

ELIZABETH II



1987 CHAPTER xiv

An Act to empower the Ceredigion District Council (Cyngor Dosbarth Ceredigion) to construct works and to purchase or use lands at Aberystwyth Harbour; to confer powers on the Council as the harbour authority for that harbour; for the provision of facilities therein; for the regulation of the harbour; and for other purposes. [15th May 1987]

WHEREAS—

(1) The Ceredigion District Council otherwise known as Cyngor Dosbarth Ceredigion (hereinafter referred to as “the Council”) are the harbour authority for Aberystwyth Harbour (hereinafter referred to as “the harbour”) which is a fishery harbour as defined in section 21 of the Sea Fish Industry Act 1951:

1951 c. 30.

(2) It is expedient to empower the Council to construct in the harbour the works described in this Act, to purchase or use the lands referred to in this Act and to confer further powers on the Council in relation to the harbour:

(3) Certain local statutory provisions were enacted between 1780 and 1913 in relation to the harbour but these do not

- “general direction” means a direction given under section 47 (General directions to vessels) of this Act;
- “the harbour” means the harbour of Aberystwyth in the county of Dyfed the area whereof is described in section 22 (Harbour limits) of, and Schedule 3 to, this Act and, so far as the same is not within that area, includes the harbour estate;
- “harbour estate” means the piers, jetties, wharves, quays, berths, slipways, roads, bridges, sheds and other works and conveniences, and the lands, buildings and property of every description and of whatever nature, which are for the time being vested in, occupied or administered by the Council for the purposes of the harbour undertaking;
- “the harbour master” means the harbour master of the Council and includes his authorised deputies and assistants and any person authorised by the Council to act in that capacity;
- “the harbour undertaking” means the undertaking of the Council in connection with the harbour, as from time to time authorised, or any part thereof;
- “level of high water” means the level of mean high-water springs;
- “the limits of deviation” means the limits of deviation shown on the deposited plan;
- “moorings” includes floating jetties, pontoons, buoys and like apparatus or facilities;
- “special direction” means a direction given under section 46 (Special directions to vessels) of this Act;
- “tidal work” means so much of any work authorised by Part II of 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;
- “vehicle” means a vehicle of any description and includes a trailer, caravan or machine of any kind drawn or propelled along or over land whether by animal or mechanical power and includes a hovercraft within the meaning of the Hovercraft Act 1968 or any other amphibious vehicle; 1968 c. 59.
- “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 includes a hovercraft within the meaning of the Hovercraft Act 1968 or any other amphibious vehicle or a seaplane;
- “the water authority” means the Welsh Water Authority; and

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.

PART I
—cont.
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

5.—(1) Subject to the provisions of this Act the Council may, in the lines or situations shown on the deposited plan and within the limits of deviation and according to the levels shown on the deposited sections make and maintain the following works in the harbour with all necessary works and conveniences connected therewith:—

Power to
construct
works.

In the county of Dyfed—

In the district of Ceredigion—

In the community of Aberystwyth—

Work No. 1 A bund and quay wall commencing at a point at the north-western corner of the southern abutment of the bridge known as Trefechan Bridge (Pont Aberystwyth) where the said abutment meets the level of high water, extending thence for 155 metres in a generally westerly and west-south-westerly direction, thence for 90 metres in a generally south-south-easterly direction, thence for 35 metres in a generally south-westerly direction, thence for 45 metres in a generally south-easterly direction and thence for 280 metres in a south-westerly direction to a junction with the south-west corner of St. David's Wharf and there terminating, such work to include a launching ramp at St. David's Wharf;

Work No. 2 A footbridge over the river Rheidol (afon Rheidol) commencing at a point adjoining the Tanycae pumping station on the

the foreshore and bed of the harbour and approaches and blast any rock therein and (subject to the consent required by section 66 (Crown rights) of this Act) may use, appropriate, sell or dispose of the materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) so removed: 1894 c. 60.

PART II
—cont.

Provided that no materials taken up or collected in the exercise of the powers of this section (other than those dredged for the purpose of constructing the works or filling in and reclaiming from the foreshore and bed of the harbour so much of the foreshore and bed of the harbour as is situated within the limits of deviation) shall be deposited below the level of high water except in such position as the Secretary of State may approve and subject to such conditions or restrictions as he may impose.

7.—(1) Subject to the provisions of this Act, the Council may from time to time within the limits of deviation and elsewhere within the harbour—

Subsidiary
works.

