ELIZABETH II



1973 CHAPTER xiii

An Act to empower the British Transport Docks Board to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands; to confer further powers on the Board; and for other purposes.

[5th July 1973]

WHEREAS by the Transport Act 1962 the British Transport Docks Board (in this Act referred to as "the Board") were established: 1962 c. 46.

And whereas it is the duty of the Board under the Transport Act 1962 (inter alia) to provide, to such extent as they may think expedient, port facilities at the harbours (as defined by the said Act) owned or managed by the Board and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them and the Board are empowered to operate the harbours owned or managed by them:

And whereas it is expedient that the Board should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas it is expedient that the period now limited for the compulsory purchase of certain lands should be extended as provided by this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Board and that the other provisions in this Act contained should be enacted:

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands 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 clerks of the county councils of the counties and the town clerk of the county borough within which the said works will be constructed or the said lands are situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the British Transport Docks Act 1973.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works, etc.

Part IV.—Protective provisions.

Part V.—Miscellaneous and general.

Interpretation

3.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings and—

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

1847 c. 27.

PART I —*cont.*

"the Act of 1964" means the British Transport Docks Act 1964; 1964 c. xxxviii.

"the Act of 1966" means the British Transport Docks Act 1966; 1966 c. xxxi.

"the Act of 1967" means the British Transport Docks Act 1967; 1967 c. xxxi.

"the Act of 1969" means the British Transport Docks Act 1969; 1969 c. xxiii.

"the Act of 1971" means the British Transport Docks Act 1971; 1971 c. lix.

"the Act of 1972" means the British Transport Docks Act 1972; 1972 c. xxxvii.

"the Board" means the British Transport Docks Board;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"land" includes any estate or interest in land and land covered by water;

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

"the limits of deviation" means the limits of deviation shown on the deposited plans;

"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;

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

"the undertaking" means the undertaking of the Board as authorised from time to time;

"vessel" has the meaning assigned to it in section 3 (Interpretation) of the Act of 1966;

"the works" means the works authorised by Part III (Works, etc.) of this Act.

(2) 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.

(3) All areas, bearings, directions, distances, lengths and widths stated in any description of works, powers or lands shall be construed as if the words "or thereabouts" were inserted after each such area, bearing, direction, distance, length and width.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

PART I —*cont.*

Incorporation of Acts.

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

(*a*) the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway:

1845 c. 20.

Provided that—

(i) for the purposes of the said incorporated provisions with respect to the temporary occupation of lands near the railway during the construction thereof, the works shall be deemed to be the railway and the centre line of each work as shown on the deposited plans shall be deemed to be the centre of the railway and for the words "the period by the special Act limited for the completion of the railway" there shall be substituted the words "the period of five years from the commencement of the construction of any of the works authorised by the special Act";

(ii) for the purposes of the said incorporated provisions with respect to mines lying under or near the railway, the works shall be deemed to be the railway and, for the purposes of section 78 of the said Act of 1845 (as amended by the Mines (Working Facilities and Support) Act 1923) in so far as it relates to the works, the area of protection shall, as regards mines and minerals lying within 565 feet of the surface of the ground or the bed of the river Humber, be 400 feet and, as regards mines and minerals lying at a greater depth than 565 feet below the said surface, the area of protection shall be increased by 60 feet for every 100 feet or part thereof by which the mines and minerals lie deeper below the said surface than 565 feet;

1923 c. 20.

(*b*) the provisions of the Act of 1847 (except sections 6 to 9, 11 to 13, 16 to 23, 25, 26, 33, 49, 50, 79, 80, 84 to 90, 94, 95, 97 and 98):

Provided that—

(i) the expression "the harbour, dock, or pier" where used in the said incorporated provisions means, in relation to Work No. 1, Work No. 2, Work No. 3 and Work No. 4, those respective works;

(ii) the expression "the harbour master" where used in the said incorporated provisions means, in

PART I —*cont.*

relation to Work No. 1, the Board's dock master for Hull, in relation to Work No. 2, the Board's harbour master for the Humber as appointed under the provisions of section 5 (Appointment of harbour master) of the Act of 1972, in relation to Work No. 3, the Board's dock master at Cardiff docks and in relation to Work No. 4, the Board's dock and harbour master at Fleetwood;

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

(iv) section 52 of the Act of 1847 shall extend to empower the harbour master to give directions prohibiting the mooring of vessels within a distance of 300 yards of Work No. 1 or within a distance of 250 yards of Work No. 4;

(v) section 53 of the Act of 1847 shall not be construed as requiring the harbour master to serve upon the master of a vessel a notice in writing of his directions but such directions may be given orally or otherwise communicated to such master:

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

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

Application of Part I of Compulsory Purchase Act 1965.

