

ELIZABETH II



1973 CHAPTER xxi

An Act to amend the Medway Ports Reorganisation Scheme, 1968; to confer further powers on the Medway Ports Authority; and for other purposes.

[18th July 1973]

WHEREAS the Medway Ports Authority (hereinafter referred to as "the Authority") were constituted by the Medway Ports Reorganisation Scheme, 1968, as confirmed by the Medway Ports Reorganisation Scheme 1968 Confirmation Order, 1969 (hereinafter referred to as "the Scheme"), for the purpose, amongst others, of securing the efficient and economical development of the harbours then under the respective jurisdictions of the Commissioners of the Faversham Navigation, the Conservators of Milton Creek, the Conservators of the River Medway, the Medway Lower Navigation Company and the Queenborough-in-Sheppey Corporation:

And whereas the said harbours were transferred to the Authority by the Scheme on the 1st October, 1969:

And whereas under the Scheme subsisting statutory provisions relating to the harbours transferred by the Scheme apply only in relation to, or in connection with, the harbour to, or in connection with, which they applied immediately before the 1st October, 1969:

And whereas it is expedient that certain of these provisions should be repealed and that further powers should be conferred on the Authority as by this Act provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Medway Ports Authority Act 1973.

(2) The Medway Ports Reorganisation Scheme, 1968, and this Act may be cited together as the Medway Ports Authority Scheme and Act 1968 and 1973.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Duties and general powers of the Authority.

Part III.—Financial.

Part IV.—Charges.

Part V.—Goods.

Part VI.—Byelaws.

Part VII.—Miscellaneous and general.

Interpretation.

3.—(1) In this Act, unless the subject or context otherwise requires—

“the Authority” means the Medway Ports Authority;

“charges” includes charges, rates, tolls and dues of every description for the time being payable to the Authority under any enactment;

“daily fine” means a fine for each day on which an offence is continued after conviction;

“dangerous goods” means any goods declared by rules for the time being made under section 23 of the Merchant Shipping (Safety Convention) Act, 1949, to be dangerous in their nature;

“docks” means the docks, piers, wharves, quays, berths, roads, railways, bridges, sheds and other works and conveniences, and the lands, buildings and property of every description and of whatever nature which are for the time being vested in or occupied by the Authority, and “dock” shall be construed accordingly;

1930 c. 44.

1952 c. 44.

1847 c. 27.

1968 c. 59.

“ drainage authority ” means any drainage authority for an internal drainage district constituted under the Land Drainage Act, 1930;

“ dredging licence ” means a licence granted under subsection (1) of section 38 (Licence to dredge) of this Act;

“ duties of customs and excise ” includes any tax, levy, surcharge or 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;

“ the electricity undertakers ” means the Central Electricity Generating Board and the South Eastern Electricity Board, or either of them, as the case may be;

“ electricity work ” means any electric line, apparatus, building, structure or other work of any nature belonging to or maintained by the electricity undertakers;

“ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation made under an Act;

“ fish ” includes shell-fish and also the spawn, brood and fry of fish and shell-fish;

“ functions ” includes powers and duties;

“ the gas undertakers ” means the British Gas Corporation;

“ gas work ” means any main, pipe, apparatus, building, structure or other work of any nature belonging to or maintained by the gas undertakers;

“ general direction ” means a direction authorised by section 20 (General directions to vessels in the port and the Medway approach area) of this Act or by subsection (1) of section 22 (Directions to vessels at the docks) of this Act;

“ goods ” includes fish, livestock and animals of all descriptions;

“ the harbour master ” means the harbour master appointed by the Authority and includes his authorised deputies and assistants and any person authorised by the Authority to act in that capacity;

“ the Harbours Clauses Act, 1847, ” means the Harbours, Docks and Piers Clauses Act, 1847;

“ hovercraft ” has the same meaning as in the Hovercraft Act, 1968;

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

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

PART I
—cont.

1952 c. 55.

“landing places” means wharves and other waterside landing places, piers, jetties and similar installations and includes approaches from land to such installations;

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

“magistrates’ court” has the same meaning as in the Magistrates’ Courts Act, 1952;

“the Medway approach area” means the area described in Schedule 1 to this Act;

“owner” when used with reference to any vessel includes the owner, agent, master, charterer or other person in charge of the vessel, and when used with reference to goods includes the owner, agent, consignor, shipper, consignee or other person in charge of the goods and their respective agents in relation thereto;

“the port” means the areas shown within the red line delineated on the map marked “plan defining the limits of the port” annexed to the Scheme and, so far as not included in any of those areas, includes the docks;

“port facilities” means services and facilities for or in connection with the berthing, moving or dry-docking of vessels, the loading or unloading of goods or the embarking or disembarking of passengers in or from vessels, the lighterage, sorting, weighing, warehousing or handling of goods, and the movement of goods and passengers;

1881 c. clxxiv.

“the river” has the meaning assigned thereto by section 4 (Application of Act to part of River Medway) of the Medway Conservancy Act, 1881;

“the river authority” means the Kent River Authority;

“the Scheme” means the Medway Ports Reorganisation Scheme, 1968;

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

“the Secretary of State” means the Secretary of State for Trade and Industry;

“the sewerage board” means the Rochester, Chatham and Gillingham Joint Sewerage Board;

“sewerage work” means a sewer outfall, subaqueous pipe or sewer vested in the sewerage board;

“special direction” means a direction authorised by section 21 (Special directions to vessels in the port and the Medway approach area) of this Act or by subsections (2) or (3) of section 22 (Directions to vessels at the docks) of this Act;

“ statutory securities ” means any securities in which trustees are for the time being authorised to invest trust moneys;

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

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

“ the undertaking ” means the undertaking of the Authority as for the time being authorised by any enactment;

“ vessel ” has the meaning assigned thereto by subsection (2) of this section;

“ works licence ” means a licence granted under subsection (1) of section 37 (Licensing of works) of this Act.

(2) In this Act and the enactments incorporated therewith “ vessel ” means every description of vessel, however propelled or moved, and includes a hovercraft, a hydrofoil vessel, any thing constructed or used to carry persons or goods by water and, except for the purpose of levying rates, a seaplane on or in the water.

(3) Except where the context otherwise requires, references in this Act to any other enactment shall be construed as references to that enactment as applied, extended, varied or amended by, or by virtue of, any subsequent enactment, including this Act.

4. The provisions of the Harbours Clauses Act, 1847 (except sections 6 to 13, 16 to 19, 22, 23, 25, 26, 42, 43, 48, 49, 50, 77, 83 to 90, 97, 98, 101 and 102) so far as they are applicable for the purposes of, and are not inconsistent with, the provisions of this Act are hereby incorporated with and form part of this Act: Incorporation of Harbours Clauses Act, 1847.

Provided that in construing the provisions so incorporated—

- (i) the expression “ the special Act ” shall mean this Act, the expressions “ the Promoters of the undertaking ” and “ the undertakers ” shall mean the Authority, and the expression “ the harbour, dock or pier ” shall mean the port;
- (ii) section 15 shall have effect as if for the words from “ shall forfeit ” to the end of the section there were substituted the words “ shall be liable on summary conviction to a fine not exceeding £100.”;

PART I
—cont.

- (iii) section 63 shall have effect as if for the words from “penalty” to the end of the section there were substituted the words “fine not exceeding £20”;
- (iv) section 69 shall have effect as if for the words from “sum” to the end of the section there were substituted the words “sum not exceeding £10”.

PART II

DUTIES AND GENERAL POWERS OF THE AUTHORITY

General duties
and powers.

5.—(1) It shall be the duty of the Authority—

- (a) to provide, maintain, operate and improve such port facilities in, or in the vicinity of, the port as they consider necessary or desirable and to take such action as they consider incidental to the provision of such facilities;
- (b) to take such action as they consider necessary or desirable for or incidental to the maintenance, operation, improvement and conservancy of the port.

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

- (a) for the purpose of discharging or facilitating the discharge of any of their 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;
- (c) for the purpose of turning their resources to account so far as not required for the purposes of the undertaking.

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

Jurisdiction of
Authority.

6. The Authority and the harbour master shall exercise jurisdiction within the limits of the port and, subject to the provisions of this Act, within the Medway approach area.

7. The Authority may acquire by agreement an undertaking providing or intended to provide services or facilities of a kind which the Authority are themselves authorised to provide.

PART II
—cont.

Power to
acquire
undertakings.

8.—(1) The Authority may for the purposes of the undertaking acquire land by agreement, whether by way of purchase, exchange, lease or otherwise.

Powers
relating to
land.

(2) The Secretary of State for the Environment may authorise the Authority to purchase compulsorily any land which they require for the purposes of the undertaking and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if the Authority were a local authority within the meaning of that Act and as if this Act had been in force immediately before that Act. 1946 c. 49.

(3) The Authority may dispose of land belonging to them in such manner, whether by way of sale, exchange, lease, the creation of any easement, right or privilege or otherwise, for such period, upon such conditions and for such consideration as they think fit.

(4) The Authority—

(a) may, for the purposes of the undertaking, manage, use or develop land belonging to them as they think fit; and

(b) in addition may, with a view to selling or otherwise disposing of any right or interest in the land after the development is carried out—

(i) retain any land belonging to them which is not required for the purposes of the undertaking and develop it or procure its development for use by other persons; and

(ii) where the use of land belonging to them for the purposes of the undertaking can be combined with its use for other purposes, develop the land or procure its development for use wholly or partly by other persons.

(5) Where the Authority intend to develop or procure the development of land belonging to them for purposes other than the purposes of the undertaking, and are of opinion that the land cannot by itself be developed satisfactorily, they may acquire adjoining land by agreement, whether by way of purchase, exchange, lease or otherwise, for the purpose of developing it or of procuring its development together with the other land.

(6) Nothing in subsection (2) of this section shall authorise the compulsory acquisition of any operational land of the gas undertakers.

(7) For the purpose of the acquisition by the Authority of land by agreement, the provisions of Part I (other than sections 4 to 8

PART II
—cont.

1965 c. 56.

and sections 27 and 31) and of subsection (3) of section 38 of the Compulsory Purchase Act, 1965, shall apply to the exclusion of the Lands Clauses Acts, and as if this Act were mentioned in Schedule 6 to the said Act of 1965.

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

9. The Authority shall be a local lighthouse authority for the purposes of the Merchant Shipping Act, 1894.

Powers as to vessels, plant and equipment.

10. The Authority may construct, purchase, contract for or hire and may maintain and use vessels, plant and equipment required by them for carrying out their functions, including tugs for the use and accommodation of vessels, and may sell or dispose of any such vessel, plant or equipment.

Power to license tugs, etc.

11.—(1) (a) The Authority may from time to time license such number of tugs belonging to any person for such period and on such terms and conditions as they think fit.

(b) The Authority may charge a fee not exceeding five pounds for the granting of a licence under paragraph (a) of this subsection.

(2) (a) It shall not be lawful otherwise than in emergency for any person to use or employ any tug for moving vessels within the port unless there is in force in relation thereto a licence granted under paragraph (a) of subsection (1) of this section.

(b) Any person who contravenes the provisions of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(3) In this section “tug” means any vessel other than a vessel of five tons gross or less.

Power to operate transport. 1968 c. 73.

12.—(1) Subject to obtaining any licence necessary under Part V of the Transport Act, 1968, the Authority may operate road transport vehicles for the purpose of conveying goods to and from any part of the docks.

(2) The Authority may operate railways for the purpose of conveying goods or passengers within the docks.

(3) For the said purposes the Authority may from time to time purchase, contract for or hire and may maintain road or rail transport vehicles and equipment and may sell or dispose of any such vehicles and equipment.

Power to hire out plant.

13. The Authority may let upon hire (with or without the services of their employees) on such terms as they think fit any vessel, plant, equipment or other property belonging to them.

PART II
—cont.

