

Milford Haven Conservancy Act 1975

CHAPTER xxviii

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ELIZABETH II



1975 CHAPTER xxviii

An Act to confer further powers and duties on the Milford Haven Conservancy Board; to amend the Milford Haven Conservancy Act 1958; and for other purposes.
[7th August 1975]

WHEREAS—

(1) By the Milford Haven Conservancy Act 1958 (in this Act 1958 c. 23. called “the Act of 1958”), the Milford Haven Conservancy Board (in this Act called “the Board”) were established and charged with the duty of taking such steps as the Board may from time to time consider necessary or expedient to maintain, improve, protect and regulate the navigation and in particular the deep-water facilities in an area therein defined:

(2) It is expedient to extend the powers and duties of the Board as by this Act provided:

(3) It is appropriate to extend the area in respect of which the functions of the Board are discharged:

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

(5) 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 Milford Haven Conservancy Act 1975.

(2) The Milford Haven Conservancy Act and Orders 1958 to 1969, the Milford Haven Conservancy (Wreck Removal) Revision Order 1975, the Milford Haven Conservancy Revision Order 1975 and this Act may be cited together as the Milford Haven Conservancy Acts and Orders 1958 to 1975.

Interpretation.

2.—(1) In this Act and in the Act of 1958, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

1958 c. 23.

“the Act of 1958” means the Milford Haven Conservancy Act 1958;

“the appointed day” has the meaning assigned to it by section 30 (The appointed day) of this Act;

“the Board” means the Milford Haven Conservancy Board;

“contravention” includes a failure to comply and “contravene” shall be construed accordingly;

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

“electricity work” means any electric line, apparatus, building, structure or other work of any nature belonging to or maintained by the Central Electricity Generating Board or the South Wales Electricity Board;

“enactment” means any enactment whether public general or local and includes any order having effect by virtue of an enactment;

“functions” includes powers and duties;

“the harbourmaster” means such harbourmasters as the Board may appoint pursuant to paragraph 9 of the First Schedule to the Act of 1958 and with respect to all acts authorised or required to be done by such harbourmasters shall include their deputies and assistants and any other person authorised in writing by the Board to assist them or to perform the duties of harbourmaster;

- “ the haven ” has the meaning assigned to it by section 23 (Definition of “ the haven ”) of this Act;
- “ land ” includes land covered by water;
- “ the level of high water ” means the level of mean high-water springs;
- “ master ” in relation to any vessel means the master or other person for the time being having or taking charge or command of the vessel;
- “ oil ” has the same meaning as in the Prevention of Oil Pollution Act 1971, and includes a mixture containing oil; 1971 c. 60.
- “ owner ” in relation to any vessel includes any part-owner, any charterer (including but not limited to a charterer by demise) or any mortgagee in possession of the vessel and any agent or broker acting for or on behalf of any such owner, part-owner, charterer or mortgagee in possession:
- Provided that for the purpose of provisions other than sections 11 and 12 of the Act of 1958, the expression shall not be deemed to include—
- (a) an agent or broker whose actions are limited to providing services for the vessel or its cargo only in ports in the United Kingdom; or
- (b) a charterer for a single voyage;
- “ prescribed limits ” in relation to any undertaker means the limits for the time being established within which the harbour, dock or pier authority exercises jurisdiction as such;
- “ undertaker ” means the undertaker of any harbour, dock or pier undertaking carried out wholly or partly within the haven by any person other than the Board in whom are vested, under any enactment, powers or duties of improving, maintaining or managing a harbour, dock or pier undertaking;
- “ vessel ” has the meaning assigned to it by section 19 (Definition of “ vessel ”) of this Act;
- “ water authority ” means the Welsh National Water Development Authority.

PART I
—cont.

(2) Any reference in the provisions of this Act to the discharge of oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or (as the case may be) to its escaping, from that vessel, place or thing.

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

PART II

POWERS AND DUTIES OF BOARD

Duty of
Conservancy
Board.

3. Section 1 of the Act of 1958 is hereby amended by the deletion of subsection (1) and the substitution therefor of the following subsection:—

“(1) There shall be a Milford Haven Conservancy Board who shall be charged with the duty of taking such steps as they may consider necessary or expedient—

- (a) to maintain, improve, protect and regulate the navigation, and in particular the deep-water facilities, in the haven, and to prevent or reduce the discharge of oil, or the risk of discharge of oil, into the water from vessels in the haven; and
- (b) to provide, maintain, operate and improve port and harbour services and facilities in, or in the vicinity of, the haven;

and without prejudice to the generality of the foregoing the Board may—

- (i) turn their resources to account so far as not required for the purposes of their duties under this section; and
- (ii) do all other things which in their opinion are expedient to facilitate the proper carrying on of port and harbour services and facilities in, or in the vicinity of, the haven, or development of the haven.”.

Protection of
amenities.

4. For section 2 of the Act of 1958 there shall be substituted the following section:—

“Protection
of
amenities.

2. In formulating or considering any proposals relating to their functions, and in discharging any of their functions, the Board shall have regard to the desirability of—

- (a) preserving natural beauty;
- (b) conserving flora, fauna and geological or physiographical features of special interest; and
- (c) ensuring an easy passage at all times through the waters of the haven for ascending salmon and sea trout.”.

5. For section 3 of the Act of 1958 there shall be substituted the following section:—

PART II
—cont.

“ Powers of acquisition and disposal.

3.—(1) The Board may—

Powers of acquisition and disposal.

(a) acquire by agreement, whether by way of purchase, lease or exchange, or by gift, any land, whether within or outside the haven, which they may require for the purposes of their functions and may acquire by agreement any undertaking providing or intending to provide services or facilities which the Board themselves are authorised to provide;

(b) retain any land acquired by them for such time as they think fit; and

(c) sell, lease, exchange, whether with or without paying or receiving any money for equality of exchange, or otherwise dispose of any land acquired by them which is no longer required for the purposes aforesaid:

Provided that the Board shall not without the consent of the Minister dispose of any land otherwise than for a consideration worth not less than the current market value of that land, so, however, that a person acquiring any land from the Board shall not be concerned to inquire whether that consent is necessary or has been obtained.

(2) Any capital money received by the Board in respect of any transaction under this section shall be applied in or towards the repayment of moneys borrowed by the Board or for other purposes of the Board for which capital money may properly be applied.

