Felixstowe Dock and Railway Act 1968

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1968 CHAPTER xix

An Act to empower the Felixstowe Dock and Railway Company to construct works and to acquire lands; to abandon certain of the works authorised by the Felixstowe Dock and Railway Act, 1963; to extend and alter the limits of the dock; to authorise the raising of additional capital; to confer further powers on the Company; and for other purposes. [3rd July 1968]

WHEREAS the Felixstowe Dock and Railway Company (hereinafter referred to as "the Company") were incorporated by the Felixstowe Railway and Pier Act, 1875, under the name of the Felixstowe Railway and Pier Company by that Act were authorised to construct a railway and pier: 1875 c. cxlv.

And whereas by the Felixstowe Railway and Dock Act, 1879, the Company were authorised to construct a dock and railway: 1879 c. clxxvii.

And whereas by the Great Eastern and Felixstowe Railways Arrangement Act, 1887, the railway and pier authorised by the said Act of 1875 were transferred to the Great Eastern Railway Company and the name of the Company was changed to that which they now bear: 1887 c. lxvii.

1923 c. lxxx.
1956 c. lxxxviii.
1963 c. xxxvi.

And whereas the Company are now carrying on the dock and railway undertaking authorised by the said Act of 1879 and further powers were conferred on the Company in relation to that undertaking by the Felixstowe Dock and Railway Act, 1923, the Felixstowe Dock and Railway Act, 1956, and the Felixstowe Dock and Railway Act, 1963:

And whereas by the said Act of 1963 the Company were empowered to construct two piers or jetties, with jetty heads, and works incorporating berths for ships and a loading ramp for vehicles:

And whereas, whilst the greater part of those works has been constructed, the trade handled in the dock has increased and is likely further to increase and accordingly it would be in the public and local interest to construct the works authorised by this Act and to abandon the unconstructed works authorised by the said Act of 1963:

And whereas it is expedient that the Company should be authorised to acquire lands for the purpose of the said works and to reclaim part of the bed of the sea and foreshore adjacent to the said dock as in this Act provided:

And whereas part of the said works will be outside the limits of the said dock and it is expedient to extend and alter the said limits as in this Act provided so as to bring those works within those limits:

And whereas it is expedient to authorise the Company to raise additional share and loan capital for the purpose of financing the construction of the works to be authorised by this Act and for the future development of the undertaking:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Company:

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

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

And whereas plans and sections showing the lines and levels of the works by this Act authorised and the lands which may be acquired or used for the purposes of those works 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 East Suffolk

d such plans, sections and book of reference are respectively erred to in this Act as the deposited plans, the deposited tions and the deposited book of reference:

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

PART I

PRELIMINARY

Short and collective titles.

.—(1) This Act may be cited as the Felixstowe Dock and ailway Act 1968.

2) The Felixstowe Dock and Railway Acts, 1879 to 1963, d this Act may be cited together as the Felixstowe Dock and ailway Acts, 1879 to 1968.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Limits of dock.

Part III.—Works and lands.

Part IV.—Finance and administration.

Part V.—Miscellaneous and general.

Incorporation of Acts.

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

(*a*) the Companies Clauses Consolidation Act, 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital): 1845 c. 16.

Provided that—

(i) section 11 of the said Act of 1845 shall have effect as if the words "Except as otherwise provided by the conditions of issue thereof" were inserted at the beginning of that section;

(ii) section 15 of the said Act of 1845 shall have effect as if for the words "on demand" there were substituted the words "within two months after delivery thereof":

(*b*) the Companies Clauses Act, 1863 (except the provisions thereof which limit the rate of dividend on preference capital, sections 17 to 21, and Part IV thereof): 1863 c. 118.

PART I
—cont.

Provided that—

(i) section 14 of the said Act of 1863 shall have effect as if the words "out of the profits of each year" and the words from "but if in any year" to the end of the section were omitted;

(ii) section 22 of the said Act of 1863 shall have effect as if the words "and to the same amount as" were omitted;

(iii) section 25 of the said Act of 1863 shall have effect as if the words "or the sum of ten thousand pounds, whichever of the two last-mentioned sums is the smaller sum" were omitted; and

(iv) section 31 of the said Act of 1863 shall have effect as if after the words "other than" there were inserted the words "in the case of holders of perpetual debenture stock":

1845 c. 20.

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

Provided that for the purposes of the incorporated provisions of the said Act of 1845—

(i) the works authorised by this Act shall be deemed to be the railway;

(ii) the centre lines of those works as shown on the deposited plans shall be deemed to be the centre of the railway; and

(iii) the centre line of Work No. 4 shall be deemed to be the line A–B shown on the deposited plans for the longitudinal section of the quay or quays forming part of that work:

1847 c. 27.

(*d*) the provisions of the Harbours, Docks and Piers Clauses Act, 1847 (except sections 6 to 13, 16 to 19, 23 and 84 to 87):

Provided that in the application of the said Act of 1847 to this Act—

(i) the said Act of 1847 shall be read and have effect as if the word "vessel" as defined in the Act of 1963 were substituted for the meaning assigned to that word by section 3 of the said Act of 1847;

(ii) nothing in the said Act of 1847 shall require or authorise the dock master to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane;

PART I —*cont.*

(iii) section 74 of the said Act of 1847 shall have effect as if the proviso thereto were omitted.

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

Interpretation.

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

" the Act of 1956 " means the Felixstowe Dock and Railway Act, 1956; 1956 c. lxxxviii.

" the Act of 1963 " means the Felixstowe Dock and Railway Act, 1963; 1963 c. xxxvi.

" the Act of 1965 " means the Compulsory Purchase Act, 1965; 1965 c. 56.