14.—(1) The Authority may, on any land for the time being vested in or occupied by them, provide and maintain parking places at which vehicles may be left, and may make reasonable charges in respect of any vehicle left at any such parking place or elsewhere on the docks:

Power to provide parking places and to make charges.

Provided that nothing in this subsection shall apply to a road within the meaning of the Road Traffic Act, 1972.

1972 c. 20.

(2) If a vehicle is left without the permission of the Authority—

(a) in a parking place provided under subsection (1) of this section for a longer period than twenty-four hours;

(b) in any place within the docks where it is likely to obstruct or interfere with the use of the docks; or

(c) in any part of the docks where the parking of vehicles is prohibited by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State for the Environment in pursuance of his powers contained in sections 54 and 55 of the Road Traffic Regulation Act, 1967, erected by the Authority;

1967 c. 76.

the Authority may remove the vehicle, or cause it to be removed.

(3) Any such traffic sign as is referred to in paragraph (c) of subsection (2) of this section shall be conspicuously posted in or in proximity to the place to which it relates.

(4) Where the Authority in exercise of the powers of subsection (2) of this section remove a vehicle, or cause it to be removed, the expenses of and incidental to the removal shall be recoverable by the Authority from the owner of the vehicle as a simple contract debt in any court of competent jurisdiction.

(5) If the Authority in exercise of the powers of this section remove a vehicle to a place not readily visible from the place whence it is so removed, they shall, if and as soon as it is reasonably practicable to do so, send to the owner of the vehicle or, if there is no such person or the vehicle does not carry a G.B. registration mark (as defined in the Removal and Disposal of Vehicles Regulations, 1968), to the person who appears to the Authority to be the owner of the vehicle notice in accordance with regulation 13 of the said regulations of 1968 or any other regulation having the like effect for the time being in force that they have exercised the powers of this section and of the place to which the vehicle has been removed.

(6) A traffic sign conforming to such design as the Secretary of State for the Environment may authorise for the purpose, stating the general effect of subsection (2) of this section, shall be displayed

PART II
—cont.

in a prominent position at each entrance to any parking place provided under subsection (1) of this section.

(7) (a) In this section—

“owner” means 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 like effect for the time being in force and in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement includes the person entitled to possession of the vehicle under the agreement;

“vehicle” includes a trailer.

(b) In relation to a trailer which has been removed by the Authority paragraph (a) of this subsection shall have effect as if for the reference to the person for the time being registered as the owner of the vehicle there was substituted a reference to the owner of the trailer.

Power to provide dwelling-houses and make loans.

15. The Authority may, subject to such terms and conditions as they think fit—

- (a) from time to time erect or provide on any lands belonging to them and may purchase, take on lease or hire elsewhere dwelling-houses for persons employed by them and may (without prejudice to their power to impose other terms and conditions) permit the same to be occupied by such persons with or without payment of any rent;
- (b) permit a person formerly in their employment to continue to occupy a dwelling-house provided by them after his employment with the Authority has ceased and also permit the widow or dependants of such a person to continue to occupy a dwelling-house so provided;
- (c) make loans to persons employed by them to assist such persons to acquire housing accommodation and may guarantee loans made by building societies and other lenders for house purchase purposes to such persons;
- (d) continue a loan made by them to a person formerly in their employment after his employment with the Authority has ceased or the guarantee of a loan given by them in respect of such a person.

Returns and statistics.

16. The Authority shall give the Secretary of State for the Environment such returns, statistics and information with respect to the exercise of their powers as he may require.

17. The Authority may contract and agree from time to time with the chief constable and the police authority for the Kent police area for the execution by constables of the police force maintained for that area of police duty within the port or any part thereof on such terms and conditions and for such payment or consideration as the Authority shall think proper and as shall be agreed between them and the said police authority.

PART II
— cont.

Authority may contract for police.

18.—(1) Any constable or any responsible officer of the Authority may require any person on or seeking access to the docks or any vessel using the docks to state truly his name and address and the nature and place of his business thereon or his purpose thereon or in seeking access thereto and may require any such person to produce for inspection by such constable or officer any pass or other authority which may have been issued to him by or on behalf of the Authority, and any person who fails to comply with any such requirement shall be liable on summary conviction to a fine not exceeding ten pounds.

Powers of interrogation, removal and search.

(2) Any constable may remove from the port or from any vessel using the port any disorderly person or any person having no right or lawful purpose thereon and may prevent any such person from having access thereto.

(3) Any officer of Her Majesty's Customs and Excise may detain and search within the port any person or any vehicle, vessel or other property, upon whom or in or about which there is reasonable cause for believing that there may be any uncustomed or prohibited goods.

19. The Authority may supply, or contract for the supply of, electricity and water to vessels entering and using the port, and for use on the docks:

Power to supply electricity and water.

Provided that the Authority shall not supply, or contract for the supply of, electricity in the exercise of the powers of this section except with the consent of the electricity undertakers.

20.—(1) The Authority may, after consultation in each case with the pilotage authority and the Chamber of Shipping of the United Kingdom, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation in the port and the Medway approach area and, without prejudice to the generality of the foregoing, for any of the following purposes:—

General directions to vessels in the port and the Medway approach area.

- (a) for designating areas, routes or channels in the port or the Medway approach area which vessels are to use or refrain from using for movement or mooring;
- (b) for securing that vessels move only at certain times or during certain periods;

PART II
—cont.

(c) for prohibiting—

(i) entry into or movement in the port or the Medway approach area by vessels at times of poor visibility due to the weather or to the presence of dust or smoke; and

(ii) entry into the port or the Medway approach area by a vessel which for any reason would be, or be likely to become, a danger to other vessels in the port or the Medway approach area;

(d) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master in order to effect the objects of this subsection.

(2) Directions given under subsection (1) of this section may apply—

(a) to all vessels or to a class of vessels designated, or the designation of which is provided for, in the direction;

(b) to the whole of the port or the Medway approach area or to a part designated, or the designation of which is provided for, in the direction; and

(c) at all times or at times designated, or the designation of which is provided for, in the direction;

and every direction made under this section shall specify the extent of its application in relation to the matters referred to in paragraphs (a), (b) and (c) of this subsection.

(3) The Authority may, after consultation with the pilotage authority and the Chamber of Shipping of the United Kingdom, revoke or amend directions given under this section.

Special
directions to
vessels in the
port and the
Medway
approach area.

21.—(1) A direction under this section may be given for any of the purposes set out in subsection (2) of this section by the harbour master to a vessel anywhere in the port or the Medway approach area and to a vessel prior to its entering the port from a dock.

(2) A direction under this section may be given for any of the following purposes:—

(a) requiring a vessel to comply with a requirement made in or under a general direction;

(b) regulating or requiring for the ease, convenience or safety of navigation the movement, mooring or unmooring of a vessel;

- (c) regulating for the safety of navigation the manner in which a vessel takes in or discharges cargo, fuel, water or ship's stores.

PART II
—cont.

22.—(1) The Authority may give directions applicable to all vessels, or to a specified class of vessels, at the docks, for the purpose of ensuring the safety of vessels at the docks, preventing injury to persons at, or to property at, or forming part of, the docks or of securing the efficient conduct of the business carried on at the docks and, without prejudice to the generality of the foregoing, such directions may relate to—

Directions to
vessels at
the docks.

- (a) the movement, berthing or mooring of a vessel;
- (b) the dispatch of its business at the dock;
- (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) The harbour master may give a direction requiring the removal from a dock of a vessel 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;
- (d) it is interfering with the use of the dock by other vessels, or is otherwise interfering with the proper use of the dock 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 to an adjacent part of the dock.

(3) The harbour master may give a direction to a vessel at the docks 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.

PART II
—cont.

(4) In this section reference to a vessel at a dock includes reference to a vessel entering or about to enter a dock and to a vessel leaving or having just left a dock.

Publication
of general
directions.

23.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Authority once in Lloyd's List and Shipping Gazette newspaper or some other newspaper specialising in shipping news, and, if the notice relates to the giving or amendment of a general direction, shall state a place at which copies of the direction may be inspected and bought and the price thereof.

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the harbour master considers appropriate.

Manner of
giving special
directions.

24. A special direction may be given in any reasonable manner considered appropriate.

Master's
responsibility
to be
unaffected.

25. The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, persons on board, its cargo or any other person or property.

Failure to
comply with
directions.

26.—(1) The master of a vessel who fails to comply with a general or special direction shall be liable to a fine not exceeding two hundred pounds.

(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 any person for whom he is responsible or that in the circumstances compliance was impracticable.

Enforcement
of directions.

27.—(1) Without prejudice to any other remedy available to the Authority, if a special direction is not complied with within a reasonable time, the harbour master 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.

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

Provided that the powers of this subsection shall not be exercised—

- (a) in relation to a vessel other than a lighter, unless after reasonable inquiry has been made the master cannot be found; or
- (b) in relation to a lighter, unless it is obstructing the access to or exit from a dock or otherwise interfering with navigation.

(3) Expenses incurred by the Authority in the exercise of the powers conferred by subsection (1) of this section shall be recoverable by the Authority as a simple contract debt.

28. Any person who obstructs or interferes with the harbour master or with any officer or servant of the Authority in the exercise of his powers or the performance of his duties under this Act shall be liable on summary conviction to a fine not exceeding fifty pounds.

Obstruction of harbour master and others.

29.—(1) The Authority may carry out such surveys of the bed of the river Thames within the Medway approach area as they consider necessary or desirable.

Hydrographic surveys within the Medway approach area.

(2) The Authority shall publish all surveys made by them under this section.

30.—(1) The Authority may from time to time place and lay down such buoys and beacons as they consider necessary within the Medway approach area.

Further powers within the Medway approach area.

(2) All byelaws made or deemed to have been made by the Authority from time to time under section 78 (General byelaws) and section 79 (Byelaws as to lights and signals, etc.) of this Act for the regulation of the port and the navigation thereof, and for prescribing the lights and signals to be carried, exhibited or made by vessels shall extend and apply within the Medway approach area.

(3) Subject to the provisions of this Act, the Authority may within the port and the Medway approach area require the owner or occupier of any structure below the level of high water to exhibit on or near that structure and keep burning every night from sunset to sunrise such lights and take such other steps for the prevention of danger to navigation as they shall from time to time direct.

31.—(1) In this section—

“ Her Majesty’s vessels ” includes vessels for the time being in the service of Her Majesty;

Priority for Her Majesty’s vessels.

PART II
—cont.

1865 c. 125.

“the Queen’s harbour master” means the person for the time being appointed to be Queen’s harbour master of the dockyard port of Chatham under the Dockyard Ports Regulation Act, 1865.

(2) The Queen’s harbour master may within the river and the Medway approach area require priority for the movement of any of Her Majesty’s vessels.

(3) When one of Her Majesty’s vessels is to be afforded priority by virtue of a requirement under the last foregoing subsection, the Queen’s harbour master shall inform the harbour master of such requirement as soon as is reasonably practicable and the harbour master shall take such steps as are open to him to ensure that other vessels are kept out of the way of the vessel to which the requirement relates.

(4) (a) When one of Her Majesty’s vessels is exhibiting—

(i) in the case of a submarine, on the bridge superstructure;
or

(ii) in the case of any other vessel, at the foremast head;

such light by night or such signal by day as may be respectively prescribed for the time being for the purposes of this section by the Queen’s harbour master, all other vessels under way within the river and the Medway approach area shall keep out of the way of that vessel and of any tug which may be in attendance upon her.

(b) Where the Queen’s harbour master prescribes any light or signal for the purposes of this subsection he shall give written notice thereof to the Authority accordingly and the Authority shall take such steps as they may deem expedient for causing the contents of such notice to be made known to parties affected thereby.

(c) If the master of any vessel acts in contravention of the provisions of paragraph (a) of this subsection, he shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

Repair of
landing places
and
embankments.