(3) For the purposes of their incorporation with this Act, the Lands Clauses Acts shall have effect as if sections one hundred and twenty-seven to one hundred and thirty-one of the Lands Clauses Consolidation Act 1845, were omitted therefrom and as if the expression “lands” in the said Acts included any interest in lands and any easement or right in, to or over lands.” 1845 c. 18.

6.—(1) As from the appointed day, for section 4 of the Act of 1958 there shall be substituted the following section:—

Powers with respect to works and cables.

“ Powers with respect to works and cables.

4.—(1) The Board may, within or outside the haven, construct any works required for the purposes of their functions and may from time to time alter or extend any such works and may lay moorings:

PART II
--cont.

Provided that the Board shall not exercise their powers under this subsection within prescribed limits without the consent of the undertaker within whose prescribed limits the Board seek to exercise those powers unless, on an application made to him for the purpose, the Secretary of State for Trade certifies that in his opinion consent has been unreasonably withheld.

(2) Notwithstanding any powers conferred, and without prejudice to any other restrictions imposed, by or under any other enactment, no person other than the Board shall construct, alter or extend any works on, under or over tidal waters or tidal lands within the haven except after giving not less than 28 days' notice in writing to the Board; and—

(a) at any time before the notice expires the secretary of the Board or some other person authorised by the Board in that behalf may by counter-notice in writing require the carrying out of the operations in question to be postponed until the Board notify the person by whom the notice was given whether or not they propose to exercise their powers under the next following paragraph;

(b) the Board may by instrument in writing at any time before the notice expires or, where they have made a requirement under the foregoing paragraph, in giving the notification referred to in that paragraph, prohibit or impose conditions or restrictions with respect to such construction, alteration or extension, including any conditions and restrictions upon subsequent maintenance, operation and use of such construction, alteration or extension, as the case may be:

Provided that—

(i) this subsection shall not apply to any operations carried out by the water authority in the exercise of their functions under the Land Drainage Act 1930 and the Land Drainage Act 1961 or the Water Resources Act 1963 upstream of a straight line across the river Daucleddau from Jenkins Point to Williams-ton Pill or a straight line across the Pembroke River running east and west through National Grid reference SM 940025;

(ii) any person aggrieved by any prohibition, condition or restriction imposed under paragraph (b) of this subsection may, within

1930 c. 44.

1961 c. 48.

1963 c. 38.

28 days of the date of the instrument containing the prohibition, condition or restriction, appeal against it to the Secretary of State for Trade whose decision shall be binding on both parties;

PART II
—cont.

(iii) any person aggrieved by any requirement of the Board under paragraph (a) of this subsection, may appeal against it to the Secretary of State for Trade whose decision shall be binding on both parties;

(iv) this subsection shall not apply to any of the operations referred to in sections 26 and 27 of the Milford Haven Conservancy Act 1975.

(3) Any person who appeals to the Secretary of State for Trade under this section shall without delay give to the Board notice of his appeal accompanied by a copy of his statement of appeal.

(4) Any works which are constructed, altered or extended in contravention of, or of any prohibition imposed under, this section or in respect of which any condition or restriction imposed under this section is not complied with may be abated and removed and the site thereof restored to its former condition by the Board and any expenditure incurred by the Board in any such abatement, removal or restoration shall be recoverable as a simple contract debt from the occupier of the works.

(5) Any person who knowingly contravenes, and any occupier who permits a contravention of, a requirement, prohibition, condition or restriction of the Board under subsection (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(6) So much of any works constructed by the Board under subsection (1) of this section as is not within the area of any district within the meaning of the Local Government Act 1972, shall be deemed to be within such adjacent district as is nearest thereto or, in case of dispute, as the Secretary of State for Wales may determine. 1972 c. 70.

(7) The haven shall, in respect of any works proposed to be carried out by the Board under subsection (1) of this section, be deemed for the purposes of the Town and Country Planning Act 1971 to lie within the county of Dyfed and within 1971 c. 78.

PART II
—cont.

whichever district is nearer to the site of the proposed works or, in case of dispute, as the council of the said county may determine.

(8) Nothing in this section shall authorise any interference with, or with the operation of, any electricity work.

(9) In this section—

‘ occupier ’ means the owner or person in charge of the work or, if there be no such person, the occupier of the land on which the work is placed at the time of the contravention;

‘ works ’ includes cables, and references to constructing, altering or extending work shall be construed, in relation to cables, as including references to the laying thereof.

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

(2) The provisions of subsections (4) and (5) of section 4 of the Act of 1958 as substituted by the foregoing subsection shall apply to operations which have been prohibited or in respect of which the Board have imposed conditions or restrictions before or after the passing of this Act.

Dredging.

7.—(1) Section 5 of the Act of 1958 is hereby amended by the substitution in paragraph (b) of the proviso to subsection (1) for the words “ such limits of such an undertaking as are mentioned in subsection (4) of section one of this Act ” of the words “ prescribed limits ”.

(2) As from the appointed day, the following amendments to section 5 of the Act of 1958 shall apply and have effect:—

(a) for subsection (3) there shall be substituted—

“ (3) Notwithstanding any powers conferred, and without prejudice to any other restrictions imposed, by or under any other enactment, no person other than the Board shall carry out within the haven any such operations as are mentioned in subsection (1) of this section except after giving not less than 28 days’ notice in writing to the Board, and—

(a) at any time before the notice expires the secretary of the Board or some other person authorised by the Board in that behalf may by counter-notice in writing require the carrying out of the operations in question to

be postponed until the Board notify the person by whom the notice was given whether or not they propose to exercise their powers under the next following paragraph;

PART II
—cont.

