

ELIZABETH II



1983 CHAPTER viii

An Act to empower Associated British Ports to construct works and to acquire lands; to confer further powers on A.B. Ports; and for other purposes. [26th July 1983]

WHEREAS—

(1) By the Transport Act 1981 and the Associated British Ports (Appointed Day and Designation of Holding Company) Order 1982 the British Transport Docks Board which were established by the Transport Act 1962 were reconstituted on 31st December 1982 under the name of Associated British Ports (in this Act referred to as “A.B. Ports”) and powers in relation to A.B. Ports were conferred on Associated British Ports Holdings Limited corresponding to the powers of a holding company over a wholly-owned subsidiary:

(2) It is the duty of A.B. Ports under the said Act of 1981 (inter alia) to provide, to such extent as it may think expedient,

port facilities at its harbours and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by it and its subsidiaries and A.B. Ports is empowered to operate its harbours:

(3) It is expedient that A.B. Ports should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

(4) It is expedient that the other powers in this Act contained should be conferred upon A.B. Ports and that the other provisions in this Act contained should be enacted:

(5) Plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officers of the county councils of the counties within which the said works will be constructed or the said lands are situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

(6) 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 title. 1. This Act may be cited as the Associated British Ports Act 1983.

Interpretation. 2.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings and—

“A.B. Ports” means Associated British Ports;

<p>“the Act of 1847” means the Harbours, Docks, and Piers Clauses Act 1847;</p>	<p>PART I —cont. 1847 c. 27.</p>
<p>“the Act of 1964” means the British Transport Docks Act 1964;</p>	<p>1964 c. xxxviii.</p>
<p>“the Act of 1966” means the British Transport Docks Act 1966;</p>	<p>1966 c. xxxi.</p>
<p>“the Act of 1969” means the British Transport Docks Act 1969;</p>	<p>1969 c. xxiii.</p>
<p>“the Act of 1971” means the British Transport Docks Act 1971;</p>	<p>1971 c. lix.</p>
<p>“the Act of 1972” means the British Transport Docks Act 1972;</p>	<p>1972 c. xxxvii.</p>
<p>“the Act of 1973” means the British Transport Docks Act 1973;</p>	<p>1973 c. xiii.</p>
<p>“the Act of 1978” means the British Transport Docks Act 1978;</p>	<p>1978 c. xiv.</p>
<p>“the level of high water” means the level of mean high-water springs;</p>	
<p>“the limits of deviation” means the limits of deviation shown on the deposited plans;</p>	
<p>“tidal work” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of high water;</p>	
<p>“the undertaking” means the undertaking of A.B. Ports as authorised from time to time;</p>	
<p>“vessel” has the meaning assigned to it in section 3 (Interpretation) of the Act of 1966;</p>	
<p>“the works” means the works authorised by Part III (Works, etc.) of this Act.</p>	

(2) All areas, directions, distances, lengths and widths stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such area, direction, distance, length and width.

(3) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

3.—(1) The following enactments, so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Act, are hereby incorporated with this Act:—

Incorporation
of general
Acts.

(a) the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof

1845 c. 20.

PART I
—cont.

and with respect to mines lying under or near the railway:

Provided that—

(i) for the purposes of the said incorporated provisions with respect to the temporary occupation of lands near the railway during the construction thereof, the works shall be deemed to be the railway and the centre line of each work as shown on the deposited plans shall be deemed to be the centre of the railway and for the words “the period by the special Act limited for the completion of the railway” there shall be substituted the words “the period of five years from the commencement of the construction of any of the works authorised by the special Act”;

(ii) for the purposes of the said incorporated provisions with respect to mines lying under or near the railway, the works shall be deemed to be the railway and, for the purposes of section 78 of the said Act of 1845 (as amended by the Mines (Working Facilities and Support) Act 1923) in so far as it relates to the works, the area of protection shall, as regards mines and minerals lying within 172.21 metres of the surface of the ground or the bed of the river Humber or of the river Wyre (as the case may be), be 121.92 metres and, as regards mines and minerals lying at a greater depth than 172.21 metres below the said surface, the area of protection shall be increased by 18.3 metres for every 30.48 metres or part thereof by which the mines and minerals lie deeper below the said surface than 172.21 metres;

1923 c. 20.

