

ELIZABETH II



1986 CHAPTER xxiv

An Act to authorise Tioxide UK Limited to construct works and to purchase or use land at Pyewipe in the county of Humberside; to confer further powers on the Company; and for other purposes.

[18th December 1986]

WHEREAS—

(1) Tioxide UK Limited (hereinafter called “the Company”) are a company limited by shares registered under the Companies Act 1985 and are a wholly-owned subsidiary, 1985 c. 6. within the meaning of section 736 of the said Act of 1985, of Tioxide Group PLC, a company domiciled and registered in England:

(2) The Company own and operate on the river Humber at Pyewipe in the county of Humberside a factory for the production of titanium dioxide and waste products are discharged from the said factory into the river Humber:

(3) To enable discharges into the river Humber from the Company’s said factory to be more effectively dispersed it is expedient that the Company should be empowered to construct the works authorised by this Act and to purchase or use the land referred to in this Act:

(4) It is expedient that the other powers in this Act contained should be conferred on the Company as therein provided, and that the other provisions in this Act contained should be enacted:

(5) A plan and section showing the line or situation and levels of the work to be constructed under the powers of this Act, and a plan of the land authorised to be purchased 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 land were duly 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 Humberside County Council, which plan, section and book of reference are respectively referred to in this Act as the deposited plan, the deposited section 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 River Humber (Burcom Outfall) Act 1986.

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

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

1965 c. 56. “the Act of 1965” means the Compulsory Purchase Act 1965;

“the Company” means Tioxide UK Limited;

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

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

“reference point” means Ordnance Survey National Grid reference point;

“the river” means the river Humber;

“tidal work” means so much of the works as is on, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Tribunal;

“the water authority” means the Anglian Water Authority; and

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

PART I
—cont.

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

(3) Unless the context otherwise requires, any reference in this Act to Work No. 1 shall be construed as a reference to the work authorised by section 4 of this Act.

(4) If there shall be any inconsistency under this Act between any plans approved, requirements made or conditions or restrictions imposed, whether by A.B. Ports, the water authority, an arbitrator or the Secretary of State, the views of the Secretary of State or, in the absence of such views, those of the arbitrator shall prevail.

3.—(1) Part I of the Act of 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 purchase of land under this Act as it applies to a compulsory purchase to which Schedule 1 to 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.
1981 c. 67.

(2) In section 11 (1) of the Act of 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 purchase of land under this Act. 1845 c. 18.

PART II

WORKS, ETC.

4.—(1) Subject to the provisions of this Act, the Company may, in the line or situation shown on the deposited plan and within the limit of deviation and according to the levels shown Power to construct works.

PART II
—cont.

on the deposited section, construct and maintain the following work with all necessary works and conveniences connected therewith:—

In the county of Humberside—

Partly in the borough of Great Grimsby and partly on or beneath the foreshore and bed of the river adjacent thereto—

Work No. 1 An outfall, with an outlet port at its riverward extremity, commencing behind the wall of the southern bank of the river at reference point TA 25387:11760 and extending into the river in a north-easterly direction for a distance of not more than 2,560 metres to reference point TA 26262:14138 and there terminating.

(2) The Company may, within the limit of deviation, from time to time shorten, reduce, alter, renew, replace, relay or reconstruct or, subject to subsection (3) below, enlarge temporarily or permanently the works.

(3) Notwithstanding anything shown on the deposited section the Company may from time to time and to such extent as may be agreed with the water authority, A.B. Ports and the Secretary of State as being necessary, enlarge Work No. 1.

Power to construct subsidiary works.

5. Subject to the provisions of this Act, the Company may, in connection with the works, from time to time construct or place and maintain in, under or over any of the land within the limit of deviation all such works and conveniences subsidiary or ancillary to the works and all such appliances, machinery and apparatus as they may from time to time deem necessary or convenient for any purpose of, or in connection with, the works.

Power to dredge.

6.—(1) The Company may (subject to the consent required by section 23 (Crown rights) of this Act) from time to time deepen, dredge, scour, cleanse, alter and improve the bed and foreshore of the river in the vicinity of the works, and blast any rock therein, for the purpose of constructing and maintaining the works.

(2) (a) Any materials taken up or collected in the course of such operation shall (subject to the consent required by section 23 (Crown rights) of this Act) be the property of the Company and may be used, sold, removed, deposited or otherwise disposed of as the Company may think fit:

(b) No such materials 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.