1965 c. 56.

1946 c. 49.

5.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4, 24 (5) and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

(2) In section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) as so applied, for the words " fourteen days " there shall be substituted the words " three months ".

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

1845 c. 18.

PART II

LANDS

Power to acquire lands.

6.—(1) Subject to the provisions of this Act, the Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to the undertaking.

(2) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section the Board may, subject to the provisions of this Act, enter upon, take and use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 1 to 4 in the borough of Fleetwood for the purpose of providing facilities for marshalling, parking, storing and maintaining container, road vehicle and other traffic and for staff accommodation and amenities.

(3) The powers of the Board for the compulsory acquisition of land under this section shall cease after the expiration of three years from 31st December 1973.

Incorporation of provisions of Acts of 1964, 1967 and 1969 relating to lands.

7. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1964—

Section 6 (Correction of errors in deposited plans and book of reference):

The Act of 1967—

Section 8 (Power to acquire easements only):

The Act of 1969—

Section 8 (Disregard of recent improvements and interests);

Section 9 (Extinction of private rights of way):

Provided that the provisions of the said section 8 of the Act of 1967, as so incorporated, shall have effect as if for the words "section 6 (Power to acquire lands) of this Act" there were substituted the words "section 6 (Power to acquire lands) of the British Transport Docks Act 1973".

PART III

WORKS, ETC.

Power to make works.

8.—(1) Subject to the provisions of this Act, the Board may, in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections, make

and maintain the works hereinafter described with all necessary works and conveniences connected therewith:— PART III —*cont.*

In the East Riding of the county of York—

In the rural district of Holderness—

Partly in the parishes of Paull and Preston and partly on the foreshore and bed of the river Humber adjacent thereto—

Work No. 1 A jetty of open construction with pipe supports as follows— (Jetty at Saltend)

(i) the jetty commencing at the landward end of the existing No. 2 jetty of the Board on the north bank of the river Humber at Saltend in the parish of Preston and extending into the said river in a westerly direction for a distance of 515 yards and thence in a south-westerly direction for a distance of 185 yards and there terminating with a jetty head, with dolphins and catwalks extending into the said river for a distance of 220 yards in a generally north-westerly direction and for a distance of 220 yards in a generally south-easterly direction; and

(ii) the pipe supports commencing at a point in the parish of Paull on the east bank of Hedon Haven 770 yards east of the landward end of the approach to the existing Nos. 1 and 3 jetties of the Board and extending in a westerly direction to a point in the parish of Preston on the proposed jetty 150 yards from its commencement (hereinbefore described) and thence proceeding as an integral part of the proposed jetty to its termination (hereinbefore described).

Partly in the parish of Easington and partly on the foreshore and bed of the river Humber adjacent thereto—

Work No. 2 A jetty, comprising a ramp, commencing at a point 230 yards north-east of the landward end of the existing jetty at Spurn Point and extending in a north-westerly direction to the river wall, a walkway extending therefrom in the same direction into the river Humber for a distance of 269 yards and a pontoon extending therefrom in a northerly direction for a distance of 34 yards and there terminating. (Jetty at Spurn)

PART III —*cont.*

(Reclamation at Cardiff Docks)

In the city of Cardiff—

Work No. 3 A reclamation, by means of the raising of the level, of an area of 47 acres of the foreshore and bed of the sea immediately south-east of the lands on the south-east side of Queen Alexandra Dock.

In the county of Lancaster—

In the borough of Fleetwood—

(Jetty and berth at Fleetwood)

Work No. 4 A jetty of open construction commencing at a point on the river wall of the west bank of the river Wyre 320 yards south of the landward end of the most southerly of the three jetties giving access to the existing dolphins at Fleetwood Harbour and extending into the river Wyre in an easterly direction for a distance of 70 yards to a jetty head, with a bridge ramp, dolphins and connecting catwalks extending from the jetty head in a northerly direction for a distance of 225 yards providing a berth for a vessel.

(2) Subject to the provisions of this Act, the Board may within the limits of deviation from time to time extend, enlarge, alter, replace or relay temporarily or permanently the works.

Stopping up and diversion of footpaths at Fleetwood.

9.—(1) In this section—

"the borough" means the borough of Fleetwood; and

"the riverside footpath" means the public footpath along the river wall on the west bank of the river Wyre in the borough.

