



# Medway Ports Authority Act 1973

## 1973 CHAPTER xxi

### PART II

#### DUTIES AND GENERAL POWERS OF THE AUTHORITY

#### 38 Licence to dredge

- (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;

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (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.