32.—(1) The Authority may by notice require the owner or occupier of a landing place or embankment which in the opinion of the Authority is, or is likely to become, by reason of its insecure condition or want of repair—

(a) dangerous to persons or vessels using the port;

(b) injurious to the condition of any navigable waterway within the port; or

(c) a hindrance to the navigation of the port;

to remedy its condition to the satisfaction of the harbour master within a reasonable time specified in the notice.

(2) If a person to whom notice is given under this section fails to comply with the notice within the time stated in the notice or, if he appeals and the appeal is not allowed, within the time stated

in the notice or such other time as the court may substitute therefor—

- (a) he shall be liable on summary conviction to a fine not exceeding one hundred pounds and to a daily fine not exceeding ten pounds; and
- (b) the Authority may carry out the work they consider necessary to remedy the condition of the landing place or embankment in question and may recover the expenses of so doing from the person on whom the notice was served as a debt in any court of competent jurisdiction.

(3) A notice under subsection (1) of this section shall have annexed to it a copy of this section.

(4) A person aggrieved by a notice served by the Authority under subsection (1) of this section may appeal to a magistrates' court.

(5) Nothing in this section shall relieve any person acting on the requirement of the Authority from liability for damage caused by him to any electricity work, gas work or sewerage work.

33.—(1) The Authority may remove anything, other than a Removal of vessel or any wreck within the meaning of Part IX of the Merchant Shipping Act, 1894, causing or likely to become an obstruction 1894 c. 60. or impediment in any part of the port.

(2) (a) If anything removed by the Authority under subsection (1) of this section is so marked as to be readily identifiable as the property of any person, the Authority shall within one month of its coming into their 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 Authority.

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

(3) The Authority may at such time and in such manner as they think fit dispose of anything 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 Authority under this section, and if it is sold the proceeds of sale shall be applied by the Authority in payment of the expenses incurred by them 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

PART II
—cont.

the Authority proves to the reasonable satisfaction of the Authority 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 Authority.

(4) If possession of anything removed under this section is retaken or if anything so removed—

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

(b) is unsaleable;

the Authority may recover as a debt in any court of competent jurisdiction the whole of the expenses or the deficiency, 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 Authority 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 Authority 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) (a) The Authority shall not under the powers of this section remove anything placed or constructed by the river authority or any drainage authority or by a local authority or any statutory undertakers in the exercise of their functions under any enactment or by virtue of a consent or licence given or issued by the Authority or their predecessors and for the time being in force.

(b) In this subsection “statutory undertakers” means the Post Office and any company, body or person authorised by any enactment to supply electricity, gas or water.

Reclaiming
creeks, etc.

34. The Authority may fill up, raise and reclaim creeks, inlets, bends, mud flats, sands and sloblands in and adjoining the port, and for that purpose may place piles in the port and construct groynes, retaining walls and other works in or upon the bed and banks of the port notwithstanding interference with public rights of navigation and other public rights:

Provided that the Authority shall not exercise the powers of this section—

(a) in relation to any land not owned by them unless they first obtain the consent in writing of the owner thereof; or

(b) in relation to any part of the port in front of or adjoining land belonging to Her Majesty in right of the Crown or to a government department or held in trust for Her Majesty for the purposes of a government department and protected by section 86 (Crown rights) of this Act without the consent in writing of the Crown Estate Commissioners or the government department, as the case may be.

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—cont.

35. The Authority may lay down, maintain and operate in Works in and over the port such works and equipment as are required for the port. or in connection with the exercise by them of any of their functions.

36.—(1) Subject to the provisions of this Act, the Authority Power to may from time to time deepen, dredge, scour and improve the dredge. bed and foreshore of the waters of the port and blast any rock in the port.

(2) Any material taken up or collected in the course of such operations shall be the property of the Authority and may be used, sold, removed, deposited or otherwise disposed of as the Authority may think fit:

Provided that no such material shall be laid down or deposited in any place below the level of high water, except in such position as the Secretary of State may approve and subject to such conditions or restrictions as he may impose.

(3) (a) In the exercise of the powers conferred by this section the Authority shall not interfere with, damage or injuriously affect any electricity work, gas work or sewerage work without the consent of the electricity undertakers, the gas undertakers or the sewerage board, as the case may be.

(b) Before operations for deepening, dredging, scouring or improving the bed and foreshore of the port or blasting any rock are carried out under the powers of this section within 150 yards of any subaqueous cable belonging to or used by the Post Office, electricity work, gas work or sewerage work where blasting operations are involved, or in any other case within 50 yards of any such cable, electricity work, gas work or sewerage work, the Authority shall give in writing to the Post Office, the electricity undertakers, the gas undertakers or the sewerage board, as the case may be, not less than twenty-eight days' notice of their intention so to do.

(c) No materials taken up or collected shall be laid down or deposited in such a place or manner as to cover any such subaqueous cable, electricity work, gas work or sewerage work or in any way obstruct or impede any work of or connected with the inspection, maintenance, removal, renewal or repair of such

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—*cont.*

a cable, electricity work, gas work or sewerage work without the written consent of the Post Office, the electricity undertakers, the gas undertakers or the sewerage board, as the case may be.

Licensing of works.

37.—(1) The Authority may upon such terms and conditions as they think fit grant to any person a licence to construct, alter, renew, extend or maintain any works on, under or over tidal waters or tidal lands below the level of high water in the port notwithstanding interference with public rights of navigation and other public rights by such works as constructed, altered, renewed, extended or maintained.

(2) Application for a works licence shall be made in writing to the Authority and shall be accompanied by plans, sections and particulars of the works to which the application relates and shall specify whether the applicant holds such rights in, under or over land as are necessary to enable him to enjoy the benefit of the licence and, if not, the action taken to enable him to obtain such rights if the licence is granted, and in granting any such licence the Authority may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) of this section the Authority do not grant a works licence in accordance with the application, they shall be deemed to have refused the application.

1878 c. 76.

(4) For the purposes of section 7 of the Telegraph Act, 1878, any work proposed to be done under a works licence shall be deemed to be work proposed to be done in the execution of an undertaking authorised by an Act of Parliament.

(5) In the exercise of the powers conferred by a works licence, the holder of the licence shall not damage or injuriously affect any electricity work, gas work or sewerage work or, without the consent of the electricity undertakers, the gas undertakers or the sewerage board, as the case may be, interfere with or adversely affect the operation of any such work.

Licence to dredge.

38.—(1) The Authority may upon such terms and conditions as they think fit grant to any person a licence to dredge in any part of the bed and foreshore of the waters of the port.

(2) Application for a dredging licence shall be made in writing to the Authority and shall be accompanied by plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence and in granting any such licence the Authority may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) of this section the Authority do not grant a dredging licence in accordance with the application, they shall be deemed to have refused the application.

(4) The issue of a licence under this section shall not confer statutory authority for the carrying out of the work covered by the licence.

(5) Any materials taken up or collected by means of dredging in pursuance of a dredging licence shall be the property of the holder of the licence and he may use, sell or otherwise dispose of or remove or deposit the same as he thinks fit:

Provided that—

(a) no such materials shall be laid down or deposited in any place below the level of high water except in such position as may be approved by the Authority and subject to such conditions or restrictions as may be imposed by the Authority;

(b) if it appears to the holder of a dredging licence that the Authority have unreasonably withheld their approval under paragraph (a) of this proviso or that any restriction or regulation imposed by the Authority under that paragraph is unreasonable, he may appeal to the Secretary of State whose decision shall be binding upon the parties;

(c) no such materials shall be laid down or deposited in any place or manner so as to cover any subaqueous cable belonging to or used by the Post Office or to impede in any way the inspection, maintenance, removal or renewal of any such cable.

(6) In the exercise of the powers conferred by a dredging licence the holder of the licence shall not interfere with, damage, injuriously affect or adversely affect the operation of—

(a) any electricity work without the consent of the electricity undertakers;

(b) any gas work without the consent of the gas undertakers;
or

(c) any sewerage work without the consent of the sewerage board.

(7) Not less than twenty-eight days before the exercise of any powers under a dredging licence within a distance of 50 yards of any subaqueous cable belonging to or used by the Post Office, the holder of the licence shall give notice in writing to the Post Office of such intended exercise.

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—cont.

Appeals in respect of works licence or dredging licence.

39.—(1) Any applicant for a works licence or a dredging licence who is aggrieved by—

- (a) the refusal of the Authority to grant the licence;
- (b) any terms or conditions upon which the licence is granted;
- (c) any modifications required by the Authority in the plans, sections and particulars submitted by the applicant;

may, within twenty-eight days from the date upon which the Authority notify the applicant of their decision or the date on which the Authority are under subsection (3) of section 37 (Licensing of works) of this Act or subsection (3) of section 38 (Licence to dredge) of this Act deemed to have refused the application, appeal to the appropriate Minister whose decision shall be binding upon the parties.

(2) A person who appeals to the appropriate Minister under this section shall give to the Authority notice of his appeal accompanied by a copy of his statement of appeal and the Authority shall within twenty-eight days from the receipt of such notice be entitled to furnish the appropriate Minister with their observations on the appeal.

(3) (a) On an appeal under this section the appropriate Minister may—

- (i) dismiss the appeal; or
- (ii) require the Authority to grant the licence upon such terms and conditions as the appropriate Minister may determine; or
- (iii) require the Authority to approve the plans, sections and particulars without modification or subject to such modifications as the appropriate Minister may determine.

(b) The Authority shall give effect to any requirement made by the appropriate Minister under paragraph (a) of this subsection.

(4) In this section “ the appropriate Minister ” means—

- (a) in the case of an appeal by the applicant for a works licence, the Secretary of State;
- (b) in the case of an appeal by the applicant for a dredging licence, the Secretary of State for the Environment.

Restriction on construction of works and dredging.

40.—(1) No person shall—

- (a) construct, alter, renew or extend any works on, under or over tidal waters or tidal lands below the level of high water in the port unless he is licensed so to do by a works licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved

in pursuance of section 37 (Licensing of works) or section 39 (Appeals in respect of works licence or dredging licence) of this Act;

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- (b) dredge, dig or raise any gravel, sand, clay or other substance in the bed and foreshore of the waters of the port unless he is licensed so to do by a dredging licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 38 (Licence to dredge) or section 39 (Appeals in respect of works licence or dredging licence) of this Act:

Provided that this subsection shall not apply to the construction, alteration, renewal or extension of any works or any dredging specifically authorised by any enactment.

(2) Any person offending against the provisions of this section or who contravenes or who fails to comply with any term or condition upon which a works licence or a dredging licence, as the case may be, is granted by the Authority shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

(3) A works licence shall not be required for the carrying out, construction, placing, alteration, renewal, maintenance or retention of any work by the river authority or any drainage authority in the exercise of their functions under any enactment and a dredging licence shall not be required by the river authority or any drainage authority in the exercise of their functions under any enactment.

(4) Nothing in this section shall affect the powers of the Post Office under the Telegraph Acts, 1863 to 1916.

41. Without prejudice to the provisions of section 86 (Crown rights) of this Act, a person licensed by the Authority under section 37 (Licensing of works) or section 38 (Licence to dredge) of this Act to carry out any work or to dredge in, upon or from any part of the bed of the port belonging to Her Majesty shall, in addition to the licence of the Authority, require the consent of the Crown Estate Commissioners on behalf of Her Majesty to carry out the work or to dredge. Crown property.

42.—(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

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—cont.

(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 one hundred pounds and on conviction on indictment to a fine.

Abatement of
works
abandoned
or decayed.

43.—(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 consisting partly of a tidal work and partly of works of the Authority 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 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.

44. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which the Authority propose to construct a tidal 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.

45.—(1) The Authority shall exhibit on each tidal work 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 one hundred pounds and on conviction on indictment to a fine.

46.—(1) In their application to the Authority, sections 530 and 532 of the Merchant Shipping Act, 1894, shall have effect—

(a) subject to the provisions of section 47 (Protection of Crown interests in wrecks) of this Act; and

(b) in relation to a vessel sunk, stranded or abandoned before as well as after the passing of this Act.