(3) (a) The Company shall not exercise the powers of this section except with the consent of A.B. Ports (whose consent shall not be unreasonably withheld) and in accordance with such reasonable conditions and restrictions as may be approved or prescribed by A.B. Ports.

(b) Any question whether consent has been unreasonably withheld or conditions or restrictions have been unreasonably imposed shall be referred to and settled by arbitration.

7. In the construction of Work No. 1 the Company may deviate from the line or situation thereof shown on the deposited plan to the extent of the limit of deviation and may deviate vertically from the levels shown on the deposited section in the case of the outlet port to any extent upwards not exceeding 2 metres above the surface of the bed of the river at the time of construction but not otherwise and in the case of the works to such extent downwards as may be found necessary or convenient.

Power to deviate.

8.—(1) A tidal work shall not be constructed, shortened, reduced, altered, renewed, replaced, relayed, reconstructed or enlarged 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, shortened, reduced, altered, renewed, replaced, relayed, reconstructed or enlarged 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 Company at their own expense to remove the tidal work or any part thereof 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 Company, 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 so to do, 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 Company.

9. The Secretary of State or A.B. Ports may at any time if he or she 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 or by A.B. Ports in any such survey and examination shall be recoverable from the Company.

Survey of tidal works.

PART II
—cont.Prevention of
danger to
navigation.

10.—(1) The Company shall at or near a tidal work during the whole time of the construction, shortening, reduction, alteration, renewal, replacement, relaying, reconstruction or enlargement thereof take such steps for the prevention of danger to navigation as the Secretary of State and A.B. Ports, or as, failing agreement between them, the Secretary of State, shall from time to time direct.

(2) After the completion of a tidal work the Company shall at the outer extremity thereof take such steps for the prevention of danger to navigation as A.B. Ports shall from time to time direct.

(3) If the Company fail to comply in any respect with any direction given under this section they shall be 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.

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

(2) If Work No. 1 is abandoned or suffered to fall into decay and any part thereof as is 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 or A.B. Ports 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 on which a notice under this section is served upon the Company, they have failed to comply with the requirements of the notice, the Secretary of State or A.B. Ports may execute the works specified in the notice, and any expenditure incurred by him or by A.B. Ports in so doing shall be recoverable from the Company.

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 Company shall forthwith notify A.B. Ports and shall take such steps for preventing danger to navigation as A.B. Ports shall from time to time direct.

(2) If the Company fail to notify A.B. Ports as required by this section or to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

PART II
—cont.
Defence of
due diligence.

13.—(1) (a) In proceedings for an offence under any provision of this Act mentioned in paragraph (b) below it shall be a defence for the Company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(b) The provisions referred to in paragraph (a) above are—

- Section 10 (Prevention of danger to navigation);
- Section 12 (Provision against danger to navigation).

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

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

- (a) the borough of Great Grimsby; and
- (b) the petty sessional division of Grimsby and Cleethorpes.

Works to be
within
borough of
Great
Grimsby, etc.

PART III

LANDS

15. Subject to the provisions of this Act, the Company may purchase compulsorily and use such of the land delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of the works or any purpose connected therewith or ancillary thereto.

Purchase of
land.

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

Purchase of
rights over
land.

(2) The Company may, for the purposes of constructing, maintaining, altering, renewing and using 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 land delineated on the deposited plan and described in the deposited book of reference instead of purchasing that land under section 15 (Purchase of land) of this Act.

(3) The Act of 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the

PART III
—cont.

compulsory purchase of new rights under subsection (2) above as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act of 1965 to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

(4) Without prejudice to the generality of subsection (3) above in relation to the purchase of new rights under subsection (2) above—

- (a) Part I of the Act of 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.

Time for purchase of land and rights over land.

17. The powers of the Company for the compulsory purchase of land and rights over land under this Act shall cease on 31st December 1991.

Extinction of private rights of way.

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

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Company compensation to be determined in case of dispute by the tribunal.

Correction of errors in deposited plan and book of reference.

19.—(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 Company 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.

(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 plans 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 and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Company to take the land and execute the works in accordance with the certificate.

PART III
—cont.

(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.

PART IV

MISCELLANEOUS

20. Except as otherwise by this Act provided, nothing in this Act shall prejudice or affect in their application to the water authority the powers, rights, jurisdictions and obligations conferred, arising or imposed under the Land Drainage Act 1976, the Control of Pollution Act 1974, the Salmon and Freshwater Fisheries Act 1975 or any other enactment, byelaw or regulation relating to the water authority.