" the Company " means the Felixstowe Dock and Railway Company;

" the directors " means the directors for the time being of the Company;

" enactment " means any provision of a public general Act, of a local private or personal Act, of a provisional order confirmed by an Act or of any regulation or order made under an Act;

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

" 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;

" 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 (including any work authorised by section 9 (Subsidiary works) of this Act) as is on, under or over tidal waters or tidal lands below the level of high-water;

"Trinity College" means the Master, Fellows and Scholars of Trinity College, Cambridge;

"the tribunal" means the Lands Tribunal;

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

"the undertaking" means the undertaking of the Company as for the time being existing;

"the works" means the works authorised by section 8 (Power to make works) of this Act and any works constructed under section 9 (Subsidiary works) of this Act for or in connection with or subsidiary to any of those works and includes those works as extended, enlarged, altered, replaced or relaid under subsection (2) of the said section 8 and "work" shall be construed accordingly.

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

(3) 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.

(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.

Application of Part I of Act of 1965.

5.—(1) Part I of the Act of 1965 (except section 4, subsection (5) of section 24, section 27 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 purchase of land under this Act as it applies to a compulsory purchase to which the provisions of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act, 1946, apply and as if this Act were a compulsory purchase order under the said Act of 1946.

1946 c. 49.

PART I —*cont.*

(2) The provisions of the Act of 1965 as so applied shall have effect as if—

(*a*) in section 11 (1) of the Act of 1965 for the words "fourteen days'" there were substituted the words "three months'";

(*b*) in section 11 (3) of the Act of 1965 after the word "purchase" there were inserted the words "or over or in which easements and rights may be compulsorily acquired"; and for the words "not less than three nor more than fourteen days' notice" there were substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry".

(3) The Lands Clauses Consolidation Act, 1845, shall not apply to the purchase of land under this Act. 1845 c. 18.

PART II

LIMITS OF DOCK

Limits of dock.

As from the passing of this Act the limits of the dock shall be the area described in Schedule 1 to this Act and notwithstanding anything contained in the Felixstowe Dock and Railway Acts, 1879 to 1963, references in those Acts to the limits of the dock shall be construed as references to the limits so described.

PART III

WORKS AND LANDS

Abandonment of works.

The Company shall abandon the construction of Works No. 3, 4 and 5 authorised by section 7 (Power to make works) of the Act of 1963.

Power to make works.

—(1) The Company may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described (that is to say):—

Work No. 1 A pier or jetty substantially of open, but partly of solid, construction commencing at a point on the level of high water 200 feet measured in a northerly direction from the root of the oil jetty (Work No. 1 authorised by the Act of 1963 (as constructed)) and terminating by a junction with Work No. 2 at a point 1,700 feet

PART III —*cont.*

measured in a westerly direction from the point of commencement, and having roadways, walkways and pipeways thereon.

Work No. 2 A jetty head for berthing vessels, commencing at a point 135 feet measured in a north-westerly direction from its junction with Work No. 1 and terminating at a point 270 feet measured in a south-easterly direction from the point of commencement consisting of a strong point and dolphins connected thereto by walkways and supported on open or solid or partly open and partly solid structures.

Work No. 3 A loading ramp for vehicles commencing by a junction with Work No. 1 at a point 30 feet measured in an east-south-easterly direction from the termination of that work and terminating by a junction with Work No. 2 at a point 50 feet measured in a south-westerly direction from the point of commencement and supported in whole or in part on open or partly open and partly solid structures or on pontoons.

Work No. 4 A quay or quays, including berths for vessels, comprising an area of 187 acres extending into the estuary of the river Orwell from the north-east bank of the said estuary between a point on the level of high water 350 feet measured in a north-easterly direction from the root of the oil jetty (Work No. 1 authorised by the Act of 1963 (as constructed)) and a point on the existing sea wall 4,750 feet measured in a north-westerly direction from the first-mentioned point.

Work No. 5 A quay or quays, including berths for vessels, comprising an area of 6 acres being an extension in a southerly direction of Work No. 6 authorised by the Act of 1963 (as constructed) for a distance of 1,200 feet from the south wall of that work.

(2) The Company may within the limits of deviation for the said works extend, enlarge, alter, replace or relay the same.

(3) The Company may fill in and reclaim from the foreshore and bed of the sea and may hold and use as part of the undertaking so much of the foreshore and bed of the sea as is situate within the limits of deviation and is landward of the quay or quays forming part of Works Nos. 4 and 5 respectively.

Subsidiary works.

1879 c. clxxvii.

9.—(1) Subject to the provisions of this Act, the Company for the purposes of or in connection with the works authorised by the Felixstowe Railway and Dock Act, 1879, and the Act of 1963:

PART III —*cont.*

he works authorised by section 8 (Power to make works) of Act may in addition to such works—

(*a*) construct, execute, place and keep, either permanently or temporarily, all such works and conveniences as they may find necessary or expedient for or in connection with the construction, maintenance or use of those 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 carrying substances of any description, lines, wires, works and apparatus (all of which are hereinafter in this section referred to as " apparatus ") and streets and railways providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus or the traffic on any such street;

(*c*) raise, sink or otherwise alter the level of any land:

rovided that the powers conferred on the Company—

(i) by this subsection in relation to the works authorised by the said section 8 shall not be exercised outside the limits of deviation for those works;

(ii) by paragraph (*c*) of this subsection shall not be exercised except for the purposes of or in connection with Works Nos. 4 and 5;

(iii) by this subsection shall not apply to any apparatus to which section 40 (For protection of Eastern Electricity Board) of this Act applies.