- (b) the Board may by instrument in writing at any time before the notice expires or, where they have made a requirement under the foregoing paragraph, in giving the notification referred to in that paragraph, prohibit or impose conditions or restrictions with respect to those operations:

Provided that—

- (i) this subsection shall not apply to any operations carried out by the water authority in the exercise of their functions under the Land Drainage Act 1930 and the Land Drainage Act 1961 or the Water Resources Act 1963 but in the case of any operations so carried out within the haven, except operations carried out upstream of a straight line across the river Daucleddau from Jenkins Point to Williamston Pill or a straight line across the Pembroke River running east and west through National Grid reference SM 940025, the water authority shall give to the Board notice without delay, and particulars as soon as practicable thereafter, of any such operations and, except as aforesaid, any such operations shall be carried out subject to any general directions which may from time to time be given by the Board to the water authority for the avoidance of danger to, and the prevention, so far as possible, of interference with, navigation in the haven; 1930 c. 44.
1961 c. 48.
1963 c. 38.
- (ii) any person aggrieved by any prohibition, condition or restriction imposed under paragraph (b) of this subsection may, within 28 days of the date of the instrument containing the prohibition, condition or restriction, appeal against it to the Secretary of State whose decision shall be binding on both parties;
- (iii) any person aggrieved by any requirement of the Board under paragraph (a) of this subsection may appeal against it to the Secretary of State, whose decision shall be binding on both parties”.

PART II
—cont.

(b) after subsection (3) there shall be added the following subsections:—

“(3A) The last foregoing subsection shall not apply to any dredging carried out by the Milford Docks Company within their prescribed limits to maintain the existing channel—

(a) for the protection of the Milford Docks; or

(b) to ensure the efficient operation of those docks:

Provided that the Milford Docks Company shall give the Board as long notice as practicable together with particulars of the dredging to be carried out and such dredging shall be carried out subject to any general directions which may be given by the Board for the avoidance of danger and the prevention, so far as possible, of interference with navigation.

(3B) Any person who appeals to the Secretary of State under this section shall without delay give to the Board notice of his appeal accompanied by a copy of his statement of appeal.

(3C) Any person who contravenes subsection (3) of this section or any requirement, prohibition, condition or restriction imposed thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 or, on indictment, to a fine.

(3D) So much of any enactment as requires any undertaker to obtain the consent of the Queen’s Harbour Master to any dredging referred to in subsection (3) of this section or as requires consultation with the local planning authority or the Nature Conservancy Council with regard to the laying down or depositing of materials shall cease to apply to such dredging or (as the case may be) to such laying down or depositing.”;

(c) in subsection (4) there shall be inserted the words “with any electricity work placed or maintained” after the words “Postmaster-General or” where those words first occur and the words “or electricity work” after the words “any such cable”.

Charges for
vessels.

8.—(1) Section 11 of the Act of 1958 is hereby amended by the deletion of subsection (1) and the substitution therefor of the following subsections:—

“(1) Subject to the provisions of this section, the Board may demand and take, in respect of every vessel (other than a vessel used wholly for recreation) entering, using or leaving

the haven, such charges as the Board may determine, and those charges shall be ship, passenger and goods dues for the purpose of the Harbours Act 1964.

PART II
—cont.
1964 c. 40.

(1A) No charges shall be demanded under this section in respect of—

- (a) any fishing boat within the meaning of Part IV of the Merchant Shipping Act 1894; 1894 c. 60.
- (b) any vessel employed in the exercise of powers conferred by or under any enactment on any person other than the Board similar to the powers conferred on the Board by section five of this Act;
- (c) any vessel of a tonnage of less than one hundred and fifty tons or such other tonnage as may be approved by the Secretary of State as a consequence of his approving a different method of calculating the tonnage of a vessel;
- (d) any vessel which, having left the haven, returns thereto only by reason of stress of weather or other sufficient emergency; or
- (e) any vessel in the haven which is seaward of a straight line drawn from the south-western extremity of St. Anne's Head to the southern extremity of Studdock Point unless bound to or from the remaining part of the haven:

Provided that paragraph (c) of this subsection shall not preclude the Board from demanding and taking charges in respect of vessels to which that paragraph applies lying in the haven; but the Board shall not except with the consent of the undertaker in question demand and take charges in respect of such vessels lying within prescribed limits.”.

(2) Subsection (2) of section 11 of the Act of 1958 is hereby amended by the substitution for the words “the foregoing subsection” of the words “subsection (1) of this section”.

(3) In the Act of 1958, subsection (2) of section 11, section 12 and, in section 22, the definition of “collector of dues” are hereby amended by the substitution for the word “dues” on every occasion where it occurs of the word “charges”.

(4) Section 12 of the Act of 1958 is hereby amended—

- (a) by the addition, in subsections (1) and (3) thereof after the word “master” of the words “or owner”; and
- (b) by the substitution, in the proviso to subsection (2) thereof, for the words “the proviso to subsection (1)” of the words “subsection (1A)”.

PART II
—cont.

(5) In section 22 of the Act of 1958, the definition of tonnage is hereby amended by the addition, at the end of that definition, of the words “or calculated by any other method as may be approved by the Secretary of State;”.

Charges for
moorings.

9.—(1) In addition to any powers conferred on the Board or on the harbourmaster by or under any enactment the Board may make and recover such charges as are reasonable taking into account the cost to the Board arising out of exercising their powers in relation to moorings (including annual or other payments) from persons who place or provide or lay down, as the case may be, any works or moorings to which this section applies and from persons who use any moorings to which this section applies and as from the appointed day, the due payment on demand of such charges for the time being exigible may be—

- (a) imposed by the Board as a condition or restriction under the provisions of subsection (2) of section 4 of the Act of 1958 as amended by this Act;
- (b) made a condition of a grant of a permission by the harbourmaster to lay down or keep moorings in the haven within his powers by or under any enactment for regulating the laying down of moorings whether or not any other conditions have already been imposed in respect of laying down or keeping such moorings, and the failure to pay such charges shall be deemed to be a failure to comply with the conditions of that permission.

(2) The works and moorings to which this section applies are berthing heads, landing stages, dolphins, slipways, mooring buoys and the like works and apparatus for the mooring or berthing or slipping of vessels.

(3) The Board shall not exercise their powers under this section within prescribed limits without the consent of the undertaker within whose prescribed limits the Board seeks to exercise those powers.

Conditions as
to payment of
charges.

10. Charges payable under section 11 of the Act of 1958 or section 9 (Charges for moorings) of this Act shall be payable subject to such conditions as the Board may specify in their published list of charges.

Claims for
repayment
of charges.

11. Any person claiming the return of the whole or any part of any charges paid to the Board shall make such claim and produce all documents and give all information required by the Board in proof of such claim within 12 months from the time of payment and, in default thereof, the claim shall no longer be enforceable.

