ELIZABETH II



1972 CHAPTER xliii

An Act to confer further powers on the Milford Docks Company with regard to finance and administration; and for other purposes. [9th August 1972]

WHEREAS the Milford Docks Company (hereinafter referred to as "the Company") were incorporated by the Milford Docks Act 1874 and in the exercise of the powers conferred by that and subsequent Acts have constructed docks and works at Milford in the county of Pembroke (hereinafter referred to as "the docks"): 1874 c. lxvii.

And whereas by the Milford Docks Act 1955 the Company were authorised to construct further works including a second dry dock and two tidal basins and by the Milford Docks Act 1957 (hereinafter referred to as "the Act of 1957") the Company 1955 c. xxiv. 1957 c. xxxix.

were authorised to construct works to accommodate vessels including in particular oil tankers of the larger tonnage then being built, in substitution for the works authorised by the said Act of 1955:

And whereas for financial and other reasons it proved impracticable to construct the works authorised by the Act of 1957 and as the powers to construct those works and to acquire lands for that purpose cannot now be exercised, the provisions conferring those powers should be repealed:

And whereas it is expedient to enable the Company to purchase debenture stock by agreement with the holders as in this Act provided and to extend the powers of the Company to borrow money by enabling them to do so on the security of specific assets:

And whereas by the Act of 1957 the Company were authorised to raise additional capital to finance the construction of the works authorised by that Act and for the future development of the docks and, as the said works will not be constructed, the powers to raise additional capital should be reduced accordingly:

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:

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, that is to say:—

Short and collective titles.

1.—(1) This Act may be cited as the Milford Docks Act 1972.

(2) The Milford Docks Acts 1874 to 1957 and this Act may be cited together as the Milford Docks Acts 1874 to 1972.

Interpretation.

2.—(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:—

1953 c. x. "the Act of 1953" means the Milford Docks Act 1953;

" the Act of 1955 " means the Milford Docks Act 1955; 1955 c. xxiv.

" the Act of 1957 " means the Milford Docks Act 1957; 1957 c. xxxix.

" the Company " means the Milford Docks Company;

" the directors " means the directors 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;

" the existing debenture stock " means the 3½ per cent. debenture stock of the Company issued before the passing of this Act;

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

(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.

Power to purchase debenture stock, etc.

3.—(1) The Company may at any time purchase by agreement any debenture stock of the Company at a price not exceeding the par value of the stock and for that purpose may apply any moneys for the time being in their hands which they are entitled to apply to capital purposes including the proceeds of any sale (whether heretofore made or hereafter to be made by the Company) of any lands acquired by the Company which are not required for the purpose for which they were acquired or other properties of the Company and any investments from time to time representing any such proceeds:

Provided that the powers of this subsection shall not be exercised—

(*a*) while any arrears of interest on the existing debenture stock which accrued due before the passing of this Act are still outstanding;

(*b*) except either by accepting tenders from the holders of the debenture stock after notice in writing from the Company to all such holders or if the moneys to be applied to the purchase of debenture stock do not on any occasion exceed £25,000 by purchase in a recognised stock exchange (as defined in the Prevention of Fraud (Investments) Act 1958). 1958 c. 45.

(2) Any debenture stock purchased under the provisions of this section shall be cancelled and extinguished.

(3) If any debenture stock is so purchased the amount thereof shall be deemed to be money borrowed and paid off by the Company within the meaning of section 39 of the Companies Clauses Consolidation Act 1845 and the provisions of that section as to reborrowing by the Company shall apply accordingly.

1845 c. 16.

(4) In this section " debenture stock " includes all such stock (whether redeemable or irredeemable) and debentures.

Power to borrow on mortgage of specific assets.

4.—(1) (*a*) The Company may borrow money on mortgage of any of the property or other assets of the Company acquired after the passing of this Act.

(*b*) Where a mortgage is granted under this section on terms providing for the payment of the interest to be secured in whole or in part on the revenue of the asset mortgaged, the terms on which it is granted may also provide that the interest on the mortgage to the extent that it is secured on such revenue is to rank in priority to the interest of any other mortgage at any time granted by the Company but save as aforesaid, mortgages granted under this section shall not be granted on terms that would confer on the holder any preference over the holder of any other mortgage granted by the Company.