) Any paving, metalling or materials in, on or under any reet altered or otherwise interfered with by the Company under he powers of this section and rendered unnecessary and any ratus rendered unnecessary by the substitution of other pparatus therefor shall vest in the Company and the substituted apparatus shall be under the same jurisdiction, care, management nd direction as the existing apparatus for which it may be so ubstituted.

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

(4) (*a*) Before executing any works under paragraph (*b*) of ubsection (1) of this section affecting any apparatus (not being a rain, sewer or pipe belonging to or repairable by the local uthority) the Company shall submit to the appropriate authority sufficient plans of the proposed works for their reasonable

PART III —*cont.*

approval and shall not commence the works until such plans have been approved in writing by the appropriate authority or, if not so approved, until they have been settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the appropriate authority, they shall not have intimated their disapproval thereof and the grounds of the disapproval they shall be deemed to have approved them.

(*b*) The Company shall execute such works in accordance with such plans 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*) The Company shall give reasonable notice to the appropriate authority of the time at which such works are intended to be executed and shall comply with such reasonable conditions as the appropriate authority may require (including in the case of any electric line, wire or apparatus conditions for obviating or reducing interference with the supply or distribution of electricity).

(*d*) Any dispute or difference which may arise between the appropriate authority and the Company under this subsection (other than one relating to disputed compensation) shall be settled by arbitration.

(*e*) In this subsection—

"the appropriate authority" means in relation to any apparatus the authority to whom it belongs or by whom it is repairable;

"local authority" means the council of the urban district of Felixstowe or the rural district of Deben or either of them; and

"plans" includes sections and particulars.

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

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

1878 c. 76.

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

(6) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used in pursuance of the powers conferred by this section shall be so constructed, erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means

PART III —*cont.*

ny such line or with any apparatus of statutory undertakers defined by the Public Health Act, 1936), or with any purpose which such apparatus is used. 1936 c. 49.

) Any telegraphic and telephonic apparatus used under the isions of this section shall be so used as not to contravene the clusive privilege conferred upon the Postmaster General by the legraph Act, 1869. 1869 c. 73.

) Any question of disputed compensation payable under the isions of this section shall be determined under and in ordance with the Land Compensation Act, 1961. 1961 c. 33.

) In this section " street " has the same meaning as in the blic Utilities Street Works Act, 1950. 1950 c. 39.

Temporary stoppage of highways.

.—(1) The Company during and for the purpose of the cution of the works may with the consent of the highway authority temporarily stop up and divert and interfere with any highway and may for any reasonable time divert the traffic therein and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway from passing along and using the same.

(2) The Company shall provide, whenever possible, a proper mporary substitute way before interrupting the traffic on any highway.

(3) The Company shall provide reasonable access for foot-passengers bona fide going to or from any such land, house or building.

(4) The exercise by the Company of the powers conferred by his section in relation to any highway shall not prejudice or affect the right of the Postmaster General, the Eastern Gas Board or the Mayor, Aldermen and Burgesses of the County Borough of Ipswich—

(*a*) to place, maintain, inspect, repair, renew or remove any telegraphic line or any pipe, main, manhole, meter and other apparatus respectively belonging to or used by him or them under, in, upon, over, along or across that highway; or

(*b*) for the purpose of such placing, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway.

(5) In this section " the highway authority " means, in the case of a highway maintainable at the public expense, the authority in whom that highway is vested.

(6) The provisions of this section shall not apply to Walton Avenue in the urban district of Felixstowe.

PART III —*cont.*

Agreements as to construction of new works and transfer of undertaking.

11.—(1) Subject to the provisions of subsection (3) of this section the Company may from time to time enter into and carry out agreements with any other person as to—

(*a*) the construction by a party to any such agreement of the whole or any part of the works;

(*b*) the sale, lease or appropriation by the Company of any part of the undertaking to such other person;

and subject as aforesaid the Company may by any such agreement confer upon such other person all or any of the powers of the Company.

(2) Any sale, lease or appropriation under paragraph (*b*) of subsection (1) of this section may, notwithstanding anything in any enactment, provide for the exclusive, partial or preferential use by a person other than the Company of the part of the undertaking the subject of the agreement.

(3) In any case where under subsection (1) of this section any powers of the Company are conferred upon any other person the exercise of those powers by such other person shall be subject to the like restrictions, obligations and provisions (except so far as the same may be inconsistent with any provisions in an agreement under that subsection, being provisions conferring on any person exclusive, partial or preferential use of any part of the undertaking) as would have applied in relation to the exercise of such powers by the Company.

(4) Any provision of the Felixstowe Dock and Railway Acts, 1879 to 1963, conferring on the Company powers to sell, lease or appropriate any part of the undertaking shall be in addition to the powers conferred on the Company by this section.

Tidal works not to be executed without approval of Board of Trade.

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

(2) If a tidal work is constructed, extended, enlarged, altered, replaced or relaid in contravention of this section or of any condition or restriction imposed under this section—

(*a*) the Board 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 Board may execute the works specified in the notice; or

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(*b*) if it appears to the Board urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

d any expenditure incurred by the Board in so doing shall be ecoverable from the Company as a simple contract debt.

Provision against danger to navigation.

3.—(1) In case of injury to or destruction or decay of a tidal ork or any part thereof, the Company shall forthwith notify the rinity House and shall lay down such buoys, exhibit such lights d take such other steps for preventing danger to navigation the Trinity House shall from time to time direct.

2) If the Company fail to notify the Trinity House as required this section or to comply in any respect with a direction given der this section they shall be liable on summary conviction to a e not exceeding one hundred pounds and on conviction on dictment to a fine.

Abatement of works abandoned or decayed.

4.—(1) Where a tidal work is abandoned, or suffered to fall nto decay, the Board of Trade may by notice in writing require he Company at their own expense either to repair and restore the rk or any part thereof, or to remove the work and restore the thereof to its former condition, to such an extent and within uch limits as the Board think proper.

