

Ipswich Dock Act 1971

CHAPTER xiv

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ELIZABETH II



1971 CHAPTER xiv

An Act to authorise the Ipswich Dock Commission to construct further works; and for other purposes.

[30th March 1971]

WHEREAS by the Ipswich Dock Act 1852 the Acts relating 1852 c. cxvi.
to the Port of Ipswich were consolidated and amended
and the Ipswich Dock Commissioners were constituted
and incorporated:

And whereas by the Ipswich Dock Act 1913 the Commissioners 1913 c. cvi.
were reconstituted and it was provided that they and their succes-
sors should continue incorporated by the name of The Ipswich
Dock Commission (hereinafter referred to as " the Commission "):

And whereas by the Ipswich Dock Acts and Order 1852 to
1969 powers and authorities have been conferred on the Com-
mission and their predecessors in the improvement of the Port of
Ipswich:

And whereas in order to meet the requirements of the trade of
the Port of Ipswich it is expedient that the Commission be
authorised to acquire the lands and to construct the works in
this Act described:

And whereas it is expedient that the other provisions of 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 authorised by this Act and the lands which may be taken or used compulsorily for the purposes thereof, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands, and describing the same, were duly 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 East Suffolk, and the town clerk of the county borough of Ipswich, which plans, sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections, and the deposited 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 and collective titles.

1. This Act may be cited as the Ipswich Dock Act 1971 and the Ipswich Dock Acts and Order 1852 to 1969 and this Act may be cited as the Ipswich Dock Acts and Order 1852 to 1971.

Application of Part I of the Compulsory Purchase Act 1965.

2.—(1) Part I, including Schedules 1 to 5, of the Act of 1965, other than the excepted provisions, in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to any compulsory purchase under this Act.

1965 c. 56.

(2) The provisions of the Act of 1965 as so applied shall have effect as if—

- (a) this Act were the special Act and the Commission were the acquiring authority;
- (b) references to the compulsory purchase order were references to this Act;
- (c) in section 4 of the Act of 1965 (which prohibits the exercise of the compulsory powers after the expiration of three years from the date on which the compulsory purchase order becomes operative) the reference to the date on which the compulsory purchase order becomes operative were a reference to the 31st December following the passing of this Act;

- (d) in section 11 (1) of the Act of 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) for the words "fourteen days" there were substituted the words "three months";
- (e) in section 11 (3) of the said Act (which permits the acquiring authority to enter on land subject to compulsory purchase for the purposes of survey after giving not less than three nor more than fourteen days' notice) for the words "not less than three nor more than fourteen days' notice" there were substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry".

(3) In this section "the excepted provisions" means the following provisions of the Act of 1965, namely, section 24 (5) (which provides that where land is acquired in consideration of a rentcharge the acquiring authority's borrowing powers shall be reduced by twenty years' purchase of the rent payable under the rentcharge), section 27 (Liability of acquiring authority to make good deficiencies in rates) and paragraph 3 (3) of Schedule 3 (which requires a bond for compensation to be with two sufficient sureties).

(4) The Lands Clauses Consolidation Act 1845 shall not apply 1845 c. 18. to the acquisition of land under this Act.

3.—(1) In this Act, unless the context otherwise requires, the Definitions. following expressions have the meanings hereby assigned to them respectively, that is to say:—

- "the Act of 1965" means the Compulsory Purchase Act 1965; 1965 c. 56.
- "the authorised work" means the work authorised by section 10 (Power to construct works) of this Act;
- "charges" includes charges, rates, tolls and dues of every description which the Commission are for the time being authorised to demand, take and recover; and "charge" shall be construed accordingly;
- "the Commission" means the Ipswich Dock Commission;
- "the corporation" means the mayor, aldermen and burgesses of the county borough;
- "the county" means the administrative county of East Suffolk;
- "the county borough" means the county borough of Ipswich;

PART I
—cont.

1952 c. 44.

- “ the county council ” means the council of the county;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ dock superintendent ” means a person appointed by the Commission to be a superintendent of docks, quays and berths and includes the deputies and assistants of a person so appointed;
- “ dock ” means the dock belonging to the Commission and includes locks, basins and cuts forming part of the dock;
- “ duties of customs or excise ” includes any tax, levy, surcharge or any other sum to the collection of which the general provisions of the Customs and Excise Act 1952 relating to customs or excise have been applied by statute;
- “ enactment ” means any Act, whether general, local or personal and any order or other instrument made thereunder and any provisions in any such Act, order or instrument, and includes this Act;
- “ the existing Acts ” means the Ipswich Dock Acts and Order 1852 to 1969;
- “ goods ” includes all tangible personal property of any kind whatsoever;
- “ harbourmaster ” means a person appointed by the Commission to be a harbourmaster and includes the deputies and assistants of a person so appointed;
- “ land ” includes any estate or interest in or right or privilege over land;
- “ 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;
- “ master ” in relation to a vessel means any person having or taking the command, charge or management of a vessel for the time being;
- “ the port ” means the port, harbour and dock of Ipswich and any part of the river between Stoke Bridge and a line drawn across the river from Shotley Point to Fagborough Cliff;
- “ port premises ” means the dock, landing places and all other works and land at any time vested in, belonging to or administered by the Commission;

“ reconstruction ” in relation to a work authorised by this Act includes constructing the work on a new line or in a new position; and “ reconstructed ” and “ reconstructing ” shall be construed accordingly;

“ the river ” means that part of the river Orwell within the port;

“ 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;

“ the Trinity House ” means the Corporation of Trinity House of Deptford Strond;

“ the undertaking ” means the undertaking for the time being of the Commission.

(2) In the existing Acts and this Act and the enactments incorporated therewith, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“ hovercraft ” has the same meaning as in section 4 of the Hovercraft Act 1968; 1968 c. 59.

“ hydrofoil vessel ” means a vessel, however propelled, designed to be supported on foils;

“ seaplane ” includes a flying boat and any other aircraft designed to manoeuvre on the water but does not include a hovercraft or hydrofoil vessel;

“ vessel ” means every description of vessel, however propelled or moved, and includes any thing constructed or used to carry persons or goods by water and a seaplane on or in the water, a hovercraft and a hydrofoil vessel.

(3) This Act is to be read as if the words “ or thereabouts ” were inserted after each distance mentioned in section 10 (Power to construct works) of this Act.

(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

4. Subject to the provisions of this Act, the Commission may enter upon, take and use such parts of the bed, banks and shores of the river and such other lands in the county and county borough

PART II
—cont.

delineated on the deposited plans and described in the deposited book of reference as may be required in connection with or for the purposes of the works authorised by this Act or other the purposes authorised by this Act, or for the inclosing, reclamation or use of land in accordance with the provisions of this Act.

Correction of errors in deposited plans and book of reference.

5.—(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 Commission, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the clerk of the county and the town clerk of the county borough and with every clerk of a local authority with whom a copy of the deposited plans, or of 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 such copy so deposited; and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Commission to take the land and execute the works in accordance with the certificate.

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

Power to acquire easements only.

6.—(1) The Commission may, instead of acquiring any greater interest in any land that it is authorised to acquire compulsorily under this Act, acquire compulsorily only such easements and rights over or in the land as it may require for the purpose of constructing, using, maintaining or renewing the works authorised by this Act or for the purpose of obtaining access to the said works or to the lands acquired under this Act or for the purpose of doing any other thing necessary in connection with the said works or lands.

(2) Accordingly the Commission may give notice to treat in respect of any such easement or right describing the nature thereof; and references to land in the Act of 1965, as applied by this Act, shall include such easements and rights as aforesaid.

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

PART II
—cont.

(a) it shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Commission to acquire his entire interest in the land, the Commission 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 such interest in 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 Commission may acquire the entire interest of the owner in the land compulsorily notwithstanding that the three years mentioned in section 4 of the Act of 1965, as applied by 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.

7. In determining any question of disputed compensation under the Act of 1965, as applied by this Act, the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any works executed, improvement or alteration made or building erected after 5th December, 1969; or

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

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

8.—(1) Subject to the provisions of this Act all rights over any land which is subject to compulsory purchase under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

Extinction of rights affecting land acquired.

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

1961 c. 33.

PART II
—*cont.*

Grant of
easements by
persons under
disability.

9.—(1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the Commission 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 Act of 1965 with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

PART III
WORKS

Power to
construct
works.

