

ELIZABETH II



1973 CHAPTER xiv

An Act to empower the Yorkshire River Authority to construct and operate a barrier, with a movable gate, across the river Hull in the city and county of Kingston upon Hull and in connection therewith to execute other works and to acquire lands; and for other purposes.

[5th July 1973]

WHEREAS—

(1) The Yorkshire River Authority (in this Act referred to as “the Authority”) were constituted in pursuance of the Water Resources Act 1963 as the Authority responsible for land drainage, 1963 c. 38. water conservation, prevention of pollution and the management and improvement of fisheries within an area which includes the catchment area of the river Hull:

(2) There is a present and increasing danger of serious flooding in the city and county of Kingston upon Hull (in this Act referred to as "the city"):

(3) Accordingly it is expedient that the Authority should be empowered to construct, maintain and operate a tidal barrier, with a movable gate, across the river Hull in the city and that provision should be made for the regulation of navigation in connection therewith as in this Act provided:

(4) It is expedient that for the purposes of or in connection with the said tidal barrier the Authority should be empowered to execute the works and acquire the lands as in this Act provided:

(5) The lord mayor, aldermen and citizens of the city are the navigation authority for that part of the river Hull which is situate in the city:

(6) It is expedient that the other provisions contained in this Act be enacted:

(7) The objects of this Act cannot be effected without the authority of Parliament:

(8) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

The construction of the works authorised by	
this Act	£600,000:

(9) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a number of years:

(10) Plans and sections showing the lines, situations and levels of the works authorised by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which may be acquired or used compulsorily under the powers of this Act, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the town clerk of the city, 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

1. This Act may be cited as the Hull Tidal Surge Barrier Act 1973. Short title.
2. This Act is divided into Parts as follows:— Divison of Act into Parts.
- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Works.
- Part IV.—Operation of barrier.
- Part V.—Finance and miscellaneous.
- 3.—(1) In this Act, except as otherwise provided or unless the context otherwise requires—
- “ the Act of 1930 ” means the Land Drainage Act 1930; 1930 c. 44.
- “ the Act of 1933 ” means the Local Government Act 1933; 1933 c. 51.
- “ the Act of 1950 ” means the Public Utilities Street Works Act 1950; 1950 c. 39.
- “ the Act of 1961 ” means the Land Compensation Act 1961; 1961 c. 33.
- “ the Act of 1963 ” means the Water Resources Act 1963; 1963 c. 38.
- “ the Act of 1965 ” means the Compulsory Purchase Act 1965; 1965 c. 56.
- “ the Act of 1971 ” means the Town and Country Planning Act 1971; 1971 c. 78.
- “ the Authority ” means the Yorkshire River Authority;
- “ the barrier ” means Work No. 1 or any part thereof and any works, apparatus or conveniences constructed or provided by the Authority as a part of, or in connection with, or for the purposes of that work or any part thereof;
- “ the barrier gate ” means the movable flood gate forming part of the barrier;
- “ the city ” means the city and county of Kingston upon Hull;
- “ the corporation ” means the lord mayor, aldermen and citizens of the city;
- “ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ functions ” includes powers and duties;

PART I
—cont.

“land” or “lands” includes land covered by water and any interest in land and any easement or right in, to or over land;

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

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

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“on” in relation to any lands includes over or under;

“the river” means the river Hull;

“river wall” includes a flood embankment, a flood wall and any structure to prevent the river overflowing on to the adjoining land;

1959 c. 25.

“street” has the same meaning as in the Highways Act 1959;

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

“the tribunal” means the Lands Tribunal;

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

“vessel” means every description of vessel, whether with or without means of propulsion of any kind, and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act 1968;

1968 c. 59.

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

(2) Unless the context otherwise requires any reference in this Act to—

(a) any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any enactment including this Act;

(b) a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act;

(c) a work shall be construed as a reference to that work both during the execution and after the completion thereof.

(3) References in this Act to reference points shall be construed as references to National Grid reference points.

PART I
—cont.Application
and
incorporation
of Acts.

1946 c. 49.

1845 c. 18.

1845 c. 20.

Power to
acquire
lands.

4.—(1) Part I of the Act of 1965 (except section 4, subsection (5) of section 24 and section 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

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

(3) Section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this Act and, as so incorporated, shall have effect as if—

- (a) for the words “the period by the special Act limited for the completion of the railway” there were substituted the words “the period of eight years from the commencement of the construction of any of the works authorised by the special Act”;
- (b) the expression “the company” meant the Authority; and
- (c) the expression “the railway” meant the works and “the centre of the railway” meant the centre of any of the works.

PART II

LANDS

5.—(1) Subject to the provisions of this Act, the Authority may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require—

- (a) for the purposes of constructing or maintaining the works or of obtaining or improving access thereto or of operating the barrier;
- (b) for the purposes of obtaining materials or depositing spoil or other material excavated during the construction of the works;

PART II
—cont.

(c) otherwise for the purposes of this Act or other purposes connected therewith:

Provided that no spoil or other material shall by virtue of the powers of this section be deposited in any place below the level of high water otherwise than in such a position and subject to such conditions and restrictions as may be fixed by the Secretary of State.

