



British Transport Docks Act 1969

CHAPTER xxiii

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ELIZABETH II



1969 CHAPTER xxiii

to empower the British Transport Docks Board to construct works and to acquire lands; to extend the power for the compulsory purchase of certain lands; to confer further powers on the Board; and for other purposes.

[25th June 1969]

AS by the Transport Act 1962 the British Transport 1962 c. 46. Docks Board (in this Act referred to as "the Board") were established:

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

it is expedient that the Board should be empowered to carry out the works authorised by this Act and to acquire the land referred to in this Act:

whereas it is expedient that the period now limited for the compulsory purchase of certain lands should be extended as provided by this Act:

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

And whereas plans and sections showing the lines, levels and levels of the works to be constructed under the provisions of this Act, and plans of the lands authorised to be acquired under this Act, and a book of reference to such plans, sections and names of the owners and lessees or reputed owners and names of the occupiers of the said lands have been deposited with the Clerk of the Parliaments and in the Private Office of the House of Commons and with the town clerk of each borough within which the said works will be constructed and the said lands are situated which plans, sections and book are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference

And whereas the purposes of this Act cannot be effected by the authority of Parliament:

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

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the British Transport Docks Act 1969.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:
- Part I.—Preliminary.
 - Part II.—Lands.
 - Part III.—Works, etc.
 - Part IV.—Protective provisions.
 - Part V.—Miscellaneous and general.
- Interpretation. 3.—(1) In this Act, unless there be something in the context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts partly incorporated herewith have in relation to the subject-matter the same respective meanings and
- 1847 c. 27. "the Act of 1847" means the Harbours, Docks and Clauses Act 1847;

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—cont.

“the Act of 1964” means the British Transport Docks Act 1964;

1964 c. xxxviii

“the Act of 1966” means the British Transport Docks Act 1966;

1966 c. xxxi.

“the Act of 1967” means the British Transport Docks Act 1967;

1967 c. xxxi.

“the Board” means the British Transport Docks Board;

“the commissioners” means the Newport Harbour Commissioners;

“the corporation” means the mayor, aldermen and burgesses of the county borough of Swansea;

“the dredged channel” means the channel dredged by the Board under section 13 (Power to dredge channel at Newport (Monmouthshire)) of this Act and marked with buoys, beacons, guiding posts or signs under section 16 (Marking the dredged channel) of this Act;

“the East Usk Lighthouse” means the East Usk Lighthouse as existing at the passing of this Act;

“enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“the Hull works” means Work No. 1 and any works constructed for the purposes thereof or in connection therewith and includes those works as extended, enlarged, altered, replaced or relaid under subsection (2) of section 11 (Power to make works) of this Act;

“land” includes any estate or interest in land and land covered by water;

“the level of high water” means the level of mean high-water springs;

“the limits of deviation” means the limits of deviation shown on the deposited plans;

“the Minister” means the Minister of Transport;

“the Southampton works” means Work No. 4 and any work constructed for the purposes thereof or in connection therewith and includes those works as extended, enlarged, altered, replaced or relaid under subsection (2) of section 11 (Power to make works) of this Act;

PART I
—cont.

“ the Swansea works ” means Works Nos. 2 and 3 and works constructed for the purposes thereof or in connection therewith and includes those works as extended, enlarged, altered, replaced or relaid under subsection of section 11 (Power to make works) of this Act;

“ tidal work ” means so much of any work authorised by this Act as is on, under or over tidal waters or tides below the level of high water;

“ Trinity House ” means the corporation of Trinity House, Deptford Strond;

“ the undertaking ” means the undertaking of the Board authorised from time to time;

“ vessel ” has the meaning assigned to it in section 4 (Interpretation) of the Act of 1966;

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

1968 c. 59.

(2) In the Act of 1964 and the Act of 1966 “ hovercraft ” shall be deemed to have the meaning assigned to “ hovercraft ” in section 4 of the Hovercraft Act 1968.

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

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

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

Incorporation
of Acts.

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

1845 c. 20.