10.—(1) Subject to the provisions of this Act, the Commission may construct and place in the river and on the bed, banks and shore thereof and on other lands, in the situations and lines within the limits of deviation and according to the levels shown on the deposited sections, the work hereinafter described, that is to say:—

A river wall and quay, supported on piles or pontoons or both, being partly of solid and partly of open construction in steel, timber or concrete, commencing at a point on the west bank of the river south of Griffin Wharf 300 feet (measured along the top of the wall) south-south-west of the place where a projection of the south side of Harland Street in a south-easterly direction intersects the river wall, extending in a south-south-westerly direction for a distance of 4,000 feet and thence in a south-westerly direction for a distance of 400 feet and terminating on the river bank at a point 205 feet north-east of Bourne Bridge.

(2) The Commission may by means of the work authorised by subsection (1) of this section inclose and reclaim the foreshore and bed of the river included within the limits of deviation.

Power to
make
subsidiary
works.

11.—(1) Subject to the provisions of this Act, within the limits of deviation the Commission may from time to time in connection with or for the purposes of construction, maintenance or use of the works authorised by this Act or any of them, or other the purposes of this Act, or the inclosing, reclaiming or use of the bed, banks or shores of the river—

(a) execute, place and keep either temporarily or permanently on, under or over tidal waters or tidal lands below the level of high water, all such caissons, cofferdams, piles, quays, walls, abutments, embankments, booms, dolphins,

access works, fenders, mooring posts, pontoons, cranes, winches, gantries, conveyors and stagings and other works as they may find necessary or expedient;

- (b) temporarily or permanently use, strengthen, widen enlarge, improve, alter, divert, extend, substitute, discontinue the use of or otherwise interfere with sewers, drains, submarine cables, telegraphic, telephonic and electric lines, wires and cables, gas and water pipes, pipelines and any works or apparatus ancillary to the same or to any of them (all of which are hereinafter in this section referred to as “service works”), streets, roads, jetties and slipways, lamps, lamp standards and all other matters and things, providing where possible a proper substitute before interrupting the passage of sewage, drainage, electricity, gas, water, oil or other substances in or through any service works.

(2) Any service works rendered unnecessary by the substitution of other service works therefor shall vest in the Commission and the substituted service works shall be under the same jurisdiction, care, management and direction as the existing service works for which they may be so substituted.

(3) In the exercise of the powers conferred by this section the Commission 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 service works the Commission shall submit to the appropriate authority sufficient plans, sections and particulars of the proposed works for their reasonable approval.

(b) The Commission 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 Commission 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 Commission under this subsection shall be settled by arbitration.

(d) In this subsection “the appropriate authority” means in relation to any service works the authority or person to whom it belongs or by whom it is repairable.

PART III

—cont.

1961 c. 33.

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

(6) Notwithstanding anything in this section the Commission shall not—

(a) use any telegraphic line belonging to or used by the Post Office;

1878 c. 76

(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.

(7) 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 Post Office or with telecommunication by means of any such line or with any apparatus of the Central Electricity Generating Board or the Eastern Electricity Board or with any purpose for which such apparatus is used.

1969 c. 8.

(8) Nothing in this section shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunication conferred on the Post Office by subsection (1) of section 24 of the Post Office Act 1969.

1949 c. 54.

(9) Notwithstanding anything in this section, the Commission shall not install or use apparatus for wireless telegraphy in contravention of the provisions of the Wireless Telegraphy Act 1949.

(10) The provisions of this section shall not apply to a sewer outfall referred to in section 24 (For the protection of Ipswich Corporation) of this Act.

(11) In subsection (6) of this section, the expression “alter” has the same meaning as in the Telegraph Act 1878, in subsections (6) and (7) the expression “telegraphic line” has the same meaning as in the Telegraph Act 1878, and in subsection (9) the expression “apparatus for wireless telegraphy” has the same meaning as in the Wireless Telegraphy Act 1949.

Power to deviate.

12. In the construction of the authorised work, the Commission may deviate laterally to any extent within the limits of deviation shown on the deposited plans and may deviate vertically from the levels of those works shown on the deposited sections to any extent downwards, and to any extent, not exceeding 5 feet, upwards.

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

PART III
—cont.

Maintenance,
alteration and
extension of
works.

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

14. If the authorised work is not completed before 1st January, 1981, then on that day the powers by this Act granted to the Commission for making and completing it shall cease, except as to so much thereof as is then substantially commenced:

Period for
completion of
work.

Provided that nothing in this section shall prejudice the powers of the Commission to maintain, renew, enlarge, alter or reconstruct within the limits of deviation the authorised work at any time and from time to time as occasion may require.

15.—(1) A tidal work shall not be constructed, renewed, enlarged, altered or reconstructed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

Tidal works
not to be
constructed
without
approval of
Secretary
of State.

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

(a) the Secretary of State may by notice in writing require the Commission 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 date when the notice is served upon the Commission, it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(b) if it appears to the Secretary of State urgently necessary so to do he may remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Commission as a simple contract debt.

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

Provision
against
danger to
navigation.

PART III
—cont.

(2) If the Commission fails to notify the Trinity House 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.

17.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Commission 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 Secretary of State thinks 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 Secretary of State 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 Commission, it has failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Commission as a simple contract debt.

Survey of
tidal works.

18. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work constructed by the Commission or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Commission as a simple contract debt.

Lights on
tidal works
during
construction.

19.—(1) The Commission shall at or near a tidal work during the whole time of the construction, renewal, enlargement, alteration or reconstruction 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 Secretary of State shall from time to time direct.

(2) If the Commission 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.

20.—(1) After the completion of a tidal work the Commission 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 Trinity House shall from time to time direct.

PART III
—cont.

Permanent
lights on
tidal works.

(2) If the Commission 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.

21. The works authorised by this Act and the bed, banks, shores and land acquired or inclosed and reclaimed under the powers of this Act, and each and every of them, and any works connected therewith respectively, shall form part of the undertaking.

Works to be
part of
undertaking.

22. Nothing in this Act shall exempt the Commission 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.
1964 c. 40.

23. Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session of the 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Saving for
town and
country
planning.
1962 c. 38.

24. For the protection of the corporation the following provisions shall, unless otherwise agreed in writing between the corporation and the Commission, apply and have effect:—

For the
protection
of Ipswich
Corporation.

- (1) (a) In this section unless the context otherwise requires “an existing sewer outfall” includes each of the existing outfall sewers and works associated therewith shown on the deposited plans and “existing” means existing at the commencement of this Act;
- (b) The work to which this section applies is so much of the authorised work as may affect an existing sewer outfall:
- (2) Wherever in this section provision is made with respect to the consent of the corporation such consent shall be in writing and may be given under the hand of the town clerk of the corporation subject to such reasonable terms and conditions as the corporation may require, but shall not be unreasonably withheld:
- (3) Before commencing to construct any part of the work to which this section applies the Commission shall submit to the corporation plans, sections and specifications of

PART III
—cont.

such work which said plans, sections and specifications shall describe the position and manner in which, and the level at which, the work to which they relate are proposed to be constructed:

- (4) If for the purpose of the execution of the work to which this section applies the corporation or the Commission deem it necessary or expedient that the line of an existing sewer outfall should be altered or diverted or that an existing sewer outfall should be extended the Commission shall submit to the corporation for their reasonable approval plans, sections and specifications of such alteration, diversion or extension and the said plans, sections and specifications shall provide for the construction of sewers and outfalls and works associated therewith capable of receiving and discharging the sewage or drainage from the existing catchment of an existing sewer outfall proposed to be altered, diverted or extended and the Commission shall not carry out such alteration, diversion or extension otherwise than in accordance with the plans and specifications so approved or as may be settled pursuant to paragraph (13) of this section:
- (5) The Commission shall subject to the corporation's like approval under paragraph (4) of this section be at liberty in extending two or more existing sewer outfalls to construct one or more sewers to unite the extensions of two or more outfalls and to discharge sewage or drainage therefrom into the river by means of one or more sewers so however that such sewer or sewers shall be capable of receiving and discharging not less than the aggregate volumes of sewage or drainage from the existing catchments of each of the existing sewer outfalls for which such substitution is made:
- (6) If the corporation do not within twenty-eight days from the submission to them of any plans, sections and specifications pursuant to the foregoing provisions of this section intimate to the Commission in writing their approval or disapproval thereof they shall be deemed to have approved the same:
- (7) All such works as are referred to in paragraphs (4) and (5) of this section shall where so required by the corporation be done by or under the direction and control of and to the satisfaction in all respects of the corporation, at the cost in all respects of the Commission, and all reasonable costs, charges and expenses to which the corporation may be put by reason of such works, whether in the execution of works, the preparation or examination of plans or designs, direction, supervision or control or otherwise, shall be paid to the corporation by the Commission:

- (8) During the carrying out of all such works as are referred to in paragraphs (4) and (5) of this section the Commission shall make to the reasonable satisfaction of the corporation all necessary temporary provision for the free and uninterrupted flow of storm water:
- (9) It shall be lawful for the engineer or surveyor or other officer of the corporation at all reasonable times to enter upon and inspect any part of a work to which this section applies, or any such altered or substituted works, which may affect an existing sewer outfall during the execution thereof, and the Commission shall give to such engineer or surveyor or officer all reasonable facilities for such inspection, and if he shall be of opinion that the construction of any such work is attended with danger to an existing sewer outfall the Commission shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto:
- (10) When all work in connection with the extension or enlargement of an existing sewer outfall and other works associated therewith has been completed under the provisions of this section the same shall vest in the corporation with full, free and uninterrupted rights of access thereto at all times for the purpose of inspecting, maintaining, repairing, renewing and cleansing the same:
- (11) No building, structure or erection of any kind whatsoever shall be erected over an existing outfall sewer as altered, diverted or extended or within a distance of 10 feet measured horizontally from the outer extremity of such existing outfall sewer or other works associated therewith, or such further distance as may in the reasonable opinion of the corporation be necessary to prevent any such building, structure or erection as aforesaid imposing any pressure or load thereupon and to facilitate access thereto for the maintenance and repair thereof:
- (12) The Commission shall at all times keep the corporation indemnified against all damages, losses, costs and expenses which they may sustain or be liable for or reasonably and properly incur by reason or in consequence of any injury or damage which may be caused or may result to an existing sewer outfall, including an existing sewer outfall as altered, diverted or extended and any other works associated therewith, as a result of any interference in the operation thereof by or as a direct consequence of the construction of the authorised work or the exercise of any powers conferred by this Act or otherwise, other than damages, losses, costs and

PART III
—cont.

expenses which are attributable to any act, neglect or default of the corporation or their contractors or workmen:

Provided that the corporation shall give to the Commission notice of any claim or demand made against them which in the opinion of the corporation is a claim or demand for which the Commission may be liable under this paragraph and the corporation shall not settle or compromise any such claim or demand without the consent in writing of the Commission:

- (13) Any difference which may arise between the Commission and the corporation under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by arbitration.

For
protection
of British
Railways
Board.

25.—(1) In this section—

- “ the board ” means the British Railways Board;
- “ the engineer ” means an engineer to be approved by the board;
- “ plans ” include sections, specifications and drawings;
- “ railway property ” means any railway of the board or any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;
- “ the works ” means so much of the works authorised by this Act as may be situated upon, across, under or over or may in any way affect railway property and includes the construction, maintenance and renewal of such works.

(2) The Commission shall not under the powers of this Act acquire compulsorily any railway property but it may in accordance with the provisions of section 6 (Power to acquire easements only) of this Act acquire such temporary easements and rights in any railway property delineated on the deposited plans as it may reasonably require for the purposes of construction and maintenance of the works.

(3) The Commission shall carry out the works (other than works of maintenance and repairs) in accordance with plans previously approved in writing by the engineer or settled by arbitration and the works shall be carried out under the superintendence (if given) and to the reasonable satisfaction of the

engineer to whom the Commission shall give not less than twenty-eight days' notice in writing of its intention to commence the construction of the works and shall at all times be maintained by the Commission at its expense to the like satisfaction.

PART III
—cont.

(4) The Commission shall be responsible for and make good to the board all costs, charges, damages and expenses which the board may incur by reason of, or as a consequence of, the execution of the works other than costs, charges, damages and expenses which are attributable to any neglect or default of the board or their contractors or workmen:

Provided that the board shall give to the Commission reasonable notice of any claim or demand made against them for which the Commission is to be held responsible under this subsection and the board shall not settle or compromise any such claim or demand without the prior consent of the Commission.

26. Notwithstanding anything contained in this Act or in the For deposited plans or the deposited book of reference, unless other- protection wise agreed in writing between the Commission and the Orwell of Orwell Yacht Club, the Commission shall not—

- (a) acquire the property numbered 13 on the deposited plans; or
- (b) place, construct, enlarge, alter or reconstruct any works authorised by this Act, other than temporary works, to the southward of a line drawn eastwards in prolongation of the southern boundary of the property numbered 12 on the deposited plans.

27. For the protection of the East Suffolk and Norfolk River For Authority (in this section referred to as "the river authority") protection the following provisions shall, unless otherwise agreed in writing of East between the Commission and the river authority, apply and have Suffolk and effect:— Norfolk River Authority.

(1) In this section—

"banks" has the same meaning as in the Land Drainage Act 1930;

1930 c. 44.

"construct" includes place, renew, enlarge, alter and reconstruct and "constructed" and "construction" have corresponding meanings;

"plans" includes sections and specifications;

"protective works" means any temporary or permanent works or measures necessary to prevent the flooding of land;

"river work" means the authorised work and any work carried out under the provisions of section 11 (Power to make subsidiary works) or section 13

PART III
—cont.

(Maintenance, alteration and extension of works) of this Act which is on or in the bed or banks of the river;

1930 c. 44.
1961 c. 48.
1963 c. 38.

“ sea defence work ” means any bank, river wall or defence work for the time being vested in or under the control of the river authority for the purposes of the Land Drainage Act 1930, the Land Drainage Act 1961, or the Water Resources Act 1963:

- (2) Not less than twenty-eight days before commencing to construct a river work the Commission shall submit to the river authority plans thereof together with notice in writing of the date when the works will commence:
- (3) The Commission shall at all reasonable times afford to the engineer to the river authority, or his duly authorised representative, access to a river work during the construction thereof for the purpose of inspection:
- (4) (a) In the construction of a river work the Commission shall take all reasonable precautions to prevent the deposit from the river work of any solid or polluting matter in the river or on the banks or shores thereof;
(b) At any time during or after the construction of a river work, as and when it may be reasonably requested in writing to do so by the river authority, the Commission shall remove with all reasonable dispatch any accumulation of debris which has resulted from the construction or existence of a river work and which impairs the efficiency of the river for drainage purposes;
(c) Sub-paragraph (b) of this paragraph shall not apply to the deposit of dredged material in the river or on the banks thereof for the purposes of the reclamation authorised by subsection (2) of section 10 (Power to construct works) of this Act so long as the drainage of adjoining land is not interfered with or adversely affected:
- (5) If the river authority have reasonable grounds for believing that it is necessary to carry out protective works by reason of the construction or proposed construction of a river work they may carry out such protective works as may be agreed between the river authority and the Commission or as, in default of agreement, may be settled by arbitration and any additional expense incurred by the river authority in so doing shall be repaid to the river authority by the Commission:
- (6) If, by reason or in consequence of the construction or failure of a river work, a sea defence work is damaged or the efficiency of the river for drainage purposes is impaired

the Commission shall to the reasonable satisfaction of the river authority make good the sea defence work or restore the river to its former standard of efficiency for drainage purposes and if within such reasonable time as may be required after receiving notice thereof the Commission fails to make good such damage or to restore the river, the river authority may make good the same and recover from the Commission the costs and expenses reasonably incurred by them in so doing (including a proper proportion of the overhead expenses of the river authority):

PART III
—cont.

- (7) Any difference arising between the Commission and the river authority under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

28. Nothing in this Act shall exempt the Commission from the operation of any land drainage byelaws of or exercisable by the East Suffolk and Norfolk River Authority which may for the time being be in force.

Savings for
byelaws of
East Suffolk
and Norfolk
River
Authority.

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

For
protection
of Gas Council
and Eastern
Gas Board.

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

“ apparatus ” means mains, pipes or other apparatus belonging to the undertakers or for the maintenance of which they are responsible (not being apparatus in respect of which the relations between the appropriate authority and the undertakers are regulated by the provisions of section 26 of the Public Utilities Street Works Act 1950) and includes any structure for the lodging therein of apparatus;

“ operational land ” means any land in which the undertakers hold an interest for the purposes of their undertaking;

“ the undertakers ” means the Gas Council and the Eastern Gas Board or either of them, as the case may be:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Commission shall not, under the powers of this Act, enter upon or use any operational land or acquire any apparatus otherwise than by agreement:

PART III
—cont.