(2) Subject to subsection (3) of this section, and to any enactment for the time being in force limiting his liability, the Authority may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 or the said section 532 any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of the proceeds of sale (if any) within the meaning of those sections.

(3) Except in a case which is in the opinion of the Authority a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530, other than the power of lighting and buoying, the Authority have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires they receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the said section 47 he shall be at liberty to do so, and the Authority shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Authority.

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

(5) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall, before raising, removing or destroying under the powers conferred upon them by the said section 530 any vessel sunk, stranded or abandoned in the port

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—cont.

or in or near any approach thereto and within a distance of 200 yards of any subaqueous cable belonging to or used by the Post Office, give to the Post Office in writing as long notice as is practicable of their intention to do so.

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

Protection of
Crown
interests in
wrecks.
1894 c. 60.

47.—(1) Without prejudice to section 741 of the Merchant Shipping Act, 1894; the powers conferred on the Authority by sections 530 and 532 of the said Act of 1894 shall not be exercisable—

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

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

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

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

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

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

(b) if before the expiration of the said period there is served on the Authority a direction by the Secretary of State

for Defence or the Secretary of State for Trade and Industry that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid; and where, in any such case as aforesaid, the Authority proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if, before the expiration of the period aforesaid, such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of section 46 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

- (i) the Authority shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) of this section, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 46 to have been duly served under paragraph (b) of this subsection;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for Trade and Industry for the purposes of this proviso.

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

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

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Power to appropriate lands and works for particular trades, etc.

48.—(1) The Authority may for the purposes of or in connection with the management of the port from time to time set apart and appropriate any lands, docks, quays, wharves, jetties, piers, berths, floats, slipways, yards, warehouses, buildings, sheds, landing stages, tips, staiths, cranes, pipeways, machinery, equipment, works and conveniences in the port belonging to them for the exclusive, partial or preferential use and accommodation of any particular trade, authority, body, company, person, vessel or class of vessels or goods subject to the payment of such rents and subject to such terms, conditions and regulations as the Authority may think fit.

(2) No authority, body, company, person or vessel shall make use of any lands, docks, quays, wharves, jetties, piers, berths, floats, slipways, yards, warehouses, buildings, sheds, landing stages, tips, staiths, cranes, pipeways, machinery, equipment, works and conveniences so set apart or appropriated without the consent of the harbour master, and the harbour master may order any person or vessel making use thereof without such consent to leave or be removed, and the provisions of section 58 of the Harbours Clauses Act, 1847, shall extend and apply *mutatis mutandis* to and in relation to any such vessel.

PART III

FINANCIAL

Borrowing powers.

49.—(1) The Authority may from time to time borrow upon the security of all or any of the revenues and property of the Authority and by any method or methods they see fit—

- (a) such sums of money as they may think necessary not exceeding in the aggregate twelve million pounds; and
- (b) with the consent of the Secretary of State for the Environment such further sums of money as they may require:

Provided that in calculating for the purpose of paragraph (a) of this subsection the aggregate sums of money borrowed by the Authority there shall be excluded any sums borrowed for use within twelve months of the date of borrowing for repayment of any sum for the time being outstanding by way of principal on any amount previously borrowed.

(2) Moneys borrowed by the Authority under this section shall be applied only to purposes to which capital money is properly applicable.

(3) For the purposes of the last foregoing subsection, but without prejudice to the generality thereof, purposes to which capital money is properly applicable shall be deemed to include—

- (a) the payment of any interest falling due within five years immediately following the date of the borrowing of any sum of money borrowed by the Authority under this section; and
- (b) the repayment within twelve months of the date of borrowing of any sum for the time being outstanding by way of principal on any amount previously borrowed.

50.—(1) The Authority may borrow temporarily, by way of overdraft or otherwise, such sums as the Authority may require for meeting their obligations or discharging their functions under or in pursuance of any enactment: Temporary borrowing.

Provided that the total amount outstanding at any one time of money so borrowed shall not exceed two million pounds.

(2) The power conferred by this section shall be in addition to any other borrowing power for the time being enjoyed by the Authority.

51. A person lending money to the Authority shall not be bound to inquire whether the borrowing of the money is legal or regular or whether the money raised was properly applied and shall not be prejudiced by any illegality or irregularity, or by the mis-application or non-application of any of that money. Lenders not to be concerned with application of money lent.

52. The Authority shall not be bound to see to the execution of, or be affected by notice of, any trust, whether express, implied or constructive, to which any bill, bond, stock or other document relating to moneys borrowed or the principal moneys or interest thereby secured or any money received on deposit or interest thereon may be subject, and the receipt of the holder of a bill or the receipt of the person in whose name any bond, stock or other document or any money received on deposit stands in the books of the Authority, as the case may be, shall be a sufficient discharge to the Authority for any money payable in respect thereof, notwithstanding any trust to which the same, or the money secured thereby, may be subject; and the Authority shall not be bound to see to the application of the money paid upon such receipt. Authority not bound to recognise any trust.

53. Where the Authority, in exercise of the powers conferred upon them by any enactment, commence any work from which revenue may after its completion be derived, they may, during such period not exceeding ten years from the commencement of Power to charge interest to capital.

PART III
—cont.

that work as they determine, charge to capital as part of the cost of that work interest on any money raised to defray—

- (a) the cost of acquisition of lands for the purpose of that work; and
- (b) the expenses of constructing or carrying out that work.

Reserve fund.

54. The Authority may continue and maintain a reserve fund and may determine the moneys to be carried to the credit of that fund, the management thereof and the application for the purposes of the Authority of the moneys comprised therein.

General insurance fund.

55.—(1) The Authority may, if they think fit, establish an insurance fund with a view to providing a sum of money which shall be available for making good any losses, damages, costs and expenses to which the Authority may be subjected in consequence of such risks as may from time to time be specified in a resolution of the Authority (in this section referred to as “the specified risks”).

(2) The establishment of a fund under this section shall not prevent the Authority from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) The Authority may pay into the said fund in any year such sums as the Authority may think fit out of the receipts of the Authority on revenue account and as part of their working and establishment expenses and the cost of maintenance of the undertaking.

(4) All moneys for the time being standing to the credit of the said fund shall be invested in statutory securities and the interest and annual proceeds arising from such securities shall be invested and accumulated in the said fund.

(5) In this section “insurance office” means—

- (a) an insurance company; or
- (b) an underwriter who is a member of an association of underwriters.

Power to invest in securities of bodies corporate.

56.—(1) In order to provide or facilitate the provision of funds for—

- (a) the establishment, carrying on or extension by any body corporate of warehouses, factories or works at or near the docks;

- (b) the establishment or carrying on by any body corporate of an undertaking or business connected with or ancillary to the carrying on of the undertaking;
- (c) the establishment or carrying on by any body corporate of an undertaking or business concerned with the transport or handling of goods;
- (d) the carrying on by any body corporate of any other undertaking or business which appears to the Authority to be advantageous or convenient for, or in connection with, the undertaking or to be for the benefit of the Authority either directly or indirectly;

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—cont.

and, to the extent requisite therefor, the Authority may subscribe for, purchase, take up and hold or dispose of any shares, stock, mortgages, debentures or debenture stock of such body corporate and may in respect of any such shares, stock, mortgages, debentures or debenture stock for the time being held by them exercise either by themselves or through some person nominated by them for the purpose all or any of the rights exercisable by an individual holder of such shares, stock, mortgages, debentures or debenture stock.

(2) The Authority may apply for the purposes of this section any of their capital or funds for the time being available.

57.—(1) The accounts of the Authority shall be audited annually by an auditor or firm of accountants appointed by the Authority and a person or firm shall not be qualified to be so appointed unless he is a member, or in the case of a firm all the partners are members, of one or more of the following bodies:—

- (a) The Institute of Chartered Accountants in England and Wales;
- (b) The Institute of Chartered Accountants of Scotland;
- (c) The Association of Certified Accountants;
- (d) The Institute of Chartered Accountants in Ireland ;
- (e) The Institute of Municipal Treasurers and Accountants;
- (f) Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act, 1948, by the Secretary of State.

(2) The report of the auditor on the accounts of the Authority for each financial year shall be submitted to a meeting of the Authority to be held as soon as reasonably practicable following the end of the year of account.

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Gratuities, etc.

58. The Authority may grant such gratuities, pensions or allowances and make such other payments as they may think fit to any officer or servant of the Authority or to the widow or family or dependants of such officer or servant in respect of whom provision has not otherwise been made or in respect of whom the Authority consider that insufficient provision has been made in that behalf.

Allowances and donations.

59. The Authority may give donations, contributions or subscriptions to such public institutions or charities as the Authority in their discretion may think fit.

PART IV

CHARGES

Power to make certain charges.

1964 c. 40.

60.—(1) The Authority may demand, take and recover in respect of any dracone or floating dock, crane rig, drilling rig or other floating plant which is not a ship, as defined by section 57 of the Harbours Act, 1964, entering or leaving the port such charge as they think fit, and the provisions of sections 30, 31, 32 and 34 of the Harbours Act, 1964, shall with any necessary modifications apply to the charges authorised by this subsection as they apply to ship, passenger and goods dues.

(2) (a) The Authority may demand, take and recover in respect of anything done or provided by them or on their behalf such reasonable charge as they may determine.

(b) In this subsection “charge” does not include a ship, passenger or goods due as defined by section 57 of the Harbours Act, 1964, or a charge authorised by subsection (1) of this section.

Conditions relating to payment of charges.

61. Charges shall be payable subject to such conditions as the Authority may from time to time specify in their published list of charges.

As to payment of charges.

62.—(1) The several charges which the Authority are for the time being authorised to demand, take and recover in respect of vessels and goods under any enactment shall be payable before the removal from the port of any vessel or goods in respect of which they are payable and may be demanded, taken and recovered by such persons, at such places, at such times and under such regulations as the Authority may from time to time appoint.

(2) An officer as defined in the Customs and Excise Act, 1952, may refuse clearance of any vessel if he is satisfied that payment of any charges payable to the Authority in respect of that vessel or any goods therein have not been made or satisfactorily secured. 1952 c. 44.

(3) Charges payable to the Authority shall be payable by the owner of any vessel or goods in relation to which the charges are payable.

(4) Where charges payable to the Authority may be recovered by them from more than one person, the said persons shall be jointly and severally liable.

63. Nothing in section 30 of the Harbours Act, 1964, shall require the Authority to include, in the list of ship, passenger and goods dues to be kept, as required by subsection (1) of that section, charges reduced by virtue of a compounding arrangement in respect of, or any rebate allowed on, a due included in the said list. As to compounded charges. 1964 c. 40.

64. If the owner of any vessel or goods or any other person at any time eludes or evades or attempts to elude or evade payment of, or refuses to pay, any charges payable by such owner or person to the Authority at the time when the same become due and payable, he shall be liable to pay to the Authority a sum equal to three times the amount of such charges, which sum shall be a debt due to the Authority and shall be recoverable by the Authority in any court of competent jurisdiction. Penalty for evading payment of charges.

65. Any person claiming the return of the whole or any part of any charges paid to the Authority shall make his claim, and produce all documents and give all information required by the Authority in proof thereof, within three years from the time of payment; and in default thereof the claim shall cease to be enforceable. Claims for repayment of charges.

66. The owner or person having the charge of any goods warehoused, placed, stored or yarded in a warehouse, transit shed or area, store or yard of the Authority shall, before the removal of those goods from the warehouse, transit shed or area, store or yard and at such date or dates as shall be fixed by the Authority, pay such charges as shall be then due and payable on those goods. Payment of charges on warehoused goods.

67. The Authority may, if they think fit, require any person liable, or to become liable, to pay charges to the Authority to deposit with their collector, or to guarantee, such sum as, in the opinion of the Authority, is reasonable having regard to the probable amount of the charges. Deposit for charges.

PART IV
—cont.

Recovery of charges.