(a) the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway;

Provided that—

(i) for the purposes of the said incorporation the provisions with respect to the temporary occupation of

lands near the railway during the construction thereof the works shall be deemed to be the railway and the centre line of each work as shown on the deposited plans shall be deemed to be the centre of the railway and for the words "the period by the special Act limited for the completion of the railway" there shall be substituted the words "the period of twenty years from the commencement of the construction of any of the works authorised by the special Act";

(ii) for the purposes of the said incorporated provisions with respect to mines lying under or near the railway, the works shall be deemed to be the railway and, for the purposes of section 78 of the said Act of 1845 (as amended by the Mines (Working Facilities and Support) Act 1923) in so far as it relates to the works, the area of protection shall, as regards mines and minerals lying within 565 feet of the surface of the ground or the bed of the rivers Humber, Itchen or Tawe, be 400 feet and, as regards mines and minerals lying at a greater depth than 565 feet below the said surface, the area of protection shall be increased by 60 feet for every 100 feet or part thereof by which the mines and minerals lie deeper below the said surface than 565 feet: 1923 c. 20.

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

Provided that—

(i) the expression "the harbour, dock, or pier" where used in the said incorporated provisions means, in relation to the Hull works, the Southampton works and the Swansea works, those respective works;

(ii) the expression "the harbour master" where used in the said incorporated provisions means, in relation to Work No. 1, the Board's dock master at Alexandra and Victoria Docks at Kingston upon Hull, in relation to Works Nos. 2 and 3, the Board's dock master at Swansea, in relation to Work No. 4, the Board's dock and harbour master at Southampton and, in relation to the dredged channel, the Board's dock master at Alexandra Docks at Newport (Monmouthshire);

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

(iv) section 33 of the Act of 1847 shall not apply to the Hull works or the Swansea works;

PART I
—cont.

(v) section 52 of the Act of 1847 shall empower the harbour master to give directions prohibiting the mooring of vessels—

(a) in the dredged channel; and

(b) within a distance of 160 yards of the

(vi) section 53 of the Act of 1847 shall be construed as requiring the harbour master to give upon the master of a vessel a notice in writing in the directions but such directions may be given otherwise communicated to such master.

Provided that a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before which any case may be heard it is not reasonably practicable to serve a written notice on the master of the vessel.

(2) In the construction of the enactments so incorporated in this Act, the expression "special Act" shall be read as referring to this Act, the expression "company" shall mean the company and the expression "minerals" shall include sand and gravel.

Application
of Part I of
Compulsory
Purchase Act
1965.

1965 c. 56.

1946 c. 49.

5.—(1) Part I of the Compulsory Purchase Act 1965 (sections 4, 24 (5) and 27 thereof and paragraph 3 (3) of Schedule 1 thereto), in so far as it is applicable for the purposes of the compulsory acquisition of land under this Act as if it were a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if the said Act were a compulsory purchase order under the said Act.

(2) In section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on possession of land the subject of a notice to treat after not less than fourteen days' notice), as so applied to this Act, the words "fourteen days" there shall be substituted the words "months".

1845 c. 18.

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

PART II

LANDS

Power to
acquire lands.

6.—(1) Subject to the provisions of this Act, the harbour authority may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works or other purpose connected with or ancillary to the undertaking, and the reclamation of land in accordance with the provisions of this Act.

(2) The powers of the Board for the compulsory acquisition of land under this section shall cease after the expiration of three years from 31st December 1969:

PART II
—cont.

provided that the Minister may by order extend the period for the exercise of the powers of the Board for the compulsory purchase of land under this section.

(3) An order under subsection (2) of this section shall be subject to special parliamentary procedure.

(4) Subject to the provisions of this Act, the Board may enter on and use and appropriate so much of the subsoil and underface of any public street, road, footway or place delineated on deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the works about being required to purchase the same or any easement thereon or thereunder or to make any payment therefor.

If the Minister by order made under subsection (2) of the foregoing section extends the period for the exercise of the powers of the Board for the compulsory purchase of land, the following provisions shall apply after the coming into operation of that order:

Powers to owners and lessees to give notice as to purchase of land.

(1) In this section —

“the land” means any land which is for the time being authorised to be acquired compulsorily by this Act;

“lessee” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under paragraph (2) of this section:

(2) If any owner or lessee of any of the land shall give notice in writing to the Board of his desire for the acquisition as so far as may be by the Board of his interest in any part of the land specified in the notice, the Board shall, within a period of three months after the receipt of such notice

— enter into a contract with him for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

— serve on him a notice to treat for the compulsory acquisition of his interest in the land specified in his notice or in such part thereof as may be required by the Board; or

— serve on him notice in writing of the Board's intention not to proceed with the purchase of his interest in the land specified in his notice:

PART II
—cont.