- (a) 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 authorised by this Act;
- (b) alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavements and may execute any works for the protection of any adjoining land or building;
- (c) temporarily or permanently use, strengthen, widen, improve, alter, remove, divert or otherwise interfere with drains, sewers, intake or other channels, submarine cables, telegraphic, telephonic, water, electric, gas and other pipes, lines, wires, works and apparatus (all of which are hereafter in this section referred to as “apparatus”) and roads and ways providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus or the traffic on any such road or way;
- (d) make junctions with and alter the line or level of any street or way;
- (e) raise, sink or otherwise alter the level of any land.

(2) Any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Council and the substituted apparatus shall be under the same jurisdiction, care, management and direction as the existing apparatus for which it may be so substituted.

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

PART II
—cont.

(a) the Secretary of State may by notice in writing require the Council 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 Council 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 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 Council.

10.—(1) The Council shall at or near a tidal work during the whole time of the construction, alteration, replacement or relaying 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.

Lights on tidal works during construction.

(2) If the Council fail to comply with any requirement of 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.

11.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Council 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.

Provision against danger to navigation.

(2) If the Council fail to notify Trinity House as required by this section or to comply with any requirement of 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.

12.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Council 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 thinks proper.

Abatement of works abandoned or decayed.

(2) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is

(d) any works or operations carried out within the harbour or its approaches under section 6 (Power to dredge for purposes of works, etc.) or section 24 (Power to dredge) of this Act; and

(e) any filling in or reclamation under subsection (3) of the said section 5;

“construct” includes execute, place, alter, replace and relay, and “constructed” and “construction” have corresponding meanings;

“plans” includes sections and specifications;

“the protected fisheries” means the afon Rheidol and the afon Ystwyth and fish in, or migratory fish proceeding to or from, those rivers or either of them, and the spawning grounds, spawn or food of fish in those rivers; and

“the river” means the afon Rheidol or the afon Ystwyth as the case may be:

- (2) (a) If in the reasonable opinion of the water authority the quality of water in the river is likely to be affected by—
- (i) the initial construction of Works Nos. 1 and 2, or either of them; or
 - (ii) the construction of any subsidiary work under section 7 (Subsidiary works) of this Act during and for the purposes of such initial construction; or
 - (iii) any capital dredging carried out under section 6 (Power to dredge for purposes of works, etc.) of this Act; or
 - (iv) any filling in or reclamation under subsection (3) of the said section 5;
- the Council shall if so requested by the water authority provide in a position to be approved by the water authority a device of a design to be so approved for the continuous monitoring of such quality;
- (b) The said device shall be maintained by the Council throughout, and for a period of 12 months after, the construction of the works referred to in sub-paragraph (a) above and the Council shall permit the water authority to have access to the device at all times;
 - (c) The Council shall not be required to incur expenditure on the provision and maintenance of the said device exceeding in total £25,000;
 - (d) The water authority shall make their records of water quality in the rivers available to the Council before the

this section with or without conditions and if, on the submission of plans to the Secretary of State, the Secretary of State requires any alteration of the plans so approved or settled under this section or of any conditions relating thereto, the Council shall, not less than 28 days before commencing construction of the work, inform the water authority of any such alteration;

- (b) Subject to compliance with sub-paragraph (a) above, if there shall be any inconsistency between any plans approved or deemed to be approved by the water authority or settled by arbitration under this section or any conditions relating thereto and the plans approved by the Secretary of State under the said section 9, or any conditions or restrictions imposed by him under that section, the authorised work shall be constructed in accordance with the plans approved by the Secretary of State and subject to the conditions or restrictions imposed by him:
- (7) Except in case of emergency, the Council shall give not less than 28 days' notice in writing to the water authority before commencing to construct an authorised work:
- (8) Work No. 1 or 2, and any permanent subsidiary work constructed in connection therewith which is an authorised work for the purposes of this section, shall, when constructed, be maintained by the Council so as to avoid injurious affection to the bed or banks of the river or to the protected fisheries or the efficiency of the river as a drainage channel:
- (9) The Council shall be responsible for and make good to the water authority all costs, charges, expenses and losses which may be occasioned to, suffered by, or reasonably incurred by the water authority in taking action to remedy any damage to any protected fishery suffered by reason or in consequence of the execution of the works or operations authorised by this Act, or the failure or want of repair of the works, or in consequence of any act or omission of the Council, their contractors, agents, workmen or servants in connection with those works or operations:
- (10) The Council shall indemnify and hold harmless the water authority from all claims, demands or expenses which may be made on or against them or which they may have to pay by reason or in consequence of any injury or damage which may be caused or result to the river so as to impair its efficiency as a drainage channel by or in consequence of the construction or

the works, purchase compulsorily such new rights as they may require over any of the lands which may be acquired under section 16 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

PART III
—cont.

