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 III

LANDS

Section
16. Power to acquire lands.
17. Purchase of rights over lands.
18. Time for purchase of lands and rights over lands.
19. Correction of errors in deposited plan and book of reference.
20. Disregard of recent improvements and interests.
21. Extinction of private rights of way.

PART IV

MANAGEMENT AND REGULATION OF HARBOUR

22. Harbour limits.
23. General powers of Council in respect of harbour.
24. Power to dredge.
25. Powers as to moorings, etc.
26. Obstruction of moorings, etc.
27. Power to provide boating and other facilities.
28. Power to appropriate parts of harbour.
29. Power to provide, etc. vessels, equipment, etc.
30. Life-saving craft and appliances.
31. Power to arrange exhibitions, regattas, etc.
32. Parking places.
33. Licensing of works.
34. Licence to dredge.
35. Appeals to Secretary of State in respect of works licence or dredging licence.
36. Restriction on construction of works and dredging.
37. Repair of landing places, etc.
38. Removal of projections.
39. Provisions as to sections 37 and 38.
40. Power to raise and remove wrecks.
41. Power to deal with unserviceable vessels.
42. Removal of obstructions other than vessels.
43. Removal of vehicles and obstructions.
44. Receiver of wreck.
45. Byelaws as to harbour.
46. Special directions to vessels.
47. General directions to vessels
48. Publication of general directions.
49. Failure to comply with directions.
50. Enforcement of directions.
51. Master's responsibility in relation to direction.
52. Obstruction of officers.
53. Power to obtain information as to vessels.

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.

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

provide adequately for the regulation and management of the harbour and it is therefore expedient that some of the said provisions should be re-enacted with amendments, and that other such provisions should be repealed:

(4) It is further expedient to confer additional powers on the Council for the provision of facilities in the harbour and for the regulation and management of the harbour:

(5) It is expedient that the other provisions of this Act be enacted:

(6) The objects of this Act cannot be attained without the authority of Parliament:

1972 c. 70. (7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

(8) A plan and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and a plan of the lands authorised to be purchased or used by this Act, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Dyfed County Council, which plan, sections and book of reference are respectively referred to in this Act as the deposited plan, the deposited sections and the deposited 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:—

PART I

PRELIMINARY

Short title. **1.** This Act may be cited as the Aberystwyth Harbour Act 1987.

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

1847 c. 27. "the Act of 1847" means the Harbours, Docks, and Piers Clauses Act 1847;

"the approaches" means any seaward approaches to the harbour;

"the Council" means the Ceredigion District Council otherwise known as Cyngor Dosbarth Ceredigion;

"daily fine" means a fine for each day or part of a day on which an offence is continued after conviction thereof;

PART I —*cont.*

"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

PART I —*cont.*

"the works" means the works authorised by section 5 (Power to construct works) of this Act, and any works constructed under section 7 (Subsidiary works) of this Act for or in connection with or subsidiary to those works and includes those works as altered, replaced or relaid under subsection (2) of the said section 5.

(2) All distances and lengths stated in any description of works, powers or lands shall be construed as if the words "or thereabouts" were inserted after each such distance and length.

(3) Any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

Incorporation of Act of 1847.

3.—(1) The Act of 1847 (except sections 6 to 22, 24 to 27, 31, 32, 42, 43, 48 to 50, 53, 84 to 90, 95 to 98 and 101), so far as applicable to the purposes and not inconsistent with the provisions of this Act is hereby incorporated with this Act.

(2) In construing the Act of 1847 as so incorporated—

(*a*) the expression "the harbour, dock or pier" shall mean the harbour, the expression "the special Act" shall mean this Act and the expression "the undertakers" shall mean the Council;

(*b*) the provisions of the Act of 1847 specified in column (1) of Schedule 1 to this Act (being sections creating the offences broadly described in column (2) of that schedule) shall each have effect as if the maximum penalty which may be imposed on summary conviction of any offence specified in the section were a penalty not exceeding the amount specified in column (4) of that schedule instead of a penalty of, or not exceeding, the amount specified in column (3) of that schedule;

(*c*) the meaning of the word "vessel" as defined in this Act shall be substituted for the meaning assigned to it by section 3 of the Act of 1847;

(*d*) section 23 shall be read and have effect as if the words "provided that no such lease be granted for a longer term than three years" were omitted;

(*e*) section 33, as modified by section 26(3) of the Harbours Act 1964 (and paragraph (*a*) above) shall be read and have effect as if the reference to charges payable by virtue of the said section 26 and this Act included charges and fees payable under section 25 (Powers as to moorings, etc.) of this Act in respect of moorings;

1964 c. 40.

(*f*) section 75 shall be read and have effect as if for the words "fifty pounds" there were substituted "£500".

PART I —*cont.*

Application of Part I of Compulsory Purchase Act 1965.

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. 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

Power to construct 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:—

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

PART II —*cont.*

north bank of the afon Rheidol and terminating at a point behind the bund, forming part of Work No. 1, 60 metres from the north-western corner of the southern abutment of the said Trefechan Bridge.

