Amoco (U.K.) Act 1971

CHAPTER iv

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ELIZABETH II



1971 CHAPTER iv

An Act to empower Amoco (U.K.) Limited to construct works and to acquire lands; and for other purposes.

[17th February 1971]

WHEREAS Amoco (U.K.) Limited (in this Act referred to as "the Company") are a company within the meaning of the Companies Act, 1948, and are a company limited by shares: 1948 c. 38.

And whereas the Company are a subsidiary within the meaning of section 154 of the Companies Act, 1948, of Standard Oil Company (Indiana):

And whereas Standard Oil Company (Indiana) are engaged in the transporting, refining and marketing of petroleum and petroleum products throughout the world and, in order to meet the increasing public demand for their products in the United Kingdom, it is essential that further facilities for the importation of crude oil and petroleum products and for their refinement should be made available in the United Kingdom:

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

And whereas the Company intend to establish a refinery in the parishes of Herbrandston, Hubberston, Robeston West and Steynton in the rural district of Haverfordwest in the county of

Pembroke, and it is expedient in the public interest that in connection therewith the Company should be empowered to construct the works authorised by this Act including jetties in the waters of Milford Haven and on the foreshore thereof for the accommodation of vessels (including large tankers) and for the reception from such vessels of crude oil and petroleum products for the said proposed refinery and for conveying oil and petroleum products therefrom:

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

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

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

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

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

And whereas plans and sections showing the lines and levels of the works by this Act authorised (other than the substituted portions of the pipeline or pipelines and access road (Work No. 5) as defined in this Act and hereinafter referred to as " the substituted portions of Work No. 5 "), such plans showing also the lands which may be acquired or used under the powers of this Act and for the purposes of this Act (otherwise than for the purposes of the substituted portions of Work No. 5) together with a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county of Pembroke and such plans, sections and book of reference are respectively referred to in this Act as the deposited plans, sections and book of reference:

And whereas a plan and section showing the lines and levels of the substituted portions of Work No. 5 and also a book of reference to that plan containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes of the substituted portions of Work No. 5 were deposited in the month of July, 1970, in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county of

Pembroke and such plan, section and book of reference are respectively referred to in this Act as the substituted plan, section and book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1. This Act may be cited as the Amoco (U.K.) Act 1971. Short title.

2. This Act is divided into Parts as follows:— Act divided into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Miscellaneous.

3.—(1) The following enactments so far as the same are applicable for the purposes of, and are not inconsistent with the provisions of, this Act are incorporated with and form part of this Act and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:— Incorporation of Acts.

(*a*) the Lands Clauses Acts, except section 92, sections 127 to 133 and sections 150 and 151 of the Lands Clauses Consolidation Act, 1845: 1845 c. 18.

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section;

(*b*) the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof: 1845 c. 20.

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

PART I —*cont.*

(*c*) the Act of 1847, except sections 6 to 13, 16 to 23, 25 to 27, 29 to 50, 66 to 68, 79 to 82 and 84 to 96;

(*d*) Part IV (Minerals Underlying Waterworks) of the Third Schedule to the Water Act, 1945.

1945 c. 42.

(2) (*a*) In the construction of the enactments so incorporated with this Act the expressions " promoters of the undertaking ", " undertakers " and " company " shall mean the Company.

(*b*) In the construction of the Act of 1847, as incorporated with this Act—

(i) the expression "harbour, dock or pier" shall mean the pier and any subsidiary works connected therewith and the water area within the limits of the pier;

(ii) the prescribed limits shall be the limits of the pier as defined and subject as provided in section 34 (Limits of the pier) of this Act;

(iii) "vessel" shall have the meaning assigned to it in section 4 (Interpretation) of this Act.

(*c*) In the construction of the provisions of the Third Schedule to the Water Act, 1945, incorporated with this Act—

(i) the expressions "waterworks", "pipes or other conduits for the collection passage or distribution of water" and "reservoirs" shall mean Work No. 5;

(ii) "minerals" shall include sand and gravel;

(iii) "land" shall include easements;

(iv) the prescribed distance in section 13 of the said schedule shall be 10 yards.

Interpretation.

4.—(1) In this Act unless there be something in the subject or context repugnant to such construction—

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

1847 c. 27.

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

1958 c. 23.

" the authorised works " means the works authorised by section 15 (Power to construct works) of this Act;

" the Company " means Amoco (U.K.) Limited;

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

" the county council " means the county council of the administrative county of Pembroke;

" duties of customs or excise " includes any tax, levy, surcharge or other sum to the collection of which the general provisions of the Customs and Excise Act, 1952, relating to customs or excise have been applied by statute;

1952 c. 44.

PART I —*cont.*

" enactment " means any Act, whether public, general or local, or any order made thereunder, or any provision in any Act or in any such order;

" hovercraft " has the same meaning as in the Hovercraft Act, 1968; 1968 c. 59.

" land " includes land covered by water, any interest in land and any easement or right in, to or over land;

" the Lands Clauses Acts " means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, the Land Compensation Act, 1961, and this Act; 1949 c. 42. 1961 c. 33.

" the level of high water " means the level of mean high-water springs;

" the limits of deviation " means the limits of deviation authorised by section 18 (Power to deviate) of this Act;

" the limits of the pier " means the limits of the pier as defined by section 34 (Limits of the pier) of this Act;

" the pier " means Works Nos. 1, 2 and 3;

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

" the Secretary of State " means the Secretary of State for Trade and Industry;

" the substituted portions of Work No. 5 " means the portions of the pipeline or pipelines and access road (Work No. 5) which are shown on the substituted plan and section and are as follows:—

(*a*) in relation to the said pipeline or pipelines, commencing at the point on the line of the said Work No. 5 (as shown on the deposited plans) where it crosses the boundary between the lands numbered on the said plans 23 and 24 in the parish of Hubberston and terminating at the termination of the said Work No. 5 shown on the said plans;

(*b*) in relation to the said access road—

(i) commencing at the boundary between the said lands numbered 23 and 24 (as shown on the deposited plans) and terminating in Dale Road;

(ii) commencing in Gelliswick Road and terminating in the lands numbered on the said plans 26 in the parish of Hubberston (as shown on the said plans);

" telegraphic line " has the same meaning as in the Telegraph Act, 1878; 1878 c. 76.