(b) the provisions of the Act of 1847 (except sections 6 to 9, 11 to 13, 16 to 23, 25, 26, 33, 49, 50, 79, 80, 84 to 90, 94, 95, 97 and 98):

Provided that—

(i) the said incorporated provisions of the Act of 1847 shall, in relation to Work No. 3, include section 33;

(ii) the expression “the harbour, dock, or pier” where used in the said incorporated provisions means the works;

(iii) the expression “the harbour master” where used in the said incorporated provisions means, in relation to Work No. 1, A.B. Ports’ dock and harbour master at Lowestoft, in relation to Work No. 2, A.B. Ports’ dock master at Immingham, and in relation to Work No. 3, A.B. Ports’ dock and harbour master at Fleetwood;

(iv) the meaning of the word "vessel" as defined in this Act shall be substituted for the meaning assigned to it by section 3 of the Act of 1847;

(v) section 52 of the Act of 1847 shall extend to empower the harbour master to give directions prohibiting the mooring of vessels within a distance of 250 metres of Work No. 3; and

(vi) section 53 of the Act of 1847 shall not be construed as requiring the harbour master to serve upon the master of a vessel a notice in writing of his directions but such directions may be given orally or otherwise communicated to such master:

Provided that a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before which any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.

(2) In the construction of the enactments so incorporated with this Act, the expression "special Act" shall be read as a reference to this Act and the expression "company" shall mean A.B. Ports.

4.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4 and 27 thereof and paragraph 3(3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.

Application
of Part I of
Compulsory
Purchase
Act 1965.
1965 c. 56.
1981 c. 67.

(2) In section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice), as so applied, for the words "fourteen days" there shall be substituted the words "three months".

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

1845 c. 18.

PART II

LANDS

5.—(1) Subject to the provisions of this Act, A.B. Ports may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of

Power to
acquire lands.

PART II
—cont.

reference as it may require for the purposes of the works or for any purpose connected with or ancillary to the undertaking.

(2) The powers of A.B. Ports for the compulsory acquisition of land under this section shall cease after the expiration of five years from 31st December 1982.

Purchase of
rights over
land.

6.—(1) In this section references to the purchase by A.B. Ports of new rights are references to the purchase of rights to be created in favour of A.B. Ports.

(2) A.B. Ports may for the purposes of constructing, using, maintaining, renewing or removing the works, or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works, purchase compulsorily such new rights as it may require over any of the lands which may be acquired under section 5 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

1965 c. 56.

(3) The Compulsory Purchase Act 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of rights under subsection (2) of this section as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the said Act of 1965 to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

(4) Without prejudice to the generality of subsection (3) of this section, in relation to the purchase of rights in pursuance of subsection (2) of this section—

(a) Part I of the Compulsory Purchase Act 1965 shall have effect with the modifications specified in the Schedule to the Act of 1978 and as if for the references in that Schedule to the Act of 1978 there were substituted references to this Act;

(b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

Incorporation
of provisions
relating to
lands.

7. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1964—

Section 6 (Correction of errors in deposited plans and book of reference):

The Act of 1969—

Section 8 (Disregard of recent improvements and interests); and

Section 9 (Extinction of private rights of way).

PART II
—cont.

PART III

WORKS, ETC.

8.—(1) Subject to the provisions of this Act, A.B. Ports may, in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

Power to
make works.

In the county of Suffolk—

In the district of Waveney—

Work No. 1. The reclamation of the bed and filling in of the western side of Hamilton Dock at Lowestoft Docks, comprising an area of 1.5 hectares, together with the construction of a quay wall commencing at a point on the quay wall of the North Quay 115 metres east-south-eastwards of the junction of that wall with the quay wall of the West Quay, extending in a south-south-westerly direction for a distance of 135 metres to a junction with the quay wall of the South Quay 135 metres south-eastwards of the junction of that wall with the quay wall of the West Quay, and thence continuing in a south-south-westerly direction for a distance of 55 metres and there terminating.