(2) For the purposes and during the construction of Work No. 4 the Board may temporarily stop up so much of the riverside footpath as lies between the points marked "N" and "Q" on the deposited plans and so much of the footpath numbered 3 on the deposited plans as lies between the points marked "Z" and "W" thereon and during the period of such stoppings up shall provide a temporary footpath between the points marked "N", "O", "P" and "Q" on the deposited plans.

(3) The Board may stop up and discontinue in the borough—

(*a*) the footpath (formerly carried by a footbridge) leading from Dock Street to the riverside footpath between the points marked "T" and "U" on the deposited plans; and

PART III —*cont.*

(*b*) the footpath (formerly carried by a footbridge) leading from Dock Street to the riverside footpath between the points marked " V " and " W " on the deposited plans;

and may substitute therefor a new footpath between the points marked " X " and " Y " on the deposited plans.

(4) The Board may stop up and discontinue so much of the riverside footpath as lies between the points marked "R" and "S" on the deposited plans and may substitute therefor between the said points a new footpath to be carried by a footbridge in the position shown on the deposited plans.

(5) The stoppings up of the footpaths authorised by subsection (3) of this section shall not take place until the new footpath authorised by that subsection is provided by the Board and open for public use.

(6) The stopping up of the portion of footpath authorised by subsection (4) of this section shall not take place until the new footpath and footbridge authorised by that subsection is provided by the Board and open for public use.

Power to dredge in Humber and Wyre.

10.—(1) The Board may, from time to time, deepen, dredge, scour, cleanse, alter and improve the bed, shores and channels of the river Humber adjoining or near to Works Nos. 1 and 2 or of the river Wyre adjoining or near to Work No. 4 for the purpose of affording uninterrupted means of access thereto and may as they think fit use, appropriate or dispose of the materials from time to time taken up or collected by them from the river Humber or the river Wyre, as the case may be, in the course of any such operations:

Provided that—

(*a*) no such materials shall be either—

(i) deposited below the level of high water except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Secretary of State for Trade and Industry; or

(ii) laid down or deposited in any place or manner so as to cover any subaqueous cable belonging to or used by the Post Office or to impede in any way the inspection, maintenance, removal or renewal of any such cable;

(*b*) the Board shall consult with the Yorkshire River Authority before depositing any such materials as aforesaid below the level of high water in the river Humber in any area not approved or prescribed by the Secretary of State for Trade and Industry or his predecessors before the passing of this Act as an authorised deposit ground.

PART III —*cont.*

(2) As early as possible, and in any event not less than twenty-eight days, before any exercise of their powers under this section within a distance of 50 yards of any subaqueous cable belonging to or used by the Post Office, the Board shall give notice in writing to the Post Office of such intended exercise.

Works Nos. 1 and 2 to be within petty sessional divisions of Middle Holderness and South Holderness and within parishes of Preston and Easington respectively.

11.—(1) So much of Work No. 1 as is outside the area of the petty sessional division of Middle Holderness in the East Riding of the county of York, or the parishes of Paull and Preston in the rural district of Holderness in the said county, shall for all purposes be deemed to be within the said area or the said parish of Preston, as the case may be.

(2) So much of Work No. 2 as is outside the area of the petty sessional division of South Holderness in the East Riding of the county of York, or the parish of Easington in the rural district of Holderness in the said county, shall for all purposes be deemed to be within the said area or the said parish, as the case may be.

Limits of jurisdiction of Board's dock master for Hull.

12. The limits within which the powers of the Board's dock master for Hull in relation to Work No. 1 may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this Act, shall extend to a distance of 300 yards in every direction from Work No. 1.

Limits of jurisdiction of Board's dock and harbour master at Fleetwood.

13. The limits within which the powers of the Board's dock and harbour master at Fleetwood in relation to Work No. 4 may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this Act, shall extend to a distance of 250 yards in every direction from Work No. 4.

Works to form part of undertaking.

14. The works shall for all purposes form part of the undertaking.

Application of byelaws of Board.

15. All byelaws, rules and regulations of the Board in force at Saltend jetties, at Cardiff Docks and at Fleetwood Docks immediately before the passing of this Act shall, unless the Board shall otherwise determine in relation to Work No. 1, Work No. 3 or Work No. 4 (as the case may be), be deemed to apply to Work No. 1, Work No. 3 and Work No. 4 respectively, and may be enforced by the Board accordingly until such time as new byelaws, rules or regulations relating to Work No. 1, Work No. 3 or Work No. 4 (as the case may be) shall be made by the Board and come into operation.

PART III —*cont.*

16.—(1) The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

Incorporation of provisions of Acts of 1964, 1966, 1969 and 1971 relating to works.