(2) The powers conferred upon the Company by this section shall be in addition to the powers of the Company—

(*a*) to borrow on mortgage of the undertaking or by the creation and issue of debenture stock; and

(*b*) to borrow temporarily conferred by section 33 (Company may incur temporary loans) of the Act of 1953;

and for the purposes of calculating the amount which the Company are for the time being authorised to borrow on mortgage of the undertaking or by the creation and issue of debenture stock or to borrow temporarily any amount which has been borrowed under the powers of this section and is for the time being outstanding shall be ignored.

Reduced amount of additional capital.

5. The maximum amount of the additional capital which the Company are authorised to raise by section 19 (Additional capital) of the Act of 1957 shall be reduced from thirteen million pounds to one million pounds and accordingly subsection (1) of the said section 19 shall have effect as if for the word " thirteen " there were substituted the word " one ".

Removal of vehicles.

6.—(1) (*a*) If a vehicle is left without the permission of the Company—

(i) in a parking place within the docks provided by the Company for a longer period than twenty-four hours;

(ii) in any part of the docks where the parking of vehicles is prohibited by such traffic signs as may be prescribed or authorised for the purpose by the Secretary of State in pursuance of his powers contained in sections 54 and 55 of the Road Traffic Regulation Act 1967 erected by the Company ; or 1967 c. 76.

(iii) in any place where it is likely to obstruct or interfere with the use of the docks;

the Company may remove the vehicle to a place of safe custody.

(*b*) Any such traffic sign as is referred to in sub-paragraph (ii) of paragraph (*a*) of this subsection shall be conspicuously posted in or in proximity to the place to which it relates.

(2) Where the Company 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 Company from the owner of the vehicle as a debt in any court of competent jurisdiction.

(3) If the Company 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 for the purposes of the Road Vehicles (Registration and Licensing) Regulations 1964, or any other regulations having the same effect for the time being in force, or, if there is no such person or the vehicle does not carry a G.B. registration mark (as defined in the Removal and Disposal of Vehicles Regulations 1968), to the person who appears to the Company to be the owner of the vehicle notice in accordance with Regulation 13 of the said regulations of 1968 or any other regulation having the same effect for the time being in force that they have exercised the powers of this section and of the place to which the vehicle has been removed.

(4) A traffic sign conforming to such design as the Secretary of State may authorise for the purpose, stating the general effect of paragraph (*a*) of subsection (1) of this section, shall be displayed in a prominent position at each entrance to any parking place provided by the Company under this section and in association with each traffic sign erected in accordance with the provisions of sub-paragraph (ii) of the said paragraph (*a*).

(5) In this section—

" the docks " has the same meaning as in the Act of 1957; and

"owner" in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement includes the person entitled to possession of the vehicle under the agreement.

Saving for powers of Treasury. 1946 c. 58.

7. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Amendments and repeals.

8.—(1) The amendments specified in the second column of Part I of the Schedule to this Act shall be made in the provisions of the Milford Docks Acts 1874 to 1957 specified in the first column of the said Part.

(2) The provisions of the Milford Docks Acts 1874 to 1957 specified in the first column of Part II of the Schedule to this Act are hereby repealed to the extent specified in the second column of the said Part.

Costs of Act.

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

SCHEDULE

PART I

Section 8 (1).

AMENDMENTS OF THE MILFORD DOCKS ACTS 1874 TO 1957

Provision amended	Amendment	
Milford Docks Act 1953—		1953 c. x.
Section 4 (Interpretation)	In paragraph (*a*) of the definition of "vessel" for the words "seaplane and other aircraft" there shall be substituted the words "any aircraft". In paragraph (*b*) of the said definition after the word "cases" there shall be inserted the words "a hovercraft within the meaning of the Hovercraft Act 1968 and".	1968 c. 59.
Section 21 (Amendment of enactments)	In paragraph (*b*) of subsection (2) after the words "Act 1953" there shall be inserted the words "(as amended by the Milford Docks Act 1972)".	

PART II

Section 8 (2).

PROVISIONS OF THE MILFORD DOCKS ACTS 1874 TO 1957 REPEALED

Acts	Extent of repeal	
Milford Docks Act 1874—		1874 c. lxvii.
Section 44 (Rates for the use of wharves cranes &c. and for warehousing goods)	The whole section.	
Section 52 (Company may take increased charges by agreement)	The whole section.	
Milford Docks Act 1888—		1888 c. lxvii.
Section 10 (Charges for sidings) ...	The whole section.	
Section 11 (Repeal of Section 39 of the Act of 1874)	The whole section.	
Section 12 (Power for Company to remit rates)	The proviso.	
Milford Docks Act 1919—		1919 c. lxvi.
Section 3 (Rates on vessels) ...	The whole section.	
Section 4 (Rates on goods) ...	The whole section.	
Section 5 (Charges for graving dock)	The whole section.	