(2) Where a work authorised by this Act, and consisting partly 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 appre- ension that it may interfere with the right of navigation or other ublic rights over the foreshore, the Board may include that part of the work, or any portion thereof, in any notice under this ction.

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

Survey of tidal works.

5. The Board of Trade may at any time, if they deem it xpedient, order a survey and examination of a tidal work con- ucted by the Company, or of the site upon which it is proposed construct the work, and any expenditure incurred by the Board in any such survey and examination shall be recoverable from the mpany as a simple contract debt.

Permanent lights on tidal works.

6.—(1) After the completion of a tidal work, the Company hall at the outer extremity thereof exhibit every night from unset to sunri e such lights, if any, and take such other steps for

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the prevention of danger to navigation as the Trinity House 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.

17.—(1) The Company shall at or near a tidal work during the whole time of the construction, extension, enlargement, alteration, replacement or relaying thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade 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.

Power to acquire lands.

18.—(1) Subject to the provisions of this Act the Company may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works or for the purpose of obtaining access thereto.

(2) The power of the Company for the compulsory purchase of land under this section shall cease after the 31st December, 197[illegible].

Acquisition of part only of certain properties.

19.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Act of 1965 as applied by this Act, the following provisions of this section shall apply to the land subject to the notice instead of subsection (1) of section 8 (Other provisions as to divided land) of that Act.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house together with any park or garden belonging thereto, then if the person on whom the notice is served, within twenty-one days after the day on which the notice is served on him, serves on the Company a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereinafter in this section referred to as "the land subject to the counter-notice"), the question whether he shall be required to sell the part shall, unless the Company agree to take the land subject to the counter-notice, be referred to the tribunal.

(3) If the said person does not serve such a counter-notice as aforesaid within twenty-one days after the day on which the notice to treat is served on him, or if on such a reference to the tribunal the tribunal determine that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, or, in the case of part of land

PART III —*cont.*

consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(5) If on such a reference to the tribunal it determines that only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(6) If on such a reference to the tribunal it determines that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Company are authorised to acquire compulsorily under this Act.

(7) If the Company agree to take the land subject to the counter-notice, or if the tribunal determine that—

(*a*) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(*b*) that the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the Company are authorised to acquire compulsorily under this Act.

(8) In any case where by virtue of a determination by the tribunal under subsections (4), (5) or (6) of this section a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice, the Company may, within six weeks after the tribunal make their determination, withdraw the notice to treat, and if they do so shall pay to the said person compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

(9) Where a person is under this section required to sell part only of a house, building or factory, or of land consisting of a

PART III —*cont.*

house together with any park or garden belonging thereto, the Company shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

Power to acquire easements only.

20.—(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 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.

(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 and "land" in Part I of the Act of 1965 as applied by this Act includes such easements and rights as aforesaid.

(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, 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 18 (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.

21.—(1) Any person empowered by Part I of the Act of 1965 to sell and convey or release lands may, if he thinks fit, subject to the provisions of that Part, grant to the Company any easement or right required for the purpose 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.

PART III —*cont.*

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

Incorporation of provisions of Acts of 1956 and 1963 relating to works and lands.

4. The following provisions of the Act of 1956 and of the of 1963 shall so far as they are applicable to the purposes and not inconsistent with the provisions of this Act be incorated with and form part of this Part of this Act and shall nd and apply to and for the purposes of the said Act as if e provisions with any necessary modifications were re-enacted his Act:—

The Act of 1956—

Section 10 (Power to deviate);

Section 11 (New works to form part of the undertaking);

Section 12 (New works to be within the petty sessional division and the urban district of Felixstowe);

Section 13 (Period for completion of new works);

Section 19 (Power to dredge);

Section 21 (Company to dredge Harwich Harbour if silt accumulated);

Section 24 (Notice of use of explosives);

Section 39 (Correction of errors in deposited plans and book of reference);

Section 42 (Disregard of recent improvements and interests);

Section 43 (Extinction of private rights of way);

The Act of 1963—

Section 30 (For protection of East Suffolk and Norfolk River Board and Felixstowe Internal Drainage Board);

Section 31 (For protection of Felixstowe Urban District Council);

in particular (but without prejudice to the generality of the going provisions of this section) for the purposes of such nsion and application—

(*a*) references in any of the said provisions of the Act of 1956 to the new works shall be construed as references to the works;

(*b*) references in any of the said provisions of the Act of 1956 to the deposited plans, the deposited sections, the deposited book of reference or the limits of deviation

PART III —*cont.*

(as defined in the Act of 1956) shall be construed references to the deposited plans, the deposited section the deposited book of reference and the limit deviation (as defined in this Act);

(*c*) references in any of the said provisions of the Act 1956 (other than in section 21 of that Act) or the of 1963 to the Minister of Transport shall be constru as references to the Board of Trade;

(*d*) the said section 12 of the Act of 1956 shall have effe if after the word "are" there were inserted the w "below mean low water springs and are";

(*e*) the said section 13 of the Act of 1956 shall have eff as if—

(i) at the beginning of the section there w inserted "(1)";

(ii) for the words "one thousand nine hundred fifty-six" there were substituted the words thousand nine hundred and sixty-eight"; and

(iii) at the end of the section there were added

"(2) On the application of the Company Minister may by order extend the period ref to in subsection (1) of this section.