(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) above 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) above in relation to the purchase of rights in pursuance of subsection (2) above—

- (a) Part 1 of the Compulsory Purchase Act 1965 shall have effect with the modifications specified in Schedule 2 to this Act; and
- (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

18. The powers of the Council for the compulsory acquisition of land and rights over land under this Act shall cease on 31st December 1991.

Time for purchase of lands and rights over land.

19.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Council, 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 (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the

Commons, one copy at the Department of Transport and one copy in the office of the Director of Administration of the Council in the district.

PART IV
—cont.

(2) The limits within which the Council shall have and may exercise the functions conferred on them by this Act and within which they shall have the powers of a harbour authority, and within which the powers of the harbour master may be exercised, shall comprise the area the boundaries of which are set out in Schedule 3 to this Act, and shown in red colour on the harbour map, and shall include the harbour estate.

(3) If there be any discrepancy between the harbour map and the description of the area in Schedule 3 to this Act that description shall prevail.

(4) Copies of the harbour map certified by the Director of Administration of the Council to be true shall be receivable in all civil or criminal proceedings and elsewhere as evidence of the contents of the harbour map.

23.—(1) The Council 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 harbour and the facilities afforded therein or in connection therewith.

General powers of Council in respect of harbour.

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

- (a) construct, demolish, reconstruct, maintain, alter, improve, replace or relay, bunds, embankments, walls, roads, footways, approaches, steps, landing places, piers, quays, jetties, slips, wharves, groynes, sea defences, berthing heads, mooring posts, mooring buoys, moorings, stagings, piles, booms, dolphins, bollards, mooring rings, fenders, 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, buildings and facilities which may be found necessary to secure the purposes of this Act including the accommodation or convenience of vessels, vehicles or other traffic or for the protection of the harbour;
- (b) deposit within the harbour materials dredged by them under the powers of section 24 (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 harbour.

(5) The Council may charge a reasonable fee for granting a licence under subsection (3) above.

PART IV
—cont.

(6) The Council may compound with any person with respect to the payment of the charges and fees prescribed by the Council under this section and may confer total or partial exemptions, or allow rebates, with respect to such charges and fees, and may vary or extinguish any such exemption or rebate.

26.—(1) Any person who—

Obstruction of
moorings, etc.

(a) intentionally obstructs any person acting under the authority of the Council in placing, laying down, maintaining or using moorings; or

(b) intentionally pulls up or removes any moorings or any poles or stakes driven into the ground for the purpose of such moorings; or

(c) places, lays down, maintains or uses any mooring not provided or licensed by the Council under section 25 (Powers as to moorings, etc.) of this Act; or

(d) without reasonable excuse causes a vessel to be moored except—

(i) at a mooring provided or licensed by the Council under the said section 25 of this Act and in accordance with any terms and conditions on which the mooring is so provided or licensed; or

(ii) at a quay, jetty, slipway or other work;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If—

(a) any person places, lays down or maintains a mooring in contravention of paragraph (c) of subsection (1) above the Council may remove the mooring in question and recover from that person the expenses incurred in so doing;

(b) any vessel is moored at a mooring in contravention of paragraph (d) of subsection (1) above the Council may remove that vessel and such removal shall be carried out at the expense and risk of the owner of the vessel.

27. Without prejudice to the provisions of section 23 (General powers of Council in respect of harbour) of this Act the Council may construct, demolish, reconstruct, maintain, alter, improve, replace, relay, mark, light and operate in the

Power to
provide
boating and
other facilities.

32. The Council may provide facilities (including shelters) within or in the vicinity of the harbour for the parking of vehicles and for that purpose may erect barricades or fencing with related offices, waiting-rooms and other facilities and may make reasonable charges for the use of such facilities.

PART IV

—cont.

Parking
places.