The Act of 1964—

Section 30 (Fine for obstructing works):

The Act of 1966—

Section 9 (Subsidiary works);

Section 10 (Power to deviate);

Section 21 (Tidal works not to be executed without approval of Board of Trade);

Section 23 (Abatement of works abandoned or decayed);

Section 24 (Survey of tidal works); and

Section 26 (Lights on tidal works during construction):

The Act of 1969—

Section 17 (Provision against danger to navigation):

The Act of 1971—

Section 16 (Permanent lights on works):

Provided that the provisions of the said section 9, as so incorporated, shall have effect as if in the proviso to subsection (1) the words after " those works " were omitted.

(2) Any reference in the said incorporated provisions to " the works " or to a " tidal work " shall be construed as a reference to " the works " or to a " tidal work " as defined in section 3 (Interpretation) of this Act.

(3) Notwithstanding anything in the said section 9 of the Act of 1966, as so incorporated, the Board shall not—

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

(*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.

(4) In this section " alter " and " telegraphic line " have the same meanings as in the Telegraph Act 1878.

PART IV

PROTECTIVE PROVISIONS

Incorporation of protective provisions of Act of 1966.

17. The following provisions of the Act of 1966 are incorporated with, and form part of this Part of, this Act:—

Section 30 (Crown rights); and

Section 37 (Saving for Humber Bridge Act 1959). 1959 c. xlvi.

PART IV —*cont.*

Saving for Duchy of Lancaster.

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

For protection of Central Electricity Generating Board.

19. For the protection of the generating board, the following provisions shall, unless otherwise agreed in writing between the Board and the generating board, apply and have effect:—

(1) In this section—

"the generating board" means the Central Electricity Generating Board;

"the cooling water works" means the works authorised by the Killingholme Generating Station (Ancillary Powers) Act 1972 and any associated works or plant used for or in connection with the cooling water system;

1972 c. xxv.

"the works" means Works Nos. 1 and 2:

(2) The Board shall—

(*a*) be responsible for and make good to the generating board all costs, charges, damages and expenses which may be occasioned to or reasonably incurred by the generating board by reason of the failure of the works or of any act or omission of the Board or of any persons in their employ or of their contractors or others whilst engaged upon the construction or maintenance of the works; and

(*b*) indemnify the generating board from and against all claims and demands arising out of or in connection with the construction or maintenance of the works or any such failure, act or omission as aforesaid;

as a result of which any thing forming part of the works or used in connection with the construction or maintenance of the works is carried downstream and blocks or causes damage to the cooling water works or will or may block or damage the said works if not removed by the generating board:

PART IV —*cont.*

Provided that—

(i) nothing in this paragraph shall impose any liability on the Board in respect of any such claim or demand in so far as and to the extent to which it is attributable to the act, neglect or default of any person other than the Board, their contractors, agents, workmen or servants; and

(ii) the generating board shall give to the Board immediate notice of any such claim or demand and no settlement or compromise thereof shall be made except with the consent of the Board who (if they so elect) shall at their expense have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the same.

PART V

MISCELLANEOUS AND GENERAL

Extension of time.

20.—(1) The period now limited by the British Transport Docks Act 1967 (Extension of Time) Order 1970 for the compulsory purchase of the lands authorised to be acquired by section 6 (Power to acquire lands) of the Act of 1967 is hereby extended until 31st December 1976.

(2) The powers for the compulsory purchase of the said lands shall cease on the said date except in so far as any such powers shall by then have been exercised.

As to vehicles at dock premises.

21.—(1) In this section—

"dock premises" means the docks, piers, jetties, landing places, roads and all other works and land at any time vested in, belonging to or managed by the Board;

"vehicle" means a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer.

(2) (*a*) If a vehicle is abandoned on any dock premises the Board may remove the vehicle to a place of safe custody.

(*b*) For the purposes of this subsection a vehicle shall be deemed to be abandoned if it is left on dock premises without the permission of the Board for a longer period than 28 days.

PART V —*cont.*

(3) Where the Board in exercise of the powers of this section remove a vehicle, or use the services of any other person to remove a vehicle, the expenses of and incidental to the removal and safe custody shall be recoverable by the Board from the owner of the vehicle as a debt in any court of competent jurisdiction.

(4) If the Board in exercise of the powers of this section remove a vehicle, they shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle in accordance with the Vehicles (Excise) Act 1971 and the Road Vehicles (Registration and Licensing) Regulations 1971 or any other regulations having the same effect for the time being in force, at his last known address, his registered address or at the address where the vehicle is ordinarily kept, notice—

1971 c. 10.

