.

Power to dredge.

19. So much of Works Nos. 1, 2 and 3 as is outside the area of the petty sessional division of Milford Haven in the county of Pembroke or of any parish in the said county shall be deemed to be within the said area and within the parish of Llanstadwell in the rural district of Haverfordwest in the said county.

20.—(1) Subject to the provisions of this Act, the Company may from time to time deepen, dredge, scour and improve the bed and foreshore of the sea and blast any rock within the limits of deviation or any part or parts thereof and the channels and approaches thereto and any chalk, gravel, rock or other materials taken up or collected by means of such deepening, dredging, scouring or blasting shall be the property of the Company and it may use, sell or otherwise dispose of or remove or deposit the same as it thinks fit:

Provided that—

- (i) no such materials shall be laid down or deposited in any place below the level of high water except in such position as may be approved by the Board of Trade and the conservancy board and under such restrictions and regulations as may be imposed by the Board of Trade and the conservancy board;
- (ii) if it appears to the Company that the conservancy board have unreasonably withheld their approval under paragraph (i) of this proviso or that any restriction or regulation imposed by the conservancy board under that paragraph is unreasonable, it may appeal to the Board of Trade whose decision shall be binding on both parties.

(2) In the exercise of the powers conferred by this section the Company may remove or resite submarine cables in or across the bed or foreshore of the sea doing as little damage as may be and making good all damage done.

(3) (a) Before exercising its powers under this section of deepening, dredging, scouring and improving the bed and foreshore of the sea and blasting rock and of removing and resiting submarine cables, the Company shall submit to the conservancy board for their reasonable approval plans and sections defining the nature, extent and manner of the operations to be carried out in the exercise of those powers, and the powers shall not be exercised otherwise than in accordance with such plans and sections as may be reasonably approved by the conservancy

board or as may be settled by the Minister under paragraph (b) of this subsection and in such manner as may be reasonably approved by the conservancy board.

(b) The approval of the conservancy board under this subsection shall not be unreasonably withheld and if it appears to the Company that any such approval has been unreasonably withheld it may appeal to the Minister whose decision shall be binding on both parties.

(4) (a) In the exercise of the powers conferred by this section the Company shall not interfere with, damage or injuriously affect any submarine cable placed or maintained by the Postmaster General without the consent of the Postmaster General.

(b) Before commencing to deepen, dredge, scour or improve the bed or foreshore of the sea or blast any rock under the powers of this section within a distance of 150 yards of any such submarine cable, in any case where blasting operations are involved, or, in any other case, within a distance of 50 yards of any such cable, the Company shall give in writing to the Postmaster General as long notice as possible and in any case not less than twenty-eight days' notice of its intention so to do.

(c) Any material dredged up or removed shall not be laid down or deposited in such a place or manner as to cover any such submarine cable or in any way obstruct or impede any work of or connected with the inspection or repair of such a cable.

21. Subject to the provisions of this Act, if the authorised works are not completed within ten years from the 1st October, 1965, then on the expiration of that period the powers by this Act granted to the Company for making and completing the authorised works shall cease except as to so much thereof as is then substantially commenced:

Provided that nothing in this section shall prejudice the powers of the Company to maintain, renew, enlarge or alter the authorised works at any time and from time to time as occasion may require.

22.—(1) A tidal work shall not be constructed, altered or extended except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board before the work is begun.

(2) If a tidal work is constructed, altered or extended in contravention of this section or of any condition or restriction imposed under this section—

(a) the Board may by notice in writing require the Company at its own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the

PART III  
—cont.

Period for  
completion  
of works.

Tidal works  
not to be  
executed  
without  
approval of  
Board of  
Trade.

PART III  
—cont.

date when the notice is served upon the Company, it has failed to comply with the requirements of the notice, the Board may execute the works specified in the notice; or

- (b) if it appears to the Board urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board in so doing shall be recoverable from the Company as a simple contract debt.

Provision  
against danger  
to navigation.

23.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Company shall forthwith notify the conservancy board and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the conservancy board shall from time to time direct.

(2) If the Company fails to notify the conservancy board as required by this section or to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Abatement  
of works  
abandoned  
or decayed.

