



CHAPTER xlv

An Act to empower Regent Refining Company Limited to construct works and to acquire lands; and for other purposes. [1st August, 1962.]

WHEREAS Regent Refining Company Limited (in this Act referred to as “the Company”) are a company within the meaning of the Companies Act, 1948, and are a company limited by shares:

And whereas the Company are a subsidiary within the meaning of section 154 of the Companies Act, 1948, of Texaco Inc.:

And whereas Texaco Inc. are engaged in the transporting, refining and marketing of petroleum and petroleum products throughout the world and, in order to meet the increasing public demand for their products in the United Kingdom, it is essential that further facilities should be made available, which facilities it is intended to provide through the Company:

And whereas the deep waters of Milford Haven enable large tankers to be accommodated at any state of the tide:

And whereas the Company have accordingly acquired an interest in certain land in the parishes of Pwllcrochan and Rhoscrowther in the rural district of Pembroke in the county of Pembroke and intend to establish a refinery on such land and on other land in the vicinity and it is expedient in the public interest that the Company should be empowered to construct the works authorised by this Act in the waters of Milford Haven and on the foreshore thereof for the accommodation of vessels (including such tankers

as aforesaid) and for the reception from such vessels of crude oil and petroleum products for the said proposed refinery and for conveying oil and petroleum products therefrom:

And whereas it is expedient that the Company be empowered to acquire lands:

And whereas it is expedient that the Company be authorised to stop up roads, bridleways and footpaths across the said lands:

And whereas in order to enable the Company to manage and control the said works it is expedient that the Company be constituted a pier authority as in this Act provided:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the works by this Act authorised, such plans showing also the lands which may be acquired or used under the powers of this Act and for the purposes of this Act together with a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county of Pembroke and such plans, sections and book of reference are respectively referred to in this Act as the deposited plans, sections and book of reference:

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, that is to say:—

Short title.

1. This Act may be cited as the Regent Refining Company Act, 1962.

Incorporation
of Acts.

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

(a) the Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act, 1845);

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

Provided that for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act, 1845, the works authorised by this Act shall be deemed to be the railway and the centre lines of those works as shown on the deposited plans shall be deemed to be the centre of the railway;

- (c) the provisions of the Act of 1847 (except sections 6 to 13, 16 to 23, 25 to 27, 31 to 42, 44 to 49, 67, 77 to 82 and 84 to 96):

Provided that section 50 of the Act of 1847 shall not apply to the Company unless and until they levy and demand rates under the powers of this Act.

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

(b) In the construction of the Act of 1847—

- (i) the expression "the harbour dock or pier" shall mean the works and the water area within the limits of the pier;
- (ii) the prescribed limits shall be the limits of the pier as defined and subject as provided in section 29 (Limits of the pier) of this Act;
- (iii) the word "vessel" shall include a seaplane on the surface of the water:

Provided that nothing in the Act of 1847 shall in any circumstances require or authorise the pier master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever in the structure of a seaplane.

3.—(1) In this Act the following words and expressions have the several meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction, that is to say:— Interpretation.

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

"the Act of 1958" means the Milford Haven Conservancy Act, 1958;

"the conservancy board" means the Milford Haven Conservancy Board;

"the Company" means Regent Refining Company Limited;

“enactment” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation made under an Act;

“the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961;

“the limits of deviation” means the limits of deviation authorised by section 7 (Power to deviate) of this Act;

“the limits of the pier” means the limits of the pier as defined by section 29 (Limits of the pier) of this Act;

“the Minister” means the Minister of Transport;

“the pier” means the works as defined in this section;

“the pier undertaking” means the undertaking of the Company in connection with the pier as from time to time authorised;

“telegraphic line” has the same meaning as in the Telegraph Act, 1878;

“the tribunal” means the Lands Tribunal;

“vessel” includes—

(a) except in section 33 (Power to levy rates) of this Act, a seaplane on the surface of the water;

(b) in section 38 (Powers with respect to disposal of wrecks) and section 39 (Protection of Crown interests in wrecks) of this Act, any aircraft;

“the works” means the works authorised by this Act and includes those works as enlarged, altered, replaced or relaid under section 6 (Alteration and improvement of works) of this Act and the works authorised by paragraph (a) of subsection (1) of section 5 (Subsidiary works) of this Act and “work” shall be construed accordingly.

(2) This Act shall be read as if the words “or thereabouts” were inserted after each distance mentioned in section 4 (Power to make works) of this Act.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Act.

Power to make
works.