(2) The Council may, within the limits of deviation, including the vertical limit of deviation prescribed by subsection (2) (*a*) of section 8 (Power to deviate) of this Act, alter, replace or relay the works.

(3) The Council may fill in and reclaim part of the eastern side of that portion of the harbour known as the Inner Harbour, comprising so much of the foreshore and bed of the harbour as is situated within the limit of deviation of Work No. 1.

(4) The Council may, in relation to the works, form and lay out means of access at the points marked "A" and "B"on the deposited plan for purposes of the construction of the works and thereafter for the general purposes of the harbour undertaking.

(5) (*a*) The Council shall not commence the construction of any part of the works other than the means of access at the points marked "A" and "B" on the deposited plan and an internal site road between those points until both means of access have been completed to the reasonable satisfaction of the Secretary of State and, subject to paragraph (*b*) below, the means of access at the said point marked "A" at all times shall be used by vehicular traffic for ingress only.

(*b*) During the period of construction of the said internal site road and of the means of access at the point marked "B" the said means of access at the point marked "A" may be used by vehicular traffic for both ingress and egress subject to compliance with such terms and conditions for the maintenance of road safety and the avoidance of obstruction to traffic using the A487 trunk road as the Secretary of State may reasonably require.

(6) The Council may—

(*a*) hold and use as part of the harbour undertaking the land reclaimed by means of Work No. 1; and

(*b*) appropriate or dispose of so much of that land as is not required for the purposes of the harbour undertaking in any manner and for any purpose that the Council think fit.

Power to dredge for purposes of works, etc.

6. Without prejudice to the generality of section 24 (Power to dredge) of this Act, the Council for the purposes of constructing and maintaining the works and of affording uninterrupted means of access to the harbour at all states of the tide may from time to time deepen, dredge, scour, cleanse, alter and improve

PART II —*cont.*

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.

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.

Subsidiary works.

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

(*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.

PART II —*cont.*

(3) In the exercise of the powers conferred by this section, the Council 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*) Nothing in this section shall authorise any interference with any apparatus owned or maintained by, or under the control of, the water authority for the purpose of any of their statutory functions without the consent of that authority and compliance with any conditions subject to which any such consent is given.

(*b*) If within 28 days of its being requested the water authority do not either grant their consent (with or without conditions) under paragraph (*a*) above or refuse their consent and specify the grounds of the refusal, they shall be deemed to have granted their consent unconditionally.

(*c*) Any difference arising between the water authority and the Council under this subsection shall be determined by arbitration.

(5) Any question of disputed compensation which may arise under this section shall be determined in accordance with the Land Compensation Act 1961 and any other dispute or difference (not being one relating to the construction of this section) shall be determined by arbitration.

1961 c. 33.

Power to deviate.

8.—(1) Subject to subsection (2) below, in the construction of the works authorised by section 5 (Power to construct works) of this Act the Council may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels of those works shown on the deposited section to any extent upwards or downwards.

(2) Notwithstanding anything shown on the deposited plan and sections the Council—

(*a*) in the construction and maintenance of the crest of the bund and quay wall forming part of Work No. 1 shall not deviate downwards by more than 0·3 metres;

(*b*) shall so construct and maintain Work No. 2 as to provide a clear width at water level and a headway over the river Rheidol not less in either case than that shown on the deposited plan and sections.

Tidal works not to be executed without approval of Secretary of State.

9.—(1) A tidal work shall not be constructed, altered, replaced or relaid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.

PART II —*cont.*

(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—

(*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.

Lights on tidal works during construction.

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.

(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.

Provision against danger to navigation.

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.

(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.

Abatement of works abandoned or decayed.

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.

(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

PART II —*cont.*

abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such a condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date when a notice under this section 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 and any expenditure incurred by him in so doing shall be recoverable from the Council.

Survey of tidal works.

13. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Council.

Permanent lights on tidal works.

14.—(1) After the completion of a tidal work the Council shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps, if any, for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) If the Council fail to comply in any respect with 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.

For protection of Welsh Water Authority.

15. For the 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:—

(1) In this section—

"authorised work" means all or any of the following:—

(*a*) Works Nos. 1 and 2 or either of them;

(*b*) any work (including temporary works) carried out under section 7 (Subsidiary works) of this Act which is on or in or will or may affect the bed or banks of the harbour;

(*c*) any such work as aforesaid as is or is proposed to be, altered, replaced or relaid under subsection (2) of section 5 (Power to construct works) of this Act (whether permanently or temporarily);

PART II —*cont.*

(*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

PART II
—*cont.*

commencement of any of the works or operations referred to in paragraphs (i) to (iv) of sub-paragraph (*a*) above:

(3) (*a*) Before commencing to construct an authorised work the Council shall submit plans thereof to the water authority for their approval (which approval shall not be unreasonably withheld) and shall not commence construction until the plans have been so approved;