(2) (a) The powers of the Authority for the compulsory acquisition of land under this section shall not be exercised after 31st December, 1976.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if, on or before 31st December, 1976, notice to treat has been served in respect of that land.

Correction
of errors in
deposited
plans and
book of
reference.

6.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Authority, 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 city for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, they shall certify 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 town clerk of the city, 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 Authority to take the land and execute the works in accordance with the certificate.

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

Acquisition
of part
only of
certain
properties.

7.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Act of 1965 as applied by this Act, the following provisions of this section shall apply to the land subject to the notice instead of subsection (1) of section 8 of the Act of 1965.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house together with any park or garden belonging thereto, then, if the person on whom the notice is served, within twenty-one days after the day on which the notice is served on him, serves on the Authority a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereinafter in this section referred to as "the land subject to the counter-notice"), the question whether he shall be required to sell the part shall, unless the Authority agree to take the land subject to the counter-notice, be referred to the tribunal.

(3) If the said person does not serve such a counter-notice as aforesaid within twenty-one days after the day on which the notice to treat is served on him or if on such a reference to the tribunal the tribunal determines that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, in the case of part of land consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(4) If on such a reference to the tribunal the tribunal determines that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(5) If on such a reference to the tribunal the tribunal determines that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Authority are authorised to acquire compulsorily under this Act.

(6) If the Authority agree to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case

PART II
—cont.

may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

- (b) the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the Authority are authorised to acquire compulsorily under this Act.

(7) In any case where by virtue of a determination by the tribunal under subsection (4), (5) or (6) of this section a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice, the Authority may, within six weeks after the tribunal makes its determination, withdraw the notice to treat, and if they do so shall pay to the said person compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

(8) Where a person is under this section required to sell part only of a house, building or factory, or of land consisting of a house together with any park or garden belonging thereto, the Authority shall pay to him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

Power to
acquire
easements
only.

8.—(1) The Authority may, instead of acquiring any land which they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works or for the purpose of obtaining access to the works or to the lands that they may acquire under this Act or for the purpose of doing any other thing necessary in connection with the works or lands.

(2) Accordingly the Authority may give notice to treat in respect of any such easement or right describing the nature thereof; and “land” in the Act of 1965 as applied by this Act includes such easements and rights as aforesaid.

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

- (a) they shall not be required or, except by agreement or during the construction 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 Authority to acquire the land, the Authority shall not be entitled under this section to acquire the easement or right unless the tribunal determine that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal do not so determine, the Authority may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

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

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

9. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was at the time of the erection, execution or making of the building, works, improvement or alteration, directly or indirectly concerned, if the tribunal are satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation. Disregard of recent improvements and interests.

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

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

PART II
—cont.

Grant of easements by persons under disability.

11.—(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 Authority 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.

Agreements with adjoining owners.

12.—(1) The Authority may enter into, and carry into effect, agreements with any person being the owner of, or interested in, any land adjoining any portion either of the works, or of land that may be acquired by the Authority under this Act, with respect to the sale by the Authority to him (subject to such reservations, restrictions or other provisions as to the Authority may seem fit) of any land acquired by the Authority under this Act and not required for the works.

(2) The Authority may accept as satisfaction for the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Authority for the purposes of this Act or any easement or right so required.

Power to reinstate owners or occupiers of property.

13.—(1) The Authority may enter into, and carry into effect, an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land and for that purpose the Authority may pay or receive money for equality of exchange.

Extinction of rights in respect of existing landing places.

14.—(1) All public and private rights of way over, or user of, any existing landing place shall, if the Authority so resolve and give notice of their resolution in accordance with the provisions of subsection (2) of this section, be extinguished as from the expiration of one month from the date of the first publication of the newspaper notice as provided by the said subsection (2) and the Authority may alter, replace or remove any existing landing place or any structure comprised therein or forming part thereof.

(2) The Authority shall—

(a) in two successive weeks publish in one or more local newspapers circulating in the city a notice stating that the resolution has been passed and describing the rights to which the resolution relates;

(b) on or before the date of the first publication of the said notice serve a copy of the said notice on the owner of any private right to which the resolution relates.

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

(4) In this section "existing landing place" means a landing place to which there is a public or private right of access being a jetty, hard, footway or other landing place in or beside the river which is situated within the limits of deviation and within 50 metres of Work No. 1 as shown on the deposited plans.

(5) Either—

(a) a copy of any newspaper containing a notice published under paragraph (a) of subsection (2) of this section; or

(b) a photostatic or other reproduction certified by the clerk to the Authority to be a true reproduction of a page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

15. Subject to the provisions of this Act the Authority may enter upon, take, use and appropriate so much of the subsoil and under-surface of any public street within the limits of deviation as may be necessary for the purposes of or in connection with the exercise of their functions under this Act without being required to purchase the same or any easement therein or thereunder. Power to use subsoil of streets.

PART III

WORKS

16.—(1) Subject to the provisions of this Act, the Authority may, in the lines or situations shown on the deposited plans and within the limits of deviation and according to the levels shown on the deposited sections construct within the city the whole or part of all or any of the works hereinafter described, together with all necessary and proper works and conveniences connected therewith, namely:— Power to execute works.

Work No. 1. A tidal barrier in the river incorporating piers, abutments, river walls, a movable flood gate and sills commencing at the west side of the river at reference point TA10172835 and terminating on the east side of the river at reference point TA10212834:

PART III
—cont.