Saving for
Anglian Water
Authority.

1976 c. 70.
1974 c. 40.
1975 c. 51.

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

For protection
of Anglian
Water
Authority.

(1) In this section unless the context otherwise requires—

“authorised work or operation” means so much of—

- (a) the works and any pipe or outfall works of the Company which are connected to Work No. 1, whether or not constructed under this Act;
- (b) the shortening, reduction, alteration, renewal, replacement, relaying, reconstruction or enlargement temporarily or permanently of the works; or
- (c) any works or operations carried out under section 5 (Power to construct subsidiary works) or section 6 (Power to dredge) of this Act;

as lies within 20 metres landward or 50 metres seaward of the landward toe of the banks on the southern side of the river at or near the commencement of Work No. 1;

“plans” includes sections, working drawings, descriptions and specifications;

PART IV
—cont.
1976 c. 70.

“protected property” means the banks (as defined in section 116 of the Land Drainage Act 1976) of the river at or near Work No. 1 and any other works or apparatus now or hereafter constructed or provided by the water authority or under their jurisdiction:

- (2) (a) The Company shall before commencing any authorised work or operation submit to the water authority for their approval (which approval shall not be unreasonably withheld) plans thereof and of any temporary works, and shall not commence the work or operation until such plans have been approved by the water authority or, in case of difference, until they have been settled by arbitration. If the water authority do not within 42 days after the submission to them of any such plans signify to the Company in writing their approval or disapproval, they shall be deemed to have approved thereof;
- (b) Upon signifying their approval of the plans of any authorised work or operation, the water authority may specify any steps reasonably required for safeguarding any protected property which should be taken by the Company during the carrying out of the work or operation;
- (c) No authorised work or operation shall be constructed or carried out otherwise than in accordance with such plans as may have been approved (or deemed to have been approved) by the water authority and with any requirement made by the water authority under paragraph (b) above, or, if such approval be withheld or requirement disputed, as may be settled by arbitration; and any such work or operation shall be executed to the reasonable satisfaction of the water authority;
- (3) (a) Without prejudice to their powers under any other enactment, any person authorised by the water authority shall have the right—
- (i) upon reasonable written notice to the Company and producing if required his authority in that behalf, to have access to the site for the purpose of inspecting any authorised work or operation;
- (ii) upon reasonable written notice (or, in case of emergency, upon such notice as may be practicable) with necessary vehicles and equipment to enter upon, inspect and carry out works of renewal, repair or maintenance to any protected property;

(b) Upon the giving by the water authority on any occasion of written notice to the Company specifying reasonable works or steps required to secure any authorised work against the escape therefrom of effluent by virtue of fracture or other damage, the Company shall forthwith on every such occasion with all reasonable dispatch carry out such works or take such steps:

PART IV
—cont.

(4) (a) The Company shall be responsible for and make good to the water authority, and shall at all times keep the water authority indemnified against, all damages, losses, costs and expenses which they may sustain or be liable for or reasonably and properly incur (including personal injury) by reason or in consequence of any injury, damage or interference which may be caused or may result to any protected property in the exercise of any powers conferred by this Act;

(b) The water authority shall give to the Company notice of any claim or demand made against them which in the opinion of the water authority is a claim or demand for which the Company may be liable under this paragraph and no settlement or compromise of any such claim or demand shall be made without the consent in writing of the Company:

(5) 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 water authority or to their satisfaction, or in accordance with any directions or award of an arbitrator, shall not relieve the Company from any liability under this section:

(6) Except as otherwise expressly provided by this section, any difference arising under this section between the Company and the water authority shall be referred to and settled by arbitration.

22. For the protection of A.B. Ports the following provisions shall, unless otherwise agreed in writing between the Company and A.B. Ports, apply and have effect:—

For protection
of Associated
British Ports.

(1) In this section references to the construction of a tidal work shall include the execution, placing, shortening, reduction, alteration, renewal, replacement, relaying, reconstruction, enlargement and removal of any such work and “construct” and “constructed” shall be construed accordingly and references to plans shall include sections and particulars:

PART IV
—cont.