24.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade or the conservancy board may by notice in writing require the Company at its own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade or the conservancy board, as the case may be, think proper.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade or the conservancy board, as the case may be, may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Company, it has failed to comply with the requirements of the notice the Board of Trade or the conservancy board, as the case may be, may execute the works specified in the notice and any expenditure incurred by the



Board of Trade or the conservancy board, as the case may be, in so doing shall be recoverable from the Company as a simple contract debt.

PART III  
—cont.

25. The Board of Trade or the conservancy board may at any time if they deem it expedient order a survey and examination of a tidal work constructed by the Company or of the site upon which it is proposed to construct the work and any expenditure incurred by the Board of Trade or the conservancy board, as the case may be, in any such survey and examination shall be recoverable from the Company as a simple contract debt.

Survey of tidal works.

26.—(1) After the completion of a tidal work the Company shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the conservancy board shall from time to time direct.

Permanent lights on tidal works.

(2) If the Company fails to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

27.—(1) The Company shall at or near a tidal work during the whole time of the construction, alteration or extension thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade and the conservancy board or as, failing agreement between the Board of Trade and the conservancy board, the Board of Trade shall from time to time direct.

Lights on tidal works during construction.

(2) If the Company fails to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

28. If it appears to the Company that any requirement or order made or given by the conservancy board under section 24 (Abatement of works abandoned or decayed) or section 25 (Survey of tidal works) of this Act is unreasonable, it may within thirty days after the receipt of such requirement or order appeal to the Board of Trade whose decision shall be binding on both parties and the Company shall not be liable to repay to the conservancy board any expenses incurred by the conservancy board for the purpose of giving effect to any requirement or order which the Board of Trade may on such appeal determine to be unreasonable.

Provisions applicable to sections 24 and 25.

PART III  
—cont.

Company  
may provide  
dredgers,  
tugs,  
etc.

**29.**—(1) The Company may from time to time build, purchase, contract for or hire and may maintain and use tugs, hoppers, barges or other powered craft—

- (a) as may be necessary or expedient for or in relation to any of the purposes mentioned in section 20 (Power to dredge) of this Act; and
- (b) for the use and accommodation of vessels within the limits of the pier and for this purpose they may let the same.

(2) In addition to the purposes referred to in paragraph (a) of subsection (1) of this section, the Company may purchase, hire, provide, maintain and use all such dredging and other craft and appliances as may be necessary or expedient.

Exclusion of  
enactments  
relating to  
conservancy  
board.  
c. 23.

**30.** Subject to the provisions of this Act, nothing in the Milford Haven Conservancy Act, 1958, prohibiting dredging or the construction, alteration or extension of works, except after notice to the conservancy board, or otherwise rendering dredging or works subject to the control or regulation of the conservancy board, shall apply to the power for the Company to dredge or the works authorised by this Act.

Power to  
sell pier  
undertaking.

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

Provided that the Company shall not exercise the powers of this section unless, at least one month before making application to the Minister for his consent to the sale of the pier undertaking, it gives to the conservancy board notice in writing of its intention so to do and of the name of the intended purchaser, and the Minister before giving his consent shall take into consideration any representations in writing which may be submitted to him by the conservancy board.

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

32.—(1) The Company may, with the previous consent in writing of and upon such terms, conditions and restrictions and for such period as may be approved by the Minister, lease to any company, corporation or person the pier undertaking.

PART III  
—cont.

Power to  
lease pier  
undertaking.

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

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

(4) The Company or, as the case may be, a lessee shall not exercise the powers of this section unless at least one month before making application to the Minister for his consent to the leasing of the pier undertaking or, as the case may be, to an assignment of a lease of the pier undertaking it or he give to the conservancy board notice in writing of its or his intention so to do and of the name of the intended lessee or assignee, as the case may be.

(5) The Company shall, within one month after the date of any lease made under this section, deposit a certified copy thereof at the Ministry of Transport and shall, upon failure to do so, be liable on summary conviction to a fine not exceeding twenty pounds.

#### PART IV

##### MISCELLANEOUS

33. The limits within which the Company shall exercise jurisdiction as a pier authority, and within which the powers of the pier master may be exercised, shall extend over the area of water within a distance of 300 feet from the structures of Works Nos. 1, 2 and 3:

Limits of  
the pier.