(*b*) If within 28 days after the submission to them of plans under sub-paragraph (*a*) above the water authority do not signify in writing their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof:

(4) Upon signifying their approval of plans submitted under paragraph (3) above, the water authority may specify—

(*a*) any works or operations which in their opinion should be carried out or undertaken by the Council during the construction of any of the authorised works for the preservation of the quality of water in the river or otherwise for the protection of the protected fisheries; and

(*b*) where necessary for tidal, weather or other reasons, a period within which, or time at which, any such works or operations shall be constructed;

and such of the works or operations so specified as may be reasonably necessary shall be constructed by the Council within the period or at the time (if any) reasonably specified, at their own expense and under the supervision (if given) and to the reasonable satisfaction of the water authority:

(5) (*a*) Subject to the provisions of this section an authorised work shall not be constructed otherwise than in accordance with such plans as may be approved or deemed to be approved by the water authority as aforesaid or settled by arbitration;

(*b*) The Council shall at all reasonable times afford to the engineer to the water authority, or his duly authorised representative, access to an authorised work during the construction thereof for the purpose of inspection:

(6) (*a*) Plans of any authorised work shall not be submitted by the Council to the Secretary of State for his approval under section 9 (Tidal works not to be executed without approval of Secretary of State) of this Act until plans of that work have been approved by the water authority or settled by arbitration under

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

PART II —*cont.*

maintenance of an authorised work,or of the failure or want of repair thereof, or in consequence of any act or omission of the Council, their contractors, agents, workmen or servants, whilst engaged upon an authorised work:

Provided that—

(*a*) Nothing in this paragraph shall impose any liability on the Council with respect to any damage or injury which may be attributable to the act, neglect or default of the water authority, their contractors, agents, workmen or servants;

(*b*) the water authority shall give to the Council reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement of the Council:

(11) The fact that any work or thing has been executed or done in accordance with a plan approved, or deemed to be approved, by the water authority or to their satisfaction, or in accordance with any directions or award of an arbitrator, or in accordance with any plans approved by the Secretary of State and any conditions or restrictions imposed by him, shall not relieve the Council from any liability under the provisions of this section:

(12) Any difference arising between the water authority and the Council under this section (other than a difference as to the construction of this section) shall be determined by arbitration.

PART III

LANDS

Power to acquire lands.

16. Subject to the provisions of this Act, the Council may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to the harbour undertaking.

Purchase of rights over land.

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

(2) The Council may for the purposes of constructing and using, maintaining, renewing, removing or altering the works, or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with

PART III —*cont.*

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.

(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. 1965 c. 56.

(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.

Time for purchase of lands and rights over land.

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.

Correction of errors in deposited plan and book of reference.

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.

(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

PART III —*cont.*

Standing Orders of the Houses of Parliament, or who has the custody of any copy so deposited; and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Council 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.

Disregard of recent improvements and interests.

20. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the Lands Tribunal shall not take into account—

(*a*) any interest in land; or

(*b*) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made (whether on the land acquired or on any other land with which the claimant is, or was at the time of the erection, executing or making of the building, works, improvement or alteration, directly or indirectly concerned);

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Extinction of private rights of way.

21.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land whether compulsorily or by agreement or on the entry on the land in pursuance of section 11(1) of the Compulsory Purchase Act 1965, as applied by this Act, whichever is sooner.

1965 c. 56.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Council compensation to be determined in case of dispute under and in accordance with the Land Compensation Act 1961.

1961 c. 33.

PART IV

MANAGEMENT AND REGULATION OF HARBOUR

Harbour limits.

22.—(1) In this section "the harbour map" means the map signed in quadruplicate by the Rt. Hon. the Lord Aberdare, K.B.E., the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, one copy of which map has been deposited in the office of the Clerk of the Parliaments, one copy in the Private Bill Office of the House of

PART IV —*cont.*

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.

(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.

General powers of Council in respect of harbour.

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.

(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.

PART IV —*cont.*

Power to dredge.

24. Subject to the provisions of this Act the Council may from time to time deepen, widen, dredge, scour, cleanse, alter and improve the bed and foreshore of the harbour and the approaches and blast any rock therein and may use, appropriate, sell or otherwise dispose of the materials (other than wreck within the meaning of Part IX of the Merchant Shipping Act 1894) so removed:

1894 c. 60.

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.

Powers as to moorings, etc.

25.—(1) The Council may place, lay down, maintain and use moorings in the harbour and may make them available to any person on such terms and conditions as they think fit.

(2) The Council may demand, take and recover in respect of any vessel using any mooring provided by the Council such reasonable charges as may from time to time be prescribed by the Council.

(3) The Council may grant licences to any person to place, lay down, maintain and use existing and future moorings in the harbour at such place or places, for such number of vessels and on such terms and conditions as the Council think fit:

Provided that—

(*a*) nothing in any such licence shall entitle a person to place, lay down, maintain and use any mooring on land not owned or leased by him or by the Council or in which he has no appropriate interest;

(*b*) the Council shall not refuse to grant a licence to an owner or lessee of any land not leased by the Council to place, lay down, maintain and use existing moorings on that land unless they are satisfied that the placing, laying down, maintenance or use of the moorings to which the application relates would constitute a danger to or interfere with the navigation of vessels in the harbour.