12.—(1) The Secretary of State may, by means of an order made by the Board and submitted to, and confirmed by, the Secretary of State, authorise the Board to purchase compulsorily any land which they require for the purposes of their functions under paragraphs (a) and (b) of subsection (1) of section 1 of the Act of 1958 and the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if the Board were a local authority within the meaning of that Act and as if this Act had been in force immediately before that Act.

PART II
—cont.

Further powers relating to land.

1946 c. 49.

(2) A compulsory purchase order made in the exercise of powers of acquisition under this Act may provide for the acquisition of rights over land by creating them as well as for the acquisition of rights already in existence.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 and the Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory acquisition of a right by virtue of this section as they apply to the compulsory acquisition of land, so that, in appropriate contexts, references in those Acts to land are to be read as referring, or as including references, to the right acquired or to be acquired, or to land over which the right is, or is to be, exercisable, according to the requirements of the particular context, and without prejudice to the general adaptation of the said enactments the provisions of Schedule 6 to the Highways Act 1971 shall be deemed to be incorporated herewith.

1965 c. 56.

1971 c. 41.

PART III

WRECKS, ETC.

13.—(1) Where any vessel is sunk, stranded or abandoned (whether before or after the passing of this Act) in the haven or in or near any approach thereto, the Board may—

Power to raise and remove wrecks.

(a) take such steps until the vessel is raised, removed, destroyed or disposed of as the Board may consider necessary or expedient for the prevention of interference with the use of the navigation or the safety of navigation thereon comprising the marking, buoying, watching, lighting or otherwise controlling such vessel and its cargo, giving warning to shipping of the presence of the vessel and giving directions for the prevention of interference with the use of the navigation or the safety of navigation thereon;

(b) subject to subsection (4) of this section, raise, remove, blow up or otherwise destroy or dispose of the vessel.

(2) Where the Board have exercised any of their powers under subsection (1) of this section in respect of any vessel sunk,

PART III
—cont.

stranded or abandoned after 30th April, 1958, they may cause the vessel or its cargo or anything associated with the vessel which may be removed or saved from the vessel to be sold in such manner as they think fit and may, out of the proceeds of the sale, retain the expenses incurred by them in the exercise of their powers under this section and any expenses incurred by them in removing or saving the cargo or anything associated with the vessel which may be removed or saved from the vessel, and an amount equal to any sum which they have been required by law to pay in connection with the vessel or its cargo and shall pay the surplus, if any, to the person entitled thereto:

Provided that a sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days' notice of the intended sale has been given by advertisement in a newspaper circulating in the districts of South Pembrokeshire and Preseli.

(3) If the proceeds of sale are insufficient to reimburse the Board for the said expenses, they may recover any such expenses which are not reimbursed out of the proceeds of sale or, if there is no sale, the whole of those expenses from the person who, at the time of the sinking, stranding or abandonment of the vessel, is or was the owner thereof by action as a simple contract debt.

(4) (a) The Board shall not commence to exercise their powers under paragraph (b) of subsection (1) of this section in relation to any vessel if and so long as, in the opinion of the Board, every practicable measure for proceeding with the removal or disposal of the vessel is being taken with all reasonable diligence and in accordance with any requirements of the Board for the prevention of interference with the use of the navigation or with safe navigation thereon.

(b) Except as provided in paragraph (c) of this subsection, before exercising in relation to any vessel any of the powers conferred on them by paragraph (b) of subsection (1) of this section the Board shall give to the owner of the vessel not less than 48 hours' notice of their intention to do so; and if before the notice expires the Board receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, the Board shall not exercise the powers of the said paragraph (b) of subsection (1) in relation to that vessel until the expiration of 7 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 the use of the navigation or the safety of navigation thereon which may be given to him by the Board.

(c) Subject to paragraph (a) of this subsection, in any case where there is, in the opinion of the Board, an emergency affecting the use of the navigation or the safety of navigation thereon, they shall not be required to give notice to the owner of a vessel before exercising their powers under subsection (1) of this section, but in that case shall, subject to subsection (5) of this section, as soon as is practicable in the opinion of the Board notify the owner.

(5) If the owner of a vessel to whom notice is to be given under subsection (4) of this section, or who is to be notified under that subsection, is not known to the Board, or if his place of business or abode is not so known or is outside the United Kingdom, the notice or notification may be given by displaying it at the office of the Board for, in the case of the notice, the period of its duration.

(6) The powers conferred by this section shall be in addition to the powers exercisable by the Board under sections 530 and 532 of the Merchant Shipping Act 1894.

1894 c. 60.

(7) Section 7 of the Act of 1958 is hereby amended by the addition, in subsection (2) after the word "vessel" where it first occurs in that subsection, of the words "referred to in paragraph (b) of subsection (1) of this section".

(8) Except in a case which is, in the opinion of the Board, a case of emergency, the Board shall, before raising, removing, blowing up or otherwise destroying or disposing of, under the powers conferred upon them by this section, any vessel sunk, stranded or abandoned within the haven or in or near any approach thereto and within a distance of 200 metres 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.

14.—(1) In addition to any powers conferred on the Board or on the harbourmaster by or under any enactment in respect of vessels which are sunk, stranded or abandoned, if a vessel which is sunk, stranded or abandoned in the haven is discharging oil, or, in the opinion of the Board, is likely to discharge oil, into the haven or the waters adjacent thereto (then whether or not the Board or the harbourmaster have exercised in relation to that vessel any of the powers aforesaid) the Board may give such directions as respects the vessel or its cargo as they consider necessary or expedient for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, to the master or other person having control of that vessel:

Power to prevent or reduce oil pollution.

Provided that directions shall not be given under this subsection if and so long as, in the opinion of the Board, every practicable measure is being taken with all reasonable diligence for the purpose of preventing or reducing oil pollution, or the risk of oil pollution.

PART III
—cont.

(2) If the master or other person having control of such vessel as is mentioned in the foregoing subsection of this section fails to comply with the directions given under that subsection, or if there be no competent person on board such vessel to attend to such directions, the Board may take such steps as they consider necessary or expedient as respects the vessel or its cargo, including operations involving the taking over of control of the vessel, for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, and any expenses incurred by the Board in respect of such steps shall, save as provided by subsection (4) of this section, be recovered by the Board from the owner and the Board may detain such vessel for securing the expenses and on non-payment of such expenses on demand may sell such vessel and out of the proceeds pay such expenses rendering the overplus, if any, to the owner on demand.