Provided that—

- (i) the jurisdiction of the pier master conferred by this Act shall only be exercised with reference to vessels which shall be within the limits of the pier and vessels coming

PART IV  
—cont.

to or departing from the said works and vessels which shall obstruct the approaches to such works and shall not be exercised beyond the said limits; and

- (ii) if at any time there is a conflict between any directions given by the pier master and any directions lawfully given by the harbour master of the conservancy board, the directions given by the harbour master of the conservancy board shall prevail.

Directions of pier master.  
c. 27.

34. Section 52 of the Harbours Clauses Act, 1847, in its application to the Company and the pier master shall extend to empower the pier master to give directions prohibiting the mooring of vessels within the limits of the pier.

Orders of pier master need not be in writing.

35. Section 53 of the Harbours Clauses Act, 1847, in its application to the Company and the pier master shall not be construed to require the pier master to serve a notice in writing of his directions upon the master of a vessel and such directions may be given orally or otherwise communicated to the master.

Pier master may prevent sailing of vessels.

36. The pier master may prevent the removal or sailing from within the limits of the pier of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collectors of rates.

Compounding arrangements and rebates.  
c. 40.

37. Nothing in section 30 of the Harbours Act, 1964, shall require the Company to include in the list of ship passenger and goods dues kept at the harbour office, as required by subsection (1) of that section, rates reduced by virtue of a compounding arrangement in respect of, or rebate allowed on, a due included in the said list.

Exemption for conservancy board's vessels.

38. The Company shall not levy or demand rates in respect of a vessel while in use by the conservancy board for the purposes of their functions under the Act of 1958.

Power to make agreements with British Railways Board.

39.—(1) In this section—

“ the railways board ” means the British Railways Board;

“ land ” includes easements or rights in, under or over land.

(2) The Company and the railways board may enter into and carry into effect agreements with respect to—

- (a) the construction, maintenance, renewal, enlargement and alteration of Work No. 4;

(b) the acquisition of land for the purposes of Work No. 4;  
 (c) the use and operation of Work No. 4 or any part thereof;  
 and any matters incidental or subsidiary to any of the foregoing  
 or consequential thereon.

(3) Any such agreement may provide (inter alia) for the exercise by the railways board or the Company and the railways board jointly of all or any powers of the Company in respect of Work No. 4 or any part thereof and for the transfer to and vesting in the railways board, or the Company and the railways board jointly, of Work No. 4 or any part thereof together with the rights and obligations of the Company in relation thereto.

(4) The exercise by the railways board, or by the Company and the railways board 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 Company alone, and accordingly those provisions with any necessary modifications shall apply to the exercise of such powers by the railways board or by the Company and the railways board jointly.

40.—(1) In their application to the Company, sections 530 and 532 of the Merchant Shipping Act, 1894 (which confer powers on the Company 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 at the pier or in or near any approach thereto), shall have effect—

Powers with respect to disposal of wrecks.  
c. 60.

- (a) subject to the provisions of section 41 (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 Company may recover as a simple contract debt from the owner of any vessel in relation to which it has exercised its powers under the said section 530 or the said section 532 any expenses reasonably incurred by it 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 Company 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 it by the said section 530 other than the power of lighting and buoying, the Company has given to the owner of the vessel not less than forty-eight hours' notice of its intention to do so; and if before the notice expires the Company receives from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction

PART IV  
—cont.

is served in respect of the vessel under paragraph (b) of subsection (2) of the said section 41 he shall be at liberty to do so, and the Company 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 Company.

(4) Notice under subsection (3) of this section to the owner of any vessel may be served by the Company 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 Company or is not in the United Kingdom, by displaying the notice at the office of the principal officer of the Company at or nearest to the pier for the period of its duration.

(5) Before exercising any of the powers conferred by the said sections 530 and 532 in relation to a vessel sunk, stranded or abandoned in Milford Haven the Company shall give notice in writing to the conservancy board of their decision to exercise those powers.