(3) An order under subsection (2) of this sec shall be subject to special parliamentary procedu

(*f*) subsection (3) of the said section 39 of the Act of shall have effect as if after the words "Any certificate shall be deposited" there were inserted words "in the office of the Clerk of the Parliame and a copy thereof in the Private Bill Office, Hous Commons and";

(*g*) the said section 42 of the Act of 1956 shall have effe if in paragraph (*a*) thereof for the words "one thous nine hundred and fifty-five" there were substituted words "one thousand nine hundred and sixty-seven

(*h*) the said section 43 of the Act of 1956 shall have effe if in subsection (2) thereof for the reference to the L Clauses Acts there were substituted a reference to Land Compensation Act, 1961;

1961 c. 33.

(*i*) the said section 30 of the Act of 1963 shall have eff as if—

(i) in sub-paragraph (ii) of paragraph (1) the the expression "existing works" meant the wo authorised by the Felixstowe Dock and Railway Acts, 1879 to 1963, as constructed; and

PART III —*cont.*

(ii) for references to the East Suffolk and Norfolk River Board there were substituted references to the East Suffolk and Norfolk River Authority;

(*j*) the said section 31 of the Act of 1963 shall have effect as if—

(i) in paragraph (1) thereof in the definition of the expression "authorised work" for references to Work No. 6 authorised by that Act there were substituted references to Work No. 5 authorised by this Act; and for the words "as affects the sewer" there were substituted the words "as may affect the sewer or the discharge of sewage therefrom";

(ii) paragraph (2) thereof were omitted; and

(iii) in paragraph (7) thereof after the word "Act" where it first occurs there were inserted the words "the Act of 1963".

Provisions applicable to sections 30 and 31 of Act of 1963 as incorporated.

23.—(1) If there shall be any inconsistency between any plans approved or deemed to have been approved by a protected authority under the relevant section and the plans approved by the Board of Trade under section 12 (Tidal works not to be executed without approval of Board of Trade) of this Act the authorised work to which the plans relate shall be constructed in accordance with the plans approved by the Board.

(2) In this section—

"authorised work" has the meaning assigned to that expression in the relevant section;

"protected authority" means the Felixstowe Urban District Council, the Felixstowe Internal Drainage Board or the East Suffolk and Norfolk River Authority;

"relevant section" means whichever of section 30 (For protection of East Suffolk and Norfolk River Board and Felixstowe Internal Drainage Board) or section 31 (For protection of Felixstowe Urban District Council) of the Act of 1963 as incorporated with this Act by the last foregoing section of this Act is expressed to be for the protection of the protected authority concerned.

PART IV

FINANCE AND ADMINISTRATION

Additional capital.

24. In addition to the capital created or authorised by the Act of 1956 and the Act of 1963 the Company may from time to time after the passing of this Act raise, by the creation and issue of further amounts of ordinary stock or by the creation and issue of new ordinary shares or stock or preference shares or stock or wholly or partly by any one or more of those modes respectively,

PART IV —*cont.*

such sums as (when added to the nominal amount of any ordin... shares or stock issued to the holders of debenture stock unsecured loan stock under section 28 (Issue of convertin... securities) of this Act) shall not exceed in the whole seven milli... pounds.

Power to borrow.

25. In addition to the powers conferred by section 16 (Pow to borrow) of the Act of 1963 to raise money for the purpose the undertaking by borrowing on mortgage or by the creatio and issue of debenture stock, the Company may, without further or other authority, raise for those purposes either by borrowi on mortgage of the undertaking or by the creation and issue... debenture stock or partly by one of those modes and partly... the other, any sum or sums of money not exceeding in the wh... seven million pounds.

Debenture stock.
1863 c. 118.

26. The Company may create and issue debenture stock subje to the provisions of Part III of the Companies Clauses Act, 18... as amended in its application to the Company, but notwithstandi anything therein contained, the principal moneys secured by a... interest on all mortgages, debentures and debenture stock creat and issued by the Company under this Act or any subseque... Act shall (subject to the provisions of any subsequent Act) ra... pari passu.

Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Unsecured loan stock.

27.—(1) The Company may raise all or any part of the mon which for the time being they are authorised to raise on mortg... of the undertaking or by the creation and issue of debenture sto by the creation and issue, at such times, in such amounts and manner, on such terms and conditions, and with such rights and privileges, as the Company think fit, of unsecured loan stoc instead of the whole or any part of the money which they m... from time to time have power to raise on mortgage of the undertaking or by the creation and issue of debenture stock.

(2) Any unsecured loan stock issued by the Company unde this section may be issued as redeemable stock and the provision of section 65 (Redeemable preference shares and stock and debenture stock) of the Act of 1956 shall apply to such redeemabl stock as if it were stock (as defined in that section).

Issue of convertible securities.

28.—(1) Any securities to which this section applies may ha attached to them a right to the holder to have issued to him substitution for the whole or any part of his holding of suc securities a holding of ordinary shares or stock at such time times and subject to such terms and conditions as the Compan think fit.

PART IV —*cont.*

(2) Any such securities in respect of which the right to convert into ordinary shares or stock has been exercised shall, upon the right being exercised, be deemed to have been paid off and cancelled, and in relation to any such securities, being preference shares or stock, section 24 (Additional capital) of this Act shall have effect as if such securities had never been created and issued.

(3) The securities to which this section applies are—

(*a*) any preference shares or stock created and issued under the said section 24;

(*b*) any debenture stock created and issued under section 26 (Debenture stock) of this Act; or

(*c*) any unsecured loan stock created and issued under section 27 (Unsecured loan stock) of this Act.

Incorporation of provisions of Acts of 1956 and 1963 relating to finance.