(4) Any licence granted under subsection (3) above shall be valid only for such period not exceeding three years commencing with its date as may be specified in the licence.

PART IV —*cont.*

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

(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.

Obstruction of moorings, etc.

26.—(1) Any person who—

(*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.

Power to provide boating and other facilities.

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

PART IV —*cont.*

harbour such works for the provision of boating or marina facilities and such works for the shipping or unshipping of goods and for the embarking or disembarking of passengers as they may consider requisite.

Power to appropriate parts of harbour.

28.—(1) The Council may set apart and appropriate any part of the harbour for the exclusive or preferential use and accommodation of any particular trade, activity, person, vessel or class of vessels, or goods, subject to such terms, conditions and regulations as the Council think fit.

(2) No person or vessel shall make use of any part of the harbour set apart or appropriated under this section without the consent of the harbour master and the harbour master may order any person or vessel making use thereof without such consent to leave or be removed and the provisions of section 58 (power of harbour master as to moving of vessels in harbour) of the Act of 1847 shall extend and apply mutatis mutandis to and in relation to any such vessels.

Power to provide, etc., vessels, equipment, etc.

29. The Council may provide, purchase, take on lease, hire and use such vessels (including dredgers, tugs, hoppers or barges), vehicles, plant, machinery, apparatus or equipment (including dredging appliances or apparatus) as they may think necessary for the carrying on of the harbour undertaking or otherwise effecting the purposes of this Act and may let the same on hire (with or without the services of their employees) for such sums and upon and subject to such terms and conditions as they may think fit or may sell or otherwise dispose of the same where vested in them.

Life-saving craft and appliances.

30.—(1) For the purpose of saving life the Council may provide and maintain in or in the vicinity of the harbour—

(*a*) boats or other vessels together with all necessary apparatus and equipment and buildings, structures, slipways and moorings for the operation or maintenance or accommodation of the same;

(*b*) lifebuoys, lifelines and other life-saving appliances together with structures for the storage and safekeeping of such appliances.

(2) The Council may enter into arrangements with any person for the provision and maintenance of any of the facilities authorised by subsection (1) above.

Power to arrange exhibitions, regattas, etc.

31. The Council and any person authorised by them may hold exhibitions, shows, regattas, competitions, contests and other entertainments in or in connection with the harbour.

PART IV —*cont.*

Parking places.

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.

Licensing of works.

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.

(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.

Licence to dredge.

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.

(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

PART IV —*cont.*

a dredging licence in accordance with the application, they shall be deemed to have refused the application.

(4) The issue of a licence under this section shall not confer statutory authority for the carrying out of the works covered by the licence.

(5) Without prejudice to the rights of any person interested in any part of the bed of the harbour and subject to the terms and conditions of the licence, the holder of a dredging licence may use, sell or otherwise dispose of or remove or deposit any materials taken up or collected by means of dredging in pursuance of a dredging licence as he thinks fit:

Provided that—

(*a*) no such materials shall be laid down or deposited in any place within the harbour or the approaches below the level of high water except in such position as may be approved and subject to such conditions or restrictions as may be imposed by the Council;

(*b*) if it appears to the holder of the licence that the Council have unreasonably withheld their approval under proviso (*a*) above or that any condition or restriction imposed by the Council under that paragraph is unreasonable, he may appeal to the Secretary of State whose decision shall be binding upon the parties.

Appeals to Secretary of State in respect of works licence or dredging licence.

35.—(1) Any applicant for a works licence or a dredging licence who is aggrieved by—

(*a*) the refusal of the Council to grant the licence;

(*b*) any terms or conditions upon which the licence is granted;

(*c*) any modifications required by the Council in the plans, sections and particulars submitted by the applicant;

may, within 28 days from the date upon which the Council notify the applicant of their decision or the date on which the Council are under section 33 (3) (Licensing of works) of this Act or section 34 (3) (Licence to dredge) of this Act deemed to have refused the application, appeal to the Secretary of State whose decision shall be binding upon the parties.

(2) A person who appeals to the Secretary of State under this section shall give to the Council notice of his appeal accompanied by a copy of his statement of appeal and the Council shall within 42 days from the receipt of such notice be entitled to furnish the Secretary of State with their observations on the appeal.

PART IV —*cont.*

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

(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.

Restriction on construction of works and dredging.

36.—(1) No person shall—

(*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.

Repair of landing places, etc.

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

PART IV —*cont.*

(2) The Council may by notice require the owner or occupier of a relevant feature which in the opinion of the Council is, or is likely to become, by reason of its insecure condition or want of repair—

(*a*) dangerous to persons or vessels using the harbour; or

(*b*) a hindrance to the navigation of the harbour;

to remedy its condition to the satisfaction of the harbour master within a reasonable time specified in the notice.