(6) Except in a case which is, in the opinion of the Company, a case of emergency, the Company shall before raising, removing or destroying under the powers conferred upon it by the said section 530 any vessel sunk, stranded or abandoned at the pier or in or near any approach thereto and within a distance of 150 yards of any submarine cable placed or maintained by the Postmaster General in, on, along or across the bed or foreshore of the sea, give to the Postmaster General in writing as long notice as is practicable of its intention to do so.

(7) 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.

Protection  
of Crown  
interests in  
wrecks.  
c. 60.  
c. 48.

41.—(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 modified by any Order in Council made under section 80 of the Merchant Shipping Act, 1906, the powers conferred on the Company 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 Company shall give notice in writing to the Secretary of State and to the Board of Trade of any decision of the Company 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 Company a case of emergency, shall not proceed with the exercise thereof—

(a) except with the consent of the Secretary of State and the Board of Trade, 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 Company a direction by the Secretary of State or the Board of Trade 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 Company 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, it 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 it, 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 40 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

(i) the Company shall not be required to give notice under this subsection in respect of any vessel in respect of which it has 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

PART IV  
—cont.

purposes of this subsection and of subsection (3) of the said section 40 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 Board of Trade for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the Company by the said section 530, the Company 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 it by the receiver of wreck; and on exercising the said power of sale in the case of any property the Company 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 Company under that section.

(4) Any limitation on the powers of the Company 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 Trinity House by section 531 of the said Act of 1894.

Power to  
Company  
to make  
byelaws.  
c. 27.

42. In addition to the byelaws which may be made by the Company under section 83 of the Harbours Clauses Act, 1847, the Company may from time to time make, alter and repeal such byelaws as it thinks fit with reference to all or any of the following purposes, that is to say:—

the management, control and regulation of the pier and of goods, wares, merchandise and vehicles using or passing over or frequenting or resorting to the pier;

the control and regulation of vessels or persons being within the limits of the pier;

the conduct of persons using or being on the pier 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 pier or persons using or being on the pier.

Application  
of Local  
Government  
Act, 1933,  
to byelaws.  
c. 51.

43.—(1) All byelaws made by the Company shall be subject to the provisions contained in subsections (2), (3), (4), (5), (6) and (7) of section 250 and in sections 251 and 252 of the Local Government Act, 1933, and all fines imposed for the breach of



any such byelaws shall be recoverable in manner provided by that Act for the recovery of fines and those sections shall for the purposes of this section be construed as if the words "the Company" were inserted instead of the words "the authority" wherever they occur and as if the reference to "the clerk of the authority" included a reference to the secretary of the Company.

PART IV  
---cont.

(2) The confirming authority for the purposes of the said section 250 shall be the Minister.

44. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board of Trade, any Secretary, Under-Secretary or Assistant Secretary of the Board of Trade or any person authorised in that behalf by the President.

As to exercise  
of powers by  
Board of  
Trade.

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

Inquiries by  
Minister and  
Board of  
Trade.

c. 51.

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

Arbitration.

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

For  
protection of  
conservancy  
board.

- (1) Notwithstanding anything shown on the deposited plans, the Company shall not construct any part of the pier to the south of a straight line drawn from a point on the south-easterly limits 350 feet from the most southerly point thereof as shown on the said plans to a point on the south-westerly limits 800 feet from the said most southerly point:

PART IV  
—cont.

- (2) Before commencing to construct in, on or over any part of the haven (as defined in section 1 of the Act of 1958) any of the works authorised by section 15 (Power to construct works) or section 16 (Subsidiary works) of this Act or any renewal, enlargement or alteration thereof the Company shall submit to the conservancy board for their reasonable approval plans, sections and particulars of the work or the renewal, enlargement or alteration, and such work, renewal, enlargement or alteration shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be reasonably approved by the conservancy board or as may be determined by the Board of Trade as hereinafter provided:
- (3) In the event of the conservancy board failing to express their disapproval of any plans, sections or particulars within two months after such plans, sections and particulars shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans, sections and particulars as submitted:
- (4) After the purpose for which temporary structures used to enable any of the works to be constructed has been accomplished, the Company shall with all reasonable dispatch or after fourteen days' notice in writing from the conservancy board requiring it so to do remove any such temporary structures or any materials for the same which may have been placed in the waters of Milford Haven by the Company and if it fails to do so the conservancy board may remove the same and the Company shall repay to the conservancy board the reasonable expense of such removal:
- (5) The Company shall permit the officers, servants and agents of the conservancy board to have access both by water and by land at all reasonable times on, to or over any of the works without payment or hindrance—
  - (a) during the construction thereof for the purpose of inspection; and
  - (b) after the construction thereof whilst in the execution of their duties:
- (6) If it appears to the Company that the conservancy board have unreasonably withheld their approval to any plans, sections or particulars under paragraph (2) of this section it may appeal to the Board of Trade whose decision shall be binding on both parties.