PART I —*cont.*

" tidal work " means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of high water;

" the tribunal " means the Lands Tribunal;

" Trinity House " means the Corporation of Trinity House of Deptford Strond;

" vessel " means every description of vessel, however propelled or moved, and includes hovercraft, any floating manufactured article, anything constructed or used to carry persons or goods by water and, in section 39 (Powers with respect to disposal of wrecks) and section 40 (Protection of Crown interests in wrecks) of this Act, any aircraft.

(2) This Act shall be read as if the words " or thereabouts " were inserted after each distance mentioned in section 15 (Power to construct works) of this Act.

(3) Any reference in this Act to a work identified by the number of the work shall be construed as the work of that number authorised by the said section 15.

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

PART II

LANDS

Power to acquire lands.

5.—(1) Subject to the provisions of this Act, the Company may enter upon, take and use such of the lands respectively delineated on the deposited plans and the substituted plan and described respectively in the deposited book of reference and the substituted book of reference as they may require for the purposes of the authorised works or for the construction of a refinery in the parishes of Herbrandston, Hubberston, Robeston West and Steynton in the rural district of Haverfordwest in the county of Pembroke or for purposes ancillary thereto or connected therewith.

(2) (*a*) The powers of compulsory acquisition of land under this section shall cease after the expiration of three years from 1st October, 1970.

(*b*) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 1st October, 1973, notice to treat has been served in respect of that land.

PART II —*cont.*

Correction of errors in deposited plans and book of reference.

6.—(1) If the deposited plans or the deposited book of reference or the substituted plan or the substituted book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Company, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the county of Pembroke for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, with the clerk of the county council of the administrative county of Pembroke, and with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans or, as the case may be, the substituted plan (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament, or who has the custody of any copy so deposited; and thereupon the deposited plans and deposited book of reference or, as the case may be, the substituted plan and the substituted book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Company to take the land and execute the works in accordance with the certificate.

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

Power to acquire easements only.

7.—(1) The Company may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works authorised by this Act or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works or for the construction of a refinery.

(2) Accordingly the Company may give notice to treat in respect of any such easement or right describing the nature thereof and may exercise the powers of this Act including in particular section 10 (Power to expedite entry) in respect of such easements or rights and subject thereto the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

PART II —*cont.*

(3) Where the Company have acquired an easement or right only over or in any land under this section—

(*a*) they shall not be required or, except by agreement or during the execution of the said works, entitled to fence off or sever that land from the adjoining land;

(*b*) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Company to acquire the land the Company shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Company may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

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

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

Acquisition of part only of certain properties.

1845 c. 18.

9.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act, 1845.

(2) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden unless the tribunal determines—

(*a*) in the case of a house, building or factory, that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or

PART II —*cont.*

(*b*) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the Company that part of the house, building, factory, park or garden.

Power to expedite entry.

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

1845 c. 18.

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

Power to enter for survey or valuation.

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

Provided that no land shall be entered under this section unless the Company, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier of the land in manner provided by section 285 of the Public Health Act, 1936.

1936 c. 49.

(2) The power of survey conferred by the last foregoing subsection includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention to do so was included in the notice required by the last foregoing subsection.

PART II —*cont.*

(3) Where land is damaged in the exercise of a right of entry or survey conferred under this section, any person interested in the land may recover from the Company compensation for the damage, to be determined in the case of dispute by the tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

1961 c. 33.

Disregard of recent improvements and interests.

12. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land or 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 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.

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

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

Stopping up of roads, footpaths, etc.

14.—(1) Subject to the provisions of this Act, the Company may stop up so much of the roads, bridleways and footpaths in the parishes of Hubberston, Robeston West and Steynton in the rural district of Haverfordwest as are shown on the deposited plans as intended to be stopped up, and any other footpaths over or across the lands of the Company or the lands to be acquired shown on the deposited plans and thereupon all rights of way over the said roads, bridleways and footpaths or portions thereof shall be extinguished and the Company may appropriate and use the sites thereof.

(2) No portion of any road, bridleway or footpath shall be stopped up under the powers of this section until the Company are owners in possession of all lands abutting on both sides of such portion along the complete length to be stopped up except so far as the owners, lessees and occupiers of those lands may otherwise agree.

PART II —*cont.*

(3) (*a*) In this subsection—

"approved situation" means such situation as may be agreed between the Company and the highway authority responsible for the maintenance of the existing road or, in case of difference between the Company and the highway authority, as may be determined by the Secretary of State for Wales;

"the existing footpath" means the accommodation road and public footpath from St. Botolph's to the existing road;

"the existing road" means the portion of the road known as the Old Hakin Road being the lands numbered on the deposited plans 14A in the parish of Herbrandston, 1 in the parish of Hubberston, 36 in the parish of Robeston West and 2 in the parish of Steynton;

"properly completed" means completed to the satisfaction of the highway authority responsible for the maintenance of the existing road in accordance with their reasonable requirements and open for public use or, in case of difference between the Company and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, completed in accordance with the determination of the Secretary of State for Wales and certified by him to have been so completed and open for public use.

(*b*) Notwithstanding anything contained in subsection (1) of this section or shown on the deposited plans—

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

(ii) the Company shall not stop up or discontinue the portion of the existing footpath numbered on the deposited plans 4 in the parish of Hubberston until the substituted road has been constructed as aforesaid and access thereto from the remainder of the existing footpath has been provided.

(*c*) Notwithstanding anything contained in subsection (1) of this section or shown on the deposited plans, the Company shall not stop up or discontinue any part of the road from Thornton to Robeston Cross being the lands numbered on the deposited plans 45 in the parish of Robeston West and 8, 8A and 8B in the parish of Steynton.

