

**ELIZABETH II**



**1986 CHAPTER xxii**

An Act to empower the Great Yarmouth Port and Haven Commissioners to construct works and to acquire lands at Great Yarmouth; to confer further powers upon the Commissioners; and for other purposes.

[7th November 1986]

**WHEREAS—**

(1) The Great Yarmouth Port and Haven Commissioners (hereinafter referred to as “the Commissioners”) were incorporated by the Great Yarmouth Port and Haven Act 1866 and, under the powers conferred upon them by the Great Yarmouth Port and Haven Acts and Orders 1866 to 1984 are the authority for the conservation and improvement of the Port and Haven of Great Yarmouth: 1866 c. ccxlvii.

(2) It is expedient that the Commissioners should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

(3) It is expedient that the powers in this Act contained should be conferred upon the Commissioners and that the other provisions in this Act contained should be enacted:

(4) A plan and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and a plan of the lands authorised to be acquired or used by this Act, and a book of reference to such plan 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 officer of the Norfolk County Council, which plan, sections and book of reference are respectively referred to in this Act as the deposited plan, the deposited sections and the deposited book of reference:

(5) The objects of this Act cannot be attained 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 Great Yarmouth Outer Harbour Act 1986.

(2) The Great Yarmouth Port and Haven Acts and Orders 1866 to 1984 and this Act may be cited together as the Great Yarmouth Port and Haven Acts and Orders 1866 to 1986.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

1847 c. 27.

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

1866 c. ccxlvii.

“the Act of 1866” means the Great Yarmouth Port and Haven Act 1866;

“the Commissioners” means the Great Yarmouth Port and Haven Commissioners;

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

“the limit of deviation” means the limit of deviation shown on the deposited plan;

“the outer harbour” means the outer harbour at Great Yarmouth comprising Work No. 1, Works Nos. 2A and 2B and the works and conveniences connected therewith as authorised by this Act or any of them;

“the Port” means the Port of Great Yarmouth as defined by section 4 (Limits of the Port of Great Yarmouth) of the Act of 1866;

PART I  
—cont.

“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;

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

“the undertaking” means the undertaking of the Commissioners as authorised from time to time;

“vessel” means a ship, boat or raft of any description and includes any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily); and also includes a hovercraft within the meaning of the Hovercraft Act 1968 or any other amphibious vehicle or a seaplane floating on the surface of the water; 1968 c. 59.

“the works” means the works authorised by Part II (Works, etc.) of this Act.

(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 enactments.

(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 and with respect to mines lying under or near the railway; 1845 c. 20.

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 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”;

PART I  
—cont.

1923 c. 20.

(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, 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;

(b) the provisions of the Act of 1847 (except sections 6 to 9, 11 to 13, 16 to 22, 25, 48, 49, 50, 79, 80, 84 to 90, and 94 to 98):

Provided that, in construing the Act of 1847 as so incorporated—

(i) the expression “the harbour, dock, or pier” means the outer harbour;

(ii) the expression “the harbour master” means, in relation to the outer harbour, the Commissioners’ harbour master for the Port;

(iii) the meaning of the word “vessel” as defined in this Act shall be substituted for the meaning assigned to it by section 3;

(iv) section 23 shall be read and have effect as if the words “provided that no such lease be granted for a longer term than three years” were omitted;

(v) section 53 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 it was not reasonably practicable to serve a written notice on the master of the vessel;

(vi) section 69 shall be read and have effect as if the words “shall forfeit” to the end of the section were deleted and there were substituted therefor the words “shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale”

(vii) section 75 shall be read and have effect as if for the words "fifty pounds" there were substituted "£500".

PART I  
—cont.

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

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 14 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

### WORKS, ETC.

5.—(1) Subject to the provisions of this Act, the Commissioners may, in the lines and situations shown on the deposited plan and within the limit of deviation 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 Norfolk—

Partly in the borough of Great Yarmouth and partly on the foreshore and bed of the sea adjacent thereto—

Work No. 1. A reclamation and filling in of the foreshore and bed of the sea on the eastern side of the road known as South Beach Parade comprising an area of 50 hectares, together with bunds and quay walls bounding such area, such bunds and quay walls commencing at a point adjoining the said road 60 metres north of the junction of South Beach Parade and Hartmann

(Reclamation, bunds and quay walls).

PART II  
—cont.

Road, extending in a generally easterly direction for a distance of 865 metres, thence proceeding in a southerly direction for a distance of 15 metres, thence in a westerly direction for a distance of 300 metres, thence in a generally southerly direction for a distance of 665 metres, thence in an easterly direction for a distance of 220 metres, thence in a north-easterly direction for a distance of 340 metres, thence in a generally northerly direction for a distance of 490 metres, thence in an easterly direction for a distance of 15 metres, thence in a southerly direction for a distance of 430 metres, thence curving in a generally westerly direction for a distance of 1120 metres and there terminating by a junction with the North Pier at a point 160 metres west of its eastern extremity.