Work No. 2 A river wall including a widening of the river on the east side commencing at reference point TA10222838 and terminating at reference point TA10202830:

Work No. 3 A river wall on the east bank of the river commencing at reference point TA10192825 and terminating at the river Humber:

Work No. 4 A river wall on the west bank of the river including a raising of the gates of the dock on the south side of Humber Street commencing at Work No. 1 and terminating at the river Humber.

(2) Notwithstanding anything shown on the deposited plans or the deposited sections the Authority shall not construct in the river the central pier of the barrier shown on those plans and sections and may construct the barrier so as to have only one barrier gate.

(3) The barrier shall be so constructed that when the barrier gate is in the open position there shall be provided an opening in the river not less than 26 metres high above Ordnance Datum (Newlyn), and not less than 25 metres wide.

(4) Subject to the provisions of subsection (3) of this section, the Authority may maintain and may from time to time alter, extend, enlarge, replace, repair or renew the barrier within the limits of deviation or may remove the barrier.

Power to deviate.

17. Subject to the provisions of subsection (3) of section 16 (Power to execute works) of this Act, in the execution of Works Nos. 1 to 4, or any part thereof, the Authority may deviate from the lines or situations thereof shown on the deposited plans to any extent within the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 6 metres upwards or to any extent downwards.

Subsidiary works.

18.—(1) Subject to the provisions of this Act, the Authority for or in connection with the purposes of this Act may from time to time within the limits of deviation execute or do any of the following works or things, that is to say:—

(a) construct or place and maintain and use the following works and conveniences, that is to say, all such cuts, channels, means of ingress and egress, boundary, river and other walls and embankments, gates, fences, dams, basins, trenches, pounds, slipways, lay-bys, sluices, culverts, syphons, by-passes, arches, vaults, ducts, pipeways, sewers, drains, cableways, towers, pylons,

mains, pipes, cables, wires, tanks, valves and valve chambers, banks, piers, landing places, piles, fenders, booms, pontoons, caissons, staging, cofferdams, mooring dolphins, moorings, buoys, beacons, lights, signals, wharves, pavings, hardstandings, engines, pumps, cranes, hoists, winches, capstans, gantries, bridges (including footbridges), sidings, level-crossings, tunnels, subways, roundabouts, carriageways, footways, reserved areas, parking places for vehicles, lifts, stairs, elevators, ramps, passages, approaches, landscaping works, ways or places laid out or rendered suitable for footpaths, radio and radar stations, telecommunication installations, control rooms, offices, workshops, power houses, stores, canteens, staff housing accommodation and other buildings and structures, installations for the abstraction of water from and the return of water to the river, mechanical, electrical and other apparatus and appliances, plant and machinery as may be necessary or convenient;

- (b) make junctions and communications (for use by pedestrians or vehicles) with Works Nos. 2, 3 and 4 or with any existing streets (whether or not they are dedicated to the public use or maintainable at public expense), and divert or widen or alter the line or alter the level of any such existing street for or in connection with the purposes of this Act;
- (c) raise, sink or otherwise alter the level of any land or the position of any of the steps, areas, cellars, cellar-flaps, pavement lights, gratings, boundary walls, gateways, railings, passages, fencings, windows, sewers, drains, watercourses, pipes, spouts or wires belonging to any house or building and remove all other obstructions so as to cause in so doing as little delay and inconvenience to the inhabitants thereof as the circumstances of the case will admit, and the Authority shall make compensation to any person who suffers damage by any such alterations, such compensation to be determined in case of dispute by the tribunal;
- (d) execute any works for the protection or improvement of any adjoining land or buildings;
- (e) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings.

(2) The Authority may, for the purposes of or in connection with Works Nos. 2, 3 and 4 on any lands abutting on lands within the limits of deviation, execute or do, by agreement with the owners and occupiers of such lands, any of the works or things

PART III
—cont.

referred to in paragraphs (c), (d) and (e) of the foregoing subsection and any works necessary or convenient for the purpose of providing or facilitating access to or from the said lands or for preserving the amenities thereof.

(3) Without prejudice to the provisions of section 17 (Power to deviate) of this Act, the Authority may within the limits of deviation, for the purposes of or in connection with the construction, operation, maintenance, alteration, extension, enlargement, replacement, repair, renewal or removal of the barrier, alter or interfere with the river and use so much of the bed, banks and foreshore thereof as they may require for such purposes, and may, within the limits of deviation, construct, place, maintain, alter or remove all such works and conveniences and remove all such obstructions and do such other things as they may deem necessary or expedient in, under, over or adjacent to the river.

(4) The Authority may, with the consent of the corporation (which consent shall not be unreasonably withheld) and subject to such reasonable conditions as the corporation may specify, for any of the purposes referred to in the last foregoing subsection, section 21 (Power to dredge) or section 23 (Provision of tugs) of this Act, moor or anchor vessels, or cause vessels to be moored or anchored, in the river.

(5) 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.

1969 c. 48.

Diversion of
footpath.