Acts		Extent of repeal
	Section 6 (Rates for shipment and weighing &c. of goods)	The whole section.
	Section 8 (Application of existing Acts)	The whole section.
	Second Schedule	The whole schedule.
	Third Schedule	The whole schedule.
	Fourth Schedule	The whole schedule.
1953 c. x.	Milford Docks Act 1953—	
	Section 21 (Amendment of enactments)	Subsection (3).
	Section 22 (Increase of rates) ...	The whole section.
	Section 24 (Rates on seaplanes) ...	The whole section.
1955 c. xxiv.	Milford Docks Act 1955—	
	Section 3 (Interpretation)	So much as defines the expression " the new works ".
	Section 5 (Subsidiary works) ...	The whole section.
	Section 6 (Power to deviate) ...	The whole section.
	Section 8 (New works to be within the petty sessional division and the urban district of Milford Haven)	The whole section.
	Section 11 (Temporary stoppage of roads and footpaths)	The whole section.
	Section 13 (Works below high-water mark to be subject to approval of Minister)	The whole section.
	Section 14 (Lights on works during construction)	The whole section.
	Section 15 (Abatement of work abandoned or decayed)	The whole section.
	Section 16 (Survey of works by Minister)	The whole section.
	Section 18 (For protection of Wales Gas Board)	The whole section.
	Section 20 (Correction of errors in deposited plans and book of reference)	The whole section.
	Section 21 (Power to expedite entry)	The whole section.

Acts	Extent of repeal
Section 22 (Power to enter for survey or valuation)	The whole section.
Section 23 (Disregard of recent improvements and interests)	The whole section.
Section 24 (Extinction of private rights of way)	The whole section.
Section 33 (Payment of interest out of capital)	The whole section.
Section 37 (Minister to exclude certain transactions for purposes of orders under section 6 of Transport Charges &c. (Miscellaneous Provisions) Act, 1954)	The whole section.
	1957 c. xxxix.
Milford Docks Act 1957—	
Section 3 (Interpretation)	(*a*) So much of the section as defines the expressions " the deposited sections ", " the deposited book of reference ", " the existing outfall sewer ", " the February deposited sections ", " the February deposited book of reference ", " the new outfall sewer ", " the new works ", " the November deposited sections " and " the November deposited book of reference ". (*b*) The word " respectively " in both places where it occurs.
Section 4 (As to limit of the docks)	Paragraph (*c*) of subsection (1).
Section 6 (Power to make works) ...	The whole section.
Section 7 (Works to form part of undertaking)	The whole section.
Section 8 (Power to deviate) ...	The whole section.
Section 10 (Alteration of outfall sewer)	The whole section.
Section 11 (Power to stop up highways and footpath)	The whole section.
Section 12 (Agreements as to construction of new works and transfer of undertaking)	The whole section.
Section 13 (Period for completion of works)	The whole section.

Acts			Extent of repeal
	Section 14 (For mutual protection of the Company and the Milford Haven Urban District Council)		Paragraphs (2) to (14).
	Section 15 (For protection of certain electricity undertakers)		The whole section.
	Section 16 (Power to acquire lands)		The whole section.
	Section 17 (Acquisition of part only of certain properties)		The whole section.
	Section 18 (Arbitration under Lands Clauses Acts)		The whole section.
	Section 26 (Power to revise rate not affected by transfers)		The whole section.
	Section 27 (Incorporation of provisions of Act of 1955)		So much of the section as incorporates sections 5, 8, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24 and 33 of the Milford Docks Act 1955.
1955 c. xxiv.			
	The First Schedule	... ...	The whole schedule.
	The Second Schedule	... ...	The whole schedule.
	The Third Schedule	... ...	So much of the schedule as amends Part I of the Third Schedule to the Milford Docks Act 1919 and section 8 of the Milford Docks Act 1953.
1919 c. lxvi.			
1953 c. x.			

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Milford Docks Act 1972

CHAPTER xliii

ARRANGEMENT OF SECTIONS

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