(Reclamation, bund and quay wall).

Work No. 2A. A reclamation and filling in of the foreshore and bed of the sea on the eastern side of the said road known as South Beach Parade comprising an area of 20 hectares, together with a bund and quay wall bounding such area, such bund and quay wall commencing at a point adjoining the said road 400 metres north of the commencement of Work No. 1, extending in a generally easterly direction for a distance of 860 metres, thence proceeding in a southerly direction for a distance of 15 metres, thence in a westerly direction for a distance of 250 metres, thence in a generally southerly direction for a distance of 390 metres and there terminating by a junction with Work No. 1.

(Bund).

Work No. 2B. A bund, 15 metres in width, commencing at the northern extremity of the easterly bund comprising part of Work No. 1, extending in a northerly direction for a distance of 400 metres and there terminating.

(2) Subject to the provisions of this Act, the Commissioners may within the limit of deviation from time to time renew, alter, replace or relay temporarily or permanently the works.

Power to deviate.

6. In the construction of the works authorised by section 5 (Power to make works) of this Act the Commissioners may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limit of deviation and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards.

7. Subject to the provisions of this Act, the Commissioners may from time to time within the limit of deviation erect, construct and maintain, whether temporarily or permanently, all such works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance or use of the works or for the purposes of or in connection with the undertaking.

PART II  
—cont.  
Subsidiary works.

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

Works to form part of undertaking.

9.—(1) Subject to the provisions of section 27 (Crown rights) of this Act, the Commissioners may, for the purposes of constructing and maintaining the works or otherwise for the purposes of the undertaking from time to time deepen, dredge, scour, cleanse, alter and improve the foreshore and bed of the sea and blast any rock within the outer harbour or any part or parts thereof and the approaches thereto, and may use, appropriate or dispose of the materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) from time to time dredged by them.

Power to dredge.

1894 c. 60

(2) No materials dredged under subsection (1) above 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.

10.—(1) A tidal work shall not be constructed, renewed, replaced, relayed or altered except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

Tidal works not to be executed without approval of Secretary of State.

(2) If a tidal work is constructed, renewed, replaced, relayed or altered in contravention of this section, or of any condition or restriction imposed under this section—

(a) the Secretary of State may by notice in writing require the Commissioners at their own expense to remove the tidal work, or any part of it, and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the Commissioners, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(b) if it appears to the Secretary of State urgently necessary to do so, he may himself remove the tidal work, or part of it, and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Commissioners.

PART II  
—cont.Lights on tidal  
works during  
construction.

11.—(1) The Commissioners shall, at or near a tidal work during the whole time of the construction, renewal, replacement or alteration thereof, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation, as the Secretary of State shall from time to time direct.

(2) If the Commissioners fail to comply in any respect with a direction given under this section, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Provision  
against danger  
to navigation.

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

(2) If the Commissioners fail to comply in any respect with the provisions of this section, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Abatement of  
works  
abandoned or  
decayed.

13.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Commissioners at their own expense either to repair and restore the work, or any portion thereof, or to remove the work and restore the site thereof to its former condition to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where works consisting partly of a tidal work and partly of works on or over land above the level of high water are abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Commissioners, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Commissioners.



14. The Secretary of State may, at any time if he deems it expedient, order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any survey and examination shall be recoverable from the Commissioners.

PART II  
—cont.  
Survey of tidal works.

15.—(1) After the completion of a tidal work the Commissioners shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation, as Trinity House shall from time to time direct.

Permanent lights on tidal works.

(2) If the Commissioners fail to comply in any respect with a direction given under this section, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

16. All byelaws, rules and regulations of the Commissioners in force immediately before the passing of this Act shall, unless the Commissioners shall otherwise determine, be deemed to apply to the outer harbour or any part thereof, and may be enforced by the Commissioners accordingly until such time as new byelaws, rules or regulations relating thereto shall be made by the Commissioners and come into operation.

Application of byelaws.

17. So much of the works as is beyond the level of mean low-water springs shall be deemed to be within—

Works to be within county of Norfolk, etc.

(a) the county of Norfolk;

(b) the borough of Great Yarmouth; and

(c) the petty sessional division of Great Yarmouth.

### PART III

#### LANDS

18.—(1) Subject to the provisions of this Act, the Commissioners may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to the undertaking.

Power to acquire lands.

(2) The powers of the Commissioners for the compulsory acquisition of land under this section shall cease—

(a) in relation to the lands required for Work No. 1 on 31st December 1991; and

PART III  
—cont.