(Reclamation
and quay wall
at Lowestoft
Docks.)

Partly in the parish of South Killingholme in the borough of Glanford in the county of Humberside and partly on the foreshore and bed of the river Humber—

Work No. 2. A jetty of open construction with pipe supports commencing on the south bank of the river Humber at Killingholme at a point 380 metres south-east of the landward end of the existing Department of Energy jetty (referred to on the deposited plans as the B.N.O.C. jetty) and extending into the said river in a north-easterly direction for a distance of 450 metres and there terminating with a jetty head with dolphins and connecting walkways extending into the said river for a distance of 150 metres in a generally north-westerly direction and for a distance of 220 metres in a generally south-easterly direction.

(Jetty at
Killingholme.)

PART III
—cont.

In the county of Lancashire—

In the borough of Wyre—

(Jetty and
berth at
Fleetwood.)

Work No. 3. A quay of solid construction commencing at a point on the river wall of the west bank of the river Wyre 156 metres north of the southern end of the open jetty giving access to the existing bridge ramp, extending in a northerly direction for a distance of 225 metres and thereafter extending by dolphins and access jetties of open construction for a distance of 70 metres in a northerly direction, with, at the southern end of the said quay, a jetty of open construction extending for a distance of 22 metres in an easterly direction into the river Wyre and for a distance of 40 metres in a northerly direction to a jetty head with a bridge ramp, dolphins and support jetties extending from the commencement of the quay in a northerly direction for a distance of 143 metres and in an easterly direction for a distance of 32 metres.

(2) Subject to the provisions of this Act, A.B. Ports may within the limits of deviation from time to time extend, enlarge, alter, replace or relay temporarily or permanently the works.

(3) Notwithstanding the powers conferred by subsection (1) of this section, A.B. Ports shall not in relation to Work No. 3—

- (a) create a new entrance for heavy goods vehicles to the north of the existing main entrance from Dock Street to A.B. Ports' dock estate at Fleetwood;
- (b) permit any substantial increase by heavy goods vehicles (except in connection with the construction of Work No. 3) in the use at present made of the existing entrance to the north of the main entrance from Dock Street to the said dock estate.

Stopping up
and diversion
of footpaths at
Fleetwood.

9. For the purpose of making and maintaining Work No. 3 A.B. Ports may stop up and discontinue at Fleetwood in the borough of Wyre—

- (a) the public footpath between the points marked "T" and "V" on the deposited plans; and
- (b) the public footpath between the points marked "W", "V" and "X" on the deposited plans;

and may substitute for the footpath referred to in paragraph (b) of this section a new footpath to be carried by a footbridge between the said points marked "W", "V" and "X" on the deposited plans, provided that such footbridge shall be so constructed as to provide a level or ramped approach from Queens Terrace.

10.—(1) A.B. Ports may from time to time deepen, dredge, scour, cleanse, alter and improve the bed, shores and channels of the river Humber—

PART III
—*cont.*
Power to
dredge in
Humber and
Wyre.

(a) within the area delineated on the deposited plans as being the limit of dredging, for the purpose of enabling the works to be used at all states of the tide; and

(b) adjoining or near to Work No. 2 for the purpose of affording uninterrupted means of access thereto;

and may (subject to subsection (3) of this section and to the consent required by section 30 (Crown rights) of the Act of 1966, as incorporated with this Act) as it thinks fit use, appropriate or dispose of the materials from time to time taken up or collected by it from the river Humber in the course of any such operations.

(2) A.B. Ports may from time to time deepen, dredge, scour, cleanse, alter and improve the bed, shores and channels of the river Wyre adjoining or near to Work No. 3 for the purpose of affording uninterrupted means of access thereto and may (subject to subsection (3) of this section) as it thinks fit use, appropriate or dispose of the materials from time to time taken up or collected by it from the river Wyre in the course of any such operations.