(3) If the proceeds of sale are insufficient to reimburse the Board for the said expenses they may recover by action any such expenses which are not reimbursed out of the proceeds of the sale or if there is no sale, the whole of those expenses from the person who at the time the directions specified in subsection (1) of this section were given was the owner of the vessel and any action under this subsection shall fall within the Admiralty jurisdiction of the High Court and shall be deemed to be a claim for dock charges or dues under paragraph (n) of subsection (1) of section 1 of the Administration of Justice Act 1956.

1956 c. 46.

(4) Where in respect of any vessel the Board or the harbour-master exercise the powers which are referred to in subsection (1) of this section, and where expenses incurred under those powers are recoverable by the Board, and where expenses are also incurred by the Board under subsection (2) of this section in respect of the same vessel, then the Board may recover all such expenses howsoever incurred as if they were incurred under the said subsection (2).

(5) (a) Nothing in this section shall authorise any steps to be taken or directions to be given—

- (i) that are not reasonably necessary to prevent or reduce oil pollution, or the risk of oil pollution; or
- (ii) such that the benefit which could reasonably be expected to result therefrom is disproportionately less than the expenses incurred or damage suffered as a result of the action;

and the Board shall be liable in damages in respect of any loss or damage suffered or expense incurred by any person by reason of steps taken or directions given by the Board which are not authorised under this section or by reason of any action taken in compliance with such unauthorised directions.

(b) In considering whether steps or directions are authorised under this section account shall be taken of—

PART III
—cont.

- (i) the risk and likely extent of oil pollution if the steps had not been taken or the directions not given;
- (ii) the likelihood of the steps or the action taken in compliance with directions being effective; and
- (iii) the extent of the damage which could reasonably have been expected to result from the directions given or the steps taken.

(6) Where the Board incur liability in damages by virtue of the last foregoing subsection, the provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1900 as 1900 c. 32. amended by section 1 of the Merchant Shipping (Liability of Shipowners and Others) Act 1958 shall apply to that liability 1958 c. 62. as if—

- (a) the words “ any loss or damage is caused to any vessel, or to any goods, merchandise, or other things whatsoever on board any vessel or vessels ” in subsection (1) of section 2 of the said Act of 1900 extended to include any loss, damage and expense of whatsoever nature caused to persons or to property;
- (b) such loss, damage and expense were caused without the actual fault or privity of the Board; and
- (c) all steps taken, directions given and action taken in compliance with directions given as respects any one vessel sunk, stranded or abandoned in the haven, or its cargo, constituted one distinct occasion upon which all such loss, damage and expense arose.

(7) Any reference in this section to the taking of any action includes reference to a compliance with a direction not to take some specified action.

(8) The Board shall, as soon as is practicable, notify the Secretary of State when exercising their powers under this section.

(9) The Secretary of State may, by order made by statutory instrument, amend this section to apply its provisions to substances other than oil and such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section “ cargo ” includes bunker fuel and any of the machinery, boats, equipment or articles on board a vessel.

15. Without prejudice to his powers conferred by or under any enactment the harbourmaster may, on producing, if so required, his authority, board any vessel in the haven or in or

PART III
—cont.

near the approaches thereto and inspect the vessel or any part thereof or its cargo or any of the machinery, boats, equipment or articles on board the vessel for the purposes of carrying out the duties of the Board under any enactment, or for enforcing any enactment or byelaw which the Board may lawfully enforce:

S.I. 1970/1881.
1936 c. 49. Provided that nothing in this section shall affect the operation of the Public Health (Ships) Regulations 1970 or any regulations made under section 143 of the Public Health Act 1936:

Provided further that this section shall not apply to a vessel in the part of the haven or the approaches thereto which is seaward of a straight line drawn from the south-western extremity of St. Anne's Head to the southern extremity of Studdock Point, unless—

- (1) bound to or from the remaining part of the haven; or
- (2) obstructing or interfering with navigation.

Further
power with
regard to
wrecks.

16. Without prejudice to any other restrictions imposed by or under any enactment any person other than the Board and the Secretary of State, upon whom powers with respect to vessels sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the haven or in or near any approach thereto have been conferred by or under any enactment, not being powers exercisable by the master of a vessel or any competent person on board a vessel shall, before exercising any such powers, give notice to the Board of his intention to exercise those powers and shall in exercising those powers comply with any directions for the prevention of interference with navigation which may from time to time be given by the Board.

Incorporation
of Merchant
Shipping (Oil
Pollution)
Act 1971.
1971 c. 59.

17. Subject to the provisions of subsection (5) of section 14 (Power to prevent or reduce oil pollution) of this Act, in the exercise of any powers conferred on the Board for the purpose of preventing an obstruction or danger to navigation, to dispose of any vessel sunk, stranded or abandoned, or for preventing or reducing the discharge of oil, or the risk of discharge of oil, the Board shall, for the purpose of section 3 of the Merchant Shipping (Oil Pollution) Act 1971, be regarded as a person performing salvage operations with the agreement of the owner.

Provisions
relating to
this Part of
Act.

18.—(1) In the exercise of any of their powers under section 13 (Power to raise and remove wrecks) or section 14 (Power to prevent or reduce oil pollution) of this Act the Board shall have regard to the desirability of consulting the owner of the vessel and of co-ordinating with the owner, where practicable, the steps to be taken and shall in all cases notify the water authority and the relevant undertaker as soon as in the opinion of the Board

is practicable and, subject to the provisions of subsection (4) of the said section 13, shall in the exercise of any such powers consult, and seek to co-ordinate the steps to be taken, with the relevant undertaker.

PART III
—cont.

(2) Every person concerned with compliance with directions given, or with action taken, under this Part of this Act shall use his best endeavours to avoid any risk to human life.

(3) In this section “the relevant undertaker” means the undertaker within whose prescribed limits the vessel is sunk, stranded or abandoned, or, as the case may be, the undertaker at whose harbour, dock or pier the vessel which is sunk, stranded or abandoned had berthed or, where this is known to the Board, had entered the haven for the purpose of berthing thereat.

(4) In this Part of this Act “vessel” includes a part of a vessel.

PART IV

MISCELLANEOUS

19. In the Act of 1958, in this Act, in the Milford Haven Conservancy (Wreck Removal) Revision Order 1975 and in any byelaws made by the Board under any enactment (whether made before or after the passing of this Act), the expression “vessel” includes—

Definition of
“vessel”.