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

PART II —*cont.*

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

(*a*) the power of the Post Office to remove the affected line shall be exercisable notwithstanding the stopping up of the road, bridleway or footpath or of any portion thereof, so however that the said power shall not be exercisable, as respects the whole or any part of the affected line, after the expiration of a period of three months from the date of the sending of the notice referred to in the next following subsection unless before the expiration of that period the Post Office has given notice to the Company of its intention to remove the affected line or that part thereof, as the case may be;

(*b*) the Post Office may by notice in that behalf to the Company abandon the affected line or any part thereof, and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period it has removed it or given notice of its intention to remove it;

(*c*) the Post Office shall be entitled to recover from the Company the expense of providing in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as it may require;

(*d*) where under paragraph (*b*) of this subsection the Post Office has abandoned or is deemed to have abandoned the whole or any part of the affected line, it shall vest in the Company and the provisions of the Telegraph Acts, 1863 to 1916, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(5) As soon as practicable after the whole or part of a road, bridleway or footpath has been stopped up in pursuance of the powers conferred by this section the Company shall send to the Post Office a notice informing it of the stopping up.

PART III
WORKS

Power to construct works.

15.—(1) (*a*) Subject to the provisions of this Act, the Company may construct the works referred to in this subsection (together with all necessary and proper works and conveniences connected therewith or incidental thereto) in the lines and situations and according to the levels following, that is to say:—

(i) as regards the substituted portions of Work No. 5, the lines and situations delineated on the substituted plan and the levels shown on the substituted section; and

(ii) as regards the remainder of the works hereafter in this subsection described (except the portions of Work No. 5 for which the substituted portions of that work respectively are substituted), the lines and situations delineated on the deposited plans and the levels shown on the deposited sections.

(*b*) The works referred to in paragraph (*a*) of this subsection are as follows:—

Work No. 1 A pier or jetty of open construction commencing on the north shore of Milford Haven at ordnance survey national grid reference SM 88450544 or thereabouts, extending into the waters of Milford Haven in a southerly direction for a distance of 2,870 feet and terminating (with one or more connections) at Work No. 2;

Work No. 2 A jetty head of open construction commencing at ordnance survey national grid reference SM 88270452 or thereabouts and terminating at a point in the waters of Milford Haven 1,720 feet eastwards from the point of commencement, consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways, pipeways and walkways;

Work No. 3 A jetty head of open construction commencing at the termination of Work No. 2 and terminating at a point in the waters of Milford Haven 890 feet eastwards from the point of commencement, consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways, pipeways and walkways;

Work No. 5 A pipeline or pipelines and an access road commencing at the commencement of Work No. 1, extending in a northerly direction for a distance of 3,100 yards and there terminating;

The substituted portions of Work No. 5.

(2) The Company may by means of Works Nos. 1, 2 and 3 enclose and reclaim from the foreshore and bed of the sea and may hold and use as part of the pier undertaking so much of

PART III —*cont.*

the foreshore and bed of the sea as is situate within the limits of deviation and within a distance of 300 feet in an easterly, westerly and northerly direction from the said works and is required for or in connection with the said works.

Subsidiary works.

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

(*a*) construct or place and maintain and use all such cuts, channels, docks, entrances, sea walls, gates, weirs, dams, basins, reservoirs, ponds, trenches, pounds, slipways, lay-byes, sluices, culverts, syphons, by-passes, arches, bridges (fixed or opening), ferries, sewers, drains, mains, pipes, pipelines, cables, tanks, valves and valve chambers, embankments, towing-paths, banks, walls, jetties, berthing heads, strong points, landing places, mooring dolphins, moorings, buoys, beacons, lights, signals, telecommunication installations, groynes, quays, wharves, warehouses, sheds, buildings, engines, pumps, machinery, lifts, cranes, towers, drops, winches, capstans, gantries, conveyors, staithes, tips, railways, tramways, transmission lines, pylons, junctions, sidings, turntables, roads, roadways, tunnels, walkways, approaches, pipeways, works and appliances as may be necessary or convenient for or in connection with or subsidiary to the authorised works;

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

(*c*) raise, sink or otherwise alter the position of any of the steps, areas, cellars, windows and pipes or spouts belonging to any house or building and may remove any other obstruction.

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

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

PART III —*cont.*

compensation for any damage caused by the exercise of such powers, such compensation to be determined in default of agreement by the tribunal.

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

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

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

(*d*) In this subsection " the appropriate authority " means in relation to any apparatus the authority to whom it belongs or by whom it is repairable and in relation to streams the South West Wales River Authority.

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

(*a*) use any telegraphic line belonging to or used by the Post Office;

(*b*) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878. 1878 c. 76.

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

(7) Notwithstanding anything in this section contained, the Company shall not install or use apparatus for wireless telegraphy in contravention of the provisions of the Wireless Telegraphy Act, 1949. 1949 c. 54.

(8) Nothing in this section shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunications conferred on the Post Office by subsection (1) of section 24 of the Post Office Act, 1969. 1969 c. 48.

PART III —*cont.*

(9) In subsection (5) of this section, the expression " alter " has the same meaning as in the Telegraph Act, 1878, and, in subsection (7), the expression " apparatus for wireless telegraphy " has the same meaning as in the Wireless Telegraphy Act, 1949.

1878 c. 76.
1949 c. 54.

Alteration and improvement of works.

17. Subject to the provisions of this Act, the Company may at any time and from time to time maintain, renew, enlarge and alter temporarily or permanently the authorised works or any part thereof:

Provided that nothing in this section shall authorise the Company to deviate laterally beyond the limits of deviation, or to make any renewal, enlargement or alteration of Works Nos. 1, 2 or 3 otherwise than of open construction.

Power to deviate.

18. In the construction of the authorised works the Company may deviate laterally from the lines or situations thereof shown on the deposited plans or, as the case may be, the substituted plan to any extent within the limits of deviation shown on those plans, and may deviate vertically from the levels of those works shown on the deposited sections or, as the case may be, the substituted section to any extent upwards or downwards:

Provided that notwithstanding anything shown on the deposited plans there shall be excluded from the area within the limits of deviation shown on those plans so much thereof as lies east of longitude 5° 03′ 4·9″ west.

Works to be within petty sessional division of Milford Haven and parish of Hubberston.