68. In addition to any other remedy given by this Act and by the Harbours Clauses Act, 1847, as incorporated with this Act, and whether the demand required by section 44 of that Act has been made or not, the Authority may recover any charges payable to them as a debt in any court of competent jurisdiction.

Exemptions from charges.

69.—(1) Except in so far as may be agreed between the Authority and the government department concerned or as may be specifically laid down by statute, nothing in any enactment authorising the Authority to levy charges shall extend to authorise the Authority to levy charges on—

(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, not being a vessel carrying goods for reward; or

(iii) in the service of 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 docks or a person employed by the Secretary of State for Defence while in the execution of his duty;

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

(2) A person who takes the benefit of an exemption under subsection (1) of this section but is not entitled thereto shall be liable on summary conviction to a fine not exceeding twenty pounds.

PART V

GOODS

As to entry of dangerous goods.

70.—(1) The Authority may—

(a) refuse entry into the port of any goods which in their opinion would endanger or be liable to endanger persons or property; or

(b) permit the entry of any such goods subject to compliance with such terms and conditions (including the part or parts of the port where such entry is permitted) as they think fit.

(2) The Authority shall publish a schedule of such goods—

- (a) entry of which is forbidden by them; and
- (b) entry of which is permitted by them only upon terms and conditions specified in the schedule.

(3) A person who after publication of the schedule referred to in subsection (2) of this section—

- (a) brings or causes or permits to be brought into the port any goods the entry of which is forbidden; or
- (b) fails in relation to any goods brought into the port to comply with any terms or conditions imposed by the Authority under subsection (1) of this section;

shall—

- (i) be liable on summary conviction to a fine not exceeding one hundred pounds, and on conviction on indictment, to a fine; and
- (ii) indemnify the Authority against all claims, demands, proceedings, costs, damages and expenses which may be made against or recovered from or incurred by the Authority in consequence of the commission of the offence;

and the Authority may remove the goods in question and may recover from the owner or offender the costs of such removal and of placing or storing the goods elsewhere.

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

Notice before entry of dangerous goods.

- (a) which it is intended to bring into the port carrying dangerous goods; or
- (b) which is within the port and on which it is intended to place 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 harbour master 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 liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that the notice required by this subsection shall, when practicable, be given not less than twenty-four hours before the vessel enters the port or the dangerous goods are placed on board, as the case may be.

PART V
—cont.

(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 Authority may exempt owners or masters from the requirements of this section where the Authority consider a notice unnecessary.

Power to
survey goods.

72.—(1) The Authority may survey and examine—

(a) goods at the docks; and

(b) goods on board a vessel at the docks when those goods are to be or have been handled by the Authority or when the master of the vessel asks for a survey or examination to be made by the Authority.

(2) The Authority may make a reasonable charge for a survey or examination carried out under this section.

(3) Where a written report is made on a survey or examination under this section, the Authority 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.

73. The Authority may remove, or cause to be removed, any goods remaining on or in any part of the port after the expiry of the periods prescribed, or to be prescribed, by the Authority, to their own or any other public warehouse or store, and such removal shall be carried out at the expense and risk of the owner:

Provided always that—

(a) notwithstanding such removal or placing in store, such goods shall be liable to a general lien for the cost of removal, and for any charges payable to the Authority by the owner; and

(b) the power of the Authority for preventing the removal of goods until the cost of removal, and the charges, have been paid shall extend and apply to any goods removed or placed in store under the provisions of this section.

Liability
for safety
of goods.

74. The Authority shall not be responsible for the safety of any goods deposited in any part of the port not specifically set apart by them for the purpose of warehousing.

75.—(1) The Authority may at the request of a person—

- (a) warehousing or depositing goods in a warehouse or place in the port specially appropriated for the purpose; or
- (b) entitled to goods so warehoused or deposited;

PART V
—cont.
Authority may issue warrants for deposited goods.

issue to him a warrant for the delivery of the goods so warehoused or deposited or such part thereof as may be specified in the warrant.

(2) A warrant issued under subsection (1) of this section shall be transferable by endorsement and shall entitle the person named therein or the last endorsee thereof to the delivery of the goods specified therein and the goods so specified shall for all purposes be deemed to be his property.

76.—(1) The Authority may, by resolution, designate any dock, wharf or other works, or any portion thereof, for the loading and unloading of any goods to which this section applies.

Power to give directions as to loading or unloading of certain goods.

(2) Where pursuant to subsection (1) of this section the Authority have designated a place for the loading or unloading of goods of any description the harbour master may direct that goods of that description intended to be loaded on board, or unloaded from, a vessel shall not be deposited or received elsewhere than at the place so designated and in the event of any person disobeying any such direction the Authority may remove the goods to the place so designated, and any expense incurred by them in so doing may be recovered by them from that person as a simple contract debt in any court of competent jurisdiction.

(3) The goods to which this section applies are goods in bulk and goods the nature or character of which is such as, in the opinion of the Authority, to give rise to special risk of contamination, taint, stain, injury or danger to other goods or to persons, or to necessitate the provision of special facilities for the handling thereof or for the safety, protection, welfare or accommodation of persons employed in or in connection with such handling.

77.—(1) The Authority may, at their discretion, use as a bonded warehouse any of their warehouses, sheds or other buildings, or any part thereof which may be duly approved by the Commissioners of Customs and Excise, when such are intended for the deposit of goods liable to duties of customs and excise.

Use of warehouses as bonded warehouses.

(2) The Authority may, if required, give to the Commissioners of Customs and Excise general security by bond under their

PART V
—cont.

common seal for payment of duties of customs and excise on or for the due exportation of goods deposited in their warehouses, sheds, buildings, yards or storage areas.

(3) The Authority may give such bonds or securities under their common seal as may be required by the laws for the time being in force relating to all premises for which the Commissioners of Customs and Excise may require bonds and securities to be given.

(4) All warehouses, sheds or other buildings belonging to the Authority in which goods prohibited to be used for home consumption, or liable to duties of customs and excise, may be deposited shall, if required by the Commissioners of Customs and Excise, be secured in such manner as shall be approved by such Commissioners.

PART VI

BYELAWS

General
byelaws.

78. Subject to the provisions of this Act, the Authority may make byelaws for all or any of the following purposes:—

- (a) for regulating the use, operation and superintendence of the port and the docks, berths, wharves, quays, piers, jetties, staiths, warehouses, sheds, landing places, locks, sluices, equipment, works and conveniences (including moorings) in the port;
- (b) for regulating the admission to movement and berthing within, and the departure of vessels from, the port, or the removal of vessels, and for the good order and government of vessels whilst within the port;
- (c) for regulating the shipping and unshipping, landing, warehousing, stowing, depositing and removing of goods within the limits of the port, and at the premises of the Authority;
- (d) for regulating the navigation, berthing and mooring of vessels within the port and their speed and manner of navigation, and the use of tugs within the port;
- (e) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the port, or on the premises of the Authority;
- (f) for regulating the conduct of all persons in the port, not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties;

- (g) for regulating the placing and maintenance of moorings;
- (h) for preventing and removing obstructions or impediments within the port;
- (i) for prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) into the port;
- (j) for regulating the use of ferries within the port;
- (k) for regulating the use of yachts, sailing boats, rowing boats, pleasure craft and other small craft and the holding of regattas and other public events within the port;
- (l) for regulating the launching of vessels within the port;
- (m) for prohibiting persons working or employed in or entering the port, or any part thereof, from smoking therein;
- (n) for regulating or preventing the use of fires and lights within the port and the premises belonging thereto, and within any vessel within the port;
- (o) for regulating traffic on railways within the port and the use of locomotives thereon;
- (p) for regulating the movement, speed and parking of vehicles within the port;
- (q) for regulating the exercise of the powers vested in the harbour master.

79.—(1) Subject to the provisions of this Act, the Authority may make byelaws for all or any of the following purposes:—

- (a) for prescribing the lights and signals to be carried, exhibited or made by vessels while being used, navigated or moored within the port;
- (b) for prescribing the lights and signals to be exhibited or made by vessels aground within the port;
- (c) for prescribing the lights and signals to be exhibited or made by wreckmarking vessels or by other devices used for marking obstructions within the port;
- (d) for prescribing steering and sailing rules for the regulation of vessels used or navigated within or entering or leaving the port;

Byelaws as to lights and signals, etc.

PART VI
—cont.

(e) for prescribing the lights and signals to be exhibited or made at the entrance to any dock or at any wharf, pier or other work for assisting the navigation of vessels within the port.

(2) In this section “ signals ” includes sound signals.

(3) Different byelaws may be made under this section in relation to different classes of vessel.

Byelaws
relating to
certain
dangerous
goods.

1875 c. 17.

1928 c. 32.

80.—(1) The Authority may make byelaws as to the loading and discharging by vessels within the port of dangerous goods (which expression in this section does not include dangerous goods to which byelaws made by the Authority under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being apply), and as to the bringing, handling, transport or storage of such goods within the port, and generally as to the precautions to be observed with respect to such goods while 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;

(b) for regulating the places at which vessels carrying dangerous goods are to be moored; and

(c) for the due enforcement of the byelaws.

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

(3) Byelaws made under subsection (1) of this section may contain provisions for imposing on persons offending against any of the byelaws penalties not exceeding, on summary conviction, a fine of one hundred pounds, and, on conviction on indictment, imprisonment for a term of six months, either in addition to, or in substitution for, a fine.

Confirmation
of byelaws
and fines
thereunder.
1972 c. 70.

81.—(1) (a) All byelaws made by the Authority under this Act shall be subject to the provisions contained in subsections (3) to (8) of section 236 and in section 238 of the Local Government Act, 1972, and those sections shall for the purposes of this section

be construed as if the Authority were a local authority within the meaning of the said Act of 1972 and the reference to “ the proper officer of the authority ” included a reference to the secretary of the Authority.

(b) In its application to byelaws made by the Authority subsection (7) of the said section 236 shall be construed as if it had been amended by the insertion of the words “ or confirm with modifications ” after the word “ confirm ” in the second place where that word occurs:

Provided that where the confirming authority proposes to make a modification which appears to him to be substantial, he shall inform the Authority and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Authority and by other persons who have been informed of it.

(2) Except where otherwise provided by this Act a person offending against any byelaw made by the Authority under this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds and to a daily fine not exceeding ten pounds.

(3) The confirming authority for the purposes of the said section 236 shall be the Secretary of State for the Environment.

PART VII

MISCELLANEOUS AND GENERAL

82.—(1) The sections of the Acts of 1967 and 1972 mentioned in Schedule 2 to this Act shall have effect as if—

Traffic
offences on
dock roads.

(a) the expression “ road ” and the expression “ highway ” included a dock road;

(b) references therein to “ highway authority ” were construed, in relation to dock roads, as references to the Authority; and

(c) in the sections thereof mentioned in Part II of Schedule 2 to this Act the expression “ constable ” included an officer of the Authority authorised in that behalf;

and any person who commits an offence under any of those sections, as extended by this section, shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 196 of the Act of 1972, and, subject to the provisions of this section, all the provisions of the said Acts, so far as applicable (including,

PART VII
—cont.

without prejudice to the generality of the foregoing, sections 12, 144, 164, 167, 168, 179, 188 and 196 of the Act of 1972 and section 79 of the Act of 1967) shall apply accordingly.

1971 c. 10. (2) If no duty is chargeable under the Vehicles (Excise) Act, 1971, in respect of a motor vehicle—

(a) by virtue of the provisions of subsection (1) of section 7 of that Act; or

(b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

sections 4, 84, 99, 143, 161 and 166 of the Act of 1972 shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

(3) Regulations or orders made under section 20 of the Act of 1967 or under section 40 or 66 of the Act of 1972, and from time to time in force, shall extend and apply to dock roads as they apply to roads as defined by section 104 of the Act of 1967 or section 196 of the Act of 1972, and section 87 of the Act of 1967, subsection (5) of section 40 and section 177 of the Act of 1972 shall apply accordingly:

Provided that, if no duty is chargeable under the Vehicles (Excise) Act, 1971, in respect of a motor vehicle—

(a) by virtue of the provisions of subsection (1) of section 7 of that Act; or

(b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said regulations shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

(4) In this section—

1967 c. 76. “the Act of 1967” means the Road Traffic Regulation Act, 1967;

1972 c. 20. “the Act of 1972” means the Road Traffic Act, 1972;

“dock road” means any road, pier, wharf, quay, bridge or other work which, or any land which, is vested in or is the property of the Authority and is accessible to motor vehicles, not being a road to which the Act of 1972 applies;

“motor vehicle” has the same meaning as in the Act of 1972.