(b) in relation to the lands required for Works Nos. 2A and 2B on 31st December 1996.

(3) The powers of the Commissioners for acquisition of land under this section shall, in relation to land in the ownership of the Great Yarmouth Borough Council, only be exercised for acquiring land required for the purposes of the outer harbour.

(4) The Commissioners shall not without the consent of the Great Yarmouth Borough Council erect on any land acquired from them to the north of a line drawn eastwards from Monument Road any permanent buildings or structures.

(5) (a) The Secretary of State may by order extend the period for the exercise of the powers of the Commissioners for the compulsory purchase of land under this section.

(b) An order made under this subsection shall be subject to special Parliamentary procedure.

Purchase of  
rights over  
land.

19.—(1) In this section references to the purchase by the Commissioners of new rights are references to the purchase of rights to be created in favour of the Commissioners.

(2) The Commissioners 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 they may require over any of the lands which may be acquired under section 18 (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 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.

PART III  
—cont.

20.—(1) If the deposited plan or the deposited book of reference is inaccurate in its description of any land, or in its statement or description of the ownership or occupation of any land, the Commissioners after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

Correction of errors in deposited plan and book of reference.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office of the House of Commons, and with the proper officer or chairman of a local authority with whom a copy of the deposited plan has been deposited in accordance with the Standing Orders of the Houses of Parliament, or who has the custody of any such copy so deposited; and thereupon the deposited plan or the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Commissioners to take the land and execute the works in accordance with the certificate.

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

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

Disregard of recent improvements and interests.

PART III  
—cont.Set-off for  
enhancement  
in value of  
retained land.

22.—(1) In assessing the compensation payable to any person on the acquisition by the Commissioners from him of any land, the Lands Tribunal shall—

(a) have regard to the extent to which the remainder of the land or the remaining contiguous lands belonging to the same person may be benefited by Work No. 1 or Works Nos. 2A and 2B; and

(b) set-off against the value of the land acquired any increase in value of the remainder of the land or the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of Work No. 1 or of Works Nos. 2A and 2B.

1961 c. 33.

(2) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

Extinction of  
private rights  
of way.

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

1965 c. 56.

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

## PART IV

## FINANCIAL

Payment of  
charges.

24.—(1) The several charges which the Commissioners are for the time being authorised to demand, take and recover under this Act or any other enactment may be demanded, taken and recovered by such persons, at such places, at such times and under such conditions as the Commissioners may from time to time specify in their published list of charges and, in the case of charges payable in respect of any vessel, shall be payable before its removal from the outer harbour.

(2) Charges payable to the Commissioners shall be payable by the owner or other person for the time being having charge of any vessel in relation to which the charges are payable.

(3) Where charges payable to the Commissioners may be recovered by them from more than one person, the persons from whom they may be recovered shall be jointly and severally liable.

PART IV  
—cont.

25.—(1) Notwithstanding anything contained in any enactment the Commissioners may from time to time, for the purposes of the construction of the outer harbour, for the other purposes authorised by this Act and for the general purposes of the undertaking, borrow by any method which they see fit such sums of money as they think necessary not exceeding £100 million.

Borrowing powers.

(2) In calculating for the purpose of subsection (1) above the amount of money borrowed by the Commissioners and outstanding at any one time there shall be excluded any sums borrowed for the purpose of repaying within 12 months of the date of borrowing any sum for the time being outstanding by way of principal on any amount previously borrowed.

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

(b) For the purposes, but without prejudice to the generality, of paragraph (a) above, purposes to which capital money is properly applicable shall be deemed to include—

- (i) the payment of any interest falling due within the five years immediately following the date of the borrowing of any sum of money borrowed by the Commissioners under this section; and
- (ii) the repayment within 12 months from the date of borrowing of any sum for the time being outstanding by way of principal on any amount previously borrowed.

26.—(1) The Commissioners may for the purposes mentioned in section 25 (Borrowing powers) of this Act borrow temporarily, by way of overdraft or otherwise, such sums as the Commissioners may require for meeting their obligations or discharging their functions under or in pursuance of this Act.

Temporary borrowing.

(2) The total amount outstanding at any one time of money borrowed under this section shall not exceed £5 million.

## PART V

### PROTECTIVE PROVISIONS

27.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown

Crown rights.

PART V  
—cont.

and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises the Commissioners to take, use, enter upon or in any manner interfere with any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or

(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under subsection (1) above may be given unconditionally, or subject to such conditions and upon such terms as may be considered necessary or appropriate.

Saving for  
Trinity House.

28. Nothing in this Act shall prejudice or derogate from the powers, rights and privileges of Trinity House.

For protection  
of public gas  
suppliers.

1966 c. 44.