(3) (a) No materials referred to in this section shall be deposited below the level of high water except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State;

(b) The power to use, appropriate or dispose of materials referred to in this section shall not extend to wreck (within the meaning of Part IX of the Merchant Shipping Act 1894) found by A.B. Ports. 1894 c. 60.

11. The limits within which the powers of A.B. Ports' dock master at Immingham in relation to Work No. 2 may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this Act, shall extend to a distance of 200 metres in every direction from Work No. 2;

Limits of
jurisdiction of
A.B. Ports'
dock master
at
Immingham.

Provided that such powers shall be limited to vessels going to, moored at or departing from Work No. 2.

12. The limits within which the powers of A.B. Ports' dock and harbour master at Fleetwood in relation to Work No. 3 may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this Act, shall extend to a distance of 250 metres in every direction from Work No. 3.

Limits of
jurisdiction of
A.B. Ports'
dock and
harbour
master at
Fleetwood.

PART III
—cont.

Works to form part of undertaking.

13. The works shall for all purposes form part of the undertaking.

Application of byelaws of A.B. Ports.

14. All byelaws, rules and regulations of A.B. Ports in force at Lowestoft Docks, at Immingham Dock and at Fleetwood Docks immediately before the passing of this Act shall, unless A.B. Ports shall otherwise determine in relation to Work No. 1, Work No. 2 or Work No. 3 (as the case may be), be deemed to apply to Work No. 1, Work No. 2 and Work No. 3 respectively, and may be enforced by A.B. Ports accordingly until such time as new byelaws, rules or regulations relating to Work No. 1, Work No. 2 or Work No. 3 (as the case may be) shall be made by A.B. Ports and come into operation.

Work No. 2 to be within county of Humberside, etc.

15. So much of Work No. 2 as is beyond low water shall be deemed to be within—

- (a) the county of Humberside;
- (b) the borough of Glanford;
- (c) the parish of South Killingholme; and
- (d) the petty sessional division of Barton-upon-Humber.

Incorporation of provisions relating to works.

16.—(1) The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1964—

Section 30 (Fine for obstructing works):

The Act of 1966—

Section 9 (Subsidiary works);

Section 10 (Power to deviate);

Section 21 (Tidal works not to be executed without approval of Board of Trade);

Section 23 (Abatement of works abandoned or decayed);

Section 24 (Survey of tidal works); and

Section 26 (Lights on tidal works during construction):

The Act of 1969—

Section 17 (Provision against danger to navigation):

The Act of 1971—

Section 16 (Permanent lights on works):

Provided that—

PART III
—cont.

- (a) the provisions of the said section 9, as so incorporated, shall have effect as if in the proviso to subsection (1) the words after “those works” were omitted; and
- (b) the provisions of the said sections 26, 17 and 16, as so incorporated, shall have effect as if in subsection (2) of each of those sections for the words “one hundred pounds” there were substituted “the statutory maximum”.

(2) Any reference in the said incorporated provisions to “the works” or to a “tidal work” shall be construed as a reference to “the works” or to a “tidal work” as defined in section 2 (Interpretation) of this Act.

(3) Notwithstanding anything in section 9 (Subsidiary works) of the Act of 1966, as so incorporated, A.B. Ports shall not—

- (a) use any telegraphic line belonging to or used by British Telecommunications; or
- (b) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

1878 c. 76.

(4) In this section “alter” and “telegraphic line” have the same meanings as in the Telegraph Act 1878 and “the statutory maximum” means the prescribed sum as defined in section 32 (9) of the Magistrates’ Courts Act 1980.

1980 c. 43.

PART IV

PROTECTIVE PROVISIONS

17. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

Incorporation
of protective
provisions.

The Act of 1966—

Section 30 (Crown rights);

The Act of 1973—

Section 18 (Saving for Duchy of Lancaster).