4.—(1) Subject to the provisions of this Act, the Company may make in the lines and situations and upon the lands delineated

on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described, that is to say:—

Work No. 1 A pier or jetty of open construction commencing at a point fronting the foreshore near Ferry Cwm in the parish of Pwllcrochan in the rural district of Pembroke in the county of Pembroke, extending into the waters of Milford Haven in a northerly direction for a distance of one thousand three hundred and twenty feet and terminating (with one or more connections) at Work No. 2 authorised by this Act, the whole having decks of concrete or steel (or a combination of concrete and steel) with roadways, pipeways and walkways thereon;

Work No. 2 A jetty head for berthing vessels commencing at a point in the waters of Milford Haven seven hundred and sixty-five feet measured in a westerly direction from the termination of Work No. 1 authorised by this Act and terminating at a point in the said waters one thousand four hundred feet eastwards from the point of commencement consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways, pipeways and walkways, the whole having decks of concrete or steel (or a combination of concrete and steel) supported on piles, columns or caissons of concrete or steel (or a combination of concrete and steel) or other partly open or partly solid structures;

Work No. 3 A jetty head for berthing vessels commencing at a point in the waters of Milford Haven one thousand eight hundred and fifteen feet measured in a westerly direction from the termination of Work No. 1 authorised by this Act and terminating at the commencement of Work No. 2 authorised by this Act consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways, pipeways and walkways, the whole having decks of concrete or steel (or a combination of concrete and steel) supported on piles, columns or caissons of concrete or steel (or a combination of concrete and steel) or other partly open or partly solid structures;

Work No. 4 A jetty head for berthing vessels commencing at the termination of Work No. 2 authorised by this Act and terminating at a point in the waters of Milford Haven seven hundred and twenty-five feet eastwards from the point of commencement consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways, pipeways and

walkways, the whole having decks of concrete or steel (or a combination of concrete and steel) supported on piles, columns or caissons of concrete or steel (or a combination of concrete and steel) or other partly open or partly solid structures;

Work No. 5 A jetty head for berthing vessels commencing at the termination of Work No. 4 authorised by this Act and terminating at a point seven hundred and twenty-five feet eastwards from the point of commencement consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways, pipeways and walkways, the whole having decks of concrete or steel (or a combination of concrete and steel) supported on piles, columns or caissons of concrete or steel (or a combination of concrete and steel) or other partly open or partly solid structures.

(2) The Company may by means of the works enclose and reclaim from the foreshore and bed of the sea and may hold and use as part of the pier undertaking so much of the foreshore and bed of the sea as is situate within a distance of three hundred feet in an easterly, westerly and southerly direction from the works and is required for or in connection with the works:

Provided that nothing in this subsection shall authorise the Company to enclose and reclaim any part of the foreshore and bed of the sea situate within the limits of deviation for Works Nos. 1 and 2 authorised by section 4 (Power to make works) of the BP Trading Act, 1957.

Subsidiary
works.

5.—(1) Subject to the provisions of this Act, the Company for the purposes of or in connection with the works authorised by section 4 (Power to make works) of this Act may within the limits of deviation in addition to such works—

(a) construct or place and maintain and use all such cuts, channels, docks, entrances, sea walls, gates, weirs, dams, basins, reservoirs, ponds, trenches, pounds, slipways, lay-byes, sluices, culverts, syphons, by-passes, arches, bridges (fixed or opening), ferries, sewers, drains, mains, pipes, cables, tanks, valves and valve chambers, embankments, towing-paths, banks, walls, jetties, berthing heads, strong points, landing places, mooring dolphins, moorings, buoys, beacons, lights, signals, telecommunication installations, groynes, quays, wharves, warehouses, sheds, buildings, engines, pumps, machinery, lifts, cranes, towers, drops, winches, capstans, gantries, conveyors, staites, tips, railways, tramways, junctions, sidings, turntables, roads, roadways, tunnels, walkways,

approaches, pipeways, works and appliances as may be necessary or convenient for or in connection with or subsidiary to the said authorised works;

(b) temporarily or permanently use, strengthen, widen, improve, alter or otherwise interfere with drains, sewers, submarine cables, telegraphic, telephonic, electric, gas, water and other pipes, lines, wires, works and apparatus (all of which are hereinafter in this section referred to as "apparatus") providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus.

(2) Any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Company 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.

(3) In the exercise of the powers conferred by this section the Company shall cause as little detriment and inconvenience as the circumstances permit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(4) (a) Not less than twenty-eight days before executing any works under paragraph (b) of subsection (1) of this section affecting any apparatus the Company shall submit to the appropriate authority sufficient plans, sections and particulars of the proposed works for their reasonable approval.

(b) The Company shall execute such works in accordance with such plans, sections and particulars as may be submitted to and approved by the appropriate authority or, if such approval be refused, as may be settled by arbitration and all such works shall be executed to the reasonable satisfaction of the appropriate authority and the Company shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) Any dispute or difference which may arise between the appropriate authority and the Company under this subsection shall be settled by arbitration.

(d) In this subsection "the appropriate authority" means in relation to any apparatus the authority to whom it belongs or by whom it is repairable.

(5) Notwithstanding anything in this section contained the Company shall not—

(a) use any telegraphic line belonging to or used by the Postmaster General;

(b) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878.

(6) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used in pursuance of the powers conferred by this section shall be so constructed, erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line or with any apparatus of the South Wales Electricity Board or with any purpose for which such apparatus is used.

(7) Any telegraphic and telephonic apparatus used under the provisions of this section shall be so used as not to contravene the exclusive privilege conferred upon the Postmaster General by the Telegraph Act, 1869.

(8) Notwithstanding anything in this section contained, the Company shall not instal or use apparatus for wireless telegraphy in contravention of the provisions of the Wireless Telegraphy Act, 1949.