29.—(1) In the exercise of the powers of this Act the Commissioners shall not interfere with, damage or injuriously affect any apparatus belonging to or maintained by a public gas supplier within the meaning of Part I of the Gas Act 1986.

(2) Before operations for blasting any rock are carried out under section 9 (Power to dredge) of this Act within 150 metres of any apparatus of which the Commissioners have been notified in writing as belonging to or maintained by a public gas supplier, the Commissioners shall give in writing to that supplier not less than 28 days' notice of their intention to do so.

1894 c. 60.

(3) Except in a case which is, in the opinion of the Commissioners, a case of emergency, the Commissioners shall, before raising, removing or destroying under the powers conferred upon them by section 530 of the Merchant Shipping Act 1894 any vessel sunk, stranded or abandoned in the outer harbour and within a distance of 150 metres of any apparatus of which the Commissioners have been notified in writing as belonging to or maintained by a public gas supplier, give to that supplier in writing as long notice as is practicable of their intention to do so.

30. For the protection of the Central Electricity Generating Board the following provisions shall, unless otherwise agreed in writing between the Commissioners and the said board, apply and have effect:—

PART V  
—cont.  
For protection  
of Central  
Electricity  
Generating  
Board

(1) In this section—

“the board” means the Central Electricity Generating Board, and their successors in title to the land forming the site of the generating station, consisting of any person operating the generating station in pursuance of a scheme approved under section 50 of the Electricity Act 1947, as amended by section 19 of the Energy Act 1983;

1947 c. 54.  
1983 c. 25.

“the generating station” means the generating station of the board situated in the borough of Great Yarmouth and known as the South Denes Power Station and the associated outfall works situated on the foreshore and bed of the sea:

(2) (a) In the event of the generating station being brought into operation at any time and if in consequence of the construction of any works under the powers of this Act—

(i) any damage or injury has been or is caused to the outfall works of the generating station;

(ii) any restriction of, or interruption in, the operation of the generating station is caused or arises; or

(iii) the board are put to additional expense in the operation or maintenance of the generating station or in dredging or in otherwise keeping the said outfall works free from obstruction;

the board may recover from the Commissioners the reasonable costs of making good such damage or injury or any additional expense incurred by the board in consequence of the restriction of, or interruption in, the operation of the generating station or from time to time incurred in the maintenance of the generating station or in dredging or in otherwise keeping the outfall works free from obstruction as aforesaid, and the Commissioners shall indemnify the board against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against, recovered from or incurred by the board by reason or in consequence of such damage, injury, restriction or interruption;

(b) The board shall notify the Commissioners of any claim or demand as aforesaid and no settlement or

PART V  
—cont.

compromise thereof shall be made by the board without the prior consent of the Commissioners:

- (3) Nothing in this section shall impose any obligation on the Commissioners unless the board have from time to time, as agreed with the Commissioners, taken such steps as are necessary to ascertain the state of, and the level of siltation at, the outfall works of the generating station until the generating station is brought back into operation or the use of the outfall works is abandoned:
- (4) Any question or difference arising between the Commissioners and the board under this section shall be referred to and settled by arbitration.

For protection  
of East  
Anglian Water  
Company.

**31.** For the protection of the East Anglian Water Company (in this section referred to as “the company”) the following provisions shall, unless otherwise agreed in writing between the Commissioners and the company, apply and have effect:—

(1) In this section—

“authorised work” means so much of any of the works as is situated within 50 metres of the level of high water as will or may affect the protected property and includes the construction, maintenance, alteration and replacement of such works;

“protected property” means any works or apparatus now or at any time constructed or provided by the company for the purpose of the supply of water:

- (2) (a) The Commissioners shall take all such steps as are necessary to protect the protected property from interference or damage by or by reason of the construction, placing and maintenance of any authorised work or the removal of any temporary work, including such damage or interference caused by vehicles, plant and machinery engaged for the purposes of, or in connection with, any authorised work;
- (b) If the company have reasonable grounds for believing that the protected property is likely to be interfered with or damaged as aforesaid, they may carry out such protective works as may be agreed between them and the Commissioners or, in default of agreement, as may be settled by arbitration and the company may recover from the Commissioners the costs reasonably incurred in carrying out such works:



- (3) The Commissioners shall so exercise the powers of section 9 (Power to dredge) of this Act as not to damage, interfere with or obstruct access to any protected property:
- (4) (a) The Commissioners shall indemnify and hold harmless the company 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 the Commissioners under section 9 (Power to dredge) of this Act or of the construction, maintenance, 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 the Commissioners, their contractors, agents, workmen or servants whilst engaged upon an authorised work;
- (b) The company shall give to the Commissioners reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement of the Commissioners:
- (5) Any difference arising between the Commissioners and the company under this section shall be referred to and settled by arbitration.

PART V  
—cont.