Removal of projections.

38.—(1) In this section "projection" means anything which projects over the waters of the harbour and includes any stairs and any tree, bush or other plant but does not include any such thing authorised by or under statute or by a works licence.

(2) If in the opinion of the Council any projection is—

(*a*) dangerous to persons or vessels using the harbour; or

(*b*) a hindrance to the navigation of the harbour;

the Council may by notice require the owner or occupier of any land on which the projection is situated to remove the projection within a reasonable time specified in the notice.

Provisions as to sections 37 and 38.

39.—(1) If a person to whom notice is given under section 37 or 38 of this Act fails to comply with the notice within the time stated in the notice or such other time as the court on an appeal may substitute therefor—

(*a*) he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and to a daily fine not exceeding £40; and

(*b*) the Council may carry out the work required by the notice and may recover the expenses of so doing from the person on whom the notice was served.

(2) A notice under section 37 or 38 of this Act shall have annexed to it a copy of the section under which the notice is served and of this section.

(3) A person aggrieved by a notice served by the Council under section 37 or 38 of this Act may appeal to a magistrates' court.

Power to raise and remove wrecks.

40.—(1) The Council may raise, remove, destroy or otherwise dispose of any vessel which is sunk, stranded or abandoned, (whether before or after the coming into operation of this Act) in the waters of the harbour or the approaches.

(2) Where the Council have exercised any of their powers under subsection (1) above they may cause the vessel or its

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.

(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

PART IV —*cont.*

place of business or abode is not so known or is outside the United Kingdom, the notice may be given by displaying it at the office of the Council for the period of its duration.

(7) The powers conferred by this section shall be in addition to the powers exercisable by the Council under sections 530 and 532 of the Merchant Shipping Act 1894.

1894 c. 60.

Power to deal with unserviceable vessels.

41.—(1) In addition to the powers conferred on the harbour master by section 57 of the Act of 1847 and on the Council by the Merchant Shipping Act 1894 and by the other provisions of this Act, the Council may remove, sell, destroy or otherwise dispose of any vessel laid by or neglected as unserviceable in, or on land adjoining, the waters of the harbour or the approaches.

(2) The Council may retain out of the proceeds of sale of any such vessel, or any part thereof, any expenses incurred by them in respect of the vessel or in marking, buoying, lighting or otherwise controlling the vessel or warning shipping of its presence and any expenses incurred by the harbour master under section 57 of the Act of 1847, and shall pay the surplus, if any, to the person entitled thereto.

(3) If the proceeds of sale 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 owner.

(4) Except in a case of emergency, the Council shall, before exercising their powers under this section, give seven clear days' notice in writing of their intention to do so to the registered owner of the vessel and by advertisement in each of three successive weeks in a local newspaper:

Provided that, if the owner or his place of business or abode is not known to the Council or is outside the United Kingdom, the notice may be given by displaying it at the office of the Council for the period of its duration.

Removal of obstructions other than vessels.

42.—(1) The Council may remove anything, other than a vessel, in, or on land adjoining, the waters of the harbour or the approaches which is—

(*a*) causing, or likely to cause, an obstruction to, or interference with, navigation;

(*b*) causing, or likely to cause, interference with the operation of any works of the Council, or damage to any such works or to any property; or

(*c*) in the harbour without lawful authority;

and may take such steps as appear to them to be appropriate to prevent or minimise such obstruction, interference or damage.

PART IV —*cont.*

(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.

(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.

Removal of vehicles and obstructions.

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—

(*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.

PART IV —*cont.*

(2) Any notice erected under subsection (1) (*b*) above shall be conspicuously posted in or close to the place to which it relates.

(3) (*a*) Where the Council in exercise of the powers of this section remove a vehicle or obstruction or cause it to be removed they shall as soon as practicable inform the police.

(*b*) The expense of and incidental to the removal of a vehicle or obstruction under this section shall be recoverable by the Council from any person responsible.

(4) For the purposes of subsection (3) above "person responsible", in relation to a vehicle, shall (subject to necessary modifications) have the same meaning as in section 102 (8) of the Road Traffic Regulation Act 1984 and, in relation to any other obstruction, shall mean the owner and any other person who had control of the obstruction at the time when it was left in the harbour.

1984 c. 27.

(5) If the Council in exercise of the powers of this section remove a vehicle to a place not readily visible from the place from which it was so removed they shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1971 or any other regulations having the like effect for the time being in force, at his last known address, his registered address or the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this section and of the place to which the vehicle has been removed.

S.I. 1971/450.

(6) A notice stating the general effect of subsection (1) above shall be displayed in a prominent position at each place where a road accessible to vehicles enters any part of the harbour.

Receiver of wreck.