- (3) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed, the Commission shall provide an alternative means of access to such apparatus.

For
protection
of Central
Electricity
Generating
Board.

30.—(1) In this section—

“the board” means the Central Electricity Generating Board;

“the generating station” means the generating station of the board situated in the county borough and known as the Cliff Quay Generating Station.

- (2) If in consequence of the construction of any works under the powers of this Act—

- (a) any damage or injury is caused to the generating station or any of the associated intake and outfall works situated on the foreshore and bed of the river, or the retaining wall of the ash disposal area;
- (b) any restriction of, or interruption in, the generation of electricity from the generating station is caused or arises; or
- (c) the board are put to additional expense in the operation or maintenance of the generating station or in dredging or in otherwise keeping the said intake and outfall works free from obstruction;

the board may recover from the Commission the reasonable costs of making good such damage or injury or any additional expense incurred by the board in consequence of the restriction of, or interruption in, the generation of electricity or from time to time incurred in the operation or maintenance of the generating station or in dredging or in otherwise keeping the intake and outfall works free from obstruction as aforesaid, and the Commission shall indemnify the board against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against, recovered from or incurred by the board by reason or in consequence of such damage, injury, restriction or interruption.

- (3) Notwithstanding anything in this Act or shown on the deposited plans, the Commission shall not construct or place under the powers of section 10 (Power to construct works) or renew, enlarge, alter or reconstruct under the powers of section 13 (Maintenance, alteration and extension of works) the river wall and quay, or execute, place or keep any works under the powers of section 11 (Power to make subsidiary works), so as to extend into the river more than 100 feet from the line of the said river wall and quay shown on the deposited plans, unless otherwise agreed in writing between the board and the Commission.

(4) Any question or difference arising between the Commission and the board under this section shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of either party, after notice in writing to the other party, by the President of the Institution of Civil Engineers.

PART III
—cont.

31. For the protection of Ransomes & Rapier Limited (in this section referred to as "the company") the Commission shall not, unless otherwise agreed in writing between the Commission and the company, construct or operate the authorised work in such a way as to deny, hinder or render less convenient to the company the access to the river Orwell enjoyed by the company at the date of the passing of this Act by means of the wharf known as Griffin Wharf and of the wharf forming that part of New Cut West in the county borough between Bridge Street and Harland Street:

Provided that a reasonable use by the Commission of its right to pass and repass at all times and for all purposes with or without rail and road vehicles along the New Cut West behind Griffin Wharf to the said work shall not be deemed to hinder or render less convenient access by the company to the river over the said wharves.

32. Notwithstanding anything contained in this Act or shown on the deposited plans or the deposited book of reference, unless otherwise agreed in writing between the Commission and Cocksedge & Co. Limited or their successors in title, the Commission shall not enter upon, take or use the lands numbered 9 on the deposited plans or any part thereof.

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

PART IV

DUTIES AND GENERAL POWERS OF THE COMMISSION

34.—(1) It shall be the duty of the Commission—

General duties
and powers.

- (a) to provide, maintain, operate and improve such port and harbour services and facilities in, or in the vicinity of, the port as it considers necessary or desirable and to take such action as it considers incidental to the provision of such services and facilities;

PART IV
—cont.

- (b) to take such action as it considers necessary or desirable for or incidental to the improvement and conservancy of the river.

(2) The Commission shall have power either itself or by arrangement between itself and another person to take such action as the Commission considers necessary or desirable whether or not in, or in the vicinity of, the port—

- (a) for the purposes of discharging or facilitating the discharge of any of its duties, including the proper development or operation of the undertaking;
- (b) for the provision, maintenance and operation of—
- (i) warehousing services and facilities;
 - (ii) services and facilities for the consignment of goods on routes which include the port premises;
- (c) for the purpose of turning its resources to account so far as not required for the purposes of the undertaking.

(3) Particular powers conferred or particular duties laid upon the Commission by this Act shall not be construed as derogating from each other or from the generality of subsections (1) and (2) of this section.

Public access
to port
premises.

35.—(1) Subject to—

- (a) the enactments relating to the Commission;
- (b) the byelaws and regulations of the Commission;
- (c) payment of the Commission's charges; and
- (d) subsections (2) and (3) of this section;

the port premises for the time being in operation by the Commission shall be open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers.

(2) This section shall not apply to the shipping and unshipping of goods or the embarking and landing of passengers on or from hovercraft, hydrofoil vessels and seaplanes.

(3) This section shall not be construed as derogating from the power of the Commission to discontinue any part of the undertaking.

Commission
to be local
lighthouse
authority.
1894 c. 60.

36. The Commission shall within the port be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

PART V

FINANCIAL

(a) *Borrowing powers*

Interpretation
in relation to
short term
bonds.

37. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“bank” means any banking corporation, company, private banker or other person with whom the Commission

has entered into an arrangement under section 51 (Power to make arrangement with bankers) of this Act;

“certificate” means a certificate issued under section 43 (Form of certificates) of this Act;

“bond-holder” means a person entitled to a short term bond;

“register” means a register of short term bonds kept under section 45 (Register of short term bonds) of this Act;

“transfer” means an instrument of transfer under hand which complies with section 47 (Transfer of short term bonds) of this Act;

“registrar” means the registrar of the Commission, or, where the Commission has entered into an arrangement under section 51 (Power to make arrangement with bankers) of this Act, the bank;

“short term bond” means a short term bond issued by the Commission in accordance with the provisions of this Act.

38.—(1) For the general purposes of its undertaking the Commission may, in addition to the sums which at the passing of this Act it is authorised to borrow by the existing Acts, borrow and re-borrow at interest further moneys not exceeding in the aggregate eight million pounds and for the purpose of securing the repayment of any moneys so borrowed, the Commission may mortgage all or any of its property, revenues, duties, dues, rates or charges:

Power to borrow and means to borrow.

Provided that the aggregate sum of eight million pounds shall be reduced by the amount of any grants made by the Secretary of State under section 12 of the Harbours Act 1964 in relation to the authorised work.

(2) The provisions of the Ipswich Dock Act 1913 shall apply and have effect as if the powers given by this section had been added to the power to borrow money conferred upon the Commission by section 71 (Power to borrow) of that Act.

(3) The Commission may, without prejudice to the exercise of any power to raise money by any other means, borrow moneys which it is authorised by any enactment to borrow by means of—

(a) the issue of short term bonds; and

(b) by such other means as the Secretary of State shall in writing approve.

PART V
—cont.
Temporary
loans.

39.—(1) The Commission may, for the purpose of meeting its obligations and carrying out its functions, raise money on the security of the revenues of the Commission by means of an overdraft from a bank or other temporary loan, by the issue of bills of exchange and promissory notes and by the acceptance of deposits.

(2) The total amount of moneys raised by the Commission under this section and outstanding at any one time shall not exceed one million, five hundred thousand pounds, or such larger amount not exceeding two million, five hundred thousand pounds, as the Secretary of State may sanction.

Power of
Commission
to raise
money abroad.

40.—(1) Any method by which the Commission is empowered by any enactment to raise any money which it is authorised to borrow shall, notwithstanding anything in such enactment, be deemed to include the raising of money by that method outside the United Kingdom or in any foreign currency.

(2) (a) The powers conferred by subsection (1) of this section shall not be exercised except with the consent of the Treasury and subject to such conditions as the Treasury may impose.

(b) The enactments empowering the Commission to raise money shall have effect in relation to a transaction authorised by this section for the raising of money in a foreign currency as if for any reference in those enactments to sterling there was substituted a reference to the foreign currency and for any reference therein to a sum expressed in terms of sterling there was substituted a reference to the sum expressed in terms of the foreign currency, adjusted where necessary to produce an amount which the Commission considers appropriate having regard to all the circumstances of the transaction.

Saving for
powers of
Treasury.

1946 c. 58.

41. It shall not be lawful to exercise the powers of borrowing conferred upon the Commission by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 (Treasury control of borrowing, &c.) of the Borrowing (Control and Guarantees) Act 1946.

Terms of
issue of short
term bonds.

42.—(1) Short term bonds issued by the Commission shall, subject to subsection (2) of this section—

- (a) be issued at such price as the Commission may from time to time determine;
- (b) bear interest at such rate as the Commission may determine at the time of the issue of the short term bonds;
- (c) be issued in denominations of five pounds and multiples of five pounds; and
- (d) be issued for periods of not less than one year.