19. The Authority may divert the footpath in the city between the points x and y on the deposited plans to the position shown on the deposited plans or such other position within the limits of deviation as may be necessary for the construction of the works and may stop up and cause to be discontinued as a public highway so much of the said footpath as will be rendered unnecessary by the diversion thereof as aforesaid:

Provided that no part of the said footpath shall be stopped up until the footpath to be substituted therefor is completed.

Power to
stop up
streets
temporarily.

20.—(1) Subject to the provisions of this Act, the Authority may for the purposes of or in connection with the exercise of their functions under this Act stop up, open, break up, interfere with, alter or divert temporarily all or any part of the carriageway or footway of any street or part of a street within the limits of deviation and may execute and do all necessary works and things for or in connection with such stopping up, opening, breaking up, interference, alteration or diversion, and for keeping such carriageway or footway open for traffic, and may remove or alter any lamp-posts, street refuges, lavatories, posts and other erections upon the lands so affected.

(2) The Authority shall provide reasonable access for all persons bona fide going to or returning from any premises in any street of which the carriageway or footway is stopped up, interfered with, altered or diverted under the powers of this section.

(3) The powers of subsection (1) of this section shall not be exercised in relation to a highway without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment) as the highway authority may require, and any question whether such consent is unreasonably withheld, or any conditions so imposed are unreasonable, shall be determined by the Secretary of State.

21. Subject to the provisions of this Act and within the limits of deviation the Authority may from time to time dredge or deepen or deposit material in the bed of the river for the purposes of or in connection with the construction, operation, maintenance, alteration, extension, enlargement, replacement, repair, renewal or removal of the barrier and may for such purposes alter or interfere with the bed, banks, soil or foreshore of the river and may use, appropriate or dispose of any materials dredged by them:

Provided that no materials which have been dredged by the Authority under this section shall be deposited in any place below the level of high water otherwise than in such a position and subject to such conditions and restrictions as may be fixed by the Secretary of State.

22.—(1) The Authority may, for the purposes of or in connection with the exercise of their functions under this Act, remove or secure the removal of any mooring chain or other mooring situated in the river within the limits of deviation and within 50 metres of Work No. 1 as shown on the deposited plans.

(2) Before exercising their powers under this section, the Authority shall give not less than twenty-eight days' notice of their intention so to do, to the owner of the mooring chain or other mooring in question.

23. The Authority may, and shall if and to the extent that the Secretary of State so directs, make arrangements for a tug or tugs to be in attendance in the vicinity of the barrier or otherwise to be made available at the Authority's expense for the purpose of rendering any necessary assistance to vessels navigating the river in the vicinity of the barrier.

24. Notwithstanding anything contained in any other enactment, the Authority may, for the purposes of or in connection with the exercise of their functions under this Part of this Act,

Power to pump and discharge water.

PART III
—*cont.*

pump any water required by them for cooling purposes from or into the river or pump any water found by them into the river or into any sewer or drain, and for any of those purposes may, within the limits of deviation, lay down, take up and alter conduits, pipes and other works and conveniences and make any convenient connections with the river or (as the case may be) with the sewer or drain.

Temporary
closing of
river in
connection
with works.

25.—(1) Notwithstanding anything to the contrary in any other enactment or in any rule of law, but without prejudice to any requirement imposed on the Authority by or under section 34 (Operation of barrier) of this Act, the Authority may, in executing or doing in, on, under, or over the river any works or things authorised by or under the foregoing provisions of this Act, close the river or any part thereof to navigation:

Provided that the Authority shall so execute or do such works or things as to ensure that at any time no more of the river is so closed than is reasonably necessary in all the circumstances and if it becomes necessary to close the river completely to navigation the Authority shall use their best endeavours to secure that the minimum obstruction, delay or interference is caused to vessels which may be using or intending to use the river and that the minimum interference is caused to persons who may be using or intending to use the river for the purposes of trade or business (including the use of river water for cooling purposes).

(2) Without prejudice to the provisions of section 4 (Application and incorporation of Acts) of this Act neither the Authority nor the corporation shall be liable for any costs, damages or expenses whatsoever incurred by any person as a result, directly or indirectly, of any closure of the river under the foregoing subsection.

Sewers to
be removed
or filled up.

26. Subject to the provisions of this Act, the Authority shall cause to be removed or filled up all such sewers, drains or water-courses or parts thereof as shall be situated within the limits of deviation and as shall become unnecessary by reason of the exercise by the Authority of any of their functions under this Part of this Act.

Application
of Act of
1950.

27. Subject to the provisions of this Act, the provisions of Part II of, and Schedule 4 to, the Act of 1950 shall apply in relation to any works executed or things done within the limits of deviation under section 16 (Power to execute works) or section 18 (Subsidiary works) of this Act (hereafter in this section referred to as “the works”) as if the works were executed for road purposes within the meaning of paragraph (a) of subsection (1) of section 21 of the Act of 1950 and were of the kind referred to

in that section, as if the Authority were a promoting authority for the purposes of the operation of the said provisions, and as if any undertakers' apparatus affected thereby were in a street:

PART III
—cont.

Provided that for the purposes of such application the provisions of the Act of 1950 shall have effect—

- (a) so as to impose on the Authority an obligation before commencing any of the works to give notice to the undertakers concerned under paragraph 2 of Schedule 4 to the Act of 1950 together with plans, sections and particulars of any of the works to be commenced; and
- (b) as if the words in parentheses in paragraph 3 of the said Schedule relating to a road alteration were omitted from that paragraph.