44. Without prejudice to the power of sale conferred by section 530 of the Merchant Shipping Act 1894, the Council shall hold and dispose of any wreck (within the meaning of Part IX of that Act) raised or removed under section 40 (Power to raise and remove wrecks) or section 42 (Removal of obstructions other than vessels) of this Act, or any surplus of the proceeds of sale of any such wreck, in accordance with such direction, if any, as may be given to them by the receiver of wreck; and, on exercising the power of sale conferred by either of the said sections in the case of any property, the Council shall discharge any sums payable in respect of that property by way of duties of customs or excise and any sums so discharged shall be deemed to be expenses incurred by the Council under that section.

1894 c. 60.

Byelaws as to harbour.

45.—(1) In addition to the byelaws which may be made by the Council under section 83 of the Act of 1847, the Council

PART IV —*cont.*

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:—

(*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.*

(*n*) for regulating the embarkation of persons into, or their disembarkation from, vessels within the harbour;

(*o*) for regulating the holding of regattas and other public events in the harbour;

(*p*) for prescribing the lights and signals to be exhibited or made—

(i) by vessels aground within the harbour;

(ii) by devices used for marking obstructions within the harbour;

(iii) for assisting the navigation of vessels within the harbour, at the entrance to any dock or at any wharf, pier or other work;

(*q*) for the prevention of nuisances in the harbour;

(*r*) for preventing or regulating the discharge by land or sea of any material or thing within the harbour or the approaches;

(*s*) for regulating fishing for marine creatures of any type and by whatever means from any pier, jetty, wharf, or other installation or structure of any kind within the harbour;

(*t*) for regulating or preventing bathing, and for securing the protection of bathers, within the harbour; and

(*u*) for regulating or preventing the use by vehicles of the foreshore within the harbour.

(2) In this section "signals" includes sound signals.

(3) Byelaws made under this section or under section 83 of the Act of 1847 may be expressed to be applicable within all or any part of the harbour and different byelaws may be so made in relation to different classes of vessels.

(4) In its application to byelaws relating to the harbour made by the Council under any enactment section 236 of the Local Government Act 1972 shall have effect as if in subsection (7) after the word "confirm" where it firstly occurs the words "with or without modification" were inserted:

1972 c. 70.

Provided that where the Secretary of State proposes to make a modification which appears to him to be substantial he shall inform the Council and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Council and by other persons who have been informed of it.

(5) Byelaws made by the Council to which subsection (4) above applies may contain provisions imposing upon a person

offending against a byelaw a fine not exceeding level 3 on the standard scale. PART IV —*cont.*

(6) Subsection (1) of section 80 of the Health and Safety at Work etc. Act 1974 (repeal or modification of certain provisions by regulations) shall apply to this section and to section 83 of the Act of 1847 as incorporated with this Act and to any byelaw made thereunder as that subsection applies to any provision mentioned in subsection (2) of the said section 80 and nothing in this section or the said section 83 shall prejudice or affect the operation of any of the relevant statutory provisions as defined in section 53 of the said Act of 1974. 1974 c. 37.

Special directions to vessels.

46.—(1) A special direction may be given by the harbour master to a vessel in the harbour or the approaches for any of the purposes specified in section 52 of the Act of 1847 and for any of the following purposes:—

(*a*) requiring a vessel to comply with a requirement made in or under a general direction;

(*b*) prohibiting the mooring of vessels in any particular part or parts of the harbour;

(*c*) regulating or requiring the movement, mooring or unmooring of a vessel;

(*d*) regulating the manner in which a vessel takes in or discharges cargo, fuel, water or ship's stores otherwise than at a dock or pier.

(2) A special direction may be given in any manner considered by the harbour master to be appropriate.

(3) In an emergency the harbour master may give a special direction applicable to all vessels or to particular classes of vessels.

General directions to vessels.

47.—(1) The Council may after consultation with and having regard to such views as may be expressed by the General Council of British Shipping and the Royal Yachting Association give general directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation and the safety of persons and property in the harbour and the approaches and without prejudice to the generality of the foregoing, for any of the following purposes:—

(*a*) for designating areas, routes or channels in the harbour or the approaches which vessels are to use or refrain from using for movement or mooring;

(*b*) for securing that vessels move only at certain times or during certain periods;

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.

PART IV —*cont.*

Enforcement of directions.

50.—(1) Without prejudice to any other remedy available to the Council, if a special direction is not complied with within a reasonable time, the harbour master may put persons on board the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction.

(2) If there is no one on board a vessel to comply with a special direction the harbour master may proceed as if the direction had been given and not complied with:

Provided that the powers of this subsection shall not be exercised in relation to a vessel unless—

(*a*) after reasonable inquiry has been made, the master cannot be found; or

(*b*) the vessel is obstructing or interfering with navigation.

(3) Expenses incurred by the Council in the exercise of the powers conferred by this section shall be recoverable by them as if they were a charge of the Council in respect of the vessel.

Master's responsibility in relation to direction.

51. The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, to persons on board, to its cargo or to any other person or property.

Obstruction of officers.