(9) In subsection (5) of this section, the expression "alter" has the same meaning as in the Telegraph Act, 1878, and, in subsection (8), the expression "apparatus for wireless telegraphy" has the same meaning as in the Wireless Telegraphy Act, 1949.

Alteration and improvement of works.

6.—(1) Subject to the provisions of this Act, the Company may from time to time maintain, renew, enlarge and alter temporarily or permanently the works authorised by section 4 (Power to make works) of this Act or any part thereof:

Provided that nothing in this section shall authorise the Company to deviate laterally beyond the limits of deviation.

(2) The provisions of subsection (3) of section 5 (Subsidiary works) of this Act shall apply in relation to any works of maintenance, renewal, enlargement or alteration carried out under this section as they apply in relation to works carried out under the powers of the said section 5.

Power to deviate.

7. In the construction of the works authorised by section 4 (Power to make works) of this Act the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards:

Provided that notwithstanding anything shown on the deposited plans there shall be excluded from the area within the limits of

deviation shown on those plans so much thereof as lies to the north of an imaginary straight line drawn from a point on the westerly limit of deviation shown on the said plans one hundred feet south of the most northerly point of the said westerly limit to a point on the easterly limit of deviation shown on the said plans one hundred feet south of the most northerly point of the said easterly limit.

8. So much of the works as is outside the area of the petty sessional division of Pembroke in the county of Pembroke or the rural district of Pembroke shall be deemed to be within the said area or the said rural district, as the case may be.

Works to be within petty sessional division and rural district of Pembroke.

9.—(1) Subject to the provisions of this Act, the Company may from time to time deepen, dredge, scour and improve the bed and foreshore of the sea and blast any rock within the limits of deviation or any part or parts thereof and the channels and approaches thereto and any chalk, gravel, rock or other materials taken up or collected by means of such deepening, dredging, scouring or blasting shall be the property of the Company and they may use, sell or otherwise dispose of or remove or deposit the same as they think fit:

Power to dredge.

Provided that—

- (i) no such materials shall be laid down or deposited in any place below high-water mark of ordinary spring tides except in such position as may be approved by the Minister and the conservancy board and under such restrictions and regulations as may be imposed by the Minister and the conservancy board;
- (ii) if it appears to the Company that the conservancy board have unreasonably withheld their approval under paragraph (i) of this proviso or that any restriction or regulation imposed by the conservancy board under that paragraph is unreasonable, they may appeal to the Minister whose decision shall be binding on both parties.

(2) In the exercise of the powers conferred by this section the Company may remove or resite submarine cables in or across the bed or foreshore of the sea doing as little damage as may be and making good all damage done.

(3) (a) Before exercising their powers under this section of deepening, dredging, scouring and improving the bed and foreshore of the sea and blasting rock and of removing and resiting submarine cables, the Company shall submit to the conservancy board for their reasonable approval plans and sections defining the nature, extent and manner of the operations to be carried out in the exercise of those powers, and the powers shall not be exercised otherwise than in accordance with such plans and sections

as may be reasonably approved by the conservancy board or as may be settled by the Minister under paragraph (b) of this subsection and in such manner as may be reasonably approved by the conservancy board.

(b) The approval of the conservancy board under this subsection shall not be unreasonably withheld and if it appears to the Company that any such approval has been unreasonably withheld they may appeal to the Minister whose decision shall be binding on both parties.

(4) (a) In the exercise of the powers conferred by this section the Company shall not interfere with, damage or injuriously affect any submarine cable placed or maintained by the Postmaster General without the consent of the Postmaster General.

(b) Before commencing to deepen, dredge, scour or improve the bed or foreshore of the sea or blast any rock under the powers of this section within a distance of one hundred and fifty yards of any such submarine cable, in any case where blasting operations are involved, or, in any other case, within a distance of fifty yards of any such cable, the Company shall give in writing to the Postmaster General as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do.

(c) Any material dredged up or removed shall not be laid down or deposited in such a place or manner as to cover any such submarine cable or in any way obstruct or impede any work of or connected with the inspection or repair of such a cable.

Period for
completion
of works.

10. Subject to the provisions of this Act, if the works authorised by section 4 (Power to make works) of this Act are not completed within ten years from the first day of October nineteen hundred and sixty-two then on the expiration of that period the powers by this Act granted to the Company for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed:

Provided that nothing in this section shall prejudice or affect the powers of the Company to maintain, use, enlarge, alter, replace or relay the said works at any time and from time to time as occasion may require.

Works below
high-water
mark to be
subject to
approval of
Minister.

11.—(1) Subject to the provisions of this Act, any work shall be constructed so far as the same shall be on, under or over tidal waters or tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section, the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt.

12.—(1) The Company shall at or near such part of any work as shall be on, under or over tidal waters or tidal lands below high-water mark of ordinary spring tides during the whole time of the construction, alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister and the conservancy board or as, failing agreement between the Minister and the conservancy board, the Minister shall from time to time require or approve. Lights on works during construction.

(2) If the Company fail to comply in any respect with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding twenty pounds and, in the case of a continuing offence, to an additional fine not exceeding two pounds for every day on which after conviction thereof they so fail.

13.—(1) After the completion of the works, the Company shall at the outer extremity of those works on, under or over tidal waters or tidal lands below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the conservancy board shall from time to time direct. Permanent lights on works.