29. The following provisions of the Act of 1956 and of the Act of 1963 shall (subject to the provisions of this Act) extend and apply to any ordinary shares or stock or preference shares or stock created and issued under the provisions of section 24 (Additional capital) of this Act, and to any debenture stock or mortgages created and issued or granted under the provisions of section 25 (Power to borrow) of this Act, or to any moneys raised thereby, as if those provisions with any necessary modifications were re-enacted in this Act:—

The Act of 1956—

Section 57 (Additional share capital to be part of general capital);

Section 62 (Priority of mortgages and debenture stock over other debts);

Section 63 (Appointment of receiver);

Section 64 (Application of money);

The Act of 1963—

Section 18 (Saving for powers of Treasury):

Provided that—

(*a*) the said section 57 of the Act of 1956 shall have effect as if for the reference to subsection (2) of section 56 of that Act, there were substituted a reference to section 24 (Additional capital) of this Act;

(*b*) the said section 62 of the Act of 1956 shall have effect as if for the reference therein to the Felixstowe Railway and Dock Act, 1879, there were substituted a reference to the Act of 1956 or the Act of 1963; 1879 c. clxxvii.

(*c*) the said section 64 of the Act of 1956 shall have effect as if for the references therein to the Felixstowe Dock and Railway Acts, 1879 to 1956, there were substituted references to this Act.

PART IV —*cont.*

Amendment of section 17 of the Act of 1963.

30. The following section shall be substituted for section (Company may incur temporary loans) of the Act of 1963:—

"Company may incur temporary loans.

17. In addition to the powers to borrow money mortgage of the undertaking, or to raise money by th creation and issue of debenture stock or unsecu loan stock for the time being conferred on the Com pany, the Company may, for the purposes of or in connection with the undertaking, borrow by way o temporary loans or overdrafts from banks or other wise, any sums which they may temporarily require—

(*a*) for the purpose of defraying expenses pending the receipt of revenues receivable by them in respect of the period of account in which those expenses are chargeable:

Provided that the aggregate amount out standing at any time of the moneys so borrowed shall not exceed one million pounds; and

(*b*) for the purpose of defraying, pending the issue of shares of any description, or the borrowing of money (such issue or borrowing being within the statutory powers of the Company at the time when the powers of this section to borrow temporarily are exercised), or the receipt of capital moneys from any other source, expenses intended to be defrayed by means of such issue borrowing, or receipt, as the case may be

Exercise of borrowing powers by directors.

31. Notwithstanding anything in any enactment the directors may by virtue of this section and without further or other sanction or authority exercise any powers for the time being vested in the Company of borrowing and re-borrowing on mortgage or on temporary loan or otherwise and of creating and issuing debenture stock or unsecured loan stock.

Ordinary capital may rank for dividend from particular date.

32. Notwithstanding anything in any enactment, the Company may create and issue ordinary shares or stock on terms that such shares or stock shall rank for dividend as from a particular date according to the nominal amount thereof and without regard to the amount from time to time paid thereon.

Dividends. 1845 c. 16

33. Notwithstanding anything in section 120 of the Companies Clauses Consolidation Act, 1845, or in any other enactment—

(1) the directors may from time to time without the sanction or direction of a general meeting declare and pay to the

members of the Company or to the holders of any particular class of share capital such interim dividends as appear to the directors to be justified by the profits of the Company; PART IV —*cont.*

(2) dividends may be declared and paid out of profits of the Company without regard to the period in which the same were earned.

PART V

MISCELLANEOUS AND GENERAL

As to compounded charges. 1964 c. 40.

34. Nothing in section 30 of the Harbours Act, 1964, shall -quire the Company to include, in the list of ship, passenger nd goods dues to be kept as required by subsection (1) of that ction, any charge reduced by virtue of a compounding arrange- ent in respect of, or any rebate allowed on, a due included in e said list.

Incorporation of section 101 of the Act of 1956.

35. Section 101 (Byelaws) of the Act of 1956 shall be incor- rated with and apply to and for the purposes of this Act as that section were re-enacted in this Act but (for the purposes such incorporation) as if there were omitted from that section amendment thereof contained in Part I of the Fourth Schedule the Act of 1963.

As to exercise of powers by Board of Trade.

36. Anything required or authorised by or under this Act be done by, to or before the Board of Trade may be done by, or before the President of the Board of Trade, any Minister of ate with duties concerning the affairs of the Board of Trade, any ecretary, Under-Secretary or Assistant Secretary of the Board of rade or any person authorised in that behalf by the President.

Inquiries.

37. The Board of Trade may cause to be held such inquiries they may consider necessary in regard to the exercise of any wers or duties conferred or imposed upon them and the giving any consent or approval or the making of any order under this t and section 290 of the Local Government Act, 1933, shall 1933 c. 51. pply to any such inquiry as if it were an inquiry held in pursuance subsection (1) of that section and the Company were a local thority.

Arbitration.

38. Where under this Act any difference (other than a difference to the construction thereof or a difference to which Part I of e Act of 1965 applies) is to be referred to or settled by arbitration, en, unless otherwise provided, such difference shall be referred and settled by a single arbitrator to be agreed between the rties, or, failing agreement, to be appointed on the application either party (after notice in writing to the other) by the President the Institution of Civil Engineers.

PART V —*cont.*

Crown rights.

39.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Company to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(*b*) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of the government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of the Company to carry out any works by reason only that such works involve or are likely to involve an alteration in any telegraphic line of the Postmaster General in relation to which paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878 apply.

1878 c. 76.

For protection of Eastern Electricity Board.

40. For the protection of the Eastern Electricity Board (in this section referred to as " the board ") the provisions of this section shall, unless otherwise agreed in writing between the Company and the board, 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 board to fulfil their statutory functions in a manner not less efficient than previously;

" apparatus " means 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;

1882 c. 56.