(3) Where notice is given under the last foregoing paragraph by an owner or lessee of land specified in the notice then—

(a) if the Board—

(i) fail to comply with that paragraph;

(ii) withdraw in pursuance of any provision a notice to treat served on him in compliance with sub-paragraph (b) of that paragraph;

(iii) serve notice on him in compliance with sub-paragraph (c) of that paragraph;

the powers conferred by this Act for the compulsory purchase of his interest in the land so specified shall cease; or

(b) if his interest in part only of the land so specified is acquired in pursuance of a contract or notice to treat under sub-paragraphs (a) or (b) of that paragraph the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

Disregard of recent improvements and interests

8. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, executed or improvement or alteration made, whether on the land acquired or on any other land with which the claimant or was at the time of the erection, executing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the tribunal is satisfied that the erection of the building, the execution of the improvement or alteration, or the making of the improvement or alteration, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Extinction of private rights of way.

1965 c. 56.

9.—(1) All private rights of way over any land that is acquired compulsorily under this Act shall be extinguished on the acquisition of the land whether compulsorily or by agreement or on the entry on the land in pursuance of section 11 of the Compulsory Purchase Act 1965, as applied by this Act, whichever is sooner.

1961 c. 33.

(2) Any person who suffers loss by the extinguishing of a right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under section 11 of the Land Compensation Act 1961.

(1) The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

PART II
—cont.

Incorporation
of provisions
of Acts of
1964 and 1967
relating to
lands.

The Act of 1964

Section 6 (Correction of errors in deposited plans and book of reference).

The Act of 1967

Section 8 (Power to acquire easements only):

provided that the provisions of the said section 8 of the Act of 1967 shall have effect as if for the words "section 6 (Power to acquire lands) of this Act" there were substituted the words "section 6 (Power to acquire lands) of the British Transport Docks Act 1969".

PART III

WORKS, ETC.

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

In the city and county of Kingston upon Hull—

Work No. 1. A dam, embankment or wall across the entrance from the river Humber to the outer basin leading to Victoria Dock.

In the county borough of Swansea—

Work No. 2. A dam, embankment or wall across the eastern end of North Dock Basin;

Work No. 3. A dam, embankment or wall across the eastern end of the entrance lock to South Dock Basin.

In the city and county of Southampton—

Work No. 4. A new quay to be formed by the construction of a quay wall between the existing quay wall at the northern end of Coal Barge Dock and the eastern end point of the existing quay wall at the southern end of No. 28 berth at Southampton Docks, the extension of Coal Barge Dock and the extension of the quay adjoining No. 28 berth, together with a ramp in the new quay between Coal Barge Dock and the present northern end of No. 28 berth.

PART III
—cont.

Works to form part of undertaking.

Power to dredge channel at Newport (Monmouthshire).

(2) Subject to the provisions of this Act, the Board may the limits of deviation from time to time extend, enlarge, replace or relay temporarily or permanently the works.

12. The works shall for all purposes form part of the undertaking.

13.—(1) The Board may, for the purpose of affording means of access for vessels going to and from Alexander Docks Newport (Monmouthshire), from time to time deepen, scour, cleanse, alter and improve the foreshore and bed of the rivers Usk and Severn and the bed of the sea and the foreshore in such rivers and the sea to form a channel extending to the seaward limit of jurisdiction of the commissioners of the Customs and Excise on a south-south-westerly bearing from the East Usk Light a distance of 3 nautical miles from such limit and a maximum bottom width of 600 feet and any mud, gravel or other materials taken up or collected by means of such dredging, scouring or blasting shall be the property of the Board and they may sell or otherwise dispose of or remove the same as they think fit:

Provided that—

- (a) no such materials shall be deposited below the level of high water except in such places and in accordance with such restrictions or regulations as may be prescribed by the Board of Trade nor shall such materials be deposited in any place within the jurisdiction of the commissioners without the consent of the commissioners;
- (b) the Board shall consult with the river authority exercising the powers of this section in connection with sea defence works as defined in paragraph 1 of section 28 (For protection of Usk River) of the Act of 1967 and before depositing any such materials as aforesaid on or near to any such works or below the level of high water in any such works;
- (c) the Board shall not use explosives for blasting any rock at a time when the rock is covered by water unless the rock is so covered at all states of the tide;
- (d) the Board shall consult with the river authority exercising the powers of this section in connection with sea defence works as defined in paragraph 1 of section 28 (For protection of Usk River) of the Act of 1967 before using explosives for blasting any rock which is covered by water with water at all states of the tide.