(2) If the Company fail to comply in any respect with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding twenty pounds and, in the case of a continuing offence, to an additional fine not exceeding two pounds for every day on which after conviction thereof they so fail.

14.—(1) In case of injury to or destruction or decay of the works or any part thereof, so far as the same shall be constructed on, under or over tidal waters or tidal lands below high-water mark of ordinary spring tides the Company shall lay down such buoys, exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the conservancy board and shall apply to the conservancy board for directions as to the means to be taken. Provision against danger to navigation.

(2) If the Company fail to comply in any respect with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding ten pounds and, in the case of a continuing offence, to an additional fine not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement
of work
abandoned
or decayed.

15.—(1) Where any work situate wholly or partially on, under or over tidal waters or tidal lands below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay, the Minister or the conservancy board may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister or the conservancy board, as the case may be, may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore, the Minister or the conservancy board, as the case may be, may include any such part of such work or any portion thereof in any notice under this section.

(3) If, during the period of thirty days from the date when the notice is served upon the Company, they have failed to comply with such notice, the Minister or the conservancy board, as the case may be, may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall—

(a) in the case of works executed by the Minister, be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt; and

(b) in the case of works executed by the conservancy board, be a debt due from the Company to the conservancy board and shall be recoverable by the conservancy board in any court of competent jurisdiction.

Survey of
works.

16. If at any time the Minister or the conservancy board deem it expedient to order a survey and examination of any work which shall be on, under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which

it is proposed to construct any such work, the Company shall defray the expense of the survey and examination and the amount thereof—

- (a) if carried out by the Minister, shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt; and
- (b) if carried out by the conservancy board, shall be a debt due from the Company to the conservancy board and shall be recoverable by the conservancy board in any court of competent jurisdiction.

17. If it appears to the Company that any requirement or order made or given by the conservancy board under section 15 (Abatement of work abandoned or decayed) or section 16 (Survey of works) of this Act is unreasonable, they may within thirty days after the receipt of any such requirement or order appeal to the Minister whose decision shall be binding on both parties and the Company shall not be liable to repay to the conservancy board any expenses incurred by the conservancy board for the purpose of giving effect to any requirement or order which the Minister may on such appeal determine to be unreasonable.

Provisions applicable to sections 15 and 16.

18.—(1) The Company may from time to time build, purchase, contract for or hire and may maintain and use tugs, hoppers, barges or other powered craft—

Company may provide dredgers, tugs, etc.

- (a) as may be necessary or expedient for or in relation to any of the purposes mentioned in section 9 (Power to dredge) of this Act; and
- (b) for the use and accommodation of vessels within the limits of the pier and for this purpose they may let the same.

(2) In addition to the purposes referred to in paragraph (a) of subsection (1) of this section, the Company may purchase, hire, provide and may maintain and use all necessary dredging and other machines, engines, craft, machinery and appliances as may be necessary or expedient.

(3) Any electrical power used pursuant to this section shall be so used and any electrical works or apparatus purchased, hired, provided, maintained or used pursuant to this section shall be so constructed, laid or erected and so maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

Power to
sell pier
undertaking.

19.—(1) At any time after the works have been completed, the Company may, with the previous consent in writing of and upon such terms, conditions and restrictions as may be approved by the Minister, sell the pier undertaking and the purchaser, to the extent authorised by his conveyance, shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations in respect of the pier undertaking to which the Company are subject and shall perform all the duties of the Company under this Act in respect of such undertaking:

Provided that the Company shall not exercise the powers of this section unless at least one month before making application to the Minister for his consent to the sale of the pier undertaking they give to the conservancy board notice in writing of their intention so to do and of the name of the intended purchaser.

(2) The Company shall, within one month after the date of any conveyance made under this section, deposit a certified copy thereof at the Ministry of Transport and shall, upon failure to do so, be liable to a fine not exceeding twenty pounds.

Power to
lease pier
undertaking
or rates.

20.—(1) Subject to the provisions of subsection (4) of this section, the Company may, with the previous consent in writing of and upon such terms, conditions and restrictions and for such period as may be approved by the Minister, lease to any company, corporation or person (a) the pier undertaking or (b) the right to collect and retain the rates which the Company are authorised to demand, take and recover.

(2) As from the commencement of any lease made under the last preceding subsection, the lessee, during the continuance of and to the extent provided in his lease, shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations in respect of the pier undertaking to which the Company are subject and shall perform all the duties of the Company under this Act in respect of such undertaking.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister and the provisions of this Act with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Company or, as the case may be, a lessee shall not exercise the powers of this section unless at least one month before making application to the Minister for his consent to the leasing of the pier undertaking or, as the case may be, to an assignment

of a lease of the pier undertaking they or he give to the conservancy board notice in writing of their or his intention so to do and of the name of the intended lessee or assignee, as the case may be.

(5) The Company shall, within one month after the date of any lease made under this section, deposit a certified copy thereof at the Ministry of Transport and shall, upon failure to do so, be liable to a fine not exceeding twenty pounds.

(6) Nothing in this section shall exempt the Company from their obligation to keep and render accounts and, as from the date of any lease made under this section, all the provisions of the Acts incorporated with this Act and of this Act as to the keeping, delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Company and all moneys received by the Company under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Act.