- (a) every description of vessel used in navigation however propelled; and
- (b) any kind of rig or production platform which floats or is capable of floating; and
- (c) any dracone or floating dock, crane or any floating plant; and
- (d) a vessel, however propelled, designed to be supported on foils; and
- (e) a hovercraft as defined in the Hovercraft Act 1968; and 1968 c. 59.
- (f) except in subsection (1) of section 11 of the Act of 1958, any aircraft on the surface of the water; and
- (g) in section 7 of the Act of 1958, and article 3 of the Milford Haven Conservancy (Wreck Removal) Revision Order 1975 and Part III of this Act, any aircraft.

20.—(1) In this section unless the context otherwise requires “the pier master” means the harbour, dock or pier master of an undertaker and includes the assistants of such harbour, dock or pier master.

Jurisdiction
within the
haven.

PART IV
—cont.
1875 c. 17.
1928 c. 32.

(2) The byelaws made by the Board under section 34 of the Explosives Act 1875 and section 7 of the Petroleum (Consolidation) Act 1928 respectively shall extend and apply and may be enforced within the prescribed limits of any undertaker and the undertaker shall be under no duty to make byelaws under the said section 7 notwithstanding anything contained therein.

(3) The byelaws made by the Board under section 9 of the Act of 1958 shall (except so far as the byelaws may otherwise expressly provide) extend and apply and (except as aforesaid) may be enforced within the prescribed limits of any undertaker.

(4) If there should be any conflict between any directions given by the pier master of any undertaker and any directions lawfully given by the harbourmaster of the Board the directions given by the harbourmaster of the Board shall prevail.

Access to
works.

21. The officers, servants and agents of the Board duly authorised by the Board shall, on producing if so required their authority and subject to compliance with the reasonable requirements of the owner or person in charge of the works, be permitted access both by water and by land without payment or hindrance at all reasonable times on, to or over works in the haven—

- (a) during the construction thereof for the purpose of inspection; and
- (b) after the construction thereof whilst in the execution of their duties.

Vessels of
Board exempt
from rates
and dues.

22. Notwithstanding anything contained in any enactment the Board shall not be liable to pay any rates or dues in respect of any vessel while in use by them for the purposes of their functions under any enactment.

Definition of
“the haven”.

23. In the Milford Haven Conservancy Acts and Orders 1958 to 1975 and, after the appointed day, in any byelaws made by the Board under any enactment whether before or after the passing of this Act “the haven” means the area bounded by—

- (a) an imaginary line commencing at the western extremity of Studdock Point and drawn in a south-easterly direction to the point of intersection of latitude $51^{\circ}36'15''N$ with longitude $05^{\circ}03'00''W$, thence in a westerly direction to the point of intersection of latitude $51^{\circ}36'15''N$ with longitude $05^{\circ}16'00''W$, thence in a northerly direction to the point of intersection of latitude $51^{\circ}40'48''N$ with longitude $05^{\circ}16'00''W$ and thence in an easterly direction to the south-western extremity of St. Anne's Head; and

(b) the level of high water on the shores of Milford Haven and the approaches thereto within the line aforesaid, including all bays, creeks, pools, inlets and rivers as far as the tide flows other than a creek, pool or inlet into which the tide flows only through a culvert or pipe and other than a dock which is normally tidally enclosed;

PART IV
—cont.

but shall not include any waters which are not for the time being within the territorial waters of Her Majesty's dominions.

24. Section 74 of the Harbours, Docks and Piers Clauses Act 1847 is hereby incorporated with this Act.

Damage by a vessel.
1847 c. 27.

25. Section 9 of the Act of 1958 is hereby amended—

Byelaws.

(a) by the substitution in subsection (1) of the following paragraph for paragraph (g):—

“(g) for regulating the conduct of boatmen, ferrymen and others plying for hire in the haven and of persons resorting to any works constructed or operated by the Board.”;

(b) by the addition at the end of subsection (1) of the following paragraph:—

“(k) for the management, control and regulation of any works constructed or operated by the Board.”;

(c) by the substitution of the following subsection for subsection (5):—

“(5) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972 1972 c. 70. (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Board under this section as if the Board were a local authority and the secretary of the Board were the proper officer of a local authority, but the Secretary of State may confirm the byelaws with such modifications as he thinks fit:

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

PART IV
—cont.Lights
detrimental to
navigation.

26.—(1) The Board may by notice in writing require a person placing or using in or near the haven a light which is, in their opinion, calculated to mislead persons navigating in the haven or to interfere with the safe navigation of vessels, to screen, alter, extinguish or remove the light within a reasonable time specified in the notice.

(2) A person who—

(a) fails to comply with a notice given under this section;
or

(b) after complying replaces or again uses the light or places or uses in lieu thereof another light in respect of which the Board would be entitled to give a notice under this section;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 and to a daily fine not exceeding £10.

Lights on
works and
prevention
of danger to
navigation.

27.—(1) The owner and occupier of any works in the haven whether constructed before or after the passing of this Act shall at the outer extremity of those works on, under or over tidal waters or tidal lands exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board shall direct:

Provided that in any case where the Secretary of State has power under any enactment to impose requirements on such owner or occupier and there is any inconsistency between the directions of the Board and the requirements of the Secretary of State the requirements of the Secretary of State shall prevail.

(2) In case of injury to or destruction or decay of any such works as are referred to in subsection (1) of this section or any part thereof, so far as the same shall be constructed on, under or over tidal waters or tidal lands, the owner or occupier of the works shall lay down such buoys, exhibit such lights or take such other means for preventing, so far as may be, danger to navigation as shall be directed by the Board and shall apply to the Board for directions as to the means to be taken.

(3) If the owner or occupier of any works fails to comply in any respect with the provisions of this section, he shall be liable on summary conviction to a fine not exceeding £100 and to a daily fine not exceeding £10.

(4) Nothing in the foregoing provisions of this section shall derogate from or affect any duty or liability of the Board under section 8 of the Act of 1958 nor prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of the Corporation of Trinity House of Deptford Strond.

(5) So much of any enactment contained in any other local or private Act as requires the owners of or any other person interested in any works in the haven to exhibit and keep burning lights at the outer extremity of such works or as requires the owners or other person to lay down buoys, exhibit lights and take other means for preventing danger to navigation in the event of injury to, or destruction or decay of, the works or any part thereof shall cease to have effect on the passing of this Act.