(2) The period for which short term bonds are issued by the Commission may be extended for such further period as the Commission and the persons entitled to repayment of the money raised by the issue of the short term bonds agree and during that further period shall bear interest at such rate as may be so agreed.

PART V
—cont.

43. The Commission shall, as soon as may be after it has issued a short term bond, deliver, or cause to be delivered, to the person in whose favour the short term bond has been issued, a certificate in respect of that short term bond, which shall include the following particulars:—

Form of
certificates.

- (a) the name of the Commission;
- (b) the name of the bond-holder;
- (c) the denomination of the short term bond;
- (d) the date and place of redemption;
- (e) the rate of interest;
- (f) the dates on which interest will be paid;
- (g) the date of issue of the short term bond;
- (h) an acknowledgment of the debt created by the issue of the short term bond;
- (i) a statement that the debt is charged on all the revenues of the Commission;
- (j) the serial number of the certificate; and
- (k) the name and address of the registrar:

Provided that a certificate issued under this section may be sent to the bond-holder by post.

44. Subject to subsection (2) of section 42 (Terms of issue of short term bonds) of this Act, short term bonds shall be redeemed by the payment of an amount equal to the denomination thereof at the place and on the date specified in the certificates delivered in respect of them:

Redemption
of short
term bonds.

Provided that a short term bond may be redeemed at any time after the expiration of one year from the date of its issue by agreement between the Commission and the bond-holder, and may be so redeemed in part, so however that the amount left outstanding shall be five pounds or a multiple of five pounds.

45.—(1) The registrar shall keep a register of short term bonds.

Register of
short term
bonds.

(2) The register shall include the following particulars of short term bonds issued:—

- (a) the denomination of the short term bonds and the serial numbers of the relative certificates;

PART V
—cont.

- (b) the dates of issue and redemption of such short term bonds;
- (c) the rate and dates of payment of interest;
- (d) the name and address of each bond-holder;
- (e) the date of entries made in pursuance of sections 46 (4), 47 (5) and 49 (1) of this Act.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act.

Certificates.

46.—(1) A certificate shall be prima facie evidence of the title of the person named therein to the short term bond therein specified.

(2) If a certificate is worn out or damaged the registrar, on the production thereof, and, if he so requires, on receiving an indemnity against any claim in respect thereof, may cancel it and issue a duplicate certificate in lieu of the certificate worn out or damaged.

(3) If a certificate is lost or destroyed, the registrar, on proof thereof to his satisfaction, and, if he so requires, on receiving an indemnity against any claim in respect thereof, may issue a duplicate certificate in lieu of the certificate lost or destroyed.

(4) An entry of a substituted certificate shall be made in the register.

Transfer of
short term
bonds.

47.—(1) A short term bond may be transferred by means of an instrument under hand executed by the transferor only and specifying, in addition to the particulars of the short term bonds transferred and of the person by whom the transfer is made, the full name and address of the transferee.

(2) The execution of a transfer need not be attested.

(3) A short term bond may be transferred in whole or in part, so however that any part transferred shall be only for an amount of five pounds or a multiple of five pounds.

(4) A transfer, and the certificate to which it relates, shall be delivered to the registrar as soon as practicable after the transfer has been executed.

(5) On receipt of a transfer duly executed and stamped (unless the stamp duty has been paid by way of composition under section 115 of the Stamp Act 1891) and of the certificate to which it relates, the registrar—

(a) shall enter the transfer in the register;

(b) shall amend the register in such manner as may be necessary;

- (c) shall issue such new certificate to the transferee, or certificates to the transferor and transferee, as may be necessary in consequence of the transfer; and
- (d) may retain the transfer:

PART V
—cont.

Provided that a certificate issued under this subsection may be sent by post.

(6) Until the transfer and certificate have been delivered to the registrar as aforesaid, neither the Commission nor the registrar shall be affected by the transfer, and the transferee shall not be entitled to receive any payment of interest on the short term bond.

(7) Before registering a transfer, the registrar may, if he thinks fit, require evidence, by statutory declaration or otherwise, of the title of any person purporting to make the transfer.

48. The registrar may close the register for a period not exceeding thirty days ending next before the date for payment of interest on the short term bonds; and notwithstanding the receipt by the registrar during that period of a transfer, the payment of interest next falling due shall be made to the persons registered as bondholders on the date of the closing of the register.

49.—(1) A person becoming entitled to a short term bond by any lawful means other than a transfer may, by the production of such evidence of title as the registrar may reasonably require, either be registered as holder of the short term bond, or, instead of being himself registered, make such transfer of the short term bond as the previous bond-holder could have made, and the registrar shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been produced to the registrar, neither the Commission nor the registrar shall be affected by the transmission of the short term bond, and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a short term bond they shall be deemed to be joint holders with right of survivorship between them.

50. No notice of any trust in respect of any short term bond shall be entered in the register, nor shall the Commission be in any way affected by notice of such trust.

51. The Commission may from time to time enter into such arrangements as they think proper with any banking corporation or company or with any private bankers or with any other persons for carrying into effect the provisions of this Act with reference

Power to make arrangement with bankers.

PART V
—*cont.*

to the issuing and transfer of short term bonds, the management thereof, the payment of interest thereon, and the keeping of the register and for the proper remuneration of such banking corporation or company or private bankers or other persons with reference thereto.

Expenses in connection with short term bonds.

52. Any sums payable by the Commission in respect of the remuneration of the bank and all sums incurred by the Commission in the execution of this Act shall be defrayed out of moneys for the time being in its hands not appropriated by any enactment to other purposes.

Ranking and securing of short term bonds.

53. A holder of a short term bond shall not have any priority or preference by reason of the prior issue of the short term bond or otherwise and all short term bonds and the interest payable in respect thereof shall be secured in the same manner as all stock, mortgage debentures and other debts and charges granted or issued by the Commission and the interest payable in respect thereof and shall rank *pari passu* with all stock, mortgage debentures and other debts and charges granted or issued by the Commission after the 15th August, 1913.

Saving for Exchange Control Act 1947.
1947 c. 14.

54. Nothing in this Act shall exempt the Commission from the provisions of the Exchange Control Act 1947.

(b) Security for and recovery of charges

Security for charges.

55. The Commission may require a person who incurs or intends to incur a charge, to deposit with it, or to guarantee, such sum of money as is, in the opinion of the Commission, reasonable having regard to the amount or probable amount of the charge, and where such a person fails to deposit or to guarantee the sum of money required, the Commission may detain a vessel at the docks or goods on the port premises in respect of which the charge has been, or will be, incurred, until the requirement has been complied with or the charge paid.

Recovery and enforcement of charges.

56.—(1) In addition to any other remedy given to it under any enactment, the Commission may recover a charge payable to it as a debt in any court of competent jurisdiction.

(2) If a charge is not paid on demand or at the time specified in relation thereto, as the case may be, the Commission may (unless a deposit of a sum of money or guarantee in respect thereof has been given to the Commission under section 55 (Security for charges) of this Act)—

(a) in the case of a charge on or in respect of goods on the port premises, detain the goods;

(b) in the case of a charge on or in respect of a vessel in a dock or within the port, seize and detain the vessel and its appurtenances.

(3) If goods subject to a charge are removed from the port premises at a time when the charge has not been paid, the Commission may (unless a deposit of a sum of money or guarantee in respect thereof has been given to the Commission under section 55 (Security for charges) of this Act) detain any goods which belong to, or stand in the name of, any person liable for the unpaid charge and which are on the port premises, and seize and detain any such goods from a vessel in a dock or within the port.

(4) The Commission may after giving not less than seven days' notice—

- (a) in the case of goods detained for a charge, to the owner or person in whose name the goods stand in the records of the Commission;
- (b) in the case of a vessel, to the owner or, if he cannot be ascertained, to the master;

sell any of the goods or the vessel or its appurtenances detained pursuant to subsection (2) or subsection (3) of this section or, if any property detained is in the opinion of a responsible officer of the Commission unsaleable, the Commission may dispose of the property as it thinks fit and may recover as a debt in any court of competent jurisdiction from the person responsible for paying the charges in question the expenses of seizure, detention, attempted sale and disposal of the property detained:

Provided that if any goods detained under subsection (2) or subsection (3) of this section are perishable and a responsible officer of the Commission is of opinion that it is impracticable to give the notice required by this subsection because the goods will, or may, deteriorate in value during the delay occasioned by the giving of the notice, the Commission may sell the goods without giving the said notice but shall as soon as practicable inform the person to whom the notice would have been given of the action being taken.