28.—(1) A tidal work shall not be constructed, altered, extended, enlarged, replaced, renewed or removed 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 executed without the approval of the Secretary of State.

(2) If a tidal work is constructed, altered, extended, enlarged, replaced, renewed or removed 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 Authority at their 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 Authority, they have 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 himself 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 Authority as a simple contract debt.

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

Provision against danger to navigation.

(2) If the Authority fail to notify Trinity House as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

PART III
—cont.

Abatement
of works
abandoned
or decayed.

30.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Authority at their 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 land above the level of high water, is abandoned or suffered to fall into decay and that part of the work on 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 Authority, they have 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 Authority as a simple contract debt.

Survey of
tidal
works.

31. 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 Authority 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 Authority as a simple contract debt.

Permanent
lights on
tidal works.

32.—(1) After the completion of a tidal work, the Authority 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 Trinity House shall from time to time direct.

(2) If the Authority fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

Lights on
tidal works
during
construction.

33.—(1) The Authority shall at or near a tidal work during the whole time of the construction, alteration, extension, enlargement, replacement, renewal or removal 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 Authority fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding £100 and on conviction on indictment to a fine.

PART IV

OPERATION OF BARRIER

34.—(1) Notwithstanding anything to the contrary in any other enactment or in any rule of law, the Authority may use and operate the barrier, and, in particular, the barrier gate may be closed by the Authority for such periods as they consider necessary or desirable—

Operation
of barrier.

- (a) at any time when it appears to the Authority that there is reason to believe that unless the barrier gate is closed floods or inundations may be caused by the overflow of the river upstream of the barrier, or in any other case of emergency;
- (b) for the purpose of enabling experiments to be carried out for or in connection with the development of the most effective use of the barrier for defence against floods or inundations;
- (c) for the purpose of testing the barrier;
- (d) for the purpose of exercising and instructing staff in the operation and control of the barrier;
- (e) for the purpose of maintaining, extending, enlarging, altering, replacing, repairing or renewing the barrier, on such occasions as may be reasonably necessary, or for the purpose of removing the barrier;

and for no other purpose and may be so closed notwithstanding that the river or any part thereof will thereby be closed to navigation and that the passage of vessels in the river may thereby be obstructed, delayed, or interfered with, and neither the Authority nor the corporation shall, as a result of such closure, be liable for any costs, damages or expenses whatsoever incurred by any person as a result, directly or indirectly, of such obstruction, delay or interference:

Provided that, in and for the purpose of determining in any case when or at what state of the tide, and for how long, the barrier gate is to be closed, and when or at what state of the tide it is to be re-opened after any such closure, the Authority shall use their best endeavours to secure that the minimum obstruction, delay or interference is caused to vessels which may be using or intending to use the river.

(2) The Authority shall give to the corporation as much notice as is reasonably practicable in the circumstances of their intention

PART IV
—cont.

to close the barrier gate under the foregoing subsection and of their intention to re-open the barrier gate after any such closure; and the corporation shall be under a duty to take such steps to regulate the movement of vessels using the river as they may consider necessary or desirable in the light of such notice.

(3) Before closing the barrier gate for any of the purposes mentioned in paragraphs (b) to (e) of subsection (1) of this section the Authority shall consult with the corporation and the British Transport Docks Board as to the circumstances and manner in which the barrier gate may be closed for all or any of those purposes and as to the timing, periods and frequency of such closures and as to the appropriate notices to be given to the corporation and to the said board in connection with such closures.

Misuse of
barrier.

35. Any person who without lawful authority or excuse—

- (1) closes or opens, or attempts to close or open, the barrier gate; or
- (2) in any other way interferes, or attempts to interfere, with the barrier or the operation thereof;

shall be guilty of an offence and shall for every such offence be liable on summary conviction to a term of imprisonment not exceeding six months or to a fine not exceeding £400, or both, or on indictment to a term of imprisonment not exceeding fourteen years or to a fine, or both.

PART V

FINANCE AND MISCELLANEOUS

Power of
Authority
to borrow.

36.—(1) The Authority may borrow, without the consent of any sanctioning authority, for any of the purposes specified in column (1) of the following table, the sum specified in relation thereto in column (2) of that table:—

Purpose for which money may be borrowed (1)	Amount (2)	Maximum period for repayment of loan (3)
(a) The purchase of lands and easements for the works	The sum required	60 years
(b) The construction of the works	£600,000	30 years
(c) The payment of the costs, charges and expenses of this Act	The sum required	10 years

(2) Every sum borrowed under subsection (1) of this section shall be repaid within such period from the date of borrowing as the Authority without the consent of any sanctioning authority may determine, not exceeding the period specified in relation thereto in column (3) of the said table.

(3) The Authority may also with the sanction of the Minister borrow such further sums as may be necessary for any of the purposes of this Act and any sum borrowed under the powers of this subsection shall be repaid within such period, not exceeding sixty years, from the date of borrowing as the Authority, with the consent of the Minister, may determine.