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

" position " includes depth;

" specified work " means any work or thing done under the powers of section 8 (Power to make works) and section 9 (Subsidiary works) of this Act:

PART V —*cont.*

(2) Notwithstanding anything in this Act or shown on the deposited plans, the Company shall not, under the powers of this Act, acquire any apparatus otherwise than by agreement:

(3) 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 board to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the board:

(4) (*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 board written notice of such requirement with a plan, section and description of the proposed work;

(*b*) If the Company require the board to remove any apparatus, or if in consequence of the execution of any specified work the board shall reasonably require to remove any apparatus, the Company shall, if practicable, afford to the board the necessary facilities and rights for the construction of any necessary 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 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 constructed the board 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:

(5) (*a*) Any alternative apparatus to be constructed in lands of the Company in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line or situation as may be agreed between the board and the Company or, in default of agreement, settled by arbitration;

(*b*) The board shall, after the manner of construction and the line and situation of any alternative apparatus has been agreed, or settled by arbitration, as aforesaid, and after the grant to the board of any such facilities

PART V —*cont.*

and rights as are referred to in paragraph (4) of this section, proceed with all reasonable dispatch to 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:

(6) Notwithstanding anything in paragraph (5) of this section, if the Company give notice in writing to the board that they desire themselves to execute any part of so much of the work necessary in connection with the 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 board, shall be executed by the Company with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the board:

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:

(7) Where in accordance with the provisions of this section the Company afford to the board facilities and rights for the 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 board 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 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;

PART V —*cont.*

(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 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, less favourable on the whole to the board than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation by the Company to the board in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(8) (*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 (4) of this section, the Company shall submit to the board 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 board for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the board shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the board 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 (4) thereof;

(ii) nothing in this sub-paragraph shall preclude the Company from submitting at any time, or from

PART V —*cont.*

time to time, but in no case less than twenty-days before commencing the execution of any work, a new plan, section and description in li... the plan, section and description previously subm... and thereupon the provisions of this parag... shall apply to and in respect of such new plan, se... and description;

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

(9) If in consequence of the exercise of the powers of... Act the access to any apparatus is materially obstr... the Company shall provide an alternative mean... access to such apparatus:

(10) The Company shall repay to the board the reason... costs, charges and expenses incurred by the boar... or in connection with—

(*a*) the removal and relaying or replacing, alte... tion or protection of any apparatus or the provis... and construction of any new apparatus under any... the provisions of this section;

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

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

1950 *c.* 39.

Provided that subsections (3) and (4) of section ... of the Public Utilities Street Works Act, 1950 (w... impose limitations on undertakers' rights to payme... shall, so far as applicable, extend and apply to ... payment to be made by the Company under this p... graph as if the works in respect of which the pay... is to be made were such undertakers' works as ... referred to in the said subsection (3) and as if in... subsection, for the words "specified as so necessa... a specification of the works settled under Part I of... Fourth Schedule to this Act", there were substi... the words "agreed or settled by arbitration ... section 40 (For protection of Eastern Electricity Boa... of the Felixstowe Dock and Railway Act, 1968":

PART V —*cont.*

(11) 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 board or any interruption in the supply of electricity by the board shall be caused, the Company shall bear and pay the cost reasonably incurred by the board in making good such damage, or restoring the supply, and shall—

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

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

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

Provided that—

(i) nothing in this paragraph shall impose any liability on the Company with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the board or their contractors or workmen;

(ii) 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:

(12) The temporary stopping up or diversion of any highway under the powers of section 10 (Temporary stoppage of highways) of this Act shall not prevent the board from obtaining access to any apparatus nor prejudice or affect any right of the board—

(*a*) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the highway; or

(*b*) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway:

(13) (*a*) Any difference which may arise between the Company and the board under this section shall be determined by arbitration;

(*b*) In settling any difference under this section the arbitrator may, if he thinks fit, require the Company to execute

PART V —*cont.*

any temporary or other works so as to avoid, s as may be reasonably possible, interference with th of any apparatus.

For protection of Trinity College.

41.—(1) Notwithstanding anything in this Act or shown on deposited plans or described in the deposited book of refer... the Company shall not under the powers of this Act enter up... take or use any lands owned by Trinity College otherwise tha agreement.

(2) Any additional expense which Trinity College ... reasonably incur in the drainage of property vested in them the 1st January, 1968, by reason of the existence of the w... shall be repaid by the Company to Trinity College.

Saving for Trinity House.

42. Nothing in this Act shall prejudice or derogate from of the rights or privileges or the jurisdiction or authority of Trinity House.

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

43. Nothing in this Act shall exempt the Company from... provisions of sections 9 and 10 of the Harbours Act, 196... relation to the works authorised by this Act.

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

44. Nothing in this Act shall entitle or oblige the Com... to instal or use apparatus for wireless telegraphy as defined the Wireless Telegraphy Act, 1949, in contravention of... provisions of that Act.

Saving for town and country planning. 1962 c. 38.

45. The provisions of the Town and Country Planning 1962, and any restrictions or powers thereby imposed or confe... in relation to land shall apply and may be exercised in relation... any land notwithstanding that the development thereof is or... be authorised or regulated by or under this Act.

Amendment of Acts of 1956 and 1963.

46. The amendments specified in the second colum... Schedule 2 to this Act shall be made in the provisions of the... of 1956 and of the Act of 1963 specified in the first column of... said schedule.

Costs of Act.

47. The costs, charges and expenses preliminary to and of... incidental to the applying for and the preparing, obtaining... passing of this Act shall be paid by the Company and may in wh... or in part be defrayed out of revenue.

SCHEDULES

SCHEDULE 1

LIMITS OF THE DOCK

Section 6.

...his Schedule a group of ten figures identifying or associated with ...oint represents the map co-ordinates (under grid letters TM) of ...oint estimated to the nearest metre on the grid of the national ...nce system used by the Ordnance Survey on its maps and plans.