(5) Notwithstanding that notice has been given to the Commission in relation to the goods under section 494 of the Merchant Shipping Act 1894, the Commission shall not in selling detained goods which are perishable be required to sell the goods by public auction or to comply with the provisions of subsection (2) of section 497 of the said Act. 1894 c. 60.

(6) If the master of a vessel which is being detained under this section removes or attempts to remove the vessel without the written permission of the Commission, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

PART V
—cont.

(7) The proceeds from the sale of any goods or vessel under this section shall be applied in the following order:—

- (a) in payment of the expenses of seizure, detention and sale and of expenses incurred by the Commission in assessing or recovering the unpaid charge in respect of which the seizure or detention was effected, including the amount of any costs ordered to be paid to the Commission under subsection (10) of this section;
- (b) in payment of the said charge;
- (c) in the case of imported goods, if a written claim for unpaid freight in respect of the carriage of those goods in the importing vessel is made on the Commission within five days of the sale, in payment of that claim.

(8) (a) If the proceeds of sale are insufficient after deduction of the amount of any duties of customs or excise paid by the Commission to reimburse the Commission for the expenses which could be deducted under paragraph (a) of subsection (7) of this section, the Commission may recover the deficiency from the person liable to pay the unpaid charge on account of which the property was sold as a debt in any court of competent jurisdiction.

(b) Any surplus proceeds of sale in hand at the end of six months from the date of sale shall, during the next following period of six months, be released by the Commission on demand to the person appearing to the Commission to be entitled thereto, and at the end of this further period any proceeds of sale not so released shall belong to the Commission.

(9) Any goods or vessel detained by the Commission and not disposed of by it under the powers of this section shall, on payment of the charges due thereon, be released by the Commission to the person appearing to the Commission to be entitled thereto.

(10) If, when any property has been detained under this section a dispute arises as to the amount of the unpaid charge or the expenses of the seizure or detention of the property, the Commission shall not apply any proceeds of sale in payment of the charge or expenses incurred by it until the dispute has been determined by a court of competent jurisdiction, which may make such order as to costs as it thinks fit.

(11) (a) If the place of business or abode of the person to be notified under this section is not known to the Commission or is outside the United Kingdom, or if, in the opinion of a responsible officer of the Commission, the property to be sold has been abandoned, the notice may be given by displaying it at the head office of the Commission for seven days before the sale.

(b) If the owner or master of a vessel cannot be ascertained the notice shall be given by affixing it in a conspicuous position on the vessel.

PART V
—cont.

(12) A duly authorised officer of the Commission may, on producing, if so required, his authority, at all reasonable times enter a vessel or place for the purpose of seizing goods which the Commission is authorised to seize and detain under this section.

57. Except in so far as may be agreed between the Commission and the government department or person concerned or as may be specifically laid down by statute, nothing in any enactment authorising the Commission to make charges shall extend to authorise the Commission to make a charge on—

Exemption
from charges
for Crown,
etc.

(a) a vessel—

(i) belonging to or in the service of Her Majesty or any member of the Royal Family; or

(ii) in the service of the Commissioners of Customs and Excise or of the Commissioner of the Metropolitan Police and not carrying goods for reward; or

(iii) employed by or under the authority of the Secretary of State for Defence, not being a vessel also conveying passengers or goods for reward; or

(iv) in the service of the Trinity House and not carrying goods for reward;

(b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;

(c) troops landed at the port premises or a person employed by the Secretary of State for Defence while in the execution of his duty;

(d) goods belonging to the Secretary of State for Defence.

58. A person employed by the Department of the Environment or the Department of Trade and Industry and a customs officer shall have free access to the port premises while in the execution of his duty.

Access for
government
officers.

PART VI

VESSELS AND NAVIGATION

59.—(1) A direction under this section may be given by a harbourmaster or a dock superintendent to a vessel anywhere in the port, and may be given in any manner considered appropriate by the person giving it.

Directions
to vessels.

PART VI
—cont.

(2) A direction under this section may be given—

- (a) for regulating or requiring the movement, mooring or unmooring of a vessel; or
- (b) for regulating the manner in which a vessel takes in or discharges cargo, fuel, water or ship's stores.

Directions to
vessels at a
dock or quay.

60.—(1) The Commission may give directions applicable to all vessels, or to a specified class of vessels, in a dock or at a riverside quay operated by it for the purpose of ensuring the safety of vessels in the dock or at the quay, preventing injury to persons at, or to property at, or forming part of, the dock or quay or of securing the efficient conduct of the business carried on at the dock or quay, and, without prejudice to the generality of the foregoing, such directions may relate to—

- (a) the movement, berthing or mooring of a vessel;
- (b) the dispatch of its business at the dock or quay;
- (c) the disposition or use of its appurtenances or equipment;
- (d) the use of its motive power;
- (e) the embarking or landing of passengers;
- (f) the loading or discharging of cargo, fuel, water or ship's stores;
- (g) the use of ballast.

(2) A dock superintendent may give a direction requiring the removal of a vessel from a dock or riverside quay operated by the Commission, if—

- (a) it is on fire;
- (b) it is in a condition where it is liable to become immobilised or waterlogged, or to sink;
- (c) it is making an unlawful or improper use of the dock or the berth alongside the quay;
- (d) it is interfering with the use of the dock or quay by other vessels, or is otherwise interfering with the proper use of the dock or quay or the dispatch of business therein;
- (e) the removal is necessary to enable maintenance or repair work to be carried out to the dock or quay or to an adjacent part of the port premises.

(3) A dock superintendent may give a direction to a vessel at a dock or riverside quay operated by the Commission for the following purposes:—

- (a) any of the purposes referred to in subsection (1) of this section;
- (b) requiring the vessel to comply with a general direction made under this section.

(4) In this section reference to a vessel in a dock or at a river-side quay operated by the Commission includes reference to a vessel entering or about to enter such a dock or berth alongside a quay and to a vessel leaving or having just left such a dock or quay.

PART VI
—cont.

61.—(1) Notice of a general direction given under subsection (1) of section 60 (Directions to vessels at a dock or quay) of this Act shall, as soon as practicable after it is made, be published by the Commission once in Lloyd's List and Shipping Gazette newspaper or some other newspaper specialising in shipping news and shall state a place at which copies of the direction may be inspected and bought and the price thereof.

Publication
of general
directions.

(2) In an emergency notice of a general direction may be given in any manner the Commission considers appropriate.

62.—(1) The master of a vessel who fails to comply with a general direction authorised by subsection (1) of section 60 (Directions to vessels at a dock or quay) of this Act, or with a special direction authorised by subsections (2) and (3) of the said section 60, shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Failure to
comply with
directions.

(2) It shall be a defence to the master of a vessel charged with an offence under subsection (1) of this section to prove that he had reasonable ground for supposing that compliance with the direction in question would be likely to imperil his vessel or that in the circumstances compliance was impracticable.

63.—(1) Without prejudice to any other remedy available to the Commission, if a special direction authorised by subsections (2) and (3) of section 60 (Directions to vessels at a dock or quay) of this Act is not complied with within a reasonable time, the harbourmaster or dock superintendent may, where practicable, put persons aboard the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

Enforcement
of directions.

(2) If there is no one on board a vessel to attend to a special direction, the harbourmaster or dock superintendent may proceed as if the direction had been given and not complied with:

Provided that the powers of this subsection shall not be exercised unless, after reasonable inquiry has been made, the master cannot be found.

(3) Expenses incurred by the Commission in the exercise of the powers conferred by subsection (1) of this section shall be recoverable by the Commission as if they were a charge of the Commission in respect of the vessel.

64.—(1) The Commission may remove any thing, other than a vessel, causing or likely to become an obstruction or impediment to navigation in any part of the river or in a dock.

Removal of
obstructions
other than
vessels.

PART VI
—cont.

(2) (a) If any thing removed by the Commission under subsection (1) of this section is so marked as to be readily identifiable as the property of any person, the Commission shall within one month of its coming into its custody give notice, as required by subsection (5) of this section, to that person and if possession of the thing is not retaken within the period specified in, and in accordance with the terms of, the notice it shall at the end of that period vest in the Commission.