(2) In this section the expression "the river authority" means the Usk River Authority.

PART III
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The limits within which the powers of the Board's dock master at Alexandra Docks at Newport (Monmouthshire) may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this Act, shall extend to include the dredged channel but the powers of the said dock master conferred by this section shall not be exercised so as to affect vessels navigating in the dredged channel unless such vessels shall obstruct or impede the passage of vessels bound to or from Alexandra Docks.

Limits of Board's dock master's jurisdiction at Newport (Monmouthshire).

(1) The limits within which the powers of the Board's dock master at Alexandra and Victoria Docks at Kingston upon Hull in relation to Work No. 1 may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this Act, shall extend to a distance of 160 yards measured riverward from the face of the said work, but the powers of the said dock master conferred by this section shall not be exercised so as to affect vessels navigating or at anchor in the channels of the said docks unless such vessels shall obstruct access to the said docks.

Limits of Board's dock master's jurisdiction at Alexandra and Victoria Docks at Kingston upon Hull.

The provisions of section 16 (Limits of Board's dock master's jurisdiction at Victoria Dock at Kingston upon Hull) of the Act of 1967 shall have effect as if for the reference to "Victoria Dock" there were substituted a reference to "Alexandra and Victoria Docks".

(1) The Board may provide, place and erect inside or outside the dredged channel in such places as they deem proper, lights, lighthouses, buoys, beacons, guiding posts or signs for the guidance of vessels bound to or from the Board's Alexandra Docks at Newport (Monmouthshire).

Marking the dredged channel.

The Board may maintain and repair any lightships, light-buoys, beacons, guiding posts or signs provided and by them under this section.

The Board shall have the powers and be subject to the duties of a local light-house authority as set out in Part XI of the Shipping Act 1894.

1894 c. 60.

In the event of injury to or destruction or decay of a tidal light or buoy of the Board shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such steps as may be necessary for preventing danger to navigation as Trinity House may from time to time direct.

Provision against danger to navigation.

The Board shall not to notify Trinity House as required by this section in any respect with a direction given under

PART III
—cont.

this section, they shall be liable on summary conviction or on conviction on indictment to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Permanent lights on Southampton works.

18.—(1) After the completion of the Southampton works, the Board shall at the outer extremity thereof exhibit lights from sunset to sunrise such lights, if any, and take such other measures as may be necessary for the prevention of danger to navigation as Trinity House is required to do from time to time direct.

(2) If the Board fail to comply in any respect with any provision given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds or on conviction on indictment to a fine.

As to byelaws, etc., of Board.

19. All byelaws, rules and regulations of the Board in relation to the Alexandra and Victoria Docks at Kingston upon Thames and the Southampton Docks immediately before the passing of this Act shall, unless the Board shall otherwise determine, be deemed to apply to the Hull works or the Southampton works (as the case may be) and may be enforced by the Board until such time as new byelaws, rules or regulations for the Hull works or the Southampton works (as the case may be) shall be made by the Board and come into operation.

Incorporation of provisions of Acts of 1964 and 1966 relating to works.

20.—(1) The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of the Act—

The Act of 1964—

Section 20 (Temporary stoppage of roads and footways)

Section 30 (Fine for obstructing works)

The Act of 1966—

Section 9 (Subsidiary works);

Section 10 (Power to deviate);

Section 21 (Tidal works not to be carried out without approval of Board of Trade);

Section 23 (Abatement of works abandoned);

Section 24 (Survey of tidal works); and

Section 26 (Lights on tidal works during construction).

Provided that the provisions of the said section 26, when incorporated, shall have effect as if in the proviso to that section the words after "those works" were omitted.

Any reference in the said incorporated provisions to "the works" shall be construed as a reference to "the works" as defined in section 3 (Interpretation) of this Act.

(1) The Board may abandon, discontinue, close and fill in the basin known as Drypool Basin and the dock known as Victoria Dock at Kingston upon Hull authorised by section CLXVI (Company to construct Docks) of the Kingston-upon-Hull Dock Act 1844, together with the outer and half-tide basins and works in connection therewith, and upon such closing all the duties and obligations imposed upon the Board with respect to or in connection with such dock, basins and works shall cease.