32. For the protection of the Eastern Electricity Board (hereinafter referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Commissioners, apply and have effect:—

For protection  
of Eastern  
Electricity  
Board.

- (1) In this section—

"adequate alternative apparatus" means alternative apparatus adequate to enable the board to fulfil their statutory functions in a manner not less efficient than previously;

"apparatus" means the two overhead electricity lines belonging to the board situated on the eastern side of the road known as South Beach Parade:

- (2) Notwithstanding anything in this Act or shown on the deposited plan the Commissioners shall not acquire any apparatus under the powers of this Act otherwise than by agreement:

PART V  
—cont.

- (3) If the Commissioners, in the exercise of the powers of this Act, acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this section and any right of the board to maintain, repair, renew or inspect that apparatus in that land shall not be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the board:
- (4) If the Commissioners, for the purpose of executing any of the works, require the removal of any apparatus and shall give to the board written notice of such requirement, together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed, or if, in consequence of the exercise of any of the powers of this Act, the board shall reasonably require to remove any apparatus, the Commissioners shall afford to the board the necessary facilities and rights for the construction of such alternative apparatus in other land of the Commissioners and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that, if the alternative apparatus or any part thereof is to be constructed elsewhere than in other land of the Commissioners and the Commissioners are unable to afford such facilities and rights as aforesaid in the land in which the alternative apparatus or such part thereof is to be constructed, the board shall, on receipt of a written notice to that effect from the Commissioners, forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned land:

- (5) (a) Not less than 28 days before commencing to execute any of the works which are near to, or will or may affect, any apparatus the removal of which has not been required by the Commissioners under paragraph (4) above, the Commissioners shall submit to the board a plan, section and description of the works to be executed;
- (b) Such works shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the board for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the board shall be entitled by their officer to watch and inspect the execution of such works:

Provided that, if the board within 14 days after the submission to them of any such plan, section and description shall, in consequence of the works proposed by the Commissioners, reasonably require the removal of any apparatus and give written notice to the Commissioners of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Commissioners under the said paragraph (4):

PART V.  
—cont.

- (6) The Commissioners shall pay to the board the costs, charges and expenses reasonably incurred by the board in or in connection with the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any of the works as are referred to in paragraph (4) above, and shall also make compensation to the board—

(a) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(b) for any other expenses, loss, damages, penalty or costs incurred by the board;

by reason or in consequence of the execution, maintenance, use or failure of any of the works or otherwise by reason or in consequence of the exercise by the Commissioners of the powers of this Act:

- (7) Any difference arising between the Commissioners and the board under this section shall be referred to and settled by arbitration.

33. For the protection of the Great Yarmouth Borough Council and the Waveney District Council (in this section referred to as “the councils”) the following provisions shall, unless otherwise agreed in writing between the Commissioners and the councils, apply and have effect:—

For protection  
of Great  
Yarmouth  
Borough  
Council and  
Waveney  
District  
Council.

- (1) In this section “the protected area” means the beaches, sea walls, promenades, groynes, revetments and any other coast protection structure:

- (2) If it is established that, during the construction of a tidal work or within 10 years after the completion of a tidal work, there arises, in consequence of such construction or in consequence of dredging carried out under this Act, any accumulation of silt or other material or any scouring or alteration of the tidal flow

PART V  
—cont.

or littoral drift which causes damage, or reasonable expectation of damage, to the protected area, the Commissioners, if so requested by the councils or either of them within the period of 10 years after such completion, shall at their discretion either remove such accumulation of silt or other material or, as the case may be, repair such damage or otherwise carry out such works or take such action as may be considered necessary and, if they refuse or fail to do so, the councils may themselves cause the work to be done and may recover the reasonable cost thereof from the Commissioners:

- (3) Should any such accumulation, scouring or alteration of tidal flow or littoral drift arise within the period of 10 years referred to in paragraph (2) above and be removed, repaired or otherwise remedied in accordance with the provisions of the said paragraph, any recurrence of such accumulation, scouring or alteration shall from time to time be removed, repaired or otherwise remedied as aforesaid during a period of 20 years after the completion of the tidal work:
- (4) Any difference arising between the Commissioners and the councils under this section shall be referred to and settled by arbitration.

For  
protection of  
Great  
Yarmouth  
Borough  
Council.