(4) The means by which the Authority may raise the money which they are authorised to borrow under this section shall include the issue of stock or the issue of bonds and accordingly subsection (5) of section 92 of the Act of 1963 shall have effect as if—

- (a) paragraph (b) of subsection (1) of section 196 and section 204 of the Act of 1933 were included among the provisions of that Act applicable to the borrowing of money under subsection (2) of the said section 92 and the said subsection (2) shall be construed accordingly;
- (b) section 7 of and Schedule 1 to the Local Government (Financial Provisions) Act 1963 were applicable to the borrowing of money under the said subsection (2); and
- (c) the money borrowed under this Act was borrowed under the said subsection (2).

(5) On and after 1st April, 1974 this section shall have effect as if the following paragraph were substituted for paragraphs (a) and (b) of subsection (4):—

“(a) sub-paragraphs (1) (b) and (1) (d) of paragraph 2 of Schedule 13 to the Local Government Act, 1972, and so much of paragraph 4 of that Schedule as relates to stock or bonds were included among the provisions of the Local Government Act, 1972, applicable to the borrowing of money under subsection (2) of the said section 92 and the said subsection (2) shall be construed accordingly; and”.

(6) If during the present Session of Parliament a general Act which repeals section 92 of the Act of 1963 is passed subsections (4) and (5) of this section shall cease to have effect on the date on which that repeal comes into force.

(7) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

PART V
—cont.

Power to suspend provision for repayment of, and to borrow for payment of interest on, moneys borrowed for purposes of Act.
1963 c. 46.

37.—(1) The Authority shall in relation to the borrowing of money for the purposes of this Act have the powers and be subject to the restrictions and duties conferred or imposed on local authorities by the provisions of the Local Government (Financial Provisions) Act 1963 mentioned in subsection (2) of this section and those provisions shall apply to the Authority with any necessary modifications as if the Authority were a local authority other than a parish council.

(2) The provisions of the Local Government (Financial Provisions) Act 1963 referred to in subsection (1) of this section are subsections (1), (3) and (4) of section 8 and subsections (1) to (4) of section 10.

(3) Subsection (6) of section 92 of the Act of 1963 shall not apply to money borrowed by the Authority for the purposes of this Act.

(4) On and after 1st April, 1974, this section shall have effect as if—

(a) for any reference to “ the Local Government (Financial Provisions) Act 1963 ” there were substituted a reference to “ the Local Government Act 1972 ”;

(b) in subsection (1), for the words “ other than a parish council ” there were substituted the words “ as defined in that Act ”; and

(c) in subsection (2), for the words “ subsections (1), (3) and (4) of section 8 and subsections (1) to (4) of section 10 ” there were substituted the words “ sub-paragraphs (1) and (3) to (7) of paragraph 9 of Schedule 13 ”.

1972 c. 70.

Consolidated loans funds.
1958 c. 55.

38.—(1) Until 1st April, 1974, the provisions of section 55 of the Local Government Act 1958 shall apply to the Authority as if the Authority were the council of a county.

(2) On and after 1st April, 1974, the provisions of paragraph 15 of Schedule 13 to the Local Government Act 1972 shall apply to the Authority as if the Authority were a local authority as defined in that Act.

Exchequer grants towards expenditure of the Authority.
1961 c. 48.

39. For the purposes of the following enactments (which authorise the Minister to make grants to various authorities, including river authorities, in respect of their expenditure on and in connection with drainage works), that is to say:—

(1) section 55 of the Act of 1930;

(2) section 38 of the Land Drainage Act 1961; and

(3) section 37 of the Agriculture (Miscellaneous Provisions) Act 1968;

1968 c. 34.

any expenditure incurred, or to be incurred, by the Authority under Part II (Lands) and Part III (Works) of this Act, but not including expenditure on or in connection with the maintenance of any works, shall be treated as incurred by them in the exercise of their functions under paragraph (b) or (c) of subsection (1) of section 34 of the Act of 1930.

PART V
—cont.

40. Section 43 of the General Rate Act 1967 (which exempts from rating certain property occupied or maintained by drainage authorities) shall apply and have effect in relation to the barrier as if the barrier were such a structure or appliance as is referred to in paragraph (b) of subsection (1) of that section.

Exemption
of barrier
from rating.
1967 c. 9.

41. Notwithstanding anything contained in subsection (8) of, and without prejudice to the provisions of subsection (8A) of, section 47 of the Act of 1930 as amended by section 19 of the Land Drainage Act 1961, byelaws made by the Authority for securing the proper defence against the sea or other tidal water of any part of their area may contain provisions for imposing on a person who acts in contravention of, or fails to comply with, any such byelaw a fine, recoverable on summary conviction, not exceeding £100 and in the case of a continuing contravention or failure a further fine not exceeding £50 for every day on which the contravention or failure is continued after conviction.

Fines for
contravention
of sea
defence
byelaws.
1961 c. 48.

42.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

Local
inquiries.

(2) (a) Until 1st April, 1974, subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act.

(b) On and after 1st April, 1974, subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply to any such inquiry.

1972 c. 70.

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

1946 c. 31.

43.—(1) The barrier shall be deemed to have been constructed under a licence under section 36 of the Act of 1963 granted by the Secretary of State to the Authority and the provisions of section 34 (Operation of barrier) of this Act shall be deemed to be included in the licence under which the barrier is deemed to have been constructed.

Barrier
deemed to be
constructed
under
impounding
licence.