PART IV.
—cont.

28. Subsections (1) to (6) and (12) of section 101 of the Local Government Act 1972 (which provides for the discharge of functions of local authorities by committees, sub-committees and officers) shall apply to the Board as if they were referred to in subsection (13) of that section:

Arrangements for discharge of functions by Board.
1972 c. 70.

Provided that—

- (i) arrangements shall not be made for the discharge of any of the functions of the Board in respect of Part III (Wrecks, etc.) of this Act or section 530 of the Merchant Shipping Act 1894 by any officers of the Board except by the general manager and by the secretary, or persons authorised by the Board to act in their stead in that behalf, and by the harbourmaster as defined in section 2 (Interpretation) of this Act; and 1894 c. 60.
- (ii) where any arrangements are made for the discharge of any of the functions of the Board under the said Part III or section 530 of the Merchant Shipping Act 1894 the opinion of the person or persons by whom the said functions are to be discharged shall be deemed to be the opinion of the Board.

29. The Board shall as soon as is reasonably practicable after the passing of this Act establish an advisory committee in connection with the discharge of the Board's functions and the use of the haven. Advisory committee.

PART V

GENERAL

30.—(1) In this Act “the appointed day” means such day as may be fixed by resolution of the Board subject to and in accordance with the provisions of this section. The appointed day.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

PART V
—cont.

(3) The Board shall cause to be published in a newspaper circulating in the districts of South Pembrokeshire and Preseli and in Lloyd's List and Shipping Gazette newspaper or some other newspaper specialising in shipping news notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

(a) a copy of any such newspaper containing any such notice; or

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

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

Service of
documents.

31.—(1) Any document required or authorised by the Act of 1958 or by this Act to be given to or served on any person may be given or served either by delivering it to that person, or by leaving it at his proper address, or by post.

1889 c. 63.

(2) 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 any such document as aforesaid is to be given or served shall, in the case of a corporation, be that of the registered or principal office of the corporation, and in any other case shall be the last known address of the person to be served:

Provided that, if the person to or on whom the document to be given or served has furnished an address for the giving or service of the document, being an address in the United Kingdom, his proper address for those purposes shall be the address furnished.

(3) If the name or the address of any owner, lessee or occupier of land to or on whom any such document is to be given or served cannot, after reasonable inquiry, be ascertained by the Board, the document may be given or served by addressing it to the person to or on whom it is to be given or served by the description of "owner", "lessee" or "occupier" of the land (describing it) to which the document relates and by delivering it to some responsible person resident or appearing to be resident on the

premises, or, if there is no such person to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the premises.

PART V
—cont.

32. Section 265 of the Public Health Act 1875 shall apply to the Board as if any reference in that section to the said Act of 1875 included a reference to this Act, any reference in that section to a member of a local authority included a reference to a member of the Board and any reference in that section to a joint board included the Board.

Protection of
members and
officers of
Board from
personal
liability.
1875 c. 55.

33. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing herein contained shall authorise the Board to take, use or in any manner interfere with any portion of the shore or bed of the sea or of the haven or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department or held in trust for Her Majesty for the purpose of a government department without the consent in writing of such commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose.

Crown rights.

34.—(1) In any proceedings for an offence under section 5 of the Act of 1958 and section 26 (Lights detrimental to navigation) and section 27 (Lights on works and prevention of danger to navigation) of this Act, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence:

Defence of due
diligence.

Provided that in the case of proceedings under the said sections 26 or 27 it shall not be a defence unless he also proves that as soon as he became aware of the commission of the offence he immediately took all reasonable steps to terminate the offence.

(2) If in any case the defence provided by subsection (1) involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

(3) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952, in any case where a court accepts a defence put forward under this section which involves an allegation that the

1952 c. 55.

PART V
—cont.

commission of the offence was due to the act or default of another person, a magistrates' court may try any information which is laid against that person for an offence under the sections specified in subsection (1) arising from the same set of circumstances if the information was laid at any time within six months of the final determination of the case of the first defendant.

Saving for
water
authority.

35. Nothing in this Act shall prejudice or derogate from or in any wise alter or affect or interfere with the rights, powers and privileges of the water authority under any enactment.

For further
protection of
water
authority.

36. For the further protection of the water authority the following provisions shall, unless otherwise agreed in writing between the Board and the water authority, apply and have effect:—

(1) In this section—

“dredging operation” means an operation authorised by subsection (1) of section 5 of the Act of 1958;

“sea defence work” includes a river wall or sea defence work for the time being vested in, or under the control of, the water authority for the purposes of the Land Drainage Act 1930 and the Land Drainage Act 1961, or the Water Resources Act 1963;

“watercourse” means a watercourse, as defined in the Land Drainage Act 1930, subject to the control of the water authority;

“wreck raising operation” means an operation authorised by section 13 (Power to raise and remove wrecks) of this Act other than the marking, buoying, watching, lighting or controlling of a vessel or its cargo and the giving of warning to shipping of the presence of the vessel:

(2) (a) The Board shall, before commencing any dredging operation or any wreck raising operation—

(i) which is within 150 yards of any sea defence work; or

(ii) which may interfere with the efficiency of a watercourse for land drainage purposes;

deliver to the water authority for their approval, which shall not be unreasonably withheld, a plan defining the nature, extent and manner of the operation (and, in the case of a dredging operation, particulars as to the place and manner of disposal of materials taken up or collected in the course of the operation);

1930 c. 44.

1961 c. 48.

1963 c. 38.