52. Any person who—

(*a*) intentionally obstructs the harbour master or any other officer of the Council acting in pursuance of this Act, or of any byelaw made under or by virtue of this Act; or

(*b*) without reasonable excuse fails to comply with a requirement properly made by any such person so acting; or

(*c*) without reasonable cause fails to give to any such person so acting any information which he may reasonably require for the purpose of the performance of his functions; or

(*d*) in giving such information as aforesaid makes a statement which he knows to be false;

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

Power to obtain information as to vessels.

53.—(1) In this section—

"master" means any person for the time being having or taking the command, charge, possession or management of a vessel whether lawfully or wrongfully;

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

(*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;

PART IV —*cont.*

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

PART V

FINANCIAL AND MISCELLANEOUS

Charges for services or facilities. 1964 c. 40.

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.

Payment of charges.

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.

(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.

Publication of fees and charges.

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

PART V — *cont.*

fees authorised by the said section 25, or of charges authorised by the said section 54, dues, charges or fees in respect of which any composition has been made or exemption or rebate granted.

Deposit for charges.

57. The Council may, if they think fit, require any person who is liable, or may become liable, to pay charges to the Council to deposit with their collector, or to guarantee, such sum as in the opinion of the Council is reasonable having regard to the probable amount of the charges.

Recovery of charges.

58. In addition to any other remedy given by this Act and by the Act of 1847 as incorporated with this Act, and whether the demand required by section 44 of the Act of 1847 has been made or not, the Council may recover any dues, rates, rents or other charges payable to them as a debt.

Planning permission.
S.I. 1977/289.

59.—(1) In this section "Class XII development" means development authorised by article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).

(2) Subject to subsection (3) below, in its application to development authorised by this Act, the planning permission granted for Class XII development shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.

(3) Subsection (2) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works or the substitution of new works therefor.

Power to lease harbour.

60.—(1) (*a*) In this section—

"lease" includes a sub-lease granted by the Council of any part of the harbour held by them on lease;

"the lessee" means any person to whom the harbour or any part thereof is transferred by any lease under this section; and

"the transferred harbour" means so much of the harbour as is transferred by any such lease.

(*b*) For the purposes of this section the harbour shall not include the quay face of the Town Quay.

(2) (*a*) The Council may at any time lease the whole or any part of the harbour for a term not exceeding 125 years.

PART V —*cont.*

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

(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.

Service of notices. 1936 c. 49.

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.

(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.

For further protection of Welsh Water Authority.

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:—

(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

PART V —*cont.*

this Act shall not without the consent of the water authority (which consent shall not be unreasonably withheld) apply to a protected work:

(3) In exercising the powers of the said section 23 or section 25 (Powers as to moorings, etc.) or section 27 (Power to provide boating and other facilities) of this Act, the Council or any person acting by arrangement with the Council, shall not without the consent of the water authority (which consent shall not be unreasonably withheld) damage, injuriously affect or interfere with the protected fisheries or a protected work and the said powers shall be so exercised as not to render unreasonably inconvenient the access to a protected work:

(4) Nothing in the said section 23 shall relieve the Council from liability for damage caused by them to the protected fisheries or a protected work:

(5) (*a*) Nothing in the sections of this Act specified in sub-paragraph (*b*) below shall relieve the Council or any other person of the obligation to obtain consent under section 29 of the Land Drainage Act 1976 (which requires the consent of the water authority to the erection of any structure in, over or under a watercourse which is designated as main river) or any other licence or consent required under any enactment, and nothing in the said section 25 shall relieve any person of the obligation to moor vessels in accordance with byelaws having effect under the said Act of 1976;

1976 c. 70.

(*b*) The sections of this Act mentioned in sub-paragraph (*a*) above are the following:—

Section 25 (Powers as to moorings, etc.);

Section 27 (Power to provide boating and other facilities);

Section 33 (Licensing of works); and

Section 34 (Licence to dredge):

(6) (*a*) On receipt of an application for a works licence under the said section 33 the Council shall serve on the water authority a copy of the application and all plans, sections and particulars incident thereto;

(*b*) The Council shall consider such observations as the water authority may submit to the Council within 42 days after service on the water authority of the application and particulars as aforesaid, and shall not grant a works licence before the expiry of that period;

PART V —*cont.*

(*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 sub-paragraph (*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

PART V —*cont.*

out by the Council of works or operations in exercise of any of the powers of the sections of this Act specified in sub-paragraph (*b*) below, they may—

(i) carry out such protective works or measures as are reasonably necessary to avoid or mitigate such damage; and

(ii) take such steps as are reasonably necessary to make good the damage;

as may in either case be agreed between the Council and the water authority or, in default of agreement, as may be settled by arbitration, and may recover from the Council the costs reasonably incurred in so doing (including a proper proportion of the overhead charges of the water authority);

(*b*) The sections of this Act mentioned in sub-paragraph (*a*) above are the following:—

Section 23 (General powers of Council in respect of harbour);

Section 24 (Power to dredge);

Section 25 (Powers as to moorings, etc.);

Section 27 (Power to provide boating and other facilities);

Section 37 (Repair of landing places, etc.);

Section 38 (Removal of projections);

Section 39 (Provisions as to sections 37 and 38);

Section 40 (Power to raise and remove wrecks);

Section 41 (Power to deal with unserviceable vessels); and

Section 42 (Removal of obstructions other than vessels);

(*c*) For the purposes of this paragraph, "damage" includes, in relation to a watercourse or any bank thereof, any impairment of its efficiency for land drainage purposes;

(*d*) Nothing in this paragraph shall apply to the erection of any structure or the carrying out of any work of alteration or repair of a structure in accordance with a consent of the water authority given under section 29 of the Land Drainage Act 1976:

1976 c. 70.