33.—(1) The Council may, upon such terms and conditions as they think fit and upon payment of such reasonable fee as may from time to time be prescribed by the Council, grant to any person a licence (in this Act referred to as a “works licence”) to construct, demolish, reconstruct, maintain, alter or improve works in the harbour below the level of high water notwithstanding interference with public rights of navigation and other public rights by such works as constructed, demolished, reconstructed, maintained, altered or improved.

Licensing of
works.

(2) Application for a works licence shall be made in writing to the Council and shall be accompanied by plans, sections and particulars of the works to which the application relates, and in granting any such licence the Council may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) above the Council do not grant a works licence in accordance with the application, they shall be deemed to have refused the application.

(4) Nothing in this section shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Secretary of State to the carrying out of certain operations and contain other provisions for the safety of navigation).

1949 c. 74.

34.—(1) Subject to the provisions of section 66 (Crown rights) of this Act the Council may, upon such terms and conditions as they think fit and upon payment of such reasonable fee as may from time to time be prescribed by the Council, grant to any person a licence (in this Act referred to as a “dredging licence”) to dredge in any part of the harbour.

Licence to
dredge.

(2) Application for a dredging licence shall be made in writing to the Council and shall be accompanied by plans, sections and particulars defining the nature and extent and manner of the operations to be carried out in the exercise of the powers granted by the licence and in granting any such licence the Council may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) above the Council do not grant

(3) (a) On an appeal under this section the Secretary of State may—

PART IV
—cont.

- (i) dismiss the appeal; or
- (ii) require the Council to grant the licence upon such terms and conditions as the Secretary of State may determine; or
- (iii) require the Council to approve the plans, sections and particulars without modifications or subject to such modifications as the Secretary of State may determine.

(b) The Council shall give effect to any requirement made by the Secretary of State under paragraph (a) above.

36.—(1) No person shall—

Restriction on
construction
of works and
dredging.

(a) construct, demolish, reconstruct, maintain, alter or improve any works in the harbour below the level of high water unless he is licensed so to do by a works licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 33 (Licensing of works) of this Act;

(b) dredge in the harbour unless he is licensed so to do by a dredging licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 34 (Licence to dredge) of this Act.

(2) Any person who knowingly offends against the provisions of this section or who knowingly contravenes or fails to comply with any term or condition upon which a works licence or a dredging licence, as the case may be, is granted by the Council shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and on conviction on indictment to a fine.

(3) The Council may by notice require a person who contravenes the provisions of this section to remove or abate within a reasonable time specified in the notice any works to which the contravention relates and to restore the site thereof to its former condition and, if the person to whom the notice is given fails to comply with the notice, the Council may carry out the work required by the notice and recover the cost of so doing from that person.

37.—(1) In this section, “relevant feature” means any Repair of landing place, embankment, structure or other work in or on landing land immediately adjoining the waters of the harbour other places, etc. than one under the control or management of the Council.

cargo or anything associated with the vessel to be sold in such manner as they think fit and may, out of the proceeds of the sale, retain the expenses incurred by them in the exercise of their powers under this section and any expenses incurred by them in marking, buoying, watching, lighting or otherwise controlling the vessel or its cargo, in removing or saving the cargo or anything associated with the vessel, or giving warning to shipping of the presence of the vessel and shall pay the surplus, if any, to the person entitled thereto.

PART IV
—cont.

(3) If the proceeds of sale are insufficient to reimburse the Council for the said expenses, they may recover from the person who, at the time of the sinking, stranding or abandonment of the vessel, is or was the registered owner thereof, or from the administrators or executors of such owner, or from any person claiming succession in title from such owner, any such expenses which are not reimbursed out of the proceeds of sale or, in the case of an appeal under subsection (4) below against the amount demanded, such sum as may be awarded under that subsection.

(4) At any time before the expiration of 14 days from the date of service of a demand for the payment of any amount under subsection (3) above the person on whom the demand is made may, if he is dissatisfied with the amount demanded, appeal to the Secretary of State who shall appoint an arbitrator to determine whether any, and if so what, sum should properly be payable in respect of the Council's expenses aforesaid; and the decision of the arbitrator shall be final and binding on both parties, and the costs of the appeal and award shall be borne by the parties in such manner as the arbitrator may determine.

(5) Except where there is, in the opinion of the harbour master, an emergency, subsection (1) 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 that subsection, the Council 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 Council receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, he shall be at liberty to do so, and the Council shall not exercise the powers of that subsection 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 or the business at the harbour which may be given to him by the harbour master.