Authentication
of Authority's
documents.

83.—(1) Any notice, licence or other document given or issued by the Authority under any enactment shall, unless the contrary

intention is expressed in the enactment in question, be sufficiently authenticated if signed by the secretary of the Authority or by one of his deputies, and need not be sealed by the Authority.

PART VII
—cont.

(2) Without prejudice to the generality of subsection (1) of this section all documents relating to goods at the docks or to the management of the business at the docks shall be sufficiently authenticated if signed by a duly authorised officer of the Authority and need not be sealed by the Authority.

84.—(1) Any document required or authorised by or under this Act to be given to or served on a person— Service of documents.

(a) being a corporation, society or association, shall be duly given or served if it is given to or served on the secretary or clerk of the corporation, society or association;

(b) being a partnership, shall be duly given or served if it is addressed to the partnership identifying it by the name or style under which its business is carried on.

(2) Subject to the provisions of this section, any notice, consent, approval, demand or other document required or authorised by or under this Act to be given to or served on any person may be given or served either—

(a) by delivering it to that person; or

(b) by leaving it at his proper address; or

(c) by post;

so however that, where such a document is sent by post otherwise than in a letter sent by the recorded delivery service, it shall be deemed not to have been given or served if it is proved that it was not received by the person to whom it was addressed.

(3) For the purposes of this section, and of section 26 of the Interpretation Act, 1889, in its application to this section, the proper address of any person to or on whom such a document is to be given or served shall— 1889 c. 63.

(a) in the case of the secretary or clerk of a corporation, society or association, be that of the registered or principal office of the corporation, society or association;

(b) in the case of a partnership, be the principal place of business of the partnership; and

(c) in any other case, be the usual or last known place of abode of the person to whom the document is given:

PART VII
—cont.

Provided that, where the person to or on whom such a document is to be given or served has furnished an address for service in accordance with arrangements agreed to in that behalf, his proper address for the purpose of this subsection shall be the address so furnished.

(4) If the name or address of any owner or occupier of any premises to or on whom any such document is to be given or served cannot after reasonable inquiry be ascertained by the person seeking to give or serve the document, the document may be given or served by addressing it to the person to whom it is to be given or on whom it is to be served by the description of "owner" or "occupier" of the premises (describing them) to which the document relates, and by delivering it to some responsible person at the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(5) The provisions of subsections (1) to (4) of this section shall not apply to the service of a summons.

(6) For the purpose of enabling any document to be served on the owner of any premises, the Authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction to a fine not exceeding five pounds.

For mutual
protection of
Authority
and Port of
London
Authority.
1968 c. xxxii.

85.—(1) In this section "the Act of 1968" means the Port of London Act, 1968.

(2) If any dispute or difference shall arise between the Authority and the Port of London Authority in connection with—

- (a) a refusal by the Port of London Authority to grant to the Authority on reasonable terms a licence to dredge within the Medway approach area under section 73 (Licensing of dredging, etc.) of the Act of 1968;
- (b) the exercise by the Port of London Authority of their powers with respect to vessels sunk, stranded or abandoned within the Medway approach area under section 120 (Power to raise and remove vessels sunk, etc.) of the Act of 1968; or
- (c) the construction of works by the Port of London Authority in the Medway approach area or the exercise by the Port of London Authority in that area of their powers under section 60 (Dredging and improvement)

of the Act of 1968 or the exercise by the Port of London Authority of their powers under section 111 (General directions to vessels in the Thames) of the Act of 1968 or the granting by the Port of London Authority to any other person of permission within the Medway approach area—

(i) to dredge or take up or remove material from the bed and banks of the river Thames under the said section 73; or

(ii) to carry out, construct, place, alter, renew, maintain or retain works under section 66 (Licensing of works) of the Act of 1968;

(d) the exercise by the Authority of the powers conferred upon them by section 20 (General directions to vessels in the port and the Medway approach area) or section 30 (Further powers within the Medway approach area) of this Act within the Medway approach area;

(e) the exercise by the harbour master of the powers conferred upon him by section 21 (Special directions to vessels in the port and the Medway approach area) of this Act within the Medway approach area;

the dispute or difference may be referred by either party after notice in writing to the other of them—

(i) in the case of a dispute or difference arising in relation to the construction of works by the Port of London Authority in the Medway approach area, under the said sections 66, 111 and 120, under the said sections 20 and 21 or under subsections (1) or (3) of the said section 30 to the Secretary of State; and

(ii) in any other case, to the Secretary of State for the Environment;

and the decision of the Secretary of State or of the Secretary of State for the Environment, as the case may be, shall be final and binding on both parties:

Provided that where a dispute or difference in respect of any matter mentioned in sub-paragraph (ii) of paragraph (c) of this subsection is referred to the Secretary of State, the licensee or the applicant for a licence, as the case may be, under the said section 66 shall be given an opportunity of being heard and in such a case section 69 (Appeal to Board of Trade) of the Act of 1968 shall not apply.

(3) Where the Port of London Authority propose to execute works in the Medway approach area in respect of which approval is required under section 76 (Works to be approved by Board of

PART VII
—cont.

Trade) of the Act of 1968, they shall before making application for such approval give notice in writing to the Authority of their intention to do so and where the Port of London Authority propose to direct or give their licence, consent or permission to the execution by any other person of works in that area in respect of which approval is required under the said section 76, they shall before giving such direction, licence, consent or permission give the like notice to the Authority.

Crown
rights.

86.—(1) With the exception of the provisions of this Act relating to the removal of obstructions, nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown, and, in particular, nothing in this Act shall authorise the Authority to take, use or interfere with any land or rights—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners on behalf of Her Majesty; 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 the Crown Estate Commissioners or the government department, as the case may be.

1881 c. clxxiv.

(2) Paragraph (a) of subsection (1) of section 40 (Restriction on construction of works and dredging) of this Act shall not extend to works constructed by the Secretary of State for Defence on that part of the bed or soil or shores of the river referred to in the proviso to section 75 (On payment of 65,000 l. by Conservators to corporation, estate, &c., of corporation to vest in Conservators) of the Medway Conservancy Act, 1881.

Crown right
of access.
1952 c. 44.

87. Any person employed by the Secretary of State for the Environment or the Secretary of State and any officer as defined in the Customs and Excise Act, 1952, shall have free access to the port while in the execution of his duty.

For
protection of
electricity
undertakers.

88.—(1) Nothing in section 40 (Restriction on construction of works and dredging) of this Act shall apply to the construction, alteration, renewal, extension or maintenance by the electricity undertakers of any electricity work from time to time authorised under or by virtue of any enactment or any consent, wayleave or other instrument given or made under any enactment or make it unlawful for the electricity undertakers to carry out any work not so authorised, or any dredging, necessary in case of emergency for the protection of or to ensure the efficient operation of any electricity work.

(2) (a) Before granting a licence to any person for the construction, alteration, extension, renewal or maintenance of any works under section 37 (Licensing of works) or for dredging under section 38 (Licence to dredge) of this Act, the Authority shall, in any case where the proposed works or dredging would be at, over, under or near to any electricity work situated on or under tidal waters or tidal lands below the level of high water in the port, or in such a position as to be likely to affect or endanger any such work, or in any case where reasonably so requested by the electricity undertakers, submit to the electricity undertakers detailed particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the electricity undertakers may reasonably require, and such licence shall only be granted subject to such conditions as may be reasonably necessary to safeguard the electricity work including, without prejudice to the generality of the foregoing, conditions empowering the electricity undertakers from time to time to inspect the works or dredging to which the licence relates and to take any steps necessary to prevent damage to the electricity work or to ensure that the electricity work can operate efficiently and to recover from the holder of the licence the reasonable cost of any works carried out by the electricity undertakers for those purposes.

(b) If in any case any difference arises between the Authority and the electricity undertakers with respect to the particulars required to be furnished to the electricity undertakers by the Authority or with respect to the conditions which the undertakers require to be attached to any licence granted under either of the said sections 37 or 38, such difference shall be determined by a single arbitrator to be agreed between the Authority and the electricity undertakers 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.

(c) If within three weeks of the receipt by the electricity undertakers from the Authority of the particulars of any proposed works or dredging the electricity undertakers do not require any further particulars to be furnished or in any case where further particulars are required, within two weeks of the receipt thereof by the electricity undertakers, the electricity undertakers do not intimate that they require conditions to be attached to the licence for such works or dredging, the electricity undertakers shall be deemed to have acquiesced in the granting thereof.

(d) Upon the grant of any licence to which this subsection applies the Authority shall supply to the electricity undertakers a copy of the licence and any conditions subject to which it is granted.

(3) Except in a case which is, in the opinion of the Authority a case of emergency, the Authority shall before raising, removing

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—cont.

or destroying any vessel sunk, stranded or abandoned in the port and within a distance of 150 yards of any electricity work give the electricity undertakers as long notice as is practicable of their intention to do so.

(4) In the exercise of the powers of section 34 (Reclaiming creeks, etc.) and section 35 (Works in the port) of this Act the Authority shall not damage or injuriously affect any electricity work or, without the consent of the electricity undertakers, interfere with or adversely affect the operation of any electricity work and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any electricity work.

For
protection
of gas
undertakers.

89.—(1) Nothing in section 40 (Restriction on construction of works and dredging) of this Act shall apply to the construction, alteration, renewal, extension or maintenance by the gas undertakers of any gas work from time to time authorised under or by virtue of any enactment or any consent, wayleave or other instrument given or made under any enactment or make it unlawful for the gas undertakers to carry out any work not so authorised, or any dredging, necessary in case of emergency for the protection of or to ensure the efficient operation of any gas work.

(2) (a) Before granting a licence to any person for the construction, alteration, extension, renewal or maintenance of any works under section 37 (Licensing of works) or for dredging under section 38 (Licence to dredge) of this Act, the Authority shall, in any case where the proposed works or dredging would be at, over, under or near to any gas work situated on or under tidal waters or tidal lands below the level of high water in the port, or in such a position as to be likely to affect or endanger any such work, or in any case where reasonably so requested by the gas undertakers, submit to the gas undertakers detailed particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the gas undertakers may reasonably require, and such licence shall only be granted subject to such conditions as may be reasonably necessary to safeguard the gas work including, without prejudice to the generality of the foregoing, conditions empowering the gas undertakers from time to time to inspect the works or dredging to which the licence relates and to take any steps necessary to prevent damage to the gas work or to ensure that the gas work can operate efficiently and to recover from the holder of the licence the reasonable cost of any works carried out by the gas undertakers for those purposes.

(b) If in any case any difference arises between the Authority and the gas undertakers with respect to the particulars required to be furnished to the gas undertakers by the Authority or with respect to the conditions which the gas undertakers require to be attached to any licence granted under either of the said

sections 37 or 38, such difference shall be determined by a single arbitrator to be agreed between the Authority and the gas undertakers 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.

(c) If within three weeks of the receipt by the gas undertakers from the Authority of the particulars of any proposed works or dredging the gas undertakers do not require any further particulars to be furnished or in any case where further particulars are required, within two weeks of the receipt thereof by the gas undertakers, the gas undertakers do not intimate that they require conditions to be attached to the licence for such works or dredging, the gas undertakers shall be deemed to have acquiesced in the granting thereof.

(d) Upon the grant of any licence to which this subsection applies the Authority shall supply to the gas undertakers a copy of the licence and any conditions subject to which it is granted.