19. So much of Works Nos. 1, 2 and 3 as is outside the area of the petty sessional division of Milford Haven in the county of Pembroke, or of any parish in the said county, shall be deemed to be within the said area and within the parish of Hubberston in the rural district of Haverfordwest in the said county.

Power to dredge.

20.—(1) Subject to the provisions of section 55 (Crown rights) of this Act and to the other provisions of this Act, the Company may from time to time deepen, dredge, scour and improve the bed and foreshore of the sea and blast any rock within the limits of deviation of Works Nos. 1, 2 and 3, or any part or parts thereof, and the channels and approaches thereto, and any chalk, gravel, rock or other materials taken up or collected by means of such deepening, dredging, scouring or blasting shall be the property of the Company and they may use, sell or otherwise dispose of or remove or deposit the same as they think fit:

Provided that—

(i) no such materials shall be laid down or deposited in any place below the level of high water, except in such position as may be approved by the Secretary of State

PART III —*cont.*

and the conservancy board and under such restrictions and regulations as may be imposed by the Secretary of State and the conservancy board;

(ii) if it appears to the Company that the conservancy board have unreasonably withheld their approval under paragraph (i) of this proviso or that any restriction or regulation imposed by the conservancy board under that paragraph is unreasonable, they may appeal to the Secretary of State whose decision shall be binding on both parties.

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

(3) (*a*) Before exercising their powers under this section of deepening, dredging, scouring and improving the bed and foreshore of the sea and blasting rock, and of removing and resiting submarine cables, the Company shall submit to the conservancy board for their reasonable approval plans and sections defining the nature, extent and manner of the operations to be carried out in the exercise of those powers, and the powers shall not be exercised otherwise than in accordance with such plans and sections as may be reasonably approved by the conservancy board or as may be settled by the Secretary of State for the Environment under paragraph (*b*) of this subsection and in such manner as may be reasonably approved by the conservancy board.

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

(4) (*a*) The Company shall not exercise their powers under subsection (1) of this section within the limits of Milford Docks as defined in section 4 (As to limits of the docks) of the Milford Docks Act, 1957, as amended by the Milford Haven Conservancy Act, 1958, without the consent of the Milford Docks Company, but such consent shall not be unreasonably withheld and any question whether such consent has or has not been unreasonably withheld shall be determined by the Secretary of State for the Environment. 1957 c. xxxix. 1958 c. 23.

(*b*) No materials dredged up or removed under subsection (1) of this section shall be laid down or deposited within the limits of Milford Docks as so defined.

Period for completion of works.

21. Subject to the provisions of this Act, if the authorised works are not completed within ten years from 1st October,

PART III —*cont.*

1970, then on the expiration of that period the powers by this Act granted to the Company for making and completing the authorised works shall cease except as to so much thereof as is then substantially commenced:

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

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

22.—(1) A tidal work shall not be constructed, renewed, enlarged or altered 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.

(2) If a tidal work is constructed, renewed, enlarged or altered 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 Company 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 thirty days from the date when the notice is served upon the Company 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 Company as a simple contract debt.

Provision against danger to navigation.

23.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Company shall forthwith notify the conservancy board and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the conservancy board shall from time to time direct.

(2) If the Company fail to notify the conservancy board as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Abatement of works abandoned or decayed.

24.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State or the conservancy board may by notice in writing require the Company 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

PART III —*cont*

condition, to such an extent and within such limits as the Secretary of State, or the conservancy board, as the case may be, may think proper.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is 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 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 or the conservancy board, as the case may be, may include that part of the work or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Company, they have failed to comply with the requirements of the notice the Secretary of State or the conservancy board, as the case may be, may execute the works specified in the notice and any expenditure incurred by the Secretary of State or the conservancy board, as the case may be, in so doing shall be recoverable from the Company, as a simple contract debt.

Survey of tidal works.

25. The Secretary of State or the conservancy board may at any time if he or they deem it expedient order a survey and examination of a tidal work constructed by the Company or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State or the conservancy board, as the case may be, in any such survey and examination shall be recoverable from the Company as a simple contract debt.

Permanent lights on tidal works.

26.—(1) After the completion of a tidal work, the Company shall at the outer extremity 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 conservancy board shall from time to time direct.

(2) If the Company fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Lights on tidal works during construction.

27.—(1) The Company shall at or near a tidal work during the whole time of the construction, renewal, enlargement or alteration 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 and the conservancy board or as, failing agreement between the Secretary of State and the conservancy board, the Secretary of State shall from time to time direct.

PART III —*cont.*

(2) If the Company fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Provisions applicable to sections 24 and 25.

28. If it appears to the Company that any requirement or order made or given by the conservancy board under section 24 (Abatement of works abandoned or decayed) or section 25 (Survey of tidal works) of this Act is unreasonable, they may within thirty days after the receipt of such requirement or order appeal to the Secretary of State whose decision shall be binding on both parties and the Company shall not be liable to repay to the conservancy board any expenses incurred by the conservancy board for the purposes of giving effect to any requirement or order which the Secretary of State may on such appeal determine to be unreasonable.

Exclusion of enactments relating to conservancy board.

29. Subject to the provisions of this Act, nothing in the Act of 1958 prohibiting dredging or the construction, alteration or extension of works, except after notice to the conservancy board, or otherwise rendering dredging or works subject to the control or regulation of the conservancy board, shall apply to the power for the Company to dredge or the works authorised by this Act.

Power to sell pier undertaking.

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

Provided that the Company shall not exercise the powers of this section unless, at least one month before making application to the Secretary of State for the Environment for his consent to the sale of the pier undertaking, they give to the conservancy board notice in writing of their intention so to do and of the name of the intended purchaser, and the Secretary of State for the Environment before giving his consent shall take into consideration any representations in writing which may be submitted to him by the conservancy board.

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

PART III —*cont.*

Power to lease pier undertaking.

31.—(1) The Company may, with the previous consent in writing of and upon such terms, conditions and restrictions and for such period as may be approved by the Secretary of State for the Environment, lease to any company, corporation or person the pier undertaking.