- (2) (a) Before commencing the construction of a tidal work under section 4 (Power to construct works) or section 5 (Power to construct subsidiary works) of this Act the Company shall furnish to A.B. Ports for its approval (which approval shall not be unreasonably withheld) plans of the work showing the general mode of construction and such work shall not be constructed otherwise than in accordance with such plans as may be approved by A.B. Ports or as may be determined by the Secretary of State as hereinafter provided and all such work shall be executed to the reasonable satisfaction of A.B. Ports;
- (b) If there shall be any inconsistency between any plans approved by A.B. Ports under this paragraph and those approved by the Secretary of State under section 8 (Tidal works not to be executed without approval of Secretary of State) of this Act or any conditions or restrictions imposed by him under that section, the work shall be executed in accordance with the plans approved by the Secretary of State and subject to the conditions or restrictions imposed by him;
- (c) If it appears to the Company that A.B. Ports has unreasonably withheld its approval to any plans under this paragraph, the Company may appeal to the Secretary of State whose decision shall be final;
- (d) In the event of A.B. Ports failing to express its disapproval of any plans within 56 days after they shall have been delivered to it under this section, it shall be deemed to have approved them:
- (3) After the purpose of any temporary structure has been accomplished the Company shall with all reasonable dispatch, or after a reasonable period of notice in writing from A.B. Ports requiring them so to do, remove any such temporary structure or any materials relating thereto which may have been placed below the level of high water by or on behalf of the Company and, on their failing so to do within a reasonable period after receiving such notice, A.B. Ports may remove the same and charge the Company with the reasonable expense of so doing, which expense the Company shall repay to A.B. Ports:
- (4) If, during the construction of a tidal work or within 10 years after the completion of the work and in consequence of its construction, it is established that there is caused or created any accumulation of silt or other material in the vicinity of the work which shall constitute an impediment to navigation, the

Company, if so requested by A.B. Ports within the period of 10 years after such completion, shall remove such accumulation of silt or other material and, if they refuse or fail so to do, A.B. Ports may itself cause the work to be done and may recover the reasonable cost thereof from the Company:

PART IV
—cont.

- (5) Nothing in this Act shall affect prejudicially any statutory or other rights, powers or privileges vested in, or enjoyed by, A.B. Ports at the commencement of this Act or any title of A.B. Ports in, to or over any lands or foreshore held or acquired by it:
- (6) The Company shall pay to A.B. Ports the reasonable costs of such alterations to the marking and lighting of the navigational channel of the river as may be necessary during or in consequence of the construction of a tidal work:
- (7) Any difference arising between the Company and A.B. Ports under this section (other than a difference as to approval under paragraph (2) above of plans) shall be referred to and settled by arbitration.

23.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act authorises the Company 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)—

Crown rights.

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

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

24. Nothing in this Act shall prejudice or derogate from the rights or privileges or the jurisdiction or authority of the Corporation of Trinity House of Deptford Strond.

Saving for
Trinity House.

PART IV
—cont.
Saving for
Food and
Environment
Protection Act
1985.
1985 c. 48.

25. Nothing in this Act shall affect the operation of Part II of the Food and Environment Protection Act 1985 (which relates to deposits in the sea).

Planning
permission.
S.I. 1977/289.

26.—(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) below, 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) above shall not apply to the carrying out of any development consisting of the shortening, reduction, alteration, renewal, replacement, relaying, reconstruction, enlargement, maintenance or repair of works or the substitution of new works therefor.

Arbitration.

27. Where under any provision of this Act any difference (other than a difference as to the meaning or construction of any such provision) is to be referred to or settled by arbitration, then 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.

28. 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 Company and may in whole or in part be defrayed out of revenue.

SCHEDULE

Section 16 (4)(a).

MODIFICATION OF PART I OF COMPULSORY PURCHASE ACT 1965

1. In the Compulsory Purchase Act 1965 (hereinafter in this Schedule referred to as "the 1965 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 Company 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.

(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 'a right over land is purchased' and for the words 'acquired or taken from him' there shall be substituted 'over which the right is exercisable'."

2. The following provisions of the 1965 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 Company.

3. Section 11 of the 1965 Act (powers of entry) shall be so modified as to secure that, as from the date on which the Company 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 1965 Act shall be modified correspondingly.

4. Section 20 of the 1965 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 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.

SCH.
—cont.

5. Section 22 of the 1965 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 Company, 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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River Humber (Burcom Outfall) Act 1986

CHAPTER xxiv

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SCHEDULE—Modification of Part I of Compulsory Purchase Act 1965.