(3) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall before raising, removing or destroying any vessel sunk, stranded or abandoned in the port and within a distance of 150 yards of any gas work give the gas undertakers as long notice as is practicable of their intention to do so.

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

For
protection
of British
Railways
Board and
Kent County
Council.

(1) In this section—

“ the board ” means the British Railways Board;

“ the bridge ” means the bridge known as Kingsferry Bridge being the bridge comprised in Work No. 7 authorised by the British Transport Commission Act, 1957;

1957 c. xxxiii.

“ the council ” means the county council of the administrative county of Kent and on and after the 1st April, 1974, the Kent County Council:

(2) (a) Before exercising their powers under section 36 (Power to dredge) of this Act of deepening, dredging, scouring or improving the bed and foreshore of the port within a distance of 75 yards of the centre line of the bridge, the Authority shall, except in a case which is, in the opinion of the Authority, a case of emergency (in which case the Authority shall give the board and the council notice thereof as soon as is practicable), submit to the board and the council for their reasonable approval plans and sections defining the nature, extent and manner of the operations to be carried out in the exercise of those powers; except as aforesaid the powers

PART VII
—cont.

shall not be exercised otherwise than in accordance with such plans and sections as may be reasonably approved by the board and the council or as may be settled by arbitration under paragraph (4) of this section and in such manner as may be reasonably approved by the board and the council;

- (b) If the board and the council do not signify their approval or disapproval of such plans and sections within twenty-eight days after their submission they shall be deemed to have approved the same;
- (c) The approval of the board and the council under this paragraph shall not be unreasonably withheld:
- (3) Notwithstanding the provisions of section 40 (Restriction on construction of works and dredging) of this Act the board and the council may execute and maintain such works in the bed or on the shores of the Swale as may be necessary for the safety and protection of the bridge:

Provided that such works shall not unreasonably interfere with the channel or the maintenance or improvement thereof or with the free navigation and user of the Swale:

- (4) Any difference arising between the Authority and the board or the council under this section shall be determined by a single arbitrator to be agreed between the Authority and the board or the council, 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.

For
protection
of river
authority.

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

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

“ authorised work ” means a work or equipment in, on, under or over the port (including an operation authorised by section 34 (Reclaiming creeks, etc.) of this Act) which may interfere with, or with the use of a protected work or a watercourse but does not include—

(i) the carrying out of any works authorised by section 63 of the Land Drainage Act, 1930; or

(ii) the erection of a structure or the carrying out of any work of alteration or repair of a structure in respect of which the consent of the river authority is required under section 31 of the Land Drainage Act, 1961;

1930 c. 44.

1961 c. 48.

“ to construct ” includes to carry out, place, lay down, alter, renew or remove and “ constructed ” and “ construction ” shall be construed accordingly;

“ inland water ” means any inland water as defined in subsection (1) of section 135 of the Water Resources Act, 1963, which is under the jurisdiction of the river 1963 c. 38. authority for the purpose of any of their functions;

“ plan ” includes sections and particulars;

“ protected work ” means any work owned or maintained by, or under the control of, the river authority for the purpose of any of their functions;

- (b) References in this section to interference with or damage to an inland water include interference with or impairment of its efficiency for drainage purposes:
- (2) (a) Before exercising their powers under section 36 (Power to dredge) of this Act within a distance of 500 yards of any protected work the Authority shall, except in a case which is, in the opinion of the Authority one of emergency (in which case the Authority shall give the river authority notice thereof as soon as is practicable), submit to the river authority for their reasonable approval plans defining the nature, extent and manner of the operations to be carried out in the exercise of those powers and except as aforesaid the powers shall not be exercised otherwise than in accordance with such plans as may be reasonably approved by the river authority or as may be settled by arbitration and in such manner as may be reasonably approved by the river authority;
- (b) If by reason of any dredging operations carried out by the Authority any protected work shall be injured or its efficiency impaired, the river authority may make good such injury and restore the protected work to a proper standard of efficiency, or may construct some other work in substitution therefor, and in any such case the Authority shall pay the river authority the costs reasonably incurred by the river authority (including a proper proportion of their overhead charges) in carrying out any such works:
- (3) (a) Before commencing to construct an authorised work the Authority shall submit a plan of the work to the river authority for their approval, which is not to be unreasonably withheld, and shall not commence to construct the authorised work until the plan has been approved by the river authority or, in the case of difference, until it has been settled by arbitration;
- (b) Not less than fourteen days before commencing a work of maintenance or repair of an authorised work which

PART VII
—cont.

- may interfere with a protected work or may interfere with an inland water the Authority shall, except in the case of emergency, submit to the river authority for their information a notice of intention to commence the work and a description of the work;
- (c) Sub-paragraph (a) of this paragraph shall not apply in any case to which sub-paragraph (b) thereof applies:
- (4) (a) If the river authority do not signify their approval or disapproval of a plan submitted under either paragraph (2) or (3) of this section within two months after the receipt thereof they shall be deemed to have approved the plan;
- (b) In giving their approval of a plan submitted under either paragraph (2) or (3) of this section the river authority may attach thereto such conditions (including conditions requiring the construction of protective works by and at the expense of the Authority during the construction of an authorised work or during the carrying out of a dredging operation by the Authority involving the cutting of a bank) as are reasonably necessary to safeguard the protected work or inland water against damage:
- (5) (a) If by reason of—
- (i) the construction, maintenance or repair of an authorised work; or
- (ii) the failure of that work or of the Authority to maintain it;
- a protected work or inland water is interfered with the river authority may—
- (A) make good the protected work or inland water so as to restore it to its former standard of efficiency; or
- (B) where necessary, construct some other work in substitution therefor;
- and may recover from the Authority the reasonable cost of so doing;
- (b) For the purposes of this paragraph the reasonable cost shall include a proper proportion of the overhead charges of the river authority and any cost of executing works needed for remedying any subsidence of the protected work or of the substituted work during such reasonable period as is agreed between the Authority and the river authority or, in default of agreement, as may be settled by arbitration:
- (6) If the river authority have reasonable grounds for believing that a protected work or inland water is likely to be damaged in any of the circumstances mentioned in the last foregoing paragraph, they may carry out such

protective works as may be agreed between the river authority and the Authority or as, in default of agreement, may be settled by arbitration:

PART VII
—cont.

- (7) The Authority shall not without the consent of the river authority construct an authorised work so as to obstruct to an unreasonable extent access to a protected work or inland water by the river authority and their officers, servants, workmen, contractors and agents together with any vehicles, plant and machinery as may be reasonably necessary but such consent shall not be unreasonably withheld and may be given subject to reasonable terms and conditions:
- (8) Any difference which may arise between the Authority and the river authority under this section (save a difference as to the meaning thereof) shall be referred to and 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:
- (9) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall, before raising, removing or destroying under the powers conferred upon them by section 530 of the Merchant Shipping Act, 1894, any vessel sunk, stranded or abandoned in the port or in or near any approach thereto and within a distance of 500 yards of any protected work, give to the river authority in writing as long notice as is practicable of their intention to do so. 1894 c. 60.

92. The provisions of section 91 (For protection of river authority) of this Act shall extend and apply to and enure for the protection of a drainage authority (other than the river authority) in the same manner and to the same extent, as if the said provisions were re-enacted in this section with the necessary modifications including the substitution of—

- (1) references to the drainage authority for references to the river authority;
- (2) the following for sub-paragraphs (i) and (ii) of the definition of “authorised work” in paragraph (1):—
“the carrying out of any works authorised by section 63 of the Land Drainage Act, 1930”; 1930 c. 44.
- (3) the following definition for the definition of “inland water” in the said paragraph (1):—
“‘inland water’ means a watercourse, as defined in the Land Drainage Act, 1930, subject to the control of the drainage authority.”

PART VII

—cont.

For protection
of Nature
Conservancy.
1971 c. 78.

93. Before beginning any development authorised by this Act which is likely to have an adverse effect on any flora or fauna and which is development for the time being permitted by any general order made under section 24 of the Town and Country Planning Act, 1971, the Authority shall consult the Nature Conservancy.

Saving for
powers of
Treasury.

1946 c. 58.

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

Saving for
Trinity
House.

95. Nothing in this Act shall prejudice or derogate from any of the rights or privileges or the jurisdiction or authority of Trinity House.

Saving for
Rochester
Bridge.

1846 c. vi.

1965 c. xxxiii.

96. Nothing in this Act shall affect the provisions of the Rochester Bridge Act, 1846, or the Rochester Bridge Act, 1965.

Saving for
labour
scheme.

1946 c. 22.

1966 c. 28.

97. Nothing in this Act or in any byelaw made thereunder or in any licence granted by the Authority shall affect the operation of any labour scheme for the time being in force under the Dock Workers (Regulation of Employment) Act, 1946, or any licence granted under the Docks and Harbours Act, 1966.

Saving for
Wireless
Telegraphy
Act, 1949.

1949 c. 54.

98. Nothing in this Act shall entitle or oblige the Authority to install or use apparatus for wireless telegraphy as defined in the Wireless Telegraphy Act, 1949, in contravention of the provisions of that Act.

Saving for
river authority,
etc.

99. Nothing in this Act, the Scheme or any enactment referred to in section 105 (Saving for certain enactments) of this Act shall prejudice or derogate from or in any wise alter or affect or interfere with the rights, powers and privileges of the river authority or any drainage authority under any enactment.

Saving for
port health
authority.
1963 c. 33.

100. Nothing in this Act shall prejudice or affect the rights, powers and duties of the corporation of the city of London as port health authority under section 41 of the London Government Act, 1963.

Saving for
Queenborough
Fishery.

101. Nothing in this Act shall affect prejudicially any estate, right, power or privilege of the Queenborough-in-Sheppey Corporation as trustees of the Queenborough Fishery.

Saving for
Rochester
Oyster
Fishery.

1865 c. ccxxvii.

102. Nothing in this Act shall affect the provisions of the Rochester Oyster Fishery Act, 1865.

Saving for
Faversham
Oyster
Fishery.

1930 c. lxxiv.

103. Nothing in this Act shall affect the provisions of the Faversham Oyster Fishery Act, 1930.

104. Nothing in this Act shall affect the provisions of the Chatham Pier Orders, 1863 to 1902.

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—cont.
Saving for
Chatham
Sun Pier.

105.—(1) The following enactments shall continue to apply to the Authority as if for references therein to the Medway Lower Navigation Company there were substituted references to the Authority:—

Saving for
certain
enactments.

(a) sections 3, 7, 66, 67, 70 and 72 of the Medway Lower Navigation Act, 1802; 1802 c. xciv.

(b) sections 1, 3, 8, 9, 43, 61, 62 and 63 of the Medway Lower Navigation Act, 1824; 1824 c. cxlviii.

(c) the Medway Lower Navigation Act, 1907, except sub-section (2) of section 1 and section 7; 1907 c. iv.

(d) subsections (1), (2) and (3) of section 1, sections 4, 40, 41, 52 and 54 of and the First Schedule to the Medway Lower Navigation Act, 1935. 1935 c. xxiii.

(2) Sections 86 and 136 of the Medway Conservancy Act, 1881, and sections 109 and 110 of the Milton Creek Conservancy Act, 1899, shall continue to apply to the Authority as if for references therein to the Conservators of the River Medway or the Conservators of Milton Creek, as the case may be, there were substituted references to the Authority. 1881 c. clxxiv.
1899 c. clxx.

106. Nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act, 1949. Saving for
Coast
Protection
Act, 1949.
1949 c. 74.

107. Section 289 of the Town and Country Planning Act, 1971 (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 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 Act, 1971, 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 Act,
1971.
1971 c. 78.

108. The Port of London Act, 1968, shall have effect as if—
(a) in sub-paragraph (iv) of paragraph (b) of subsection (3) of section 168 (Confirmation of byelaws) for the words Amendment
of Port of
London
Act, 1968.
1968 c. xxxii

PART VII
—cont.