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

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

(4) The Company or, as the case may be, a lessee shall not exercise the powers of this section unless at least one month before making application to the Secretary of State for the Environment for his consent to the leasing of the pier undertaking or, as the case may be, to an assignment of a lease of the pier undertaking they or he give to the conservancy board notice in writing of their or his intention so to do and of the name of the intended lessee or assignee, as the case may be.

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

Adjustment of certain limits.

1957 c. xxxviii.

32.—(1) The Esso Petroleum Company Act, 1957, shall have effect as if there were excluded from the limits of deviation shown on the map referred to in the proviso to section 8 (Power to deviate) of that Act any part of the area within the limits of deviation.

1957 c. xxix.

(2) Section 10 (Power to dredge) of the B P Trading Act, 1957, shall have effect as if there were excluded from the area within which the powers of that section may be exercised any part of that area north of an imaginary line drawn straight from ordnance survey national grid reference SM 88150436 to ordnance survey national grid reference SM 89260455.

PART III —*cont.*

For preservation of scenery and amenities.

33.—(1) In the construction and maintenance of the works authorised by this Act (other than tidal works) the Company shall have regard—

(*a*) to the preservation for the public of the natural beauty of the district in which such works are situate and to the enjoyment thereof by the public; and

(*b*) to the conservation of flora and fauna and geological or physiographical features of special scientific interest therein.

(2) For the purpose of securing the foregoing provisions of this section but without prejudice to the generality thereof the Company shall—

(*a*) after consultation with the local planning authority appoint a landscape consultant whom the Company shall consult generally in connection with their duties under paragraph (*a*) of subsection (1) of this section and on questions affecting amenity in or in connection with or arising out of the carrying out or doing under the powers of this Act of any operations or things including the following:—

(i) the disposal of spoil or waste material;

(ii) the reinstatement or restoration of land;

(iii) the planting and felling of trees and the planting of bushes and other plants;

(*b*) ensure that no electrical wires or cables or pipelines constructed under the powers of this Act are placed above ground without the previous consent in writing of the local planning authority, such consent not to be unreasonably withheld; and

(*c*) send to the local planning authority and the Countryside Commission copies of any recommendations of the said landscape consultant made to the Company in pursuance of his functions under paragraph (*a*) of this subsection.

(3) (*a*) Without prejudice to anything contained in the Town and Country Planning Act, 1962, the Company shall consult with the local planning authority as to— 1962 c. 38.

(i) the situation, design and external appearance of any pipeline, building, bridge, wall, embankment, road or fence to be constructed under this Act; and

(ii) the carrying out of quarrying operations or the manner and method of disposing of any spoil or waste material resulting from the carrying out of any operation under this Act.

PART III —*cont.*

(*b*) The Company shall in the case of the construction and maintenance of works to which this section applies send to the local planning authority copies of any recommendations of the said landscape consultant made to them with regard to any of the matters referred to in paragraph (*a*) of this subsection and shall in the case of the construction of any such works comply with such reasonable requirements as to siting or otherwise as the local planning authority shall make—

(i) for the purpose of rendering any such pipeline, building, bridge, wall, embankment, road, fence, spoil or waste material inconspicuous; or

(ii) with regard to the carrying out of quarrying operations or the disposal of any such spoil or waste material;

including as respects any purpose mentioned in the foregoing sub-paragraph (i) requirements as to the laying of turf, the sowing of grass seed and the planting of trees, bushes or plants.

(4) Within six months after the completion of the works authorised by this Act or such longer period as the local planning authority may agree the Company shall remove or to the reasonable satisfaction of the local planning authority demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of or in connection with the construction of such works and shall remove all surplus materials, plant, machinery and appliances provided or erected in connection therewith and shall so far as is reasonably practicable to the like satisfaction restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed.

(5) In and for the purposes of this section the expression " spoil and waste material " includes any chalk, gravel, rock and other materials dredged up or removed by the Company under the powers of section 20 (Power to dredge) of this Act.

(6) If any dispute shall arise between the Company and the local planning authority under subsections (2), (3) or (4) of this section the question shall be referred to and determined by the Secretary of State for Wales whose decision shall be final.

PART IV

MISCELLANEOUS

Limits of the pier.

34. The limits within which the Company shall exercise jurisdiction as a pier authority, and within which the powers of the pier master may be exercised, shall extend over the area of water within a distance of 300 feet from the structures of Works Nos. 1, 2 and 3:

PART IV —*cont.*

Provided that—

(i) the jurisdiction of the pier master conferred by this Act shall only be exercised with reference to vessels which shall be within the limits of the pier and vessels coming to or departing from the said works and vessels which shall obstruct the approaches to such works and shall not be exercised beyond the said limits; and

(ii) if at any time there is a conflict between any directions given by the pier master and any directions lawfully given by the harbour master of the conservancy board, the directions given by the harbour master of the conservancy board shall prevail.

Directions of pier master.

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

Orders of pier master need not be in writing.

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

Pier master may prevent sailing of vessels.

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

Exemption for conservancy board's vessels.

38. The Company shall not levy or demand rates in respect of a vessel while in use by the conservancy board for the purposes of their functions under the Act of 1958.

Powers with respect to disposal of wrecks.
1894 c. 60.

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

(*a*) subject to the provisions of section 40 (Protection of Crown interests in wrecks) of this Act; and

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

(2) Subject to subsection (3) of this section, and to any enactment for the time being in force limiting his liability, the Company may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 or the said section 532 any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of the proceeds of sale (if any) within the meaning of those sections.

PART IV —*cont.*

(3) Except in a case which is in the opinion of the Company a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530, other than the power of lighting and buoying, the Company have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires the Company receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (*b*) of subsection (2) of the said section 40, he shall be at liberty to do so, and the Company shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Company.

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

(5) Before exercising any of the powers conferred by the said sections 530 and 532 in relation to a vessel sunk, stranded or abandoned in Milford Haven, the Company shall give notice in writing to the conservancy board of their decision to exercise those powers.

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

Protection of Crown interests in wrecks. 1894 c. 60.