18. For the protection of the Anglian Water Authority (hereinafter called “the authority”) the following provisions shall, unless otherwise agreed in writing between A.B. Ports and the authority, apply and have effect:—

For protection
of Anglian
Water
Authority.

(1) In this section—

“authorised work” means so much of Work No. 2 together with all necessary works and conveniences connected therewith as will or may

PART IV
—cont.

affect the protected property and includes the construction, maintenance, extension, enlargement, alteration and replacement of such works;

“construction” includes execution and placing and, in relation to temporary works, also includes removal and “construct” and “constructed” have corresponding meanings;

“plans” includes drawings and specifications;

“protected property” means any works or apparatus now constructed or provided by the authority or any works for the time being under their jurisdiction for the purpose of the Water Act 1973 and the Land Drainage Act 1976 and includes the sluice and outfall of the South Killingholme Main Drain and so much of the sea defence wall on the south bank of the river Humber as is for the time being under the jurisdiction of the authority and also includes the land lying between the northern toe of the said wall and the level of high water;

“protective works” means any temporary or permanent works constructed or measures taken by the authority under paragraph (6) of this section;

“temporary works” means any temporary structures which may be necessary to enable the authorised work to be constructed.

- (2) (a) Not less than 28 days before commencing an authorised work A.B. Ports shall submit plans of such work to the authority for their reasonable approval and shall not commence the authorised work until such plans have been approved by the authority or in case of difference until they shall have been settled by arbitration:

Provided that, if the authority do not within 28 days after the receipt of any such plans signify in writing to A.B. Ports their disapproval thereof and the grounds for their disapproval, they shall be deemed to have approved thereof;

(b) Not less than 14 days before commencing any works of maintenance, repair, extension, enlargement, alteration or replacement of an authorised work A.B. Ports shall, except in case of emergency, submit to the authority for their information a notice of intention to commence the work and a description of the work.

- (3) (a) Upon signifying their approval or disapproval of the said plans the authority may specify any protective works which in their opinion should be carried out by

A.B. Ports during the construction of the authorised work and such of the protective works so specified as may be reasonably necessary for those purposes shall be constructed by A.B. Ports at its own expense and under the supervision (if given) and to the reasonable satisfaction of the authority;

(b) Subject to the powers and duties of the authority under any enactment the authority shall grant to A.B. Ports in accordance with such terms and conditions as may be agreed between A.B. Ports and the authority or in default of agreement settled by arbitration such rights through, on or over any sea defence work as A.B. Ports may require for the purposes of any road, pipeway, conveyor, gantry or apparatus provided in connection with the authorised work.

(4) (a) Subject to the provisions of paragraph (5) of this section an authorised work shall not be constructed except in accordance with such plans as may be approved or deemed to be approved by the authority as aforesaid or settled by arbitration and shall be constructed to the reasonable satisfaction of the engineer of the authority who shall be given reasonable notice of the date on which the authorised work is to be commenced;

(b) A.B. Ports shall at all reasonable times afford to the engineer of the authority and his duly authorised representatives access to such authorised work during the construction, maintenance or repair thereof for the purpose of inspection;

(c) As soon as is reasonably practicable after the completion of the authorised work A.B. Ports shall remove so much of any authorised work as consists only of temporary works carried out for the purposes of the construction of the authorised work.

(5) If there shall be any inconsistency between any plans approved or deemed to be approved by the authority or settled by arbitration under the provisions of this section and the plans approved by the Department of Trade under section 21 (Tidal works not to be executed without approval of Board of Trade) of the Act of 1966, as incorporated with this Act, the authorised work shall be constructed in accordance with the plans approved by the Department of Trade.

(6) If by reason of—

(a) the construction, maintenance, repair, extension, enlargement, alteration or replacement of any authorised work; or

PART IV
—cont.