34. For the protection of the Great Yarmouth Borough Council (in this section referred to as "the council") the following provisions shall, unless otherwise agreed in writing between the Commissioners and the council, apply and have effect:—

- (1) The Commissioners shall consult the council in their capacity as coast protection authority during the design stage of Work No. 1 and of Works Nos. 2A and 2B and thereafter on the final form of such works before the Commissioners are committed to their construction in such form:
- (2) Before obtaining the approval of the Secretary of State under section 10 (Tidal works not to be executed without approval of Secretary of State) of this Act to the carrying out of a tidal work the Commissioners shall give to the council as coast protection authority not less than 28 days' notice of their intention to do so, specifying the work to be carried out, and where notice is so given, if before the expiration of the notice the council serves notice of objection on the Secretary of State and on the Commissioners, the Commissioners

shall not (unless the objection is withdrawn) carry out the work except in accordance with an approval given under the following provisions of this section:

- (3) Where notice of objection has been served under subsection (2) above and has not been withdrawn the Secretary of State, after taking such advice as he may think necessary and affording to the Commissioners and to the council an opportunity of making their views known to the Secretary of State or the person from whom he is taking advice, shall approve the work in the form proposed by the Commissioners either unconditionally or subject to such conditions as he may see fit to impose:
- (4) The costs incurred by the Secretary of State in obtaining advice under paragraph (3) above shall be borne by the Commissioners and the council in such proportions as the Secretary of State may direct:
- (5) (a) In the event of the Commissioners deciding to carry out the tidal work the reasonable costs of complying with any condition which the Secretary of State may attach to any approval given under paragraph (3) above shall be payable by the Commissioners;
- (b) Any difference arising between the Commissioners and the person complying with the condition under paragraph (3) above as to the costs of so complying shall be referred to and settled by arbitration.

**35.**—(1) In this section “Haven revenues” means the ship, passenger and goods dues received by the Commissioners in respect of the operation of their harbour undertaking in the Haven of Great Yarmouth as defined by section 5 of the Act of 1866. Saving for revenues of Haven.

(2) The Commissioners shall not use Haven revenues for the purposes of the construction and operation of the outer harbour.

## PART VI

### MISCELLANEOUS AND GENERAL

**36.**—(1) The Commissioners may, subject to the provisions of this Act, take such steps from time to time as they may consider necessary for the development, improvement, regulation, maintenance, management, marking or lighting of the outer harbour and the facilities afforded therein or in connection therewith. General powers of Commissioners.

PART VI  
—cont.

(2) For those purposes, and without prejudice to the generality of the foregoing, the Commissioners may—

- (a) construct, demolish, reconstruct, maintain, alter, improve, enlarge, extend, replace or relay, bunds, embankments, walls, footways, approaches, steps, landing places, piers, quays, jetties, slips, ramps, wharves, groynes, sea defences, berthing heads, mooring posts, mooring buoys, moorings, bollards, mooring rings, pontoons, walkways, buoys, navigation marks, cranes, lights, beacons, sewers, drains, watercourses, gas and water pipes, apparatus for electric light and power and for telephone communication, warehouses, offices, sheds and other works and facilities which may be found necessary to secure the purposes of the undertaking including the accommodation or convenience of vessels or vehicles or for the protection of the outer harbour;
- (b) deposit within the outer harbour materials dredged by them under the powers of section 9 (Power to dredge) of this Act and subject to the provisions of that section;
- (c) do all other things which in their opinion are expedient to facilitate the proper carrying on or development of the undertaking.

Power to  
make byelaws.

37.—(1) In addition to the byelaws which may be made by the Commissioners under section 83 of the Act of 1847 and under any other enactment, the Commissioners may make such byelaws as they think fit for all or any of the following purposes in relation to the outer harbour and the approaches thereto, that is to say:—

- (a) for regulating the navigation of vessels including regulation of the speed and manner of navigation of vessels within the outer harbour and for preventing obstruction to vessels using the outer harbour;
- (b) for regulating or prohibiting the mooring, careening or beaching and keeping of vessels;
- (c) for regulating the launching of vessels and the use of slipways and landing places;
- (d) for securing the good and orderly conduct of persons in vessels or otherwise;
- (e) for regulating or preventing the use of firearms or other devices of a harmful nature;
- (f) for the prevention of nuisances;
- (g) for securing the safety of vessels and persons using, and of property within, the outer harbour;

- (h) for regulating the removal or disposal of rubbish (including ballast, earth, clay or other refuse) and sewage from vessels in the outer harbour; and
- (i) for the prevention of the disposal of such rubbish and sewage as aforesaid in the outer harbour.

PART VI  
—cont.

(2) No byelaw made under this section shall apply to any lifeboat or the crew thereof while engaged on a life-saving mission or any form of practice or training exercise or to any vessel belonging to Trinity House or to any officer of Trinity House while engaged in carrying out his duties as such an officer.

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

(b) Where under this subsection the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Commissioners 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 Commissioners and by other persons who have been informed of it.

(4) Byelaws made by the Commissioners under this section may contain provisions imposing upon a person offending against a byelaw a fine not exceeding level 3 on the standard scale.