(7) Notwithstanding that under this section the power to demand, take and recover any rates for which statutory maxima may be fixed by an order made under section 33 (Power to levy rates) of this Act is transferred by the Company to some other person, the rates in respect of which the power is so transferred shall for the purposes of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954, be deemed to be charges (within the meaning of the said Act of 1954) which the Company are for the time being authorised to demand and take in pursuance of the said Acts and, in connection with any application for the revision of such rates, the provisions of the said section 6 shall apply as if the said power to demand, take and recover had not been so transferred.

21.—(1) Subject to the provisions of this Act, the Company may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works and for the purpose of establishing the refinery mentioned in the preamble to this Act and for purposes ancillary thereto, or connected therewith. Power to acquire lands.

(2) The powers of the Company for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and sixty-two.

22.—(1) If the deposited plans 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 Company, after giving not less than ten days' notice Correction of errors in deposited plans and book of reference.

to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the county of Pembroke 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, House of Commons, with the clerk of the county council of the administrative county of Pembroke, and with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament, or who has the custody of any copy so deposited; and thereupon the deposited plans and 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.

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

Power to expedite entry.

23. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act, but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Company may enter on and take possession of the land, or such part thereof as is specified in the last-mentioned notice, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

Provided that the Company shall pay the like compensation for land of which possession is taken under this section, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

24. Any person acting on behalf of the Company and duly authorised in that behalf may on producing if so required some duly authenticated document showing his authority at all reasonable times enter on any land that the Company are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Company not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent

entry, have given notice in writing to the owner and occupier of the land in manner provided by section 285 of the Public Health Act, 1936.

25. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account— Disregard of recent improvements and interests.

(a) any improvements or alteration made, or building erected, after the first day of April, nineteen hundred and sixty-two; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

26.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished. Extinction of rights of way.

(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 under and in accordance with the Land Compensation Act, 1961.

27.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may, if he thinks fit, subject to the provisions of those Acts, grant to the Company any easement or right required for the purposes of this Act in or over the lands not being an easement or right of water in which some person other than the grantor has an interest. Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

28.—(1) The Company may stop up and discontinue so much of the roads, bridleways and footpaths in the parishes of Pwllcrochan and Rhoscrowther in the rural district of Pembroke as are shown on the deposited plans as intended to be stopped up and any other footpaths over or across the lands of the Company or the lands to be acquired shown on the deposited plans and thereupon all rights of way over the said roads, bridleways and footpaths or portions thereof shall be extinguished and the Company may appropriate and use the sites thereof. Stopping up of roads, footpaths, etc.

Provided that the Company shall not under the powers of this section stop up—

(a) any part of such roads, bridleways or footpaths unless—

(i) such part is bounded on both sides by lands belonging to the Company; or

- (ii) the Company obtain the consent of the owners, lessees and occupiers of the buildings and lands on both sides thereof;
- (b) any part of the public road being the lands numbered on the deposited plans 96 in the parish of Rhoscrowther.
- (2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Company compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.
- (3) (a) In this subsection—
- “approved situation” means—
- (i) in the case of a footpath to be substituted for the existing footpath, such situation as may be agreed between the Company and the National Parks Commission after consultation with the highway authority responsible for the maintenance of the existing footpath and approved by the Minister of Housing and Local Government or, in case of difference, between the Company and the National Parks Commission, as may be determined by the Minister of Housing and Local Government;
- (ii) in the case of a road to be substituted for the existing road, such situation as may be agreed between the Company and the highway authority responsible for the maintenance of the existing road or, in case of difference between the Company and the highway authority, as may be determined by the Minister;
- “the coastal footpath” means the Pembrokeshire coastal footpath as defined by the National Parks Commission and approved by the Minister of Housing and Local Government under section 52 of the National Parks and Access to the Countryside Act, 1949;
- “the existing footpath” means so much of the coastal footpath as traverses the lands to be acquired shown on the deposited plans;
- “the existing road” means the portion of the public road from Wallaston Cross to Rhoscrowther being the lands numbered on the deposited plans 42 in the parish of Rhoscrowther and that part of the lands numbered on the said plans 20 in the said parish leading from the northern end of the said lands numbered 42 in a southeasterly direction to the limit of land to be acquired;
- “properly completed” means—
- (i) in the case of the footpath to be substituted for the existing footpath, completed to the satisfaction of

the highway authority responsible for the maintenance of the existing footpath after consultation with the National Parks Commission and open for public use or, in case of difference between the Company and the highway authority, completed to the satisfaction of the Minister of Housing and Local Government and open for public use;

(ii) in the case of the road to be substituted for the existing road, completed to the satisfaction of the highway authority responsible for the maintenance of the existing road, in accordance with their reasonable requirements and open for public use or, in case of difference between the Company and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, completed to the satisfaction of the Minister and certified by him to have been so completed and open for public use.

(b) Notwithstanding anything in subsection (1) of this section—

(i) whether or not any road or bridleway along or beside which the existing footpath passes is stopped up or discontinued under the powers of this section, the Company shall not stop up or discontinue the existing footpath or any part thereof until a substituted footpath has been constructed in an approved situation and is properly completed; and

(ii) the Company shall not stop up or discontinue the existing road until a substituted road has been constructed in an approved situation and is properly completed.