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

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

(*b*) except with the consent of the Secretary of State for Defence, which may be given with or without such a

PART IV —*cont.*

direction as is referred to in paragraph (*b*) of subsection (2) of this section, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which, at the time when the vessel was sunk, stranded or abandoned—

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

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

(2) The Company shall give notice in writing to the Secretary of State for Defence and to the Secretary of State for Trade and Industry of any decision of the Company to exercise in relation to any vessel referred to in paragraph (*b*) of subsection (1) of this section any of the powers aforesaid other than the power of lighting and buoying and, except in a case which is in the opinion of the Company a case of emergency, shall not proceed with the exercise thereof—

(*a*) except with the consent of the Secretary of State for Defence and the Secretary of State for Trade and Industry, before the expiration of a period of fourteen days from the giving of the notice; or

(*b*) if before the expiration of the said period there is served on the Company a direction by the Secretary of State for Defence or the Secretary of State for Trade and Industry that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where, in any such case as aforesaid, the Company proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (*a*) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and if, before the expiration of the period aforesaid, such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of section 39 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

(i) the Company shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (*b*) of subsection (1) of this section, but any direction such as is referred to in paragraph (*b*) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 39 to have been duly served under paragraph (*b*) of this subsection;

PART IV —*cont.*

(ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for Trade and Industry for the purposes of this proviso.

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

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

Power to Company to make byelaws.

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

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

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

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

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

generally any other matters relating to the pier.

Application of Local Government Act, 1933, to byelaws. 1933 c. 51.

42.—(1) All byelaws made by the Company shall be subject to the provisions contained in subsections (2), (3), (4), (5), (6) and (7) of section 250 and in sections 251 and 252 of the Local Government Act, 1933, and all fines imposed for the breach of any such byelaws shall be recoverable in manner provided by

PART IV —*cont.*

that Act for the recovery of fines and those sections shall for the purposes of this section be construed as if the Company were a local authority within the meaning of those sections and the reference to " the clerk of the authority " included a reference to the secretary of the Company.

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

Local inquiries.

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

1933 c. 51.

Arbitration.

44. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties or, failing agreement, appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

For protection of conservancy board.

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

(1) Before commencing to construct in, on or over any part of the haven (as defined in section 1 of the Act of 1958) any of the works authorised by section 15 (Power to construct works) (including any work of enclosure or reclamation under subsection (2) of the said section 15) or section 16 (Subsidiary works) of this Act or any renewal, enlargement or alteration thereof the Company shall submit to the conservancy board for their reasonable approval plans, sections and particulars of the work or the renewal, enlargement or alteration, and such work, renewal, enlargement or alteration shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be reasonably approved by the conservancy board or as may be determined by the Secretary of State as hereinafter provided:

(2) In the event of the conservancy board failing to express their disapproval of any plans, sections or particulars

PART IV —*cont.*

within two months after such plans, sections and particulars shall have been delivered to them in pursuance of this section, they shall be deemed to have approved the plans, sections and particulars as submitted:

(3) After the purpose for which temporary structures used to enable any of the works to be constructed has been accomplished, the Company shall with all reasonable dispatch or after fourteen days' notice in writing from the conservancy board requiring them so to do remove any such temporary structures or any materials for the same which may have been placed in the waters of Milford Haven by the Company and if they fail to do so the conservancy board may remove the same and the Company shall repay to the conservancy board the reasonable expense of such removal:

(4) The Company shall permit the officers, servants and agents of the conservancy board to have access both by water and by land at all reasonable times on, to or over any of Works Nos. 1, 2 and 3 without payment or hindrance—

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

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

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

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

For further protection of conservancy board.

46.—(1) In the exercise of the powers of this Act, the Company shall not cause or permit any part of a vessel which is berthed or accommodated at any of the works authorised by this Act to protrude south-east or south of the line shown coloured red on the signed plan.

(2) Unless otherwise agreed in writing between the Company and the conservancy board the Company shall not use any part of the works authorised by this Act for the berthing or accommodation of any vessel exceeding 900 feet in length unless and until the Company dredge to the satisfaction of the conservancy board the area shown coloured pink on the signed plan so as to provide a depth of not less than 44 feet throughout the said area:

PART IV —*cont.*

Provided that any dredging carried out to the satisfaction of the conservancy board under this section shall not require the approval of the conservancy board under section 20 (Power to dredge) of this Act.

(3) If the Company contravene any provisions of this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

(4) In this section—

" depth " means depth below ordnance datum (Newlyn);

" dredge " means deepen, dredge, scour or improve the bed or foreshore of Milford Haven or blast any rock in Milford Haven;

" the signed plan " means the plan signed in duplicate by Arthur Harding Johnson on behalf of the Company and John Anthony Sulivan on behalf of the conservancy board one duplicate of which has been deposited in the principal office of the Company and the other in the office of the conservancy board.

Saving for byelaws of conservancy board.
1875 c. 17.
1928 c. 32.

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

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

Saving for Trinity House.

48. Nothing in section 26 (Permanent lights on tidal works) or section 23 (Provision against danger to navigation) of this Act shall prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of Trinity House.

For the protection of certain statutory undertakers.

49. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the Company and the undertakers, apply and have effect:—

(1) In this section, unless the subject or context otherwise requires—

" adequate alternative apparatus " means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

" apparatus " means—

(*a*) in relation to the Central Electricity Generating Board or the South Wales Electricity Board any electric lines and works (as respectively defined

in the Electric Lighting Act, 1882) belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus; PART IV —*cont.* 1882 c. 56.

