



Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27

Construction of Harbour, Dock or Pier

And with respect to the Construction of the Harbour, Dock, or Pier, be it enacted as follows :

VI Construction of Harbour, Dock, or Pier to be subject to the Provisions of this Act and One of the Lands Clauses Consolidation Acts.

Where by the Special Act the Undertakers shall be empowered for the Purpose of constructing the Harbour, Dock, or Pier, to take or use any Lands otherwise than with the Consent of the Owners and Occupiers thereof, they shall, in exercising the Power so given to them, be subject, if the Harbour, Dock, or Pier be situate in *England* or *Ireland*, to the Provisions and Restrictions contained in this Act and in the Lands Clauses Consolidation Act, 1845, and if the Harbour, Dock, or Pier be situated in *Scotland* to the Provisions and Restrictions contained in this and in the Lands Clauses Consolidation (*Scotland*) Act, 1845 ; and the Undertakers shall make to the Owners and Occupiers of and all other Parties interested in any Lands taken or used for the Purposes of this or the Special Act, or injuriously affected by the Construction of the Works thereby authorized, full Compensation for the Value of the Lands so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Parties by reason of the Exercise as regards such Lands of the Powers vested in the Undertakers by this or the Special Act, or any Act incorporated therewith, and, except where otherwise provided by this or the Special Act, the Amount of such Compensation shall be ascertained and determined in the Manner provided by the said Lands Clauses Consolidation Acts for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the last-mentioned Acts shall be applicable to determining the Amount of any such Compensation, and to enforcing the Payment or other Satisfaction thereof.

VII Errors and Omissions in Plans, &c. may be corrected by Justices, &c. who shall certify the same. Certificate to be deposited.

If any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the Plans or Books of Reference relating to the Harbour, Dock, or Pier deposited in compliance with the Standing Orders of either House of Parliament, or in the Schedule to the Special Act, the Undertakers, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply, in *England* or *Ireland*, to Two Justices, and in *Scotland* to the Sheriff, for the Correction thereof; and if it appear to such Justices or Sheriff that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description ; and such Certificate shall, along with the other Documents to which it relates, be deposited, in *England* and *Ireland*, with the Clerk of the Peace of the several Counties in which the Lands affected by such Alteration are situate, and in *Scotland* with the Sheriff Clerk of such Counties and with the Schoolmasters of the several Parishes in which such Lands are situate, and with the Town Clerk if such Lands be situate in a Royal Burgh; and thereupon such Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate; and the Undertakers may make the Works in accordance with such Certificate, as if such Omission, Mis-statement, or wrong Description had not been made.

VIII Works not to be proceeded with until Plans of all Alterations authorized by Parliament have been deposited.

The Undertakers shall not commence the Execution of the Harbour, Dock, or Pier unless they shall have previously deposited with the said Clerks of the Peace in *England* and *Ireland*, and with the Sheriff Clerk in *Scotland*, of every County in which the Harbour, Dock, or Pier is situate, a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section, and shall also have deposited with the Parish Clerks of the several Parishes in *England*, and the Clerks of the Unions of the Parishes in *Ireland*, and the Schoolmasters of the several Parishes and the Town Clerk of any Royal Burgh in *Scotland* in which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes and Royal Burghs respectively.

IX Clerks of the Peace, &c. to receive Plans of Alterations, and allow Inspection.

The said Clerks of the Peace, Sheriff Clerks, Parish Clerks, Clerks of Unions, Schoolmasters, and Town Clerks shall receive the said Plans and Sections of Alterations, and Copies and Extracts thereof respectively, and shall retain the same as well as the said original Plans and Sections, and shall permit all Persons interested to inspect any of the Documents aforesaid, and to make Copies and Extracts of and from the same, in the like Manner and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of the original Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

X Copies of Plans, &c. to be Evidence.

True Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof, or Extract therefrom, certified by any such Clerk of the Peace or Sheriff Clerk, which Certificate such Clerk shall give to all Parties interested when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

XI No Deviation beyond the Limits defined upon Plans.

The Undertakers in making the Harbour, Dock, or Pier shall not deviate from the Line of the Works laid down in the said Plans more than the prescribed Number of Yards, and where no Number of Yards is prescribed not more than Ten Yards, nor in any Case to any greater Extent than the Line of lateral Deviation described in the said Plans with respect to such Harbour, Dock, or Pier, nor take or use for the Purpose of such Deviation the Lands of any Person not mentioned in the Books of Reference, without his previous Consent in Writing, unless the Name of such Person have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake have been certified in manner herein-before provided.

XII Works on the Shore of the Sea, &c. not to be constructed without the Authority of the Commissioners of Woods, &c. and of the Admiralty.

The Undertakers shall not construct the Harbour, Dock, or Pier, or any Part thereof, or any Works connected therewith, on any Part of the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of, the Lords of the Admiralty, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lords of the Admiralty approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed with such Consent as aforesaid, the Undertakers shall not at any Time alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consents or Approvals ; and if any such Work shall be commenced or completed without such Consent and Approval, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lords of the Admiralty, may abate and remove the same, and restore the Site thereof to its former Condition, at the Costs of the Undertakers, and the Amount of such Costs shall be a Debt due to the Crown, and recoverable against the Undertakers accordingly: Provided always, that if the Conservancy of the navigable River shall legally belong to any Person the like Consent and Approval of such Person shall also be necessary, in addition to the Consents and Approvals herein-before required; and if the Right of Property of or in the Shore shall legally belong to any Person, such Right shall not be prejudiced except so far as Power to Purchase the same shall be given by the Special Act.

XIII Before Alterations in Plans are executed, to be approved of by the Admiralty and the Commissioners of Woods, &c.

If the Undertakers propose to make any Deviations from or Alterations in the Plans of their Works, deposited as aforesaid, they shall, before adopting and carrying such Deviations or Alterations into execution, submit the Plans thereof to the Lords of the Admiralty, and also to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and no Deviations from or Alterations in the deposited Plans shall be adopted by the Undertakers unless approved by the Lords of the Admiralty or the said Commissioners respectively, signified in manner aforesaid, or, otherwise, as they shall think proper.