- (b) An operation to which sub-paragraph (a) of this paragraph applies shall not be carried out otherwise than in accordance with such plan and in such manner as may be approved by the water authority in accordance with that sub-paragraph or as may be settled by arbitration:

Provided that if the water authority do not within twenty-one days after the delivery of such plan signify to the Board their disapproval thereof, and the grounds for their disapproval, they shall be deemed to have approved the plan;

- (c) The Board shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but in such a case they shall give to the water authority notice as soon as reasonably practicable, and a plan defining the nature and extent of the operation as soon as reasonably practicable thereafter, and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

- (3) In giving their approval to a plan delivered under paragraph (2) of this section the water authority may attach to their approval such conditions (including conditions requiring the construction of protective works by, and at the expense of, the Board during the carrying out of a wreck raising operation or of a dredging operation) as are reasonably necessary—

(a) in the case of a dredging operation, to prevent pollution of any stream (including any controlled waters within the meaning of the Control of Pollution Act 1974), or of water contained in underground strata, arising from the disposal of materials taken up or collected in the course of the operation; and

(b) in the case of a wreck raising operation or a dredging operation, to prevent pollution of any such stream, to safeguard a sea defence work or watercourse against damage or to secure that the efficiency of a watercourse for land drainage purposes is not impaired:

- (4) If by reason of the carrying out of any dredging operation or wreck raising operation a sea defence work is interfered with, or the efficiency of a watercourse for land drainage purposes is impaired, the water authority may—

(a) make good the sea defence work or watercourse to restore it to its former standard of efficiency; or

(b) where necessary, construct some other work in substitution therefor;

PART V
—cont.

and may recover from the Board the reasonable cost of so doing, and for the purposes of this paragraph such cost shall include a proper proportion of the overhead charges of the water authority, and any such cost of executing works needed for remedying any subsidence of the sea defence work or of the substituted work during such reasonable period as may be agreed between the Board and the water authority or, failing agreement, settled by arbitration:

- (5) If the water authority have reasonable ground for believing that a sea defence work or watercourse is likely to be damaged or the efficiency of a watercourse for land drainage purposes is likely to be impaired in any of the circumstances mentioned in the last foregoing paragraph, they may carry out such protective works as may be agreed between them and the Board or as, failing agreement, may be settled by arbitration, and recover the reasonable cost thereof (including a proper proportion of the overhead charges of the water authority) from the Board:
- (6) Any difference arising between the Board and the water authority under this section shall be determined by an arbitrator to be agreed upon between the parties, or, failing agreement, appointed on the application of either party after notice in writing to the other of them, by the President of the Institution of Civil Engineers.

For protection
of electricity
boards.

37. For the protection of the Central Electricity Generating Board and the South Wales Electricity Board (each of which is hereinafter referred to as “the electricity board”), the following provisions shall, unless otherwise agreed in writing between the Board and the electricity board concerned, apply and have effect:—

- (1) Subject to paragraph (3) of this section, as from the appointed day, subsection (2) of section 4 of the Act of 1958 shall not—
 - (a) apply to the construction, alteration or extension by the electricity board of any electric line from time to time authorised under or by virtue of any enactment (whether coming into operation before or after the commencement of this Act);
 - (b) make unlawful the carrying out by the electricity board in an emergency of any works not so authorised necessary for the protection of, or to ensure the efficient operation of, any electricity work:

Provided that the electricity board give the Board notice without delay of the emergency and particulars of the work to be or being carried out and such works shall be carried out subject to any general directions which may be given by the Board for the avoidance of danger and the prevention, so far as possible, of interference with navigation:

PART V
—cont.

- (2) Subject to paragraph (3) of this section, as from the appointed day, subsection (2) of section 5 of the Act of 1958 as amended by this Act shall not make unlawful the carrying out of dredging by the electricity board in an emergency where the dredging is of an existing natural or dredged channel and is necessary for the protection of, or to ensure the efficient operation of, any electricity work:

Provided that the electricity board give the Board notice without delay of the emergency and particulars of the dredging to be or being carried out and such dredging shall be carried out subject to any general directions which may be given by the Board for the avoidance of danger and the prevention, so far as possible, of interference with navigation:

- (3) Nothing in paragraphs (1) or (2) of this section shall affect anything in respect of which the Board have imposed terms and conditions before the appointed day, or shall affect any such terms and conditions:
- (4) Except in a case which is in the opinion of the Board a case of emergency, the Board shall before exercising the powers of subsection (1) of section 13 (Power to raise and remove wrecks) of this Act within a distance of 200 metres of any electricity work of which the Board are aware give the electricity board as long notice as is practicable of their intention to exercise those powers.

38.—(1) Except as provided in subsection (2) of this section, nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Board of Trade or the Secretary of State for Trade to the carrying out of certain operations whereby obstruction or danger to navigation is caused or is likely to result). Saving for
Coast
Protection
Act 1949.
1949 c. 74.

(2) As from the appointed day application for consent under the said sections 34 to 36 to the carrying out of any operations for which notice is required to be given to the Board under section 4 (Powers with respect to works and cables) or section 5 (Dredging) of the Act of 1958 shall not be determined, until notice has been given to the Board and the notice has expired or, where the Board

PART V
—cont.

have required the carrying out of the operations in question to be postponed, until the Board notify the applicant whether or not they intend to use their powers or, where there is an appeal under subsection (2) of the said section 4 or subsection (3) of the said section 5, the appeal has been dealt with.

Saving for
Harbours
Act 1964.
1964 c. 40.

39. Nothing in this Act or in the Act of 1958 shall exempt the Board or any other person from the provisions of section 9 of the Harbours Act 1964.

Saving for
Prevention of
Oil Pollution
Act 1971.
1971 c. 60.

40. Nothing in this Act shall affect the operation of the Prevention of Oil Pollution Act 1971.

Saving for
Protection of
Wrecks Act
1973.
1973 c. 33.

41. Nothing in this Act shall affect the operation of the Protection of Wrecks Act 1973.

Saving for
Dumping at
Sea Act 1974.
1974 c. 20.

42. Nothing in this Act shall affect the operation of the Dumping at Sea Act 1974.

Saving for
certain
enactments.
1965 c. xxiv.
1971 c. iv.

43. Nothing in this Act shall affect the operation of section 30 of the Gulf Oil Refining Act 1965 or section 29 of the Amoco (U.K.) Act 1971.

Repeal of
provisions of
Act of 1958.

44. The provisions of the Act of 1958 mentioned in column (1) of the Schedule to this Act are hereby repealed to the extent mentioned in column (2) thereof.

Costs of Act.

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

SCHEDULE

Section 44.

PROVISIONS OF ACT OF 1958 REPEALED

(1) Provision	(2) Extent of repeal
Section 1 (Establishment and duty of Conservancy Board)	Subsection (4).
Section 6 (Powers with respect to disposal of wrecks)	The whole section.
Section 22 (Interpretation, etc.) ...	The definitions of " the haven ", " master " and " vessel ". Subsection (3).



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