(c) When the substituted footpath has been properly completed in accordance with paragraph (b) of this subsection, it shall be deemed to have been approved by the Minister of Housing and Local Government under subsection (1) of section 52 of the National Parks and Access to the Countryside Act, 1949, and shall for all purposes form part of the coastal footpath and shall be subject to the same public rights of way as were exercisable in respect of the existing footpath before it was stopped up or discontinued.

(d) When the substituted road has been properly completed in accordance with paragraph (b) of this subsection, it shall be maintainable by the highway authority responsible for the maintenance of the existing road and shall be subject to the same public rights of way as were exercisable over the existing road before it was stopped up or discontinued:

Provided that for the period of twelve months from the completion and opening of the substituted road for public use all costs incurred by the highway authority in the maintenance of the road shall on demand be paid to the highway authority by the Company.

(4) (a) Where under the powers of this section any road, bridleway or footpath or part of any road, bridleway or footpath is stopped up, the following provisions of this subsection shall, unless otherwise agreed in writing between the Company and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up ceases to be a highway (in this subsection referred to as "the affected line"), that is to say:—

- (i) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up of the road, bridleway or footpath or part of the road, bridleway or footpath, so however that the said power shall not be exercisable, as respects the whole or any part of the affected line, after the expiration of a period of three months from the date mentioned in paragraph (b) of this subsection unless before the expiration of that period the Postmaster General has given notice to the Company of his intention to remove the affected line or that part thereof, as the case may be:
- (ii) The Postmaster General may by notice in that behalf to the Company abandon the affected line or any part thereof, and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it:
- (iii) In any case in which the Postmaster General has given notice to the Company under sub-paragraph (i) of this paragraph of his intention to remove the affected line or any part thereof, the Company may at any time after the receipt of such notice send by post to the Postmaster General a notice requiring the affected line or such part thereof as aforesaid to be removed or abandoned within such period, not being less than six months from the date of such last-mentioned notice, as may be specified in that notice and, unless before the expiration of such last-mentioned period or such longer period as may be agreed between the Postmaster General and the Company the Postmaster General has removed the affected line or such part thereof as aforesaid or has given notice to the

Company of the abandonment of the affected line or such part, he shall be deemed to have abandoned the affected line or that part, as the case may be:

- (iv) The Postmaster General shall be entitled to recover from the Company the expense of providing, in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require:
- (v) Where under sub-paragraph (ii) or sub-paragraph (iii) of this paragraph the Postmaster General has abandoned the whole or any part of the affected line, it shall vest in the Company and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(b) As soon as practicable after the whole or part of a road, bridleway or footpath has been stopped up under the powers of this section the Company shall send by post to the Postmaster General a notice informing him of such stopping up, and the period of three months mentioned in sub-paragraph (i) of paragraph (a) of this subsection shall commence to run from the date on which such notice is sent.

29. The limits within which the Company shall exercise jurisdiction as a pier authority, and within which the powers of the pier master may be exercised, shall extend over (a) the area of water within a distance of three hundred feet from the structures of Works Nos. 2, 3, 4 and 5 authorised by this Act and over (b) the area of water enclosed by lines drawn in a direction south (true) from points respectively three hundred feet west of the commencement of Work No. 3 and three hundred feet east of the termination of Work No. 5 to high-water mark of ordinary spring tides: Limits of the pier.

Provided that the jurisdiction of the pier master conferred by this Act shall only be exercised with reference to vessels which shall be within the limits of the pier and vessels coming to or departing from the said Works Nos. 2, 3, 4 and 5 and vessels which shall obstruct the approaches to such works and shall not be exercised beyond the said limits.

30. Section 52 of the Act of 1847 in its application to the Company and the pier master shall extend to empower the pier master to give directions prohibiting the mooring of vessels within the limits of the pier. Directions of pier master.

Orders of
pier master
need not be
in writing

31. Section 53 of the Act of 1847 in its application to the Company and the pier master shall not be construed to require the pier master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master:

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

Pier master
may prevent
sailing of
vessels.

32. The pier master may prevent the removal or sailing from within the limits of the pier of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collectors of rates.

Power to
levy rates.

33.—(1) The Company may, if they think fit, levy and demand in respect of every vessel lying alongside or using any berth or other work of the Company within the limits of the pier and in respect of all goods discharged, shipped or received upon or from any berth or other work of the Company within the limits of the pier rates not exceeding those specified in an order (in this section referred to as "the order") made by the Minister in accordance with the provisions of this section.

(2) Before they begin to levy or demand rates under this section, the Company shall make application to the Minister for an order prescribing the maximum rates and shall submit to the Minister a draft of the order which they desire him to make.

(3) After submitting the draft order to the Minister, the Company shall furnish the Minister with such information and particulars certified in such manner as the Minister may require and shall publish in such newspapers as the Minister may require a notice stating—

(a) the general effect of the application; and

(b) that within a period of forty-two days from the date of the first publication of the notice any person having a substantial interest may object to the application by giving notice to the Minister accompanied by the grounds of his objection with a copy to the Company.