(5) Subsection (1) of section 80 of the Health and Safety at Work etc. Act 1974 (repeal or modification of certain provisions by regulations) shall apply to this section and to section 83 of the Act of 1847, as incorporated with this Act, and to any byelaw made thereunder as that subsection applies to any provision mentioned in subsection (2) of the said section 80 and nothing in this section or the said section 83 shall prejudice or affect the operation of any of the relevant statutory provisions as defined in section 53 of the said Act of 1974. 1974 c. 37.

38. Section 52 of the Act of 1847, in its application to the Commissioners and to the harbour master—

- (a) shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any

Extension of powers of harbour master to give directions.

PART VI  
—cont.

particular part or parts of the outer harbour or the approaches thereto;

- (b) shall not be construed so as to require the harbour master in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section, but in pursuance of that section for all or any of the purposes thereof the harbour master shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels.

Powers with respect to disposal of wrecks.  
1894 c. 60.

39.—(1) In their application to the Commissioners, sections 530 and 532 of the Merchant Shipping Act 1894 (which confer powers on the Commissioners with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in a harbour or in or near any approach thereto) shall have effect—

- (a) subject to the provisions of section 40 (Protection of Crown interests in wrecks) of this Act; and  
(b) in relation to a vessel sunk, stranded or abandoned before as well as after the passing of this Act.

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

(3) Except in a case which is in the opinion of the Commissioners a case of emergency, subsection (2) above shall not apply in relation to any vessel unless, before exercising in relation to that vessel, any of the powers conferred on them by the said section 530, other than the power of lighting and buoying, the Commissioners have given 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 Commissioners receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the said section 40, he shall be at liberty to do so, and the Commissioners shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Commissioners.



(4) Notice under subsection (3) above to the owner of any vessel may be served by the Commissioners either by delivering it to him or by sending it to him by registered post or the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the Commissioners or is not in the United Kingdom, by displaying the notice at the office of the chief executive and clerk or other principal officer of the Commissioners at or nearest to the outer harbour for the period of its duration.

PART VI  
—cont.

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

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

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

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

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

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

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

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

(a) except with the consent of the Secretary of State for Defence and the Secretary of State for Transport, before the expiration of a period of 14 days from the giving of the notice; or

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

PART VI  
—cont.

Secretary of State for Defence or the Secretary of State for Transport that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where, in any such case as aforesaid, the Commissioners proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and if, before the expiration of the period aforesaid, such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of section 39 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

- (i) the Commissioners shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) above, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 39 to have been duly served under paragraph (b) of this subsection;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for the purposes of this proviso.

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

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

**41.—**(1) The Commissioners may from time to time lease or sub-lease the outer harbour or any part thereof (hereinafter in this section referred to as “the transferred harbour”) for a term not exceeding 99 years.

PART VI  
—cont.  
Power to  
lease harbour.

(2) Without prejudice to subsection (1) above any lease executed under this section may specifically provide that, in respect of the transferred harbour and during the currency of such lease, the lessee, to the extent and upon the terms specified in such lease—

(a) shall have and may exercise in relation to the transferred harbour all or any of the powers conferred upon the Commissioners by this Act, except section 37 (Power to make byelaws) of this Act;

(b) shall be subject to all the restrictions, liabilities and obligations in respect thereof to which the Commissioners are subject and shall be under a duty to perform (or pay to the Commissioners the cost of performing) all of the duties of the Commissioners in respect thereof.

**42.—**(1) (a) In this section—

“the added area” means the area seawards of the existing limits (as hereinafter defined) bounded by an imaginary line commencing at the point where latitude 52° 35.5' north meets the level of high water, following the said latitude in an easterly direction to the point where it meets longitude 01° 45.5' east, thence following the said longitude in a southerly direction to the point where it meets latitude 52° 33.7' north, thence following the said latitude in a westerly direction to the point where it meets the seaward limits of the Port at longitude 01° 45.4' east, such point being the south-easternmost point of the existing limits;

Extension of  
limits of Port  
of Great  
Yarmouth.

“the existing limits” means the limits described in section 4 (Limits of the Port of Great Yarmouth) of the Act of 1866 as extended by the Great Yarmouth Port and Haven Revision Order 1982; -

S.I.1982/1281.

(b) For the purposes of the Act of 1847, as incorporated with this Act, the expression “the harbour, dock or pier” shall include the added area.

(2) The limits of the Port shall be deemed to be the existing limits and are hereby extended to include the added area.

(3) The limits within which the powers of the Commissioners' harbour master may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this Act, are hereby extended to include the added area

PART VI  
—cont.

and such of the provisions of the Act of 1847 as immediately before the passing of this Act were operative within the existing limits shall extend and apply to the added area.