(b) If any thing removed by the Commission under subsection (1) of this section which is not so marked is not within three months of its coming into the custody of the Commission proved to the reasonable satisfaction of the Commission to belong to any person, it shall thereupon vest in the Commission.

(3) The Commission may at such time and in such manner as it thinks fit dispose of any thing referred to in paragraph (b) of subsection (2) of this section which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience notwithstanding that it has not vested in the Commission under this section, and if it is sold the proceeds of sale shall be applied by the Commission in payment of the expenses incurred by it under this section in relation to the thing, and any balance—

(a) shall be paid to any person who within three months from the time when the thing came into the custody of the Commission proves to the reasonable satisfaction of the Commission that he was the owner thereof at that time; or

(b) if within the said period no person proves his ownership at the said time, shall vest in the Commission.

(4) If any thing removed under this section—

(a) is sold by the Commission and the proceeds of sale are insufficient to reimburse the Commission for the amount of the expenses incurred by it in the exercise of its powers of removal; or

(b) is unsaleable;

the Commission may recover as a debt in any court of competent jurisdiction the deficiency or the whole of the expenses, as the case may be, from the person who was the owner at the time when the thing removed came into the custody of the Commission or who was the owner at the time of its abandonment or loss.

(5) A notice given under paragraph (a) of subsection (2) of this section shall specify the thing removed and state that upon proof of ownership to the reasonable satisfaction of the Commission possession may be retaken at a place named in the notice within the time specified in the notice, being not less than fourteen days after the date when the notice is served.

(6) The Commission shall not under the powers of this section remove any thing placed or constructed under the provisions of an enactment or by a local authority or by a person authorised by statute to carry on any undertaking for the supply of electricity, gas or water.

PART VI
—cont.

65.—(1) The Commission may by written notice require a person placing or using on or near the river a light which is, in its opinion, calculated to mislead persons navigating on the river or to interfere with the safe navigation of vessels, to screen, alter, extinguish or remove the light within a reasonable time specified in the notice. Lights detrimental to navigation.

(2) A person who—

- (a) fails to comply with a notice given under this section; or
- (b) unless he appeals and the appeal is allowed, after complying with the notice, replaces or again uses the light or places or uses in lieu thereof another light in respect of which the Commission would be entitled to give a notice under this section;

shall be guilty of an offence and liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) A person aggrieved by a notice given under subsection (1) of this section may appeal to a magistrates' court.

66.—(1) (a) The owner of a vessel shall be liable to pay to the Commission the cost of making good any damage done by any means whatsoever by the vessel or by any person employed on or about the vessel to— Damage by a vessel.

- (i) any part of the port premises in the river; or
- (ii) equipment in the river belonging to the Commission.

(b) The Commission may recover from the owner of the vessel as a debt in any court of competent jurisdiction the cost of making good any such damage.

(2) Where any damage has been done to a dock entrance or any part of the port premises not in the river by a vessel through the wilful act or negligence of the master or a person on or about the vessel, the Commission may, without prejudice to any other remedy available to it, detain the vessel until the cost of making good the damage has been paid, or security therefor given, to the Commission.

67. A person who unlawfully casts off, cuts, breaks or destroys the mooring or fastening of a vessel in the river or in a dock shall be guilty of an offence and liable to a fine not exceeding fifty pounds. Interfering with moorings.

PART VI

—*cont.*

Giving false draught.

68.—(1) The master of a vessel entering or leaving a dock or a berth alongside a riverside quay or intending to enter or leave the same shall, if required to do so by the harbourmaster or dock superintendent, state the draught of his vessel.

(2) The master of a vessel who in response to a requirement under subsection (1) of this section gives incorrect information shall, without prejudice to any right of the Commission to compensation for loss or damage occasioned thereby, be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(3) For the purposes of this section, “draught” in relation to a hovercraft or hydrofoil vessel means its draught when afloat and not supported on a cushion of air, on foils or by any other means, and in relation to a seaplane means its draught when afloat.

Boarding vessels.

69. A duly authorised officer of the Commission may, on producing if so required his authority, enter and inspect a vessel in the river or a dock—

(a) for the purposes of any enactment relating to the Commission or of any byelaw of the Commission, including the enforcement thereof;

(b) to prevent or extinguish fire.

Identity of master.

70.—(1) The owner of a vessel shall, on written application to him by the Commission, give to the Commission in writing all information in his power as to the person who at any particular time was the master of the vessel and any owner refusing to give such information or by his own negligence or default being unable to give the name and address of such person shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

(2) In any proceedings relating to the vessel or its master the written information given pursuant to subsection (1) of this section shall be admissible as evidence for the purpose of determining the identity of the master of the vessel at a particular time.

PART VII

GOODS TRAFFIC

Accounts of imports to be given to Commission.

71.—(1) The master of a vessel carrying cargo which enters a dock or berths at a riverside quay shall, within twelve hours after entering the dock or being reported at the Custom House, whichever first occurs, give the Commission two copies of the manifest, bill of lading or report of the cargo signed by him.

(2) A master who fails to comply with this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

72.—(1) (a) Except in case of emergency, the owner or master of a vessel—

PART VII
—cont.

- (i) which it is intended to bring into the port carrying dangerous goods; or
(ii) which is within the port and on which it is intended to place dangerous goods;

Notice
concerning
dangerous
goods.

shall, before that vessel enters the port or before the dangerous goods are placed on board, as the case may be, give notice to the harbourmaster or dock superintendent of the nature and quantity of the dangerous goods in question and, if such notice is not given, the owner or master of the vessel shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(b) The notice required by this subsection shall, when practicable, be given not less than forty-eight hours before the vessel enters the port or the dangerous goods are placed on board, as the case may be.

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

(3) The Commission may exempt owners or masters from the requirements of this section where the Commission considers a notice unnecessary.

73.—(1) Dangerous goods shall not be unloaded from a vessel or vehicle in the port unless the vessel or vehicle on which the dangerous goods are to be loaded for removal from the port is at the place of unloading and ready to receive the dangerous goods and a vehicle on which dangerous goods have been loaded shall leave the port premises as soon as practicable after the dangerous goods have been given customs and excise clearance.

Removal of
dangerous
goods.

(2) Where dangerous goods are unloaded contrary to the provisions of subsection (1) of this section, or a vehicle on which dangerous goods have been loaded is not removed as required by subsection (1) of this section, the master of the vessel or the person in charge of the vehicle, as the case may be, shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

74.—(1) The Commission may survey and examine—

- (a) goods at the port premises; and
(b) goods on board a vessel at the port premises when those goods are to be or have been handled by the Commission or when the master of the vessel asks for a survey or examination to be made by the Commission.

Power to
survey
goods.

PART VII
—cont.

(2) The Commission may make a reasonable charge for a survey or examination carried out under this section and may recover the charge as a simple contract debt from the owner or consignee of the goods or, if the survey was requested by the master of a vessel, from that master.

(3) Where a written report is made on a survey or examination under this section, the Commission shall on request supply a copy of the report at a reasonable price to the owner or consignee of the goods and, if the survey was requested by the master of a vessel, to that master.

Power to
remove goods.

75.—(1) The Commission may remove to another part of the port premises or to a place of storage elsewhere goods—

- (a) which are obstructing or interfering with the use of the port premises; or
- (b) which remain at a place used for the deposit or storage of goods for a longer time than that specified in relation to that place in a schedule of charges published by the Commission;

and such removal and storage shall be carried out at the risk and expense of the owner.

(2) Remedies available to the Commission for the recovery of its charges on or in respect of goods shall be available to them for the recovery of the expenses of removal and storage of goods removed under this section.

(3) Goods removed under this section to a place of storage outside the port premises shall be deemed to be on the port premises for the purposes—

- (a) of the provisions in this Act relating to recovery of the Commission's charges on or in respect of goods by the seizure, detention and sale of goods; and
- (b) of those provisions as applied by subsection (2) of this section.

Removal and
disposal of
offensive
goods.

76.—(1) The Commission may by notice require the owner of goods at the port premises which are, or have become, offensive to remove the goods from the port premises within such a period not being less than twenty-eight days as is specified in the notice.

(2) If a person to whom notice is given under subsection (1) of this section fails to comply with the notice within the time specified, the Commission may dispose of the goods at such time and in such manner as it thinks fit and may recover the expense of so doing from the person to whom the notice under this section was given as a debt in any court of competent jurisdiction.