Power to abandon and close Drypool Basin and Victoria Dock etc. at Kingston upon Hull.
1844 c. ciii.

Notwithstanding anything in any enactment or in any agreement with the lord mayor, aldermen and citizens of the city of Kingston upon Hull (in this section referred to as "the Corporation") or their predecessors, upon the closing of the basins and works referred to in subsection (1) of this section the Corporation shall cease to be entitled to take water or discharge water or other matter into such dock, basins and works.

Upon the closing of Victoria Dock pursuant to subsection (1) of this section so much of section CXX (As to lighting surrounding the Victoria and Railway Dock) of the Kingston-upon-Hull Improvement Act 1854 as relates to the lighting of the said dock and the basins and entrances thereto is hereby repealed.

1854 c. ci.

(1) In this section "the Swansea Harbour Acts" means the Swansea Harbour Act 1836, the Swansea Dock Act 1847, the Swansea Harbour Acts 1854, 1857, 1874, 1895, 1896 and 1901.

Power to abandon and close North Dock Basin and South Dock and Basin etc. at Swansea.
1836 c. cxxvi.
1847 c. cxxiii.
1854 c. cxxvi.
1857 c. cxlii.
1874 c. civ.
1895 c. cx.
1896 c. cxli.
1901 c. ccliii.

The Board may abandon, discontinue, close and fill in the half-tide basin known as North Dock Basin at Swansea and works in connection therewith; and the dock and basin known as South Dock and South Dock Basin at Swansea, including the entrance lock thereto and works in connection therewith; and upon such closing all the duties and obligations imposed upon the Board with respect to or in connection with the said dock, basins, entrance locks and works shall cease.

On the completion of the filling in of the channel between the North Dock Basin and South Dock Basin the Board may abandon and close the said channel and thereupon so much of section XXVII (Company to erect bridge over such channel) of the said Act as relates to the provisions of section XXVII (Company to erect bridge over such channel) shall cease to have effect.

PART III

—cont.

1847 c. cxviii.

1857 c. cxlii.

Bridges across Entrance to Basin or Dock, or near to it, the provisions of section LVI (Bridges) of the Swansea Dock Act 1847 and of section LVI (Bridges) of the Swansea Harbour Act 1857 (Half-tide Basin) of the Swansea Harbour Act 1857 shall cease to have effect.

Agreements
with Swansea
Corporation.

23.—(1) Any agreement entered into between the corporation and any other person with respect to the sale of the land known as North Dock Basin and the dock and basin known as South Dock and South Dock Basin or any of the lands or of any lands which at the passing of this Act form part of the dock and basin may provide for the exercise by the corporation of any of the powers of the Board in respect of the Swansea Dock Basin and South Dock and Basin etc. at Swansea as if those powers were exercised by the corporation in accordance with subsection (2) of section 22 (Power to abandon dock and basin) of this Act and for other matters incidental thereto or connected therewith.

(2) Any such agreement may also provide for the exercise by the corporation of any of the powers of the Board in respect of the Swansea Dock Basin and South Dock and Basin etc. at Swansea as if those powers were exercised by the corporation in accordance with subsection (2) of section 22 (Power to abandon dock and basin) of this Act and for other matters incidental thereto or connected therewith.

(3) The exercise by the corporation of any of the powers of the Board in respect of the Swansea Dock Basin and South Dock and Basin etc. at Swansea as if those powers were exercised by the corporation in accordance with subsection (2) of section 22 (Power to abandon dock and basin) of this Act shall be subject to the like provisions in relation to the exercise of those powers as would apply if those powers were exercised by the corporation in accordance with those provisions and accordingly those provisions with any necessary modifications shall apply to the exercise of such powers by the corporation.

PART IV

PROTECTIVE PROVISIONS

Incorporation
of protective
provisions
of Acts of
1964, 1966
and 1967.

24. The following provisions of the undertakings Acts 1964, 1966 and 1967 shall be incorporated with, and form part of this Part of this Act—

The Act of 1964—

Section 41 (For protection of Postmaster-General's Office)

Section 42 (For protection of Kings Cross Station Corporation).

The Act of 1966—

Section 30 (Crown rights);

Section 32 (For further protection of Postmaster-General's Office and Kings Cross Station Corporation);

Section 37 (Saving for Humber Bridge Act 1966).

The Act of 1967—

Section 26 (For protection of Bristol Corporation).

