



Killingholme Generating Stations (Ancillary Powers) Act 1991

1991 CHAPTER viii

PART V

MISCELLANEOUS AND GENERAL

31 Arbitration

Where under this Act any dispute or difference is to be referred to or determined by arbitration, then unless otherwise provided, such dispute or difference shall be referred to, and 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.

32 Defence of due diligence

- (1) In proceedings for an offence under any provision of this Act mentioned in subsection (2) below, it shall be a defence for the appropriate company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) The provisions referred to in subsection (1) above are the following:—
 - section 14 (Provision against danger to navigation);
 - section 17 (Permanent lights on tidal works);
 - section 18 (Lights on tidal works during construction).
- (3) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the appropriate company shall not, without leave of the court, be entitled to rely on that defence unless, not less than 7 clear days before the hearing, they have served on the prosecutor a notice in writing giving such information as was then in their possession, identifying, or assisting in the identification, of that other person.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

33 Crown rights

- (1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the appropriate 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)—
- (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 shall be considered necessary or appropriate.

34 Saving for Duchy of Lancaster

Without prejudice to the general law concerning the applicability of statutes to the Duchy of Lancaster, nothing in this Act shall extend or operate to authorise the appropriate company to take, use, enter upon or in any manner interfere with any land, hereditaments, soil, water or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy (which consent may be given either unconditionally or subject to such conditions and upon such terms as the said Chancellor shall deem necessary or appropriate) or take away, prejudice or diminish any estate, right, privilege, power or authority vested in or enjoyed or exercisable by Her Majesty, Her Heirs and Successors in right of Her said Duchy.

35 Saving for Trinity House

Nothing in section 14 (Provision against danger to navigation) or section 17 (Permanent lights on tidal works) of this Act shall prejudice or derogate from any of the rights or privileges or the jurisdiction or authority of the Corporation of Trinity House of Deptford Strond.

36 Town and country planning

In their application to development authorised by Part II (Works) of this Act, Article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 shall have effect as if the authority to develop given by this Act were limited to such development begun within 10 years after the passing of this Act.

37 Repeal

The Killingholme Generating Station (Ancillary Powers) Act 1972 is hereby repealed.