77.—(1) A person appointed by the Commission to act as a gatekeeper at the port premises may refuse to allow goods to leave the port premises, unless the person having charge of the goods produces to him a pass for the goods signed by a duly authorised officer of the Commission.

PART VII
—cont.

Passes for
goods.

(2) The Commission may make regulations relating to the duties of a gatekeeper, the removal of goods from the port premises or from specified premises, and the form of pass to be provided under subsection (1) of this section.

PART VIII

BYELAWS

78.—(1) The Commission may make byelaws for any of the following purposes:—

Byelaws for
port premises
and river.

(a) to secure the conservation and improvement of the river as a harbour and a navigable waterway and to promote ease and convenience of navigation;

(b) for the regulation of vessels in the river and their entry into and departure from the river and, without prejudice to the generality of the foregoing, to prescribe rules for navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels;

(c) to regulate the conduct of vessels at port premises, including the use of their motive power and equipment;

(d) for prescribing parts of the river—

(i) where vessels or a specified class of vessels may not moor, anchor or be otherwise secured; or

(ii) which vessels of a specified class may not enter;

(e) to control pleasure boating, including water skiing;

(f) to prevent nuisances in the river;

(g) to regulate the laying of moorings in the river;

(h) to regulate the use and prevent the misuse of services and facilities provided by the Commission at port premises and in or beside the river;

(i) to regulate goods traffic at port premises;

(j) to promote the safety of vessels on the river and of persons working at port premises or using the river;

(k) to protect property at, or forming part of, port premises from misuse, damage, defacement or theft;

PART VIII
—cont.

- (l) to regulate the admittance of persons to port premises and their conduct therein;
- (m) to prescribe what persons, other than the Commission's staff, may be employed at port premises;
- (n) to prevent trespassing at port premises;
- (o) to regulate vehicle and railway traffic at port premises;
- (p) to prevent pollution of the water in a dock.

(2) Before making any byelaws under paragraph (a), (d), (e), (f), (h) or (j) of subsection (1) of this section the Commission shall consult with the county council of the administrative county of East Suffolk.

Dangerous
goods byelaws.

1875 c. 17.
1928 c. 32.

79.—(1) The Commission may make byelaws as to the loading and discharging by vessels within the port of dangerous goods other than dangerous goods to which byelaws made by the Commission under the Explosives Act 1875 or the Petroleum (Consolidation) Act 1928 for the time being apply, and generally as to the precautions to be observed with respect to vessels while carrying dangerous goods within the port, and such byelaws may in particular provide—

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

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

Fines for
breach of
byelaws.

80. Byelaws made under this Act may provide for imposing on persons offending against them fines not exceeding—

- (a) in the case of byelaws made under section 79 (Dangerous goods byelaws) of this Act on summary conviction a fine not exceeding one hundred pounds, and on conviction on indictment, a fine;
- (b) in the case of other byelaws, fifty pounds, and a daily fine of twenty pounds.

PART IX

MISCELLANEOUS

81.—(1) (a) If a road vehicle is left without the permission of the Commission— Removal of
vehicles at
port premises.

- (i) in a parking place provided by the Commission for a longer period than twenty-four hours;
- (ii) in any part of the port premises where the parking of vehicles is prohibited by notice erected by the Commission; or
- (iii) in any place where it is likely to obstruct or interfere with the use of the port premises;

the Commission may remove the vehicle to a place of safe custody.

(b) Any such notice as is referred to in sub-paragraph (ii) of paragraph (a) of this subsection shall be conspicuously posted in or in proximity to the place to which it relates.

(2) Where the Commission in exercise of the powers of this section removes a vehicle, or uses the services of any other person to remove a vehicle, the expenses of and incidental to the removal and safe custody shall be recoverable by the Commission from the owner of the vehicle as a debt in any court of competent jurisdiction.

(3) If the Commission in exercise of the powers of this section removes a vehicle, it shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1964, or any other regulations having the same effect for the time being in force, at his last known address, his registered address or at the address where the vehicle is ordinarily kept, notice that it has exercised the powers of this section and of the place to which the vehicle has been removed.

(4) A notice stating the general effect of paragraph (a) of subsection (1) of this section shall be displayed in a prominent position at each entrance to any parking place provided by the Commission and at each place where a road accessible to vehicles enters any part of the port premises, and shall be endorsed on any tickets issued to persons leaving vehicles in any such parking place or elsewhere at the port premises.

PART IX
—*cont.*

Obstructing
bridges.

82. A person who, after being warned by an officer of the Commission not to do so, gets on to or remains on a movable bridge belonging to the Commission when it is about to be moved, or is being moved, or before it is properly closed and fastened—

- (a) may be detained by the officer giving the warning, if that person's name and address is unknown to and cannot be ascertained by the officer; and
- (b) shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

Non-
compliance
with officer's
orders,
obstruction,
etc.

83. A person who—

- (a) assaults, resists, obstructs or impedes a harbourmaster, dock superintendent or any other officer of the Commission in the execution of his duty, or incites any other person to assault, resist, obstruct or impede any such officer; or
- (b) does not carry out the lawful orders of any harbourmaster or dock superintendent, or of any other officer of the Commission;

shall be guilty of an offence and liable to a fine not exceeding—

- (i) in the case of an assault or incitement to assault, one hundred pounds;
- (ii) in any other case, fifty pounds.

Offences
triable
summarily.

1952 c. 55.

84. Except where this Act or the relevant byelaws otherwise provide, all offences under this Act or under byelaws of the Commission shall be triable summarily under the Magistrates' Courts Act 1952.

Amendments.

85. The enactments referred to in the first, second and third columns of Schedule 1 to this Act are hereby amended as specified in the fourth column of that schedule.

Repeals.

86. The enactments referred to in the first, second and third columns of Schedule 2 to this Act are hereby repealed to the extent specified in the fourth column of that schedule.

Costs of Act

87. All costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act shall be paid by the Commission.

SCHEDULES

SCHEDULE 1

Section 85.

AMENDMENTS

Act (1)	Section or Schedule (2)	Marginal note (3)	Amendment (4)
Ipswich Dock Act 1913	74	Period for repayment of moneys borrowed	For the words "within a period" to the end of the 1913 c. cvi. section the following words shall be substituted "within the following appropriate period (in this Act referred to as "the prescribed period") namely:— (a) where the Commission decide under section 75 (Mode of payment off of moneys bor- rowed) of this Act, not to commence pay- ing off the moneys borrowed for a period of years within eighty years from the date when the Commission commence to pay back the moneys borrowed; (b) in any other case within eighty years from the date of borrowing."
	75	Mode of payment off of moneys borrowed	For the words "seven years" the words "ten years" shall be substituted.
Ipswich Dock Act 1918	26	Restriction as to works in river	(1) In subsection (1) after the words "stone pitching" the 1918 c. lvii. words "or carry out any dredging" shall be inserted; (2) In subsection (2)— (a) for the words "five pounds" the words "fifty pounds" shall be substituted; (b) for the words "one pound" the words "five pounds" shall be substituted.
Ipswich Dock Act 1950	2	Incorporation and application of Har- bours Clauses Act 1847	(1) In subsection (1)— (a) for the figures and words 1950 c. xlv. "25, 26, 30, 31, 32 and the proviso to section 83" the following figures shall be substi- tuted "25, 26, 28, 31, 32, 33, 45, 50, 52, 53 83";

SCH. 1
—cont.

Act (1)	Section or Schedule (2)	Marginal note (3)	Amendment (4)
1950 c. xlv. Ipswich Dock Act 1950— cont.	2—cont.	Incorporation and application of Har- bours Clauses Act 1847—cont.	(b) after the figures “ 1950 ” the words “ and with the Ipswich Dock Act 1971 ” shall be inserted; (2) Paragraph (b) of sub- section (2) shall be omitted.
	23	Application of Local Government Act 1933 to byelaws	In subsection (1) after the word “ enactment ” the words “ whether passed before or after the com- mencement of this Act ” shall be inserted.

Section 86.

SCHEDULE 2

REPEALS

Act	Section	Marginal note	Extent of repeal
1913 c. cvi. Ipswich Dock Act 1913 Ipswich Dock Act 1950	78	Money may be bor- rowed on cash account	The whole section.
	2	Incorporation and application of Har- bours Clauses Act 1847	In paragraph (a) of sub- section (2), sub-paragraph (v).
	3	Interpretation	Subsection (2).
1956 c. xlv. Ipswich Dock Act 1956	3	Power to borrow	The proviso to subsection (2).

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