(b) the failure of any authorised work or of A.B. Ports to maintain it; or

(c) any operation carried out by A.B. Ports under section 10 (Power to dredge in Humber and Wyre) of this Act;

any protected property shall be breached or shall at any time be injured or its efficiency is otherwise impaired, the authority may recover from A.B. Ports the reasonable cost (including a proper proportion of the overhead charges of the authority) of filling in the breach or (as the case may be) making good such injury, and in either such case of restoring it to a proper standard of efficiency.

- (7) If the authority have reasonable grounds for believing that damage to any protected property is likely to take place or its stability or efficiency is likely to be impaired in any of the circumstances mentioned in paragraph (6) of this section, they may carry out such protective works or take such measures necessary to ensure the stability or efficiency of any protected property or to protect it from injury as may be agreed between the authority and A.B. Ports or as, in default of agreement, may be settled by arbitration and recover the reasonable cost thereof (including a proper proportion of the overhead charges of the authority) from A.B. Ports.
- (8) Any additional expense which may be reasonably incurred by the authority in maintaining any protective works which become part of the protected property shall on demand be repaid to the authority by A.B. Ports.
- (9) (a) Where any authorised work abuts upon protected property the authority and their officers, servants, workmen, contractors and agents together with any vehicles, plant or machinery shall be entitled at all reasonable times—
- (i) to enter upon the said authorised work for the purpose of carrying out works on or in connection with the protected property; and
 - (ii) to enter upon the said authorised work for the purpose of obtaining access to the protected property;
- (b) An authorised work shall not be constructed so as to prevent access during construction along any protected property by the authority and their officers, servants, workmen, contractors and agents together

with any vehicles, plant and machinery as may be reasonably necessary.

PART IV
—cont.

- (10) If at any time after the construction of the authorised work the authority raise the height of or otherwise strengthen or improve any protected property adjoining any authorised work which is constructed on or in such property, A.B. Ports shall to the reasonable satisfaction of the authority carry out such works (if any) in relation to the said authorised work as are agreed with the authority or in default of agreement settled by arbitration to be reasonably necessary to make it conform with the adjacent parts of the protected property as so raised in height, strengthened or improved:

Provided that the cost reasonably incurred by A.B. Ports in carrying out such works (including a proper proportion of the overhead charges of A.B. Ports) shall be repaid by the authority to A.B. Ports on demand.

- (11) A.B. Ports shall indemnify and hold harmless the authority from all claims, demands or expenses which may be made on or against them or which they may have to pay by reason of or in consequence of any injury or damage to or impairment of the efficiency of any protected property which may be caused or result to any protected property by or in consequence of any operations carried out by A.B. Ports under section 10 (Power to dredge in Humber and Wyre) of this Act or of the construction, maintenance, extension, enlargement, repair, alteration or replacement of an authorised work or of the failure or want of repair thereof or of any subsidence caused by the construction thereof or in consequence of any act or omission of A.B. Ports, its contractors, agents, workmen or servants whilst engaged upon an authorised work:

Provided that the authority shall give to A.B. Ports reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement of A.B. Ports.

- (12) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the authority or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve A.B. Ports from any liability under the provisions of this section.

PART IV
—cont.

(13) Any difference arising between A.B. Ports and the authority under this section (other than a difference (a) as to the construction of this section or (b) under paragraph (11) of this section) shall be settled by arbitration.

PART V

MISCELLANEOUS AND GENERAL

Amendment of section 4 of Act of 1972. **19.** In the definition of “special direction” in section 4 (Interpretation for Part II) of the Act of 1972 for “subsections (2) or (3)” there shall be substituted “subsections (2) or (4)”.

Planning permission. S.I. 1977/289. **20.**—(1) In this section “Class XII development” means development authorised by Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).

(2) Subject to the provisions of subsection (3) of this section, in its application to development authorised by this Act the planning permission granted for Class XII development shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.

(3) Subsection (2) of this section shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works or the substitution of new works therefor.

Arbitration. 1965 c. 56. **21.** Where under this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, as applied by this Act, apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference 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.

Costs of Act. **22.** All costs, charges and expenses of, and incidental to, the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by A.B. Ports and may in whole or in part be defrayed out of revenue.

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