(4) Before making the order, the Minister shall, if required by the Company or by any person who has objected to the application and has not withdrawn his objection and in any other case if he thinks fit, cause a local inquiry to be held by such person as he may appoint for the purpose.

(5) The Minister shall make the order in the terms of the draft submitted to him or in those terms as modified in such manner as he thinks fit.

(6) In making the order the Minister shall have regard to the financial position and future prospects of the pier undertaking and the order shall prescribe such maximum rates as in the Minister's opinion shall not exceed by more than is reasonable the rates estimated to be required to be levied and demanded so as to result in the pier undertaking receiving an annual revenue neither substantially less nor substantially more than adequate to meet such expenditure on the working, management and maintenance of the pier undertaking and such other costs, charges and expenses of the pier undertaking as are properly chargeable to revenue, including reasonable contributions to any reserve, contingency or other fund and a reasonable return upon the paid-up share capital of the Company.

(7) The order shall be made by statutory instrument.

(8) The order may be varied or revoked by an order made under subsection (2) of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954, as if it were an order made under that section.

(9) Nothing in this section shall enable the Company to levy or demand rates in respect of any vessel while in use by the conservancy board for the purposes of their functions under the Act of 1958.

34. If the Company levy and demand rates under the powers of this Act, they may confer, vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Act, but so that no preference be in any case given to any person over any other person using the pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Act.

Power to vary exemptions and compound for rates.

35. The Company may (so far as the rates specified in any order made under section 33 (Power to levy rates) of this Act do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any mooring posts, cranes, buoys, works and conveniences belonging to or provided by the Company or in respect of any services rendered by them in connection with the pier undertaking:

Rates for services and accommodation not otherwise provided for.

Provided that nothing in this section shall enable the Company to levy or demand rates or other consideration except for the purposes of or in connection with the discharge, shipping or receipt of petroleum, petroleum products (including chemicals derived from petroleum) and materials used in the manufacture thereof.

Restriction
on powers to
charge rates
for goods.

36. Nothing in this Act shall enable the Company or authorise the Minister to empower the Company to levy and demand rates for any goods except petroleum, petroleum products (including chemicals derived from petroleum) and materials used in the manufacture thereof.

Annual
accounts of
pier under-
taking to
be sent to
Minister.

37.—(1) If the Company levy and demand rates under the powers of this Act, they shall, within three months after the date to which the accounts and balance sheet in respect of the pier undertaking are made up, send to the Minister a copy of such accounts in such form as the Minister may prescribe, and section 16 of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include the Company and any and every such accounts.

(2) The Company shall as from the expiration of that period be liable on summary conviction to a fine not exceeding twenty pounds for every refusal or neglect to comply with the foregoing provisions.

Powers with
respect to
disposal of
wrecks.

38.—(1) In their application to the Company, sections 530 and 532 of the Merchant Shipping Act, 1894, shall have effect—

(a) subject to the provisions of section 39 (Protection of Crown interests in wrecks) of this Act; and

(b) in relation to a vessel sunk, stranded or abandoned before as well as after the passing of this Act.

(2) Subject to subsection (3) of this section, and to any enactment for the time being in force limiting his liability, the Company may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 (being a vessel sunk, stranded or abandoned after the passing of this Act) any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section.

(3) Except in a case which is in the opinion of the Company a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530 (other than the power of lighting and buoying) the Company have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires the Company receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the said section 39 he shall be at liberty to do so, and the Company shall not exercise the powers

aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Company.

(4) Notice under subsection (3) of this section to the owner of any vessel may be served by the Company either by delivering it to him or by sending it to him by registered post or the recorded delivery service addressed to him at his last-known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the Company, by displaying the notice at the registered office of the Company for the period of its duration.

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

(6) Except in a case which is in the opinion of the Company a case of emergency, the Company shall before exercising any of the powers conferred upon them by the said section 530 (other than the power of lighting and buoying) give to the Postmaster General in writing as long notice as is practicable of their intention to do so.

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

of Crown
interests in
wrecks.

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

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

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

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

(2) The Company shall give notice in writing to the Admiralty, to the Minister and to the conservancy board of any decision

of the Company to exercise in relation to any vessel any of the powers aforesaid (other than the power of lighting and buoying) and, except in a case which is in the opinion of the Company a case of emergency, shall not proceed with the exercise thereof—

- (a) except with the consent of the Admiralty and the Minister, before the expiration of a period of fourteen days from the giving of the notice; or
- (b) if before the expiration of the said period there is served on the Company a direction by the Admiralty or the Minister that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where, in any such case as aforesaid, the Company proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and if, before the expiration of the period aforesaid, such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of section 38 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

- (i) the Company shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) of this section, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 38 to have been duly served under paragraph (b) of this subsection;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Minister for the purposes of this proviso.

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

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

40. In addition to the byelaws which may be made by the Company under section 83 of the Act of 1847, the Company may from time to time make, alter and repeal such byelaws as they think fit with reference to all or any of the following purposes, that is to say:—

Power to
Company
to make
byelaws.

the management, control and regulation of the pier and of goods, wares, merchandise and vehicles using or passing over or frequenting or resorting to the pier;

the control and regulation of vessels being within the limits of the pier;

the conduct of persons using or being on the pier and the control or prohibition of smoking by such persons;

safety precautions to be observed by persons on vessels being within the limits of the pier or persons using or being on the pier;

generally any other matters relating to the pier.