(10) Not less than two months before the Council make, amend or revoke any byelaws under section 45 (Byelaws as to harbour) of this Act or under section 83 of the Act of 1847 they shall give notice of their intention to the water authority and shall consider any

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.

PART V —*cont.*

Repeals.

67.—(1) The enactments specified in columns (1) and (2) of Part I of Schedule 4 to this Act are hereby repealed to the extent mentioned in column (3) of that Part.

(2) The enactments mentioned in Part II of Schedule 4 to this Act (being provisions relating in whole or in part to annuities issued by the predecessors of the Council) shall continue to have effect until 31st December 1989 and thereafter shall be repealed.

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 remainson the quay.	£100 for each hour that the matter remains on the quay.

SCH. 1 —*cont.*

Provision	Description of offence	Old penalty or old maximum penalty	New maximum penalty
(1)	(2)	(3)	(4)
Section 71.	Commission of miscellaneous offences in relation to fires, combustible or explosive matter and firearms.	Level 1.	Level 3.
Section 72.	Obstruction of harbour master while engaged in searching for, etc., fires or lights.	Level 1.	Level 3.
Section 73.	Throwing of ballast, etc., into harbour.	Level 1.	Level 3.

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

SCH. 2 —*cont.*

notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which the Aberystwyth Harbour Act 1987 is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.

(3) Where, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section, the Aberystwyth Harbour Act 1987 is deemed by virtue of that subsection to authorise the purchase of an interest in land, the Council may, at any time within the period of six weeks, beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made but nothing in this subsection prejudices any other power of the Council to withdraw the notice.

1973 c. 26.

(4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (*a*) and (*b*) there shall be inserted the words 'a right over', for the word 'severance' there shall be substituted the words 'right on the whole of the house, building or manufactory or of the house and the park or garden' and for the words 'part proposed' and 'part is' there shall be substituted respectively the words 'rights proposed' and 'right is'."

3. The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely:—

section 9 (4) (failure of owners to convey);

paragraph 10 (3) of Schedule 1 (owners under incapacity);

paragraph 2 (3) of Schedule 2 (absent and untraced owners); and

paragraphs 2 (3) and 7 (2) of Schedule 4 (common land);

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the Council.

4. Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the Council have served notice to treat in respect of any right, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.

5. Section 20 of the Act (compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated

SCH. 2 —*cont.*

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.

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° 25·40′ north, longitude 04° 05·10′ west, and extending in a westerly direction to a position latitude 52° 25·40′ north, longitude 04° 06·10′ west;

(*b*) on the west, by an imaginary straight line commencing at position latitude 52° 25·40′ north, longitude 04° 06·10′ west, and extending in a southerly direction to a position latitude 52° 23·78′ north, longitude 04° 06·33′ west;

(*c*) on the south, by an imaginary straight line commencing at position latitude 52° 23·78′ north, longitude 04° 06·33′ west, and extending in a easterly direction to the level of high water at Craig yr Allt Wen, position latitude 52° 23·78′ north, longitude 04° 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 Tanybwlch Bridge.

Section 67.

SCHEDULE 4

ENACTMENTS REPEALED

PART I

Chapter (1)	Title or short title (2)	Extent of repeal (3)
20 Geo. 3 c. 26 (1780).	An Act for repairing, enlarging, and preserving the Harbour of Aberystwyth, in the County of Cardigan.	The whole Act.
6 & 7 Will. 4 c. xli (1836).	An Act to alter and amend an Act passed in the Twentieth Year of His late Majesty King George the Third, intituled An Act for repairing, enlarging, and preserving the Harbour of Aberystwyth in the County of Cardigan.	The whole Act.
37 & 38 Vict. c. cxx.	Aberystwyth Corporation Act 1874.	The whole Act except the provisions mentioned in Part II of this Schedule.
5 Edw. 7 c. cxxii.	Pier and Harbour Order Confirmation (No. 3) Act 1905.	The Aberystwyth Harbour Order 1905 except article 16.

PART II

1874 c. cxx. Sections 11 to 28 of, and Schedules C and D to, the Aberystwyth Corporation Act 1874;

1905 c. cxxii. The Pier and Harbour Order Confirmation (No. 3) Act 1905;

1913 c. cix. Sections 96 (1) (*b*), 100 and 101 of the Aberystwyth Corporation Act 1913.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR J. A. DOLE
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
£5·50 net
ISBN 0 10 511487 1