(*b*) in relation to the Wales Gas Board any mains, pipes or other apparatus belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus;

(*c*) in relation to the Pembrokeshire Water Board any mains, pipes or other apparatus belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus;

" in " in a context referring to apparatus includes under, over, across, along or upon;

" specified work " means any work carried out or thing done under the powers of section 15 (Power to construct works), section 16 (Subsidiary works) and section 17 (Alteration and improvement of works) of this Act;

" the undertakers " means the Central Electricity Generating Board, the South Wales Electricity Board, the Wales Gas Board and the Pembrokeshire Water Board, or any of them and in relation to any apparatus or property, means the undertakers to whom the apparatus or property belongs or by whom the apparatus is maintained and, in relation to the supply of electricity or water, means the undertakers by whom the supply is provided:

(2) Notwithstanding anything in this Act or shown on the deposited plans or, as the case may be, the substituted plan, the Company shall not, under the powers of this Act, acquire any apparatus from the undertakers otherwise than by agreement:

(3) The provisions of section 16 (Subsidiary works) of this Act except subsection (6) thereof shall not apply to any apparatus:

(4) If the Company in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been laid or constructed and is in operation to the reasonable satisfaction of the undertakers:

PART IV —*cont.*

(5) (*a*) If the Company, for the purpose of the execution of any specified work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan, section and description of the proposed work and, if it is agreed between the Company and the undertakers, or in default of agreement determined by arbitration, that the removal of the apparatus is reasonably required, and that it should be removed, the following provisions of this paragraph shall have effect;

(*b*) If it is so agreed or determined that any apparatus should be removed, or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Company shall, if practicable, afford to the undertakers the necessary facilities and rights for the laying or construction of adequate alternative apparatus in other lands of the Company and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be laid or constructed elsewhere than in other lands of the Company, and the Company are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be laid or constructed, the undertakers shall, on receipt of a written notice to that effect from the Company, forthwith use their best endeavours to obtain the necessary facilities and rights:

(6) (*a*) Any alternative apparatus to be laid or constructed in lands of the Company in pursuance of paragraph (5) of this section shall be laid or constructed in such manner and in such line or situation as may be agreed between the undertakers and the Company or, in default of agreement, settled by arbitration;

(*b*) The undertakers shall, after the manner of laying or construction and the line and situation of any alternative apparatus have been agreed, or settled by arbitration, as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to lay or construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Company to be removed under the provisions of this section and, in default, the Company may remove the apparatus:

(7) Notwithstanding anything in paragraph (6) of this section, if the Company give notice in writing to the undertakers that they desire themselves to execute any

PART IV —*cont.*

part of so much of the work necessary in connection with the laying or construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Company, such work, in lieu of being executed by the undertakers, shall be executed by the Company with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Company to execute the actual placing, erection, installation, bedding, packing removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

(8) Where in accordance with the provisions of this section the Company afford to the undertakers facilities and rights for the laying or construction, maintenance, repair, renewal and inspection in lands of the Company of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Company and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(*a*) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be laid or constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the Company for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus laid or constructed through the lands of the Company for which the alternative apparatus is to be substituted;

(*b*) if the facilities and rights to be afforded by the Company in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions

PART IV —*cont.*

applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Company by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(9) (*a*) Not less than twenty-eight days before commencing to execute any specified work which is near to or is likely to affect any apparatus the removal of which has not been required by the Company under paragraph (5) of this section or the maintenance of any such apparatus, the Company shall submit to the undertakers a plan, section and description of the work to be executed;

(*b*) Such work shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the work proposed by the Company, reasonably require the removal of any apparatus and give written notice to the Company of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Company under paragraph (5) thereof; and

(ii) nothing in this sub-paragraph shall preclude the Company from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan, section and description in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description:

(*c*) The Company shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

PART IV —*cont.*

(10) Where any road, bridleway or footpath in which any apparatus is situated has been permanently stopped up under the powers of section 14 (Stopping up of roads, footpaths, etc.) of this Act, the undertakers shall, notwithstanding such stopping up, continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up has ceased to be a road, bridleway or footpath as they would have had if it had remained a road, bridleway or footpath and no such rights shall be extinguished by virtue of the said section 14 but nothing in this paragraph shall prejudice or affect any right of the Company, or of the undertakers, to require removal of such apparatus under this section:

(11) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the Company shall provide an alternative means of access to such apparatus:

(12) The Company shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—

(*a*) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and laying or construction of any new apparatus under any of the provisions of this section;

(*b*) the cutting off of any apparatus from any other apparatus; and

(*c*) any other work or thing rendered reasonably necessary in consequence of the exercise by the Company of any of the powers of this Act:

(13) If by reason or in consequence of the execution, user or failure of any of the specified works or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity or water by the undertakers shall be caused, the Company shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, and shall—

(*a*) make reasonable compensation to the undertakers for any loss sustained by them; and

(*b*) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

PART IV —*cont.*

by reason or in consequence of any such damage or interruption:

(14) (*a*) Any difference which may arise between the Company and the undertakers under this section shall be settled by arbitration;

(*b*) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the Company to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used:

1950 c. 39.

(15) The Public Utilities Street Works Act, 1950, shall not apply to the execution of any specified work affecting any apparatus.

For protection of Post Office.

50. For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Company and the Post Office, apply and have effect:—

(1) In this section, unless the subject or context otherwise requires—

"apparatus" means any telegraphic line belonging to or used by the Post Office and includes any works constructed for the lodging therein of apparatus;

"specified work" has the same meaning as in section 49 (For the protection of certain statutory undertakers) of this Act:

(2) If by reason or in consequence of the user, leakage, bursting or failure of any of the specified works or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the Post Office or any interruption with telecommunication by means of any apparatus shall be caused, the Company shall bear and pay the cost reasonably incurred by the Post Office in making good such damage and shall make reasonable compensation to the Post Office for any loss sustained by it by reason or in consequence of any such damage or interruption:

(3) The Company shall repay to the Post Office the reasonable costs, charges and expenses incurred by the Post Office in or in connection with any work or thing rendered reasonably necessary in consequence of the exercise by the Company of any of the powers of this Act and not otherwise provided for in this Act:

(4) Any difference which may arise between the Company and the Post Office under this section shall be settled by arbitration. PART IV —*cont.*

51. For the protection of the British Railways Board (in this section referred to as " the board ") the following provisions shall, unless otherwise agreed in writing between the Company and the board, apply and have effect:— **For protection of British Railways Board.**

Notwithstanding the provisions of section 5 (Power to acquire lands) of this Act the Company shall not acquire any property of the board delineated on the deposited plans, but they may in accordance with the provisions of section 7 (Power to acquire easements only) of this Act acquire such easements and rights in any such property as they may require for the purposes of Work No. 5.