(*a*) of their having exercised the powers of this section and of the place to which the vehicle has been removed; and

(*b*) of their intention to dispose of the vehicle in accordance with the provisions of subsection (5) of this section if the vehicle is not claimed within fifty-six days after the sending of the notice.

(5) If the owner of a vehicle in respect of which a notice has been sent in accordance with the provisions of subsection (4) of this section does not claim the vehicle within the said period of fifty-six days the Board may dispose of the vehicle in such manner as they think fit.

(6) If, before a vehicle is disposed of by the Board in pursuance of the provisions of subsection (5) of this section, the vehicle is claimed by a person who satisfies the Board that he is its owner and pays to the Board such sums as may be reasonable in respect of its removal and custody, the Board shall permit him to remove the vehicle from their custody and, if before the expiration of the period of one year beginning with the date on which a vehicle is sold by the Board in pursuance of this section any person satisfies the Board that at the time of its sale he was the owner of the vehicle, the Board shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums as may be reasonable in respect of the removal, custody and disposal of the vehicle.

(7) If in the case of any vehicle it appears to the Board that more than one person is or was its owner at the relevant time, such one of them as the Board think fit shall be treated as its owner for the purposes of subsection (6) of this section.

(8) A notice stating the general effect of this section shall be displayed in a prominent position at each vehicular entrance to

any dock premises and shall be endorsed on any ticket issued to a person leaving a vehicle in any parking place or elsewhere on any dock premises. PART V —*cont.*

Saving for Town and Country Planning Acts 1971 and 1972. 1971 c. 78.

22.—(1) Section 289 of the Town and Country Planning Act 1971 (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 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 1971 and 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

(2) Subject to the provisions of subsection (3) of this section, 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 1973 (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 were limited to development begun within ten years after the passing of this Act.

(3) Such of the works authorised by subsection (1) of section 9 (Subsidiary works) of the Act of 1966, as incorporated with this Act, as are not tidal works and are not carried out within twelve months of the completion of Works Nos. 1, 2 and 4, shall not be deemed to be development falling within Class XII in Schedule 1 to the Town and Country Planning General Development Order 1973.

(4) In this section any reference to article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 includes a reference to corresponding provisions of any general order superseding that Order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provision of an Act repealing that section.

Saving for Harbours Act 1964. 1964 c. 40.

23. Nothing in this Act shall be taken as exempting the Board from the provisions of sections 9 and 10 of the Harbours Act 1964 in relation to the works.

Saving for Wireless Telegraphy Act 1949. 1949 c. 54.

24. Nothing in this Act shall entitle or oblige the Board to install or use apparatus for wireless telegraphy as defined in the Wireless Telegraphy Act 1949 in contravention of the provisions of that Act.

PART V —*cont.*

Saving for Merchant Shipping Act 1894.

25. Nothing in this Act shall be taken as exempting any person or body from the provisions of Part XI of the Merchant Shipping Act 1894.

1894 c. 60.

Arbitration. 1965 c. 56.

26. Where under this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, as applied by this Act, apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.

Costs of Act.

27. All costs, charges and expenses of, and incidental to, the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Board and may in whole or in part be defrayed out of revenue.

PRINTED IN ENGLAND BY OYEZ PRESS LTD.
FOR C. H. BAYLIS, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
13½p net
SBN 10 511373 5

British Transport Docks Act 1973

CHAPTER xiii

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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9. Stopping up and diversion of footpaths at Fleetwood.
10. Power to dredge in Humber and Wyre.
11. Works Nos. 1 and 2 to be within petty sessional divisions of Middle Holderness and South Holderness and within parishes of Preston and Easington respectively.
12. Limits of jurisdiction of Board's dock master for Hull.
13. Limits of jurisdiction of Board's dock and harbour master at Fleetwood.
14. Works to form part of undertaking.
15. Application of byelaws of Board.
16. Incorporation of provisions of Acts of 1964, 1966, 1969 and 1971 relating to works.

PART IV

PROTECTIVE PROVISIONS

17. Incorporation of protective provisions of Act of 1966.
18. Saving for Duchy of Lancaster.
19. For protection of Central Electricity Generating Board.

PART V

MISCELLANEOUS AND GENERAL

20. Extension of time.
21. As to vehicles at dock premises.
22. Saving for Town and Country Planning Acts 1971 and 1972.
23. Saving for Harbours Act 1964.
24. Saving for Wireless Telegraphy Act 1949.
25. Saving for Merchant Shipping Act 1894.
26. Arbitration.
27. Costs of Act.