48. For the further protection of the conservancy board the provisions of this section shall, unless otherwise agreed in writing between the Company and the conservancy board, apply and have effect:—

PART IV  
—cont.

For further protection of conservancy board.

(1) In this section—

“depth” means depth below ordnance datum (Newlyn);

“dredge” means deepen, dredge, scour or improve the bed or foreshore of Milford Haven or blast any rock in Milford Haven;

“the works” means the works authorised by this Act:

(2) On and after the date on which the Company commence to use any part of the works for the accommodation or reception of vessels the Company shall dredge the areas described in paragraph (3) of this section so as to provide a depth of not less than 54 feet throughout the area described in sub-paragraph (a) of that paragraph and a depth of not less than 48 feet throughout the area described in sub-paragraph (b) thereof and shall keep the said areas clear of all works of the Company:

(3) The areas referred to in paragraph (2) of this section are—

(a) an area wholly between longitude  $04^{\circ}59'45''$  west and longitude  $05^{\circ}00'45''$  west being not less than 2,000 feet long and not less than 1,150 feet wide;

(b) an area wholly between longitude  $04^{\circ}59'18''$  west and longitude  $04^{\circ}58'40''$  west being not less than 1,650 feet long and not less than 1,100 feet wide:

(4) If any of the works (other than temporary works) are constructed south of straight lines joining the three points situate at latitude  $51^{\circ}41'58.2''$  north and longitude  $05^{\circ}00'06''$  west, latitude  $51^{\circ}41'55.9''$  north and longitude  $04^{\circ}59'26''$  west and latitude  $51^{\circ}41'51''$  north and longitude  $04^{\circ}59'00''$  west respectively then on and after the date on which the Company commence to use any part of the works for the accommodation or reception of vessels the Company shall from time to time dredge the bed and foreshore of Milford Haven to such extent as is necessary to provide a channel as required by the conservancy board comparable in width and depth to the navigable channel existing at the commencement of this Act (having regard to the position of the works and to the vessels from time to time accommodated

PART IV  
—cont.

at the works) throughout so much of Milford Haven as lies between the areas respectively described in subparagraphs (a) and (b) of paragraph (3) of this section:

Provided that—

(i) if such comparable channel is not for the time being necessary for vessels requiring or likely to require to navigate Milford Haven at all states of the tide to a point above the works, then the Company may only be required to dredge such lesser channel (either in width or depth or both) as the conservancy board (or in the event of dispute as the Minister) may from time to time determine; and

(ii) the Company shall not be liable under this paragraph at any time to dredge the bed and foreshore of Milford Haven lying between the said areas and to the south of a line formed by joining the most southerly point of each of the berthing heads constructed by the Company so as to provide a channel with a width greater than 850 feet or a depth greater than 50 feet throughout:

- (5) A requirement of the conservancy board under paragraph (4) of this section shall be notified in writing to the Company and shall define the channel to be provided by the capital dredging and shall be accompanied by a statement of the grounds therefor and, if within twenty-eight days from the date of such notification, the Company notifies the conservancy board that it does not agree the channel required to be provided, and states the grounds for its disagreement, the matter shall be referred to, and determined by, the Minister whose decision shall be binding on both parties:
- (6) The Company shall keep the channel referred to in paragraph (4) of this section clear of all works of the Company (other than temporary works):
- (7) The Company shall from time to time when required by the conservancy board maintain any dredging carried out by it under paragraphs (2) or (4) of this section:

Provided that—

(i) the Company shall not be required to carry out any such maintenance dredging if and to the extent that the Company can show to the satisfaction of the conservancy board or, in the event of dispute, of the Minister, that the need for maintenance

dredging or some part thereof has arisen by reason or in consequence of the act or default of some person other than the Company, their officers, servants or agents or of any unnatural factor outside the control of the Company; and

(ii) any maintenance dredging which the Company is required to carry out under this subsection shall be carried out as soon as is reasonably practicable after the date when the Company receive notification in writing from the conservancy board that the need for the maintenance dredging has arisen:

(8) If a difference arises between the Company and the conservancy board under paragraph (i) of the proviso to paragraph (7) of this section the difference shall be referred to and determined by the Minister whose decision shall be final and binding on both parties:

(9) If the Company fail to comply with the provisions of this section or, if a difference has arisen in relation to a requirement under paragraph (i) of the proviso to paragraph (4) or to paragraph (7) of this section, with the decision of the Minister, the conservancy board may at the expense of the Company carry out such dredging and remove such works of the Company as is necessary to comply with those provisions and the amount of such expense shall be a debt due from the Company to the conservancy board and shall be recoverable as a simple contract debt.

49.—(1) The byelaws made from time to time by the conservancy board under section 34 of the Explosives Act, 1875, and section 7 of the Petroleum (Consolidation) Act, 1928, respectively shall extend and apply and may be enforced within the limits of the pier and the Company shall be under no duty to make byelaws under the said section 7 notwithstanding anything contained therein.

Saving for byelaws of conservancy board.  
c. 17.  
c. 32.

(2) The byelaws made from time to time by the conservancy board under section 9 of the Act of 1958 shall extend and apply and may be enforced within the limits of the pier.

50. Nothing in section 26 (Permanent lights on tidal works) or section 23 (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 Trinity House.

Saving for Trinity House.

PART IV  
—cont.

For protection  
of British  
Railways  
Board.

51. For the protection of the British Railways Board (in this section referred to as “the board”) the following provision shall, unless otherwise agreed in writing between the Company and the board, apply and have effect:—

The Company shall not under the powers of this Act (except in accordance with a requirement of the board under subsection (4) of section 7 (Power to acquire easements only) of this Act) acquire compulsorily any property of the board but subject to such conditions as the board may impose in regard to works of construction they may, in accordance with the said section 7, acquire such easements and rights in any property of the board delineated on the deposited plans as they may reasonably require for the purposes of Work No. 4.

For the  
protection of  
certain  
statutory  
undertakers.

52. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the Company and the undertakers, apply and have effect:—

(1) In this section, unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) in relation to the Central Electricity Generating Board and the South Wales Electricity Board any electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the undertakers, and includes any works constructed for the lodging therein of apparatus;

(b) in relation to the Wales Gas Board any mains, pipes or other apparatus belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus;

(c) in relation to the Pembrokeshire Water Board any mains, pipes or other apparatus belonging to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus;

“specified work” means any work carried out or thing done under the powers of section 15 (Power to construct works), section 16 (Subsidiary works) and section 17 (Alteration and improvement of works) of this Act;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

PART IV  
—cont.

“ operational land ” has the same meaning as in section 221 of the Town and Country Planning Act, 1962;

c. 38.

“ position ” includes depth;

“ the undertakers ” means—

the Central Electricity Generating Board, the South Wales Electricity Board, the Wales Gas Board and the Pembrokeshire Water Board, or any of them and in relation to any apparatus or property, means the undertakers to whom the apparatus or property belongs or by whom the apparatus is maintained and, in relation to the supply of electricity or water, means the undertakers by whom the supply is provided:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Company shall not, under the powers of this Act, acquire any apparatus or operational land from the undertakers otherwise than by agreement:
- (3) The provisions of section 16 (Subsidiary works) of this Act except subsection (6) thereof shall not apply to any apparatus:
- (4) If the Company in the exercise of the powers of this Act acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:
- (5) (a) If the Company, for the purpose of the execution of any specified work, requires the removal of any apparatus, it shall give to the undertakers written notice of such requirement with a plan and section of the proposed work;
- (b) If the Company requires the undertakers to remove any apparatus, or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Company shall, if practicable, afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the Company and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

PART IV  
—cont.