(6) If the owner of a vessel to whom notice is to be given under subsection (5) above is not known to the Council, or if his

(2) If anything removed by the Council under subsection (1) above is so marked, as to be readily identifiable as the property of any person, the Council shall, within 28 days of its coming into their custody, give written notice to that person stating that, upon proof of ownership to the reasonable satisfaction of the Council, possession may be retaken at a place named in the notice within the period specified in the notice (being not less than 14 days after the notice is served) and, if possession of the thing removed is not so retaken, it shall at the end of that period vest in the Council.

PART IV
—cont.

(3) (a) Notwithstanding the provisions of subsection (2) above, the Council may, at such time and in such manner as they think fit, dispose of anything removed under subsection (1) above which is not so marked as to be readily identifiable as the property of any person or which is of a perishable nature or the custody of which involves unreasonable expense or inconvenience.

(b) If anything disposed of by the Council under this subsection is sold, the Council may retain out of the proceeds of sale any expenses incurred by them under this section and any surplus—

- (i) shall be paid to any person who within three months from the time when the thing came into the custody of the Council proves to the reasonable satisfaction of the Council that he was the owner thereof at that time; or
- (ii) if within the said period no person proves his ownership at the said time, shall vest in the Council.

(4) If the proceeds of the sale of anything removed under this section are insufficient to reimburse the Council for the said expenses, or there is no sale, the Council may recover the deficiency, or, where there is no sale, the whole of the expenses, from the person who was the owner at the time when the thing removed came into the custody of the Council or who was the owner at the time of its abandonment or loss.

43.—(1) If a vehicle or any other obstruction (which expression shall include a boat) is left on land above the level of high water in the harbour without permission of the Council—

Removal of
vehicles and
obstructions.

- (a) in any place where it is likely to obstruct or interfere with the use of the harbour; or
- (b) in any part of the harbour where the parking of vehicles or leaving of obstruction is prohibited by notice erected by the Council;

the Council may remove the vehicle or obstruction or cause it to be removed.

may make byelaws for the good rule and government of the harbour and, without prejudice to the generality of the foregoing, for all or any of the following purposes:—

PART IV
—cont.

- (a) for regulating the use of pontoons, dry docks, slipways, cargo handling appliances, berths, piers, jetties, warehouses, buildings, parking places and other works and facilities provided by the Council;
- (b) for preventing damage or injury to any vessel, goods, vehicle, plant, machinery, property or persons within the harbour;
- (c) for regulating the conduct of all persons in vessels or otherwise in the harbour, not being members of a police force or officers or servants of the Crown whilst in the exercise of their duties as such;
- (d) for regulating the placing, laying down, maintenance and use of moorings and for prescribing the patterns and specification of moorings in the harbour;
- (e) for preventing and removing obstructions or impediments within the harbour;
- (f) for regulating the launching of vessels within the harbour and the use of slipways and landing places;
- (g) for regulating or prohibiting the mooring, careening, beaching or anchoring and keeping of vessels in the harbour;
- (h) for regulating or preventing the use in the harbour or on board any vessel therein of fires, lights or any other equipment, tools or appliances which the Council consider involves a risk of fire and for the prevention of smoking;
- (i) for regulating the removal or disposal of rubbish (including ballast, earth or clay or other refuse) and sewage from vessels in the harbour;
- (j) for the prevention of the disposal of such rubbish and sewage as aforesaid in the harbour;
- (k) for prohibiting the use of or regulating the movement, speed and parking of vehicles within the harbour;
- (l) for requiring the use of effectual silencers and the control of noise generally on vessels in the harbour;
- (m) for regulating vessels in the harbour and their entry into and departure from the harbour and, without prejudice to the generality of the foregoing, to prescribe rules for regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the harbour;

PART IV
—cont.

“owner” means the owner of a vessel and any person having any interest in a vessel (whether as joint owner, lessee, mortgagee or otherwise) and includes a person letting a vessel for hire whether or not that person owns the vessel; and

“vessel” means any vessel named or identified in a notice under this section.