“ clerk of the Conservators of the River Medway ” there were substituted the words “ secretary of the Medway Ports Authority ”;

(b) in paragraph (b) of subsection (1) of section 187 (Certain powers not exercisable in Medway approach area and areas off Southend-on-Sea and Sheerness) for the words “ Conservators of the River Medway ” there were substituted the words “ Medway Ports Authority ”;

(c) in paragraph 2 of Schedule 1 for sub-paragraphs (a) and (b) there were substituted the following sub-paragraph:—

“ (a) any part of the port as defined in the Medway Ports Reorganisation Scheme, 1968; ”.

Repeals.

109.—(1) The enactments referred to in the first, second and third columns of Schedule 3 to this Act are hereby repealed to the extent specified in the fourth column of that Schedule.

(2) Notwithstanding the repeals effected by subsection (1) of this section—

(a) all property vested in the Authority immediately before the commencement of this Act shall continue vested in them;

(b) all byelaws made by the Authority or their predecessors and all licences, certificates and consents issued by the Authority in force immediately before the commencement of this Act shall continue in force and shall be deemed to have been made or issued under the appropriate provisions of this Act;

(c) all charges and other sums immediately before the commencement of this Act due or accruing due to the Authority may be collected and recovered;

(d) any deed or agreement or other instrument which refers to the provisions of any enactment which is re-enacted, with or without modifications, in this Act shall be deemed to refer to the re-enacted provision contained in this Act;

(e) any instrument entered into by the Authority under the provisions of any enactment which is re-enacted, with or without modifications, in this Act shall be deemed to have been entered into under the appropriate provisions of this Act.

Costs of Act.

110. All costs, charges and expenses preliminary to and of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Authority.

SCHEDULES

SCHEDULE 1

Section 3.

DESCRIPTION OF THE MEDWAY APPROACH AREA

An area bounded by an imaginary line drawn straight from the London Stone on the east side of Yantlet Creek on a bearing 86 degrees reckoned clockwise from the true north point of the compass until Warden Point in the Isle of Sheppey bears 166 degrees reckoned as aforesaid, thence on a bearing 166 degrees reckoned as aforesaid to the level of high water on the Kent bank of the river Thames, thence in a north-westerly direction along the level of high water to Garrison Point, thence straight across the river Medway on a bearing 305 degrees reckoned as aforesaid to Dolly Bank, and thence in a north-westerly direction along the level of high water to the London Stone hereinbefore described.

SCHEDULE 2

Section 82.

PROVISIONS APPLIED TO DOCK ROADS

PART I

PROVISIONS IN RESPECT OF WHICH CERTAIN OFFICERS OF THE AUTHORITY DO NOT HAVE THE POWERS OF A CONSTABLE

Sections of Road Traffic Act, 1972—

1972 c. 20.

- Section 1 (Causing death by reckless or dangerous driving);
- Section 2 (Reckless, and dangerous, driving generally);
- Section 3 (Careless, and inconsiderate, driving);
- Section 4 (Driving under age);
- Section 5 (Driving, or being in charge, when under influence of drink or drugs);
- Section 6 (Driving, or being in charge, with blood-alcohol concentration above the prescribed limit);
- Section 8 (Breath tests);
- Section 17 (Reckless, and dangerous, cycling);
- Section 18 (Careless, and inconsiderate, cycling);
- Section 19 (Cycling when under influence of drink or drugs);
- Section 21 (Restriction on carriage of persons on bicycles);
- Section 24 (Leaving vehicles in dangerous positions);
- Section 25 (Duty to stop, and furnish particulars, in case of accident);
- Section 29 (Penalisation of tampering with motor vehicles);
- Section 30 (Penalisation of holding or getting on to vehicle in order to be towed or carried);
- Section 84 (Drivers of motor vehicles to have driving licences);
- Section 99 (Offence of obtaining licence, or driving, while disqualified);
- Section 143 (Users of motor vehicles to be insured or secured against third-party risks);

- SCH. 2
—cont.
- Section 161 (Power of constables to require production of driving licences and in certain cases statement of date of birth);
- Section 162 (Power of constables to obtain names and addresses of drivers, and others, and to require production of evidence of insurance or security and test certificates);
- Section 166 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident).
- 1967 c. 76. Sections of Road Traffic Regulation Act, 1967—
- Section 54 (Traffic signs);
- Section 55 (Powers and duties of highway authorities as to placing of traffic signs);
- Section 61 (Removal of traffic signs, etc.).

PART II

PROVISIONS IN RESPECT OF WHICH CERTAIN OFFICERS OF THE AUTHORITY
HAVE THE POWERS OF A CONSTABLE

- 1972 c. 20. Sections of Road Traffic Act, 1972—
- Section 22 (Drivers to comply with traffic directions);
- Section 159 (Power of police to stop vehicles).
- Section of Road Traffic Regulation Act 1967—
- Section 58 (Emergency traffic signs).

Section 109.

SCHEDULE 3

REPEALS

Enactment (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
1802 c. xciv. Medway Lower Navigation Act, 1802	4	Proprietors, with Consent of the Justices in Quarter Sessions, may alter or rebuild Aylesford Bridge; but they are to provide a Ferry while the Passage over the Bridge is obstructed	The whole section.
	5	For making a Collateral Cut	The whole section.
	7	Materials not to be got from Lands on the East Side of the River below Aylesford Bridge	The words " or to dig, take, or carry away any Clay Gravel, or other Materials "

Enactment (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
Medway Lower Navigation Act, 1824	73	Reserving certain Rights of the Company of Proprietors, etc.	The whole section.
	60	Saving Rights of Commissioners of Sewers	The whole section. 1824 c. cxlviii.
	64	Reserving certain Rights of the Medway Navigation Company	The whole section.
An Act passed in the fifth and sixth years of the reign of Queen Victoria intituled "An Act for improving the Navigation of Faversham Creek in the County of Kent"	—	—	The whole Act so 1842 c. xlii. far as it is not already repealed.
An Act passed in the sixth and seventh years of the reign of Queen Victoria intituled "An Act to Extend the Powers and Provisions of an Act passed in the last Session of Parliament, intituled 'An Act for improving the Navigation of Faversham Creek, in the County of Kent' "	—	—	The whole Act so 1843 c. xxix. far as it is not already repealed.
The Queenborough Harbour Act, 1876	—	—	The whole Act so far as it is not 1876 c. cxlvii. already repealed.
The Maidstone Bridge Act, 1877	18	Provision for increasing depth of water in the Medway with certain consents	The whole section. 1877 c. cxxxviii.
The Medway Conservancy Act, 1881	—	—	The whole Act, except sections 4, 86 and 136. 1881 c. clxxiv.
The Milton Creek Conservancy Act, 1899	—	—	The whole Act, except the definition of "Milton Creek" in section 3 and sections 109 and 110. 1899 c. clxx.

SCH. 3
—cont.

	Enactment (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
1911 c. xxiii.	The Upper Medway Navigation and Conservancy Act, 1911	47	For the protection of the Admiralty	The whole section.
1951 c. xxxvii.	The Faversham Navigation Act, 1951	—	—	The whole Act so far as it is not already repealed.
1958 c. xli.	The Pier and Harbour Order (Sheerness) Confirmation Act, 1958	—	—	The whole Act so far as it is not already repealed.
1963 c. xxv.	The Medway Conservancy Act, 1963	—	—	The whole Act so far as it is not already repealed.
1968 c. xxxii.	The Port of London Act, 1968	211	Amendment of Medway Conservancy Act, 1963	The whole section.
	The Medway Ports Reorganisation Scheme, 1968	3	Interpretation	In paragraph (1), the definitions of "charges", "dues", "duties of customs or excise", "the harbour master", "hovercraft", "level of high water", "the Medway approach area", "owner", "port facilities" and "statutory securities".
		4	Incorporation of enactments	Sub-paragraph (iv) of the proviso to paragraph (1) and paragraph (2).
		5	Incorporation of Medway Ports Authority	In paragraph (1), the words from "for" to the end of the paragraph.
		9	Transfer of powers and duties	The whole article.
		10	Transfer of property, rights and liabilities of Commissioners	The whole article.

SCH. 3
—cont.

Enactment	Section or Article	Marginal note	Extent of repeal
(1)	(2)	(3)	(4)
	11	Transfer of Company's undertaking	The whole article.
	12	Transfer of property, rights and liabilities of Medway Conservators	The whole article.
	13	Transfer of property, rights and liabilities of Milton Conservators	The whole article.
	14	Transfer of property, rights and liabilities of Queenborough- in-Sheppey Corporation	The whole article.
	15	Service contracts not to be transferred	The whole article.
	17	Consideration for transfer of Company's navigation	The whole article.
	18	Repayment of loan charges to Queenborough-in- Sheppey Corporation	The whole article.
	19	Payments by Authority to Queenborough- in-Sheppey Corporation	The whole article.
	20	Payment of interest	The whole article.
	21	Recovery and apportionment of debts of Queenborough-in- Sheppey Corporation	The whole article.
	22	Carrying on of undertakings of transferring authorities	The whole article.
	24	Terminal audit of accounts	The whole article.
	25	Dissolution of Commissioners and Conservators	The whole article.

SCH. 3
—cont.

Enactment (1)	Section or Article (2)	Marginal note (3)	Extent of repeal (4)
	26	Compensation to directors of Company	The whole article.
	27	Payment of dividends and interest by Company	The whole article.
	28	Winding up of Company	The whole article.
	29	Receipt for payments to Company	The whole article.
	35	General duties of Authority	Paragraph (1) and, in paragraph (2), the words "under this article".
	36	Jurisdiction of Authority	The whole article.
	37	Harbour master's powers	The whole article.
	38	Power to appropriate lands and works for particular trades etc.	The whole article.
	39	Power to lease etc.	The whole article.
	40	Use of warehouses as bonded warehouses	The whole article.
	41	Authority may issue certificates of deposited goods	The whole article.
	42	Liability for safety of goods	The whole article.
	43	Power to remove goods	The whole article
	44	Power to give directions as to loading or unloading of certain goods	The whole article
	45	Obstruction of harbour master and others	The whole article
	46	Power to dredge	The whole article
	47	Powers with respect to disposal of wrecks	The whole article

SCH. 3
—cont.

Enactment	Section or Article	Marginal note	Extent of repeal
(1)	(2)	(3)	(4)
	48	Protection of Crown interests in wrecks	The whole article.
	49	Authority may contract for police	The whole article.
	50	Powers of interrogation, removal and search	The whole article.
	51	As to buoys in the Swale	The whole article.
	52	Charges on certain floating articles	The whole article.
	53	Charges for services and facilities	The whole article.
	54	Conditions relating to payment of charges	The whole article.
	55	As to payment of charges	The whole article.
	56	Penalty for evading payment of charges	The whole article.
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	61	Borrowing powers	The whole article.
	62	Temporary borrowing	The whole article.
	63	Saving for powers of Treasury	The whole article.
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	68	Gratuities etc.	The whole article.
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	72	General byelaws	The whole article.
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	74	Byelaws relating to certain dangerous goods;	The whole article.
	75	Confirmation of byelaws and fines thereunder	The whole article.
	77	Removal of vehicles	The whole article.
	78	Crown rights	The whole article.
	79	Crown right of access	The whole article.
	80	Saving for Trinity House	The whole article.
	81	Repeal, amendment and application of enactments:	Paragraphs (1), (2) and (3) and, in paragraph (4), the words "(not being an enactment specified in Schedule 2 to this Scheme)".
	86	Adjustment of property, rights and liabilities	The whole article.
	87	Saving for labour scheme	The whole article.
	88	Saving for Queenborough Fishery	The whole article.
	89	For protection of Kent River Authority	The whole article.
	90	For protection of South Eastern Gas Board	The whole article.
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	Schedule 2	—	The whole schedule.
The Medway Ports (Borrowing Powers) Revision Order, 1972	—	—	The whole order.

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