(4) All byelaws, rules and regulations of the Commissioners for the time being in force within the existing limits shall, unless the Commissioners shall otherwise determine, apply within the added area and may be enforced by the Commissioners accordingly.

(5) (a) The Commissioners may provide, place and erect in such places as they deem proper, lighthouses, buoys, beacons, guiding posts or signs for the guidance of vessels proceeding to or from the Port.

(b) The Commissioners may maintain and repair any lighthouses, buoys, beacons, guiding posts or signs provided and erected by them under paragraph (a) of this subsection.

(c) The Commissioners shall have the powers and be subject to the duties of a local lighthouse authority as set out in Part XI of the Merchant Shipping Act 1894.

1894 c. 60.

Powers to  
invest in  
and form  
companies.

**43.—**(1) The Commissioners may form and promote, or join with any other person in forming and promoting, a company for the purpose of—

- (a) carrying on any activities which the Commissioners have power to carry on;
- (b) carrying goods which have been unshipped or which are to be shipped at the Port;
- (c) developing land or providing facilities in the vicinity of the Port for the purposes of any trade or business associated with the Port.

(2) The Commissioners may subscribe for or acquire any securities of a company which is wholly or mainly engaged or which it is proposed should become wholly or mainly engaged in carrying out any of the activities mentioned in paragraphs (a) to (c) of subsection (1) above and may acquire, or re-acquire, so much of any business or undertaking as subsists for the purpose of carrying on any of those activities.

(3) The Commissioners may enter into arrangements with a company formed under subsection (1) above, or in which they have subscribed for or acquired securities under subsection (2) above, or which they have formed, or in which they have acquired securities, in exercise of any other powers available to the Commissioners, for the transfer to that company from the Commissioners, in such manner and on such terms (including payments to any of the parties to the arrangements) of any property, rights, liabilities or obligations of the Commissioners

relevant to the carrying on of the activities carried on or to be carried on by the company.

PART VI  
—cont.

(4) Nothing in this section shall authorise a company formed under subsection (1) above to exercise any of the powers of the Commissioners under the Act of 1847, the Harbours Act 1964 and section 37 (Power to make byelaws) of this Act.

1964 c. 40.

(5) Nothing in this section shall authorise the participation by the Commissioners in any company carrying on or which it is proposed should carry on activities which include the employment or use of dock workers or the issuing of licences authorising the employment of dock workers under section 2 of the Docks and Harbours Act 1966.

1966 c. 28.

44.—(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).

Planning permission.

S.I. 1977/289.

(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.

45. 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.

Arbitration.

1965 c. 56.

46. 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 the Commissioners and may in whole or in part be defrayed out of revenue.

Costs of Act.

Section 19

## SCHEDULE

## ADAPTATION OF PART I OF THE COMPULSORY PURCHASE ACT 1965

1965 c. 56.

1. In the Compulsory Purchase Act 1965 (hereinafter in this Schedule referred to as "the Act") for section 7 (which relates to compensation) there shall be substituted the following:—

"7.—(1) In assessing the compensation to be paid by the Commissioners under this Act regard shall be had not only to the extent, if any, to which the value of the land over which the right is purchased is depreciated by the purchase but also to the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

1973 c. 26.

(2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words 'land is acquired or taken' there shall be substituted the words 'a right over land is purchased' and for the words 'acquired or taken from him' there shall be substituted the words 'over which the right is exercisable'."

2. For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following:—

"8.—(1) Where in consequence of the service on a person in pursuance of section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereinafter in this subsection referred to as 'the relevant land')—

(a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as 'the Tribunal'); and

(b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—

(i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or

(ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs;

the Great Yarmouth Outer Harbour Act 1986 shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which the Great Yarmouth Outer Harbour Act 1986 is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.

SCH.  
—cont.

(3) Where, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section, the Great Yarmouth Outer Harbour Act 1986 is deemed by virtue of that subsection to authorise the purchase of an interest in land, the Commissioners may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the Commissioners to withdraw the notice.

(4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words 'a right over', for the word 'severance' there shall be substituted the words 'right on the whole of the house, building or manufactory or of the house and the park or garden' and for the words 'part proposed' and 'part is' there shall be substituted respectively the words 'right proposed' and 'right is'." 1973 c. 26.

3. The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely:—

- section 9 (4) (failure of owners to convey);
- paragraph 10 (3) of Schedule 1 (owners under incapacity);
- paragraph 2 (3) of Schedule 2 (absent and untraced owners); and
- paragraphs 2 (3) and 7 (2) of Schedule 4 (common land);

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the Commissioners.

4. Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the Commissioners have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.

5. Section 20 of the Act (compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account

SCH.  
—cont.

only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

6. Section 22 of the Act (protection of acquiring authority's possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable the Commissioners in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.

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# Great Yarmouth Outer Harbour Act 1986

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