PART V
—cont.

(2) Except as may be otherwise provided by this Act, the provisions of the Act of 1963 relating to licences granted under section 36 of that Act shall apply to the licence deemed by the foregoing subsection to have been granted under that section as they apply to those so granted.

Extension of
section 120
of Act of
1963.

44. In its application to the Authority section 120 of the Act of 1963 (which relates to the service of notices) shall have effect as if the references in subsection (1) of that section to that Act included references to this Act.

Penalty for
obstructing
execution
of Act.

45. A person who wilfully obstructs or impedes any person acting—

(a) in the execution of this Act or of any order made thereunder; or

(b) in compliance with any notice or direction given under this Act;

shall be guilty of an offence and, if no other penalty for such offence is provided by or under this Act, shall be liable on summary conviction to a fine not exceeding £100.

Offences
by
corporations.

46.—(1) Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the foregoing subsection shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

For protection
of corporation.

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

(1) In this section “plans” includes sections and “approved plans” means plans approved or deemed to have been approved by the corporation or settled by arbitration:

(2) The Authority shall not acquire compulsorily under the powers of this Act the interests of the corporation in any of the lands shown within the limits of deviation (except in so far as the lands are required for the sites of Work No. 1 or 2), but the Authority may in accordance with the provisions of section 8 (Power to acquire

easements only) of this Act acquire compulsorily such easements and rights in the said lands as they may reasonably require for the purpose of the works:

PART V
—cont.

- (3) Before commencing the construction of any tidal work plans showing the general mode of construction thereof shall be delivered by the Authority to the corporation for their reasonable approval, and such work shall not be constructed otherwise than in accordance with approved plans and to the reasonable satisfaction of the corporation:

Provided that if there shall be any inconsistency between any approved plans and the plans and sections approved by the Secretary of State under section 28 (Tidal works not to be executed without the approval of the Secretary of State) of this Act, the tidal work shall be constructed in accordance with the plans and sections so approved by the Secretary of State:

- (4) If the corporation fail to express their disapproval of any plans and the grounds for their disapproval within two months after such plans have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans:
- (5) (a) The Authority in the exercise of the powers of section 5 (Power to acquire lands) and section 21 (Power to dredge) of this Act shall not deposit any spoil or other material in any place in the river below the level of high water otherwise than in such a position and subject to such conditions and restrictions as may be fixed by the corporation:

Provided that, in the event of any inconsistency between any requirement, condition or restriction of the corporation under this paragraph and any requirement, condition or restriction of the Secretary of State the Authority shall be deemed to have complied with the provisions of this paragraph if they have complied with the requirement, condition or restriction of the Secretary of State;

- (b) Before exercising their powers under the said section 21 of dredging or deepening the bed of the river or altering or interfering with the bed, banks, soil or foreshore thereof the Authority shall submit their proposals to the corporation and in exercising those powers they shall comply with such reasonable requirements (if any) as shall be imposed by the corporation within a period of two months after the submission of the proposals:

PART V
—cont.

- (6) (a) The Authority shall not exercise the powers of section 15 (Power to use subsoil of streets) of this Act in relation to any public street except with the consent of the corporation which shall not be unreasonably withheld;
- (b) The Authority shall not, except with the consent of the corporation (which shall not be unreasonably withheld), pump any water into, or make a connection with, a sewer or drain of the corporation under the powers of section 24 (Power to pump and discharge water) of this Act or remove or fill up any such sewer or drain under section 26 (Sewers to be removed or filled up) of this Act;
- (c) If any question arises under this paragraph as to whether the consent of the corporation is being unreasonably withheld, that question shall be determined by arbitration:
- (7) Any difference arising between the Authority and the corporation under this section (other than a difference as to the construction of this section) shall be settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

For protection
of docks
board.

48. For the protection of the British Transport Docks Board (in this section referred to as "the docks board"), the following provisions shall, unless otherwise agreed in writing between the Authority and the docks board, apply and have effect :—

(1) In this section—

"approved plans" means plans approved or deemed to have been approved by the docks board or settled by arbitration;

"the buoy shed slipway" means the slipway lying between the point of termination of Work No. 2 and commencement of Work No. 3 and within the land numbered 5 on the deposited plans;

"plans" includes sections;

"the protected sluices" means—

(a) the respective sluices at the entrances of St. Andrews Dock, Albert and William Wright Dock, King George Dock and Alexandra Dock,

(b) the sluice to the Holderness drain,

(c) the sluice to the Old Fleet drain, and

(d) the sluice to the drain at the Far Barn Clough at Hedon Haven:

- (2) The Authority shall not construct under the powers of this Act any tidal works in the river Humber:
- (3) The Authority shall not acquire compulsorily under the powers of this Act the interests of the docks board in the lands numbered 3 and 5 on the deposited plans (except in so far as the lands are required for the site of Work No. 1 or for the widening of the river comprised in Work No. 2) but the Authority may in accordance with the provisions of section 8 (Power to acquire easements only) of this Act acquire compulsorily such easements and rights in the said lands as they may reasonably require for the purposes of the works:
- (4) Before commencing the construction on land in the ownership or occupation of the docks board of Work No. 3 plans showing the general mode of construction thereof shall be delivered by the Authority to the docks board for their reasonable approval, and such work shall not be constructed otherwise than in accordance with approved plans and to the reasonable satisfaction of the docks board:
- (5) If the docks board fail to express their disapproval of any plans and the grounds for their disapproval within two months after such plans have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans:
- (6) (a) If during the construction of or within five years after the completion of any tidal work any accumulation of silt or other material—
- (i) shall be created in the navigable channels of the river Humber or elsewhere in the river Humber in the vicinity of any property of the docks board and cause an impediment to the free navigation of the river Humber, or to free access from the river Humber to any dock, jetty, pier, slipway or berth of the docks board or to the river Humber from any such dock, jetty, pier, slipway or berth ; or
 - (ii) shall be created in the river in the vicinity of the buoy shed slipway and cause an impediment to the operation of that slipway; or
 - (iii) shall be created in the river Humber in the vicinity of any of the protected sluices and cause an impediment to the operation of that sluice ;

PART V
—cont.

in consequence of the construction or execution of any tidal work, the Authority, if so requested by the docks board, shall remove the accumulation and, if they fail

PART V
—cont.

to do so, the docks board may themselves cause the work to be done and may recover from the Authority the reasonable cost thereof;

- (b) Should any such accumulation arise within the said period of five years and be removed in accordance with the provisions of sub-paragraph (a) of this paragraph any recurrence of such accumulation shall from time to time be removed as aforesaid during the period of fifteen years after the completion of the tidal work:
- (7) The Authority in the exercise of the powers of section 5 (Power to acquire lands) and section 21 (Power to dredge) of this Act shall not deposit any spoil or other material in any place in the river Humber below the level of high water otherwise than in such a position and subject to such conditions and restrictions as may be fixed by the docks board:
- Provided that, in the event of any inconsistency between any requirement, condition or restriction of the docks board under this paragraph and any requirement, condition or restriction of the Secretary of State the Authority shall be deemed to have complied with the provisions of this paragraph if they have complied with the requirement, condition or restriction of the Secretary of State:
- (8) The Authority shall not under the powers of section 14 (Extinction of rights in respect of existing landing places) of this Act extinguish any rights of way over so much of the docks board's landing place as extends for a distance of 17 metres to the north of the termination of Work No. 2:
- (9) The Authority shall give to the docks board as much notice as is reasonably practicable in the circumstances of their intention to close the barrier gate under subsection (1) of section 34 (Operation of barrier) of this Act and of their intention to re-open the barrier gate after any such closure; and the docks board shall take such steps to regulate the movement of vessels using the river Humber as they may consider necessary or desirable in the light of such notice:
- (10) Any difference arising between the Authority and the docks board under this section (other than a difference as to the construction of this section) shall be settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

49. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this section authorises the Authority to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

50.—(1) Section 289 of the Act of 1971 shall apply to this Act as if it had been passed during the Session 10 & 11 Geo. 6; and accordingly the Act of 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

(2) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 shall have effect as if the authority to develop given by this Act were limited to development begun within five years after the passing of this Act.

(3) In this section the reference to article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Act of 1971 or any corresponding provision of an Act repealing that section.

51. All the costs, charges and expenses preliminary to and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Authority.

Hull Tidal Surge Barrier Act 1973

CHAPTER xiv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Application and incorporation of Acts.

PART II

LANDS

5. Power to acquire lands.
6. Correction of errors in deposited plans and book of reference.
7. Acquisition of part only of certain properties.
8. Power to acquire easements only.
9. Disregard of recent improvements and interests.

Section

10. Extinction of private rights of way.
11. Grant of easements by persons under disability.
12. Agreements with adjoining owners.
13. Power to reinstate owners or occupiers of property.
14. Extinction of rights in respect of existing landing places.
15. Power to use subsoil of streets.

PART III

WORKS

16. Power to execute works.
17. Power to deviate.
18. Subsidiary works.
19. Diversion of footpath.
20. Power to stop up streets temporarily.
21. Power to dredge.
22. Removal of moorings.
23. Provision of tugs.
24. Power to pump and discharge water.
25. Temporary closing of river in connection with works.
26. Sewers to be removed or filled up.
27. Application of Act of 1950.
28. Tidal works not to be executed without the approval of the Secretary of State.
29. Provision against danger to navigation.
30. Abatement of works abandoned or decayed.
31. Survey of tidal works.
32. Permanent lights on tidal works.
33. Lights on tidal works during construction.

PART IV

OPERATION OF BARRIER

34. Operation of barrier.
35. Misuse of barrier.

PART V

FINANCE AND MISCELLANEOUS

36. Power of Authority to borrow.
37. Power to suspend provision for repayment of, and to borrow for payment of interest on, moneys borrowed for purposes of Act.
38. Consolidated loans funds.
39. Exchequer grants towards expenditure of the Authority.
40. Exemption of barrier from rating.
41. Fines for contravention of sea defence byelaws.

Section

- 42. Local inquiries.
- 43. Barrier deemed to be constructed under impounding licence.
- 44. Extension of section 120 of Act of 1963.
- 45. Penalty for obstructing execution of Act.
- 46. Offences by corporations.
- 47. For protection of corporation.
- 48. For protection of docks board.
- 49. Crown rights.
- 50. Saving for Act of 1971.
- 51. Costs of Act.