(2) Where, with a view to performing a function conferred on them by or under any enactment, the Council consider that they ought to have information as to the master or the owner, as the case may be, of any vessel which is or has been in the harbour or the approaches, they may serve a notice on any person reasonably believed by them to be the master or owner, or to have been master or owner at any date specified in the notice, requiring the recipient to furnish to the Council within a period specified in the notice (which shall not be less than 14 days beginning with the day on which the notice is served) the following information:—

- (a) the name and address of any person whom the recipient of the notice believes to be the master or owner of the vessel; or to have been such master or owner at any date specified in the notice; or
- (b) the capacity in which any such master has or takes command, charge, possession or management of the vessel, or had or took such command, charge, possession or management at any date specified in the notice; or
- (c) the nature of the interest in or control over the vessel of any such owner at any date specified in the notice.

(3) A notice under this section shall—

- (a) name or otherwise identify the vessel in respect of which it is served;
- (b) specify the function for the purpose of the performance of which the notice is served; and
- (c) specify the enactment by or under which that function is to be performed.

(4) A notice shall not be served under this section on any person who, at the date of service, is no longer the master or owner of the vessel named or identified in the notice if more than six months have elapsed since the recipient ceased to be such owner or master.

(5) A person who—

- (a) fails, without reasonable excuse, to comply with the requirements of a notice served on him under subsection (2) above; or

PART IV
—cont.

(c) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master for effecting any of the purposes of this subsection.

(2) A general direction may apply—

(a) to all vessels or to a class of vessels designated, or for which the designation is provided for, in the direction; or

(b) to the whole of the harbour and the approaches or to a part designated in the direction; or

(c) at all times or at times designated, or for which the designation is provided for, in the direction;

and every general direction shall specify the extent of its application in relation to the matters referred to in paragraphs (a), (b) and (c) above.

(3) The Council may after such consultation revoke or amend any general direction.

Publication of
general
directions.

48.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction, shall except in an emergency, be published by the Council as soon as practicable once in Lloyd's List or some other newspaper specialising in shipping news and once in a local newspaper circulating in the district of Ceredigion and, if the notice relates to the giving or amendment of a direction shall state a place at which copies thereof may be inspected and bought, and the price thereof.

(2) In an emergency, notice of the giving of a general direction or of the amendment or revocation of a general direction may be given in any manner considered by the harbour master to be appropriate.

Failure to
comply with
directions.

49.—(1) The master of a vessel who fails to comply with a general direction or a special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and, in the case of a special direction, to a daily fine not exceeding £40.

(2) In any proceedings for an offence under subsection (1) above it shall be a defence for the person charged that he had reasonable grounds for believing that non-compliance with the direction in question was necessary to secure the safety of any vessel or to prevent injury to any person or damage to any vessel or cargo, or that in the circumstances compliance was impracticable.

(b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART IV
—cont.

PART V

FINANCIAL AND MISCELLANEOUS

54. The Council may demand, take and recover such reasonable charges (not being ship, passenger and goods dues as defined in section 57 (1) of the Harbours Act 1964) for services and facilities provided by them at the harbour as they may from time to time determine and may grant such exemptions and rebates as they think fit from dues or charges recoverable under this Act or any other enactment relating to the harbour.

Charges for services or facilities.
1964 c. 40.

55.—(1) The Council may compound with any person with respect to the payment of charges recoverable under this Act or any other enactment relating to the harbour.

Payment of charges.

(2) The several charges which the Council are for the time being authorised to demand, take and recover under this Act or any other enactment relating to the harbour may be demanded, taken and recovered by such persons, at such places, at such times and under such conditions as the Council 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 harbour.

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

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

56. The provisions of section 30 (1) and (3) of the Harbours Act 1964 (duty of harbour and local lighthouse authorities to make available for inspection, and to keep for sale, copies of lists of certain charges) shall with any necessary modifications apply to charges and fees authorised by section 25 (Powers as to moorings, etc.) of this Act and charges authorised by section 54 (Charges for services or facilities) of this Act as they apply to ship, passenger and goods dues but nothing in the said section 30 or in this Act shall require the Council to include, in the list of ship, passenger and goods dues, or in the list of charges and

Publication of fees and charges.

(b) The Council may lease different parts of the harbour under this section to different persons.

PART V
—cont.

(3) Any lease under this section may specifically provide that, during the currency of the lease, the lessee, to the extent and upon the terms specified in the lease—

- (a) shall have and may exercise in relation to the transferred harbour all or any of the powers conferred upon the Council by this Act;
- (b) shall be subject to all the restrictions, liabilities and obligations in respect thereof to which the Council are subject and shall be under a duty to perform all of the duties of the Council in respect thereof.

(4) The Council shall within one month after the date of any lease made under this section deposit a certified copy thereof in the office of the Secretary of State for Wales.