...area bounded by an imaginary line commencing at a point on ...sea wall at 28273/31910 thence in an easterly direction to the ...rn boundary of Landguard fort to a point at 28315/31910 thence ...the western, northern and eastern boundaries of Landguard fort ...point on the eastern boundary at 28397/31960 thence in an easterly ...tion to a point at 28417/31960 thence in a northerly direction ...the western boundary of the road leading from Landguard fort ...lixstowe Dock to a point at 28421/32613 thence in a west-north-...rly direction to a point at 28400/32622 thence in a northerly ...tion to a point 4 feet measured in an easterly direction from the ...n rail of a railway and at 28421/32696 thence in a direction ...el to and 4 feet measured in an easterly direction from the said ...ail so far as its intersection with the southern boundary of Carr ...(A45) thence in an easterly direction along the southern boundary ...rr Road (A45) to a point 28450/32990 thence in a north-north-...ly direction across Carr Road (A45) and a railway to a point ...e northern boundary fence of that railway at 28470/33032 thence ...easterly and thereafter a north-north-easterly direction along the ...thern and north-western boundary fence of that railway to a ...at 29084/33355 thence in a north-westerly direction along the ...re line of a drain to a point at 29050/33385 thence in a south-...sterly direction along the centre line of a drain and thence along ...ot of the bank marking the boundary of the outfall works of the ...-towe Urban District Council to a point at 28731/33145 thence ...rth-easterly direction along the foot of the said bank and there-...an a similar direction along the said boundary to a point at ...5/33391 thence in an east-south-easterly direction along the centre ...of a drain to a point at 29020/33371 thence in a north-easterly ...tion along the western boundary of the Felixstowe Urban District ...cil's road affording access to their outfall works to a point on the ...thern boundary of Walton Avenue at 29127/33557 thence in a ...-westerly direction along the southern boundary of Walton ...nue to a point on that boundary at 28125/34060 thence in a south-...westerly direction along the centre line of the dyke to a point at ...33828 thence in a north-westerly direction along the centre line ...dyke to a point at 27660/34210 thence continuing along the centre ...the dyke in a northerly direction to a point at 27652/34295 ...continuing along the centre line of the dyke in an east-north-...rly direction to a point at 27682/34310 thence in a north-westerly ...tion along the centre line of the drain to its termination at ...4/34570 thence in a straight line in a west-north-westerly direction ...point where the footpath along the top of the sea wall joins the ...ay or track at 27376/34581 thence in a west-south-westerly

SCH. 1
—*cont.*

direction along the south-eastern boundary of a road or track
point at 27300/34526 thence continuing in a south-westerly dire
to a point on the level of high water conterminous with the limi
jurisdiction of the Ipswich Dock Commission at 27110/34435 th
continuing in a south-westerly direction along a line so conterminou
to a point at 26240/34100 thence in a south-easterly direction to a poin
at 26940/33700 thence continuing in a south-easterly direction
point at 27330/33410 thence continuing in a south-easterly dire
to a point at 27920/32820 thence in a south-south-easterly dir
to a point at 28080/32460 thence in a southerly direction to a
at 28120/31910 thence in an easterly direction to the sea wall
terminating at the point of commencement:

Provided that the said area shall be deemed not to include the
coloured red on the plan referred to in the proviso to paragraph
the Second Schedule to the Act of 1963.

SCHEDULE 2

AMENDMENTS OF THE ACT OF 1956 AND THE ACT OF 1963 Section 46.

Provision amended	Amendment
owe Dock and Railway Act, 6—	1956 c. lxxxviii.
ction 19 (Power to dredge)	For the words from and including " and outside those limits " to the words " Act of 1879 " there shall be substituted the words " and the channels and approaches thereto outside those limits ".
ction 67 (Payment of interest out of capital)	In subsection (1) for the words " or of the Felixstowe Dock and Railway Act 1963 " there shall be substituted the words " the Felixstowe Dock and Railway Act 1963 or of the Felixstowe Dock and Railway Act 1968 "; the word " preference " shall be omitted in each place where it appears; and for the words " the Felixstowe Dock and Railway Acts 1879 to 1963 " there shall be substituted the words " the Felixstowe Dock and Railway Acts 1879 to 1968 ".
	In subsections (2) and (3) for the words " or the Felixstowe Dock and Railway Act 1963 " wherever those words occur there shall be substituted the words " the Felixstowe Dock and Railway Act 1963 or the Felixstowe Dock and Railway Act 1968 ".
tion 76 (Notice of Meetings)	In paragraph (*a*) of the proviso for the words after " posted " there shall be substituted the words " (in the case of any ordinary meeting) not later than twenty-one clear days before the date of the meeting and (in the case of any extraordinary meeting) not later than fourteen clear days before the date thereof; and ".
we Dock and Railway Act,	1963 c. xxxvi.
tion 19 (Ranking of existing mortgage and redeemable debentures)	For subsection (2) there shall be substituted the following subsection:— " (2) Paragraph (*e*) of clause 4 of the conditions subject to which the said redeemable debentures were issued shall apply

SCH. 2 —*cont.*	Provision amended	Amendment
1963 c. xxxvi.	Felixstowe Dock and Railway Act, 1963—*cont.*	to the creation by the pany of any unsecure stock under the power Felixstowe Dock and R Act, 1968, as it applies creation of any mort charge upon the undert or property of the Com but the said paragraph not apply to the grant any mortgage or debentu to the creation and issue of debenture stock or unsec loan stock under the po of this Act or of the said of 1968, except any mor debenture, debenture st unsecured loan stock h fixed date of redemption fore the first day of 1982."
	Section 23 (Proxies)	In subsection (1) the words incorporated with the Feli Dock and Railway Acts 187 1963 " shall be omitted.

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