PART IV
—cont.

provided that the provisions of the said section 41, as so incorporated, shall have effect as if in subsection (1) thereof the words "section 15 (Subsidiary works at Port Talbot, Birmingham and King's Lynn) of this Act" there were substituted the words "section 9 (Subsidiary works) of the British Transport Docks Act 1966" and in subsection (2) thereof for the words "this Act" there were substituted the words "the British Transport Docks Act 1964":

1966 c. xxxi.

1964 c. xxxviii.

provided also that the provisions of the said section 42, as so incorporated, shall have effect as if in paragraph (2) thereof for the words "section 16 (Subsidiary works at Kingston upon Hull) of this Act" there were substituted the words "section 9 (Subsidiary works) of the British Transport Docks Act 1966":

provided further that the provisions of the said section 32, as so incorporated, shall have effect as if in subsection (1) thereof for the words "this Act" there were substituted the words "the British Transport Docks Act 1966":

provided further that the provisions of the said section 26, as so incorporated, shall have effect as if for the words "the terminal approach channel" wherever they occur there were substituted the words "the dredged channel" and as if for the words "section 13 (Power to dredge at Uskmouth) of the British Transport Docks Act 1967" there were substituted references to section 13 (Power to dredge channel at Newport (Monmouthshire)) of the British Transport Docks Act 1964:

PART V

MISCELLANEOUS AND GENERAL

in its application to the Board pursuant to the provisions of Part III of the Second Schedule to the Transport Act 1962, section (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act 1949, as amended by section 49 (Amendment of section 54 of British Transport Commission Act 1949) of the Act of 1964, shall have effect as if the words "one thousand nine hundred and seventy-four" were substituted for the words "one thousand nine hundred and

Powers of police as to search and arrest.
1962 c. 46.
1949 c. xxix.

The period now limited by the Act of 1966 for the purpose of the lands authorised to be acquired by (Power to acquire lands) of the Act of 1966 for the purposes of sections 1, 2, 3 and 6 authorised by Part III of the Act of 1966 is hereby extended until

Extension of time.

PART V
—cont.

Powers to owners and lessees to give notice as to purchase of land.

(2) The powers for the compulsory purchase of the land shall cease on the said date except in so far as any such powers shall by then have been exercised.

27.—(1) In this section—

- “ the enabling Act ” means the Act of 1966;
- “ the land ” means any land which is for the time being authorised to be acquired compulsorily by the enabling Act;
- “ lessee ” means a lessee under a lease having a period of less than twenty-one years to run at the date when notice under subsection (2) of this section is given.

(2) If any owner or lessee of any of the land shall give notice in writing to the Board of his desire for the acquisition of his interest may be by the Board of his interest in any part of the land specified in the notice the Board shall within a period of three months from the receipt of such notice—

- (a) enter into a contract with him for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or
- (b) serve on him a notice to treat for the compulsory acquisition of his interest in the land specified in the notice, or in such part thereof as may be required by the Board; or
- (c) serve on him notice in writing of the Board's decision not to proceed with the purchase of his interest in the land specified in his notice.

(3) Where notice is given under the last foregoing subsection by an owner or lessee of land specified in the notice, then—

- (a) if the Board—
 - (i) fail to comply with that subsection; or
 - (ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection; or
 - (iii) serve notice on him in compliance with paragraph (c) of that subsection;

the powers conferred by the enabling Act for the compulsory purchase of his interest in the land specified shall cease; or

- (b) if his interest in part only of the land specified is acquired in pursuance of a contract of purchase under paragraphs (a) or (b) of that subsection the powers conferred by the enabling Act for the compulsory purchase of his interest in the remainder of the land specified shall cease.

PART V
—cont.

Nothing in subsection (2) of section 11 (Power to make works), section 16 (Marking the dredged channel), section 17 (Provision against danger to navigation) or section 18 (Permanent works on Southampton works) of this Act shall prejudice or detract from any of the rights or privileges, or the jurisdiction or authority, of Trinity House. Saving for Trinity House.

(1) The provisions of the Town and Country Planning Acts of 1968 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 may be, authorised or regulated by or under this Act. Saving for town and country planning.

A planning permission granted by any general development order made under section 14 of the Town and Country Planning Act 1962 which grants permission for development of land authorised by a local or private Act of Parliament shall cease to have effect in relation to Works Nos. 1, 2, 3 and 4 if the particular Work is not commenced before the expiration of 10 years from the 31st December, 1969. 1962 c. 46.