61.—(1) Subject to subsections (2) and (3) below, except where provision to the contrary is made, section 283 (1) and section 285 of the Public Health Act 1936 shall apply to all notices authorised or required to be served by or under this Act. Service of notices. 1936 c. 49.

(2) Paragraph (f) of the said section 285 shall have effect as though any relevant feature such as is referred to in section 37 (Repair of landing places, etc.) of this Act were premises.

(3) If in the case of a notice relating to a vessel the name and address of the person upon whom the notice is to be served cannot after reasonable inquiry be ascertained, the notice may be served by exhibiting it in a conspicuous position on or near the vessel.

62. For the further protection of the water authority the following provisions shall, unless otherwise agreed in writing between the Council and the water authority, apply and have effect:— For further protection of Welsh Water Authority.

(1) In this section—

“the protected fisheries” means the afon Rheidol and the afon Ystwyth and fish in, or migratory fish proceeding to or from, those rivers or either of them and the spawning grounds, spawn or food of fish in those rivers; and

“protected work” means any work, building, structure, plant, appliance, main, pipe, sewer outfall or other apparatus owned or maintained by, or under the control of, the water authority for the purpose of any of their statutory functions:

(2) The powers conferred on the Council by section 23 (General powers of Council in respect of harbour) of

- (c) In granting any works licence in response to such an application the Council shall impose on the applicant such terms and conditions as give effect to such reasonable requirements to prevent pollution of any watercourse, to safeguard it against damage or to secure that its efficiency for land drainage purposes is not impaired, as the water authority may, within the said period, make in any observations to the Council:
- (7) (a) Except in a case of emergency, not less than 28 days before requiring action under section 37 (Repair of landing places, etc.) of this Act the Council shall give notice to the water authority of the action intended together with reasonable particulars thereof and shall, in requiring such action, comply with such requirements of the water authority as are notified by that authority to the Council within the said 28 days, being requirements reasonably necessary to prevent pollution of any watercourse, to safeguard it against damage or to secure that its efficiency for land drainage purposes is not impaired, or requirements reasonably necessary to safeguard other works of the water authority;
- (b) In a case of emergency the Council shall give to the water authority such notice and particulars under subparagraph (a) above as are reasonably practicable and the provisions of that sub-paragraph shall apply so far as reasonably practicable:
- (8) Except in a case of emergency, before exercising the powers of section 40 (Power to raise and remove wrecks), section 41 (Power to deal with unserviceable vessels) or section 42 (Removal of obstructions other than vessels) of this Act in relation to the areas known as the outer and inner harbours of Aberystwyth the Council shall consult the water authority and shall comply with any reasonable requirements which may be made by the water authority for preventing pollution of the waters of those areas:
- Provided that in a case of emergency the Council shall give to the water authority such notice of the intention to exercise, or, as the case may be, the exercise of, any of the said powers as is reasonably practicable and the provisions of this paragraph shall apply so far as reasonably practicable in the circumstances:
- (9) (a) If the water authority have reasonable grounds for believing that the protected fisheries or any protected work or watercourse (including any bank thereof) are, or are likely to be, damaged by reason of the carrying

written representations made by the water authority within the said period of two months:

PART V
—cont.

- (11) Any difference arising between the water authority and the Council under this section (other than a difference as to the construction of this section or a difference arising under paragraph (10) above) shall be determined by arbitration.

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

Saving for
Trinity House.

64. The Council 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.

Council to be
local
lighthouse
authority.
1894 c. 60.

65. Where under this Act any difference is to be determined by arbitration, then unless otherwise provided, the difference shall be determined 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.

66.—(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 Council 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; 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.

SCHEDULES

SCHEDULE 1

Section 3 (2).

INCREASE OF PENALTIES UNDER THE HARBOURS,
DOCKS, AND PIERS CLAUSES ACT 1847

1847 c. 27.

In this Schedule references to a level identified by a number are references to the level of that number on the standard scale.