52. For the protection of the British Railways Board (in this section referred to as " the board ") the following provisions shall, unless otherwise agreed in writing between the Company and the board, apply and have effect:— **For further protection of British Railways Board.**

(1) In this section—

" railway property " means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

" the works " means so much of Work No. 5 as may be situated upon, across, under or over or may in any way affect railway property and includes the construction, maintenance and renewal of such works;

" the engineer " means an engineer to be appointed by the board;

" plans " includes sections, drawings and specifications:

(2) The Company shall, before commencing the works (other than works of maintenance or repair) furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved them:

PART IV —*cont.*

(3) If within twenty-eight days after such plans have been furnished to the board the board shall give notice to the Company that the board desire themselves to construct any part of the works which in the opinion of the engineer will or may affect the stability of railway property then if the Company desire such part of the works to be constructed the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Company in accordance with the plans approved or deemed to be approved or settled as aforesaid:

(4) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the Company shall not commence the construction of the works until the engineer shall have notified the Company that the protective works have been completed:

(5) The Company shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works, except in cases of emergency, when they shall give such notice as may be reasonably practicable:

(6) The works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and if any damage to railway property or any such interference or obstruction shall be caused or take place the Company shall notwithstanding any such approval as aforesaid make good such damage and shall on demand pay to the board all reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:

(7) The Company shall at all times afford reasonable facilities to the engineer for access to the works during

PART IV —*cont.*

their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

(8) The board shall at all times afford reasonable facilities to the Company and their agents for access to any works carried out by the board under this section during their construction and shall supply the Company with such information as they may reasonably require with regard to such works or the method of construction thereof:

(9) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary in consequence of the construction of the works such alterations and additions may be effected by the board after notice has been given to the Company and the Company shall pay to the board on demand the reasonable cost thereof as certified by the engineer including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing any such alterations or additions:

(10) The Company shall repay to the board all costs, charges and expenses reasonably incurred by the board—

(*a*) in constructing any part of the works on behalf of the Company as provided by paragraph (3) of this section or in constructing any protective works under the provisions of paragraph (4) of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works;

(*b*) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the works;

(*c*) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

(*d*) in respect of any additional temporary lighting of railway property in the vicinity of the works, being

PART IV —*cont.*

lighting made reasonably necessary as a result of the works or the failure thereof;

(*e*) in respect of the approval by the engineer of plans submitted by the Company and the supervision by him of the works:

(11) If at any time after the completion of the works not being works vested in the board the board shall give notice to the Company informing them that the state of repair of the works appears to be such as to affect prejudicially railway property, the Company shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the works in such state of repair as not to affect prejudicially railway property and, if and whenever the Company fail to do so, the board may make and do in and upon the lands of the board or of the Company all such works and things as shall be requisite to put the works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Company:

(12) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the Company in widening, altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Company to the board:

(13) The Company shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board—

(*a*) by reason of the works or the failure thereof; or

(*b*) by reason of any act or omission of the Company or of any persons in their employ or of their contractors or others whilst engaged upon the works;

and the Company shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Company or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or agents) excuse the Company from any liability under the provisions of this section:

PART IV —*cont.*

Provided that the board shall give to the Company reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Company:

(14) Any difference arising between the Company and the board or the engineer under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection of Esso Petroleum Company, Limited.

53. Notwithstanding anything shown on the deposited plans or, as the case may be, the substituted plan, the Company shall not in relation to any property of Esso Petroleum Company, Limited which is situated north of ordnance survey national grid reference SM 88450555 and which is required for the purposes of Work No. 5, acquire any more of such property under section 5 (Power to acquire lands) of this Act or any greater easements or rights therein under section 7 (Power to acquire easements only) of this Act than is sufficient to enable the Company to construct Work No. 5 and to provide and maintain for the purposes of or in connection with that work a strip of land not exceeding 100 feet in width.

For protection of county council.

54. For the protection of the county council the following provisions shall apply and have effect:—

(1) Any pump or pumps to be provided by the Company on, under or along Work No. 1 or on, under or along Work No. 5 for the purpose of pumping petroleum or petroleum products through any pipe to be constructed on, under or along Work No. 1 or as part of Work No. 5 shall, unless otherwise agreed between the Company and the county council, be situate at least a quarter of a mile from any dwelling-house and shall be constructed, maintained and operated so as to avoid so far as is reasonably practicable causing any nuisance, annoyance or disturbance from noise to the occupiers of houses in the vicinity of the said works:

(2) Any dispute which may arise under paragraph (1) of this section shall be referred to and determined by arbitration.

Crown rights.

55. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained shall authorise the Company to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department or held in trust for Her Majesty for

PART IV —*cont.*

the purposes of a government department without the consent in writing of those commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose.

Saving for Town and Country Planning Acts. 1962 c. 38.

56.—(1) Section 220 of the Town and Country Planning Act, 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session of the 10 & 11 Geo. 6 for authorisation or regulation of development of the land), shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts, 1962 to 1968, and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

(2) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order, 1963 (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) shall have effect as if the authority to develop given by this Act in respect of the works authorised by subsection (1) of section 16 (Subsidiary works) of this Act were limited to development carried out within twelve months of the completion of the authorised works.

(3) In this section the reference to article 3 of and Class XII in Schedule 1 to the Town and Country Planning General Development Order, 1963, includes a reference to corresponding provisions of any general order superseding that order made under section 14 of the Town and Country Planning Act, 1962, or any corresponding provision of an Act repealing that section.

Saving for Harbours Act, 1964. 1964 c. 40.

57. Nothing in this Act shall exempt the Company from the provisions of sections 9 and 10 of the Harbours Act, 1964, in relation to the works authorised by this Act.

Saving for Pipe-lines Act, 1962. 1962 c. 58.

58. Nothing in this Act shall exempt the Company from the provisions of sections 20 to 25, 27 to 34, 36 to 38, 42 and 46 of the Pipe-lines Act, 1962, in relation to any pipeline authorised by this Act.

Costs of Act.

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

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