41.—(1) All byelaws made by the Company shall be subject to the provisions contained in subsections (2), (3), (4), (5), (6) and (7) of section 250 and in sections 251 and 252 of the Local Government Act, 1933, and all fines imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of fines and those sections shall for the purposes of this section be construed as if the words "the Company" were inserted instead of the words "the authority" wherever they occur and as if the reference to "the clerk of the authority" included a reference to "the secretary of the Company".

Application
of Local
Government
Act, 1933,
to byelaws.

(2) The confirming authority for the purposes of the said section 250 shall be the Minister.

42. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Act and section 290 of the Local Government Act, 1933, shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Company were a local authority.

Inquiries by
Minister.

43. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then,

Arbitration.

unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties or, failing agreement, appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

For mutual protection of Company and B P Trading Limited.

44.—(1) Notwithstanding anything in section 29 (Limits of the pier) of this Act, the limits within which the Company shall exercise jurisdiction as a pier authority and within which the powers of the pier master may be exercised shall not extend to the west of the limits of deviation.

(2) Notwithstanding anything in section 41 (Limits of the pier) of the B P Trading Act, 1957, the limits within which B P Trading Limited shall exercise jurisdiction as a pier authority and within which the powers of the pier master of B P Trading Limited may be exercised shall not extend to the east of the limits of deviation shown on the deposited plans referred to in the said Act of 1957.

For protection of conservancy board.

45. For the protection of the conservancy board, the following provisions shall, unless otherwise agreed in writing between the Company and the conservancy board, apply and have effect:—

- (1) Before commencing to construct any of the works or any renewal, enlargement or alteration thereof the Company shall submit to the conservancy board for their reasonable approval plans, sections and particulars of the work or the renewal, enlargement or alteration, and such work, renewal, enlargement or alteration shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be reasonably approved by the conservancy board or as may be determined by the Minister as hereinafter provided:
- (2) In the event of the conservancy board failing to express their disapproval of any plans, sections or particulars within two months after such plans, sections and particulars shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans, sections and particulars as submitted:
- (3) After the purpose for which temporary structures used to enable any of the works to be constructed has been accomplished, the Company shall with all reasonable dispatch or after fourteen days' notice in writing from the conservancy board requiring them so to do remove any such temporary structures or any materials for the same which may have been placed in the waters of Milford Haven by the Company and if they fail to do so the conservancy board may remove the same and the Company shall repay to the conservancy board the reasonable expense of such removal:

(4) The Company shall permit the officers, servants and agents of the conservancy board to have access both by water and by land at all reasonable times on, to or over any of the works without payment or hindrance—

(a) during the construction thereof for the purpose of inspection; and

(b) after the construction thereof whilst in the execution of their duties:

(5) Any dispute or difference which may arise between the Company and the conservancy board under paragraph (3) or paragraph (4) of this section shall be settled by arbitration:

(6) If it appears to the Company that the conservancy board have unreasonably withheld their approval to any plans, sections or particulars under paragraph (1) of this section they may appeal to the Minister whose decision shall be binding on both parties.

46.—(1) Nothing in this Act shall prejudice or derogate from the rights, powers, jurisdiction or authority of the conservancy board under the Act of 1958, and for the purposes of that Act this Act shall be deemed to have been passed before and in force at the passing of that Act. Saving for conservancy board.

(2) The byelaws made from time to time by the conservancy board under section 34 of the Explosives Act, 1875, and section 7 of the Petroleum (Consolidation) Act, 1928, respectively shall extend and apply and may be enforced within the limits of the pier and the Company shall be under no duty to make byelaws under the said section 7 notwithstanding anything contained therein.

(3) The byelaws made from time to time by the conservancy board under section 9 of the Act of 1958 shall extend and apply and may be enforced within the limits of the pier.

47. Nothing in section 13 (Permanent lights on works) or section 14 (Provision against danger to navigation) of this Act shall derogate from or affect any duty or liability of the conservancy board under section 8 of the Act of 1958 nor prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of the Corporation of Trinity House of Deptford Strond. Saving for Trinity House.

48. 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 herein contained authorises the Company to take, use or in any Crown rights.

manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description 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 on behalf of Her Majesty first had and obtained for that purpose.

Saving for town and country planning.

49. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act, 1947, for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

50. The costs, charges and expenses preliminary to and of and incidental to the applying for and the preparing, obtaining and passing of this Act shall be paid by the Company.

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Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845...	8 & 9 Vict. c. 20.
Harbours, Docks and Piers Clauses Act, 1847	10 & 11 Vict. c. 27.
General Pier and Harbour Act, 1861, Amend- ment Act	25 & 26 Vict. c. 19.
Telegraph Act, 1869	32 & 33 Vict. c. 73.
Explosives Act, 1875	38 Vict. c. 17.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Petroleum (Consolidation) Act, 1928 ...	18 & 19 Geo. 5 c. 32.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6 c. 51.
Companies Act, 1948	11 & 12 Geo. 6 c. 38.
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