Provision (1)	Description of offence (2)	Old penalty or old maximum penalty (3)	New maximum penalty (4)
Section 35.	Failure of master to report arrival of a vessel.	Level 1.	Level 3.
Section 36.	Failure of master to produce certificate of registry.	Level 2.	Level 3.
Section 55.	Offering of bribes to officers and acceptance of bribes by officers.	Level 2.	Level 3.
Section 59.	Failure to dismantle vessel.	Level 1.	Level 3.
Section 60.	Failure to lower sails when entering dock.	Level 1.	Level 3.
Section 61.	Failure to furnish or fix hawsers, etc., to moorings.	Level 1.	Level 3.
Section 62.	Wilful cutting of moorings.	Level 1.	Level 3.
Section 63.	Placing of vessel near the entrance of harbour, etc., without permission.	Level 1 and in addition £1 for each hour that the vessel remains within the prescribed limits.	Level 3 and in addition £40 for each hour that the vessel remains within the prescribed limits.
Section 64.	Failure to remove vessel for purpose of enabling repair, etc., of harbour, etc.	Level 1.	Level 3.
Section 66.	Failure to remove vessel after discharge of cargo.	Level 1.	Level 3.
Section 69.	Failure to move combustible matter from quays, etc.	£2 for each hour that the matter remains on the quay.	£100 for each hour that the matter remains on the quay.

SCHEDULE 2

Section 17 (4).

ADAPTATION OF PART I OF COMPULSORY
PURCHASE ACT 1965

1965 c. 56.

1. In the Compulsory Purchase Act 1965 (hereafter 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 Council 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 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'." 1973 c. 26.

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 (hereafter 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 the 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 Aberystwyth Harbour Act 1987 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

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. 2
—cont.

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 Council, 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.

SCHEDULE 3

Sections 2 (1)
and 22.

HARBOUR LIMITS

An area bounded—

- (a) on the north, by an imaginary straight line commencing at the level of high water at Craig Lais, position latitude $52^{\circ} 25.40'$ north, longitude $04^{\circ} 05.10'$ west, and extending in a westerly direction to a position latitude $52^{\circ} 25.40'$ north, longitude $04^{\circ} 06.10'$ west;
- (b) on the west, by an imaginary straight line commencing at position latitude $52^{\circ} 25.40'$ north, longitude $04^{\circ} 06.10'$ west, and extending in a southerly direction to a position latitude $52^{\circ} 23.78'$ north, longitude $04^{\circ} 06.33'$ west;
- (c) on the south, by an imaginary straight line commencing at position latitude $52^{\circ} 23.78'$ north, longitude $04^{\circ} 06.33'$ west, and extending in a easterly direction to the level of high water at Craig yr Allt Wen, position latitude $52^{\circ} 23.78'$ north, longitude $04^{\circ} 05.38'$ west;
- (d) on the east, by the level of high water;

together with—

- (i) the areas known as the outer and inner harbours of Aberystwyth;
- (ii) the estuary of the river Rheidol (afon Rheidol) downstream of the abutments of the demolished railway bridge at National Grid reference point SN 5851:8110 formerly carrying the Aberystwyth to Carmarthen railway; and
- (iii) the estuary of the river Ystwyth (afon Ystwyth) downstream of the centre line of the bridge at National Grid reference point SN 5798:8069 at the end of Penyrangor Road, Aberystwyth, known as Tanybwllch Bridge.

Aberystwyth Harbour Act 1987

CHAPTER xiv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Incorporation of Act of 1847.
4. Application of Part I of Compulsory Purchase Act 1965.

PART II

WORKS

5. Power to construct works.
6. Power to dredge for purposes of works, etc.
7. Subsidiary works.
8. Power to deviate.
9. Tidal works not to be executed without approval of Secretary of State.
10. Lights on tidal works during construction.
11. Provision against danger to navigation.
12. Abatement of works abandoned or decayed.
13. Survey of tidal works.
14. Permanent lights on tidal works.
15. For protection of Welsh Water Authority.

PART V

FINANCIAL AND MISCELLANEOUS

Section

- 54. Charges for services or facilities.
- 55. Payment of charges.
- 56. Publication of fees and charges.
- 57. Deposit for charges.
- 58. Recovery of charges.
- 59. Planning permission.
- 60. Power to lease harbour.
- 61. Service of notices.
- 62. For further protection of Welsh Water Authority.
- 63. Saving for Trinity House.
- 64. Council to be local lighthouse authority.
- 65. Arbitration.
- 66. Crown rights.
- 67. Repeals.

SCHEDULES—

- Schedule 1—Increase of penalties under the Harbours, Docks and Piers Clauses Act 1847.
- Schedule 2—Adaptation of Part 1 of Compulsory Purchase Act 1965.
- Schedule 3—Harbour limits.
- Schedule 4—Enactments repealed.