Nothing in this Act shall be taken as exempting the Board from the provisions of sections 9 and 10 of the Harbours Act 1964 in relation to the works. Saving for Harbours Act 1964.
1964 c. 40.

Nothing in this Act shall entitle or oblige the Board to use apparatus for wireless telegraphy as defined in the Wireless Telegraphy Act 1949 in contravention of the provisions of that Act. Saving for Wireless Telegraphy Act 1949.
1949 c. 54.

Nothing in this Act shall be taken as exempting any person from the provisions of Part XI of the Merchant Shipping Act 1894. Saving for Merchant Shipping Act 1894.
1894 c. 60.

Where under this Act any difference (other than a difference between the provisions of the Compulsory Purchase Act 1965, and by that Act, apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed by the parties, or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other), by the Council of the Institution of Civil Engineers. Arbitration.
1965 c. 56.

The enactments specified in the Schedule to this Act are repealed to the extent therein indicated. Repeals.

The charges and expenses of and incidental to the printing, printing and passing of this Act, or otherwise in connection therewith, shall be paid by the Board and may in whole or in part be paid out of revenue. Costs of Act.

SCHEDULE

Section 34.

ENACTMENTS REPEALED

PART I

1844 c. ciii.

KINGSTON-UPON-HULL DOCK ACT 1844

- Section LXXVIII (No Building to be erected there without the Consent of the Board of Ordnance).
- Section CLXVI (Company to construct Dock which relates to the dock referred to in the Act on the Eastern Side of the Moat known as Victoria Dock).
- Section CLXXIII (Company to erect a Counter Wall of the Moat).
- Section CLXXVI (Company to erect a Paling Wall abutting upon Ordnance Barracks).
- Section CLXXVII (Company to slope off Eastern Side of Barracks to Fire of Citadel).
- Section CLXXIX (Reserving to Ordnance a Right of Wharfs, &c.).
- Section CLXXX (Company not to deposit Stores on Wharfs for a longer Period than Two Years).
- Section CLXXXII (Land in front of Citadel not to be used for Erections, &c.).
- Section CLXXXVIII (Warehouses and other Works).

1849 c. lxxix.

KINGSTON-UPON-HULL DOCK ACT 1849

- Section XVII (A self-registering Tide Gauge to be provided by the Company).
- Section XVIII (Penalty for not providing Tide Gauge).

1861 c. lxxix.

HULL DOCKS ACT 1861

- Section 62 (As to flushing Sewers).
- Section 63 (Company to permit Local Board to lay Water Mains, &c., for Protection from Fire).

1877 c. xxv.

HULL DOCKS ACT 1877

- Section 18 (As to flushing sewer under Tower Street).

NORTH EASTERN RAILWAY (HULL DOCKS) ACT 1893

SCH.

—cont.

Section (13) of Section 30 (For benefit and protection of corporation) so far as it relates to the dock, basins, lock and works referred to in subsection (1) of section 21 (Power to abandon and close Drypool Basin and Victoria Dock etc. at Kingston upon Hull) of this Act.

1893 c. cxxviii.

PART II

SWANSEA HARBOUR ACT 1836

1836 c. cxxvi.

Section LXIX (Wet Dock and Half-tide Basin to be constructed) so much of the section as relates to the formation of a Half-tide Basin.

SWANSEA HARBOUR ACT 1854

1854 c. cxxvi.

Section LIX (Powers of Trustees as Conservators) the words from "including" and the Trustees shall" to and including the words "as the Sill of such Lock".

Section LX (Power to construct Works herein described) the words "and including" The Trustees may and shall and are" to and including the words "new Cut of such Depth as that the Water therein up to those Foundation Walls shall in all Places be of the same Depth as in the Centre" and the words from and including "The Trustees may and shall construct" to and including the words "that Half-tide Basin of such Depth as that the Water therein up to those Foundation Walls shall in all Places be of the same depth as in the Centre".

Section XXI (Power to lower Water in Float &c.).

Section XII (Lowering Water in Float at Request of Wharf Owners, &c.).

SWANSEA HARBOUR ACT 1857

1857 c. cxlii.

Section XLV (Trustees may complete Docks and Works).

NORTH EASTERN RAILWAY (SWANSEA NORTH DOCK ABANDONMENT) ACT 1928

1928 c. xxxiii.

(Confirmation of agreement with Weaver and Company Limited).

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