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Company, and the Company is unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the undertakers shall, on receipt of a written notice to that effect from the Company, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (6) (a) Any alternative apparatus to be constructed in lands of the Company in pursuance of paragraph (5) of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Company or, in default of agreement, settled by arbitration;
  - (b) The undertakers shall, after the manner of construction and the line and situation of any alternative apparatus has been agreed, or settled by arbitration, as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Company to be removed under the provisions of this section and, in default, the Company may remove the apparatus:
- (7) Notwithstanding anything in paragraph (6) of this section, if the Company gives notice in writing to the undertakers that it desires itself to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Company, such work, in lieu of being executed by the undertakers shall be executed by the Company with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Company to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

- (8) Where in accordance with the provisions of this section the Company affords to the undertakers facilities and rights for the construction, maintenance, repair, renewal



and inspection in lands of the Company of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Company and the undertakers or, in default of agreement, determined by arbitration:

PART IV  
—cont.

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the Company for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus constructed through the lands of the Company for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Company in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation by the Company to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (9) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to or is likely to affect any apparatus the removal of which has not been required by the Company under paragraph (5) of this section, the Company shall submit to the undertakers a plan, section and description of the work to be executed;
- (b) Such work shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements

PART IV  
—cont.

as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the work proposed by the Company, reasonably require the removal of any apparatus and give written notice to the Company of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Company under paragraph (5) thereof; and

(ii) nothing in this sub-paragraph shall preclude the Company from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan, section and description in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description:

(c) The Company shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, it shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

(10) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the Company shall provide an alternative means of access to such apparatus:

(11) The Company shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—

(a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section;

(b) the cutting off of any apparatus from any other apparatus; and

(c) any other work or thing rendered reasonably necessary in consequence of the exercise by the Company of any of the powers of this Act:

PART IV  
—cont.

(12) If by reason or in consequence of the execution, user or failure of any of the specified works or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity or water by the undertakers shall be caused, the Company shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, and shall—

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

(13) (a) Any difference which may arise between the Company and the undertakers under this section shall be determined by an arbitrator;

(b) In settling any difference under this section the arbitrator may, if he thinks fit, require the Company to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus:

(14) The Public Utilities Street Works Act, 1950, shall not apply to the execution of any specified work affecting any apparatus. c. 39.

53. For the protection of the county council the following provisions shall, unless otherwise agreed in writing between the Company and the county council, apply and have effect:— For protection of county council.

(1) In this section unless the context or subject otherwise requires—

“highway” means any highway vested in or repairable or maintained by the county council;

“the railway” means Work No. 4;

“the new bridges” means the bridges for carrying the road from Neyland to Milford Haven (B.4325)

PART IV  
—cont.

(numbered 104 on the deposited plans) and the road from Steynton to Rosemarket (numbered 142 on the deposited plans) respectively over the railway and includes the approaches to those bridges and the embankments on which the approaches shall be constructed:

- (2) The Company shall in constructing the railway construct each of the new bridges so that the overall width (measured between the parapets) is not less than 42 feet and shall on each side of the new bridges erect good and sufficient balustrading at least 3 feet 6 inches high:
- (3) Each of the new bridges shall be designed, constructed and maintained by the Company so as to carry the appropriate normal loading recommended by the Minister at the commencement of this Act for highway bridges and the roadway over each of such new bridges and on the approaches thereto shall be made up, metalled, surfaced, drained and maintained for a period of twelve months from completion to the reasonable satisfaction of the county council and thereafter the said roadway shall vest in and be maintained and repaired by and at the expense of the county council:
- (4) Before commencing the construction of either of the new bridges or the carrying out of any work in connection therewith which involves interference with a highway the Company shall submit to the county council for their reasonable approval in respect of any matters with which the county council are properly concerned plans, sections and particulars relating thereto and such new bridge shall not be constructed and such work shall not be carried out otherwise than in accordance with such plans, sections and particulars as may be approved by the county council as aforesaid, or as may be settled by arbitration, and any part of the construction of a new bridge or any part of any work as aforesaid which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the county council:

Provided that if within twenty-eight days after the submission to them of plans, sections and particulars under this paragraph the county council do not signify to the Company their approval or disapproval thereof they shall be deemed to have approved thereof:

- (5) (a) Before commencing to construct any part of the railway which will involve interference with a highway the Company shall consult the county council as to the

time when such part shall be commenced and as to the extent of the surface of the highway that it may be reasonably necessary for the Company to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public and such part shall not be constructed and the surface of the highway shall not be occupied by the Company except at the time to the extent and in accordance with conditions agreed between the Company and the county council or settled by arbitration;

- (b) Any such highway shall be reinstated by and at the cost of the Company in a manner reasonably approved by the county council and to their reasonable satisfaction:
- (6) The Company shall make compensation to the county council for any subsidence of or damage to any highway or any property of the county council or under their control or repairable by them which may be caused by or in consequence of any act or default of the Company, its contractors, servants or agents in connection with the works referred to in this section and whether such damage or subsidence shall happen during the construction of the railway or at any time within twelve months thereafter:
- (7) If in consequence of the exercise of the powers of this Act it is reasonably necessary within twelve months thereafter to alter the position of or to lengthen or to strengthen any sewer or drain (which expression shall in this section include all gulleys and manholes in connection therewith) vested in or repairable by the county council or to provide works for the protection thereof such alteration, lengthening or strengthening shall be carried out or such protective works shall be provided by the Company in a manner reasonably approved by the county council or, if the county council prefer, shall be carried out or provided by them, and the Company shall repay to the county council any expenses reasonably incurred by the county council in carrying out or providing the same and any additional expense attributable to such alteration, lengthening or strengthening which the county council may within twelve months thereafter reasonably incur in maintaining such sewer or drain:
- (8) The Company shall make compensation to the county council for any damage to any such sewer or drain or

PART IV  
—cont.

interference with the free flow of the contents thereof which may be caused by or in consequence of any act or default of the Company its contractors, servants or agents in connection with the works referred to in this section and whether such damage shall happen during the execution of the said works or at any time within twelve months thereafter:

- (9) The Company in constructing each of the new bridges or in the carrying out of any work in connection with each of the new bridges which involves interference with any highway shall—

(a) at all times so far as is practicable keep open some part of the highway affected so as not unreasonably to interrupt the traffic passing along the said highway; and

(b) make good all damage or injury whatsoever which shall happen or be caused to the said highway by reason or in consequence of the construction of the new bridges or the carrying out of such work:

- (10) The Company shall during the construction of the new bridges and any work in connection therewith and until the completion thereof make and carry into effect such arrangements for lighting and watching the same (including the provision and working of traffic signs, light signals or manually operated stop-go signs) as may in the opinion of the county council be reasonably necessary to prevent danger or accident to persons and vehicles using the highway:

- (11) (a) If at any time the county council shall determine to execute any highway works in connection with any highway where it passes over the railway by means of the new bridges the Company shall grant without any payment therefor such easements within the limits defined by the bridge parapets as may be required for such highway works and shall afford to the county council all reasonable facilities to enable such highway works to be executed:

Provided that such easements shall be granted subject to such terms and conditions as shall ensure—

(i) that the Company is not by reason of the said highway works put to any greater expense whether as to maintenance or otherwise than would have been the case had such highway works not been executed;

(ii) full and proper protection being afforded by the county council for the railway and the traffic thereon against any damage or loss which may arise by reason of the execution of the said highway works;

(iii) that such highway works shall be carried out only in accordance with plans, sections, specifications and particulars previously submitted to and approved by the Company;

(b) In this paragraph “highway works” means works of widening, alteration or reconstruction the provision of any footpath the laying of any sewer or drain and any other works incidental thereto carried out by the highway authority:

(12) Any difference arising between the Company and the county council under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

54. Nothing in this Act shall affect prejudicially any estate, Crown rights. right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained shall authorise the Company to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

55. 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. c. 38.

56. Nothing in this Act shall exempt the Company from the provisions of sections 9 and 10 of the Harbours Act, 1964 in relation to the works authorised by this Act.

Saving for Harbours Act 1964. c. 40.

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

Costs of Act.

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# Gulf Oil Refining Act 1965

## CHAPTER xxiv

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