

Tees Conservancy Act 1964

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ELIZABETH II



1964 CHAPTER xvii

An Act to confer upon the Tees Conservancy Commissioners further powers with respect to the raising of money; to extend the time for the completion by the Commissioners of certain works; and for other purposes.
[10th June 1964]

WHEREAS by the Tees Conservancy Acts 1852 to 1959 the Tees Conservancy Commissioners (hereinafter called " the Commissioners ") are constituted and incorporated and invested with powers as the harbour authority for the river Tees and with powers for the conservancy, improvement and regulation of the said river; the construction of works and reclamation of land; the making, management and carrying on of docks and wharves, quays, landing places and the like; and for other purposes:

And whereas it is expedient to confer upon the Commissioners further powers with respect to their finances and that further provision, as in this Act contained, should be made with respect to the rates which may be demanded and taken by the Commissioners:

And whereas it is expedient to extend the period of time within which the works authorised by the Tees Conservancy Act 1946 may be completed:

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

And whereas the purposes of this Act cannot be attained 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 and collective titles.

1. This Act may be cited as the Tees Conservancy Act 1964, and the Tees Conservancy Acts 1852 to 1959 and this Act may be cited together as the Tees Conservancy Acts 1852 to 1964.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Finance.

Part III.—Miscellaneous.

Interpretation.

3.—(1) In this Act—

"Act of 1852" means the Tees Conservancy and Stockton Dock Act 1852;

"Act of 1858", "Act of 1863", "Act of 1867", "Act of 1884", "Act of 1912", "Act of 1920", "Act of 1946", "Act of 1950" and "Act of 1954" mean the Tees Conservancy Acts of those respective years;

"Act of 1887" means the Tees Conservancy (No. 2) Act 1887;

"Commissioners" means the Tees Conservancy Commissioners;

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

"harbour limits" means the portions of the river Tees and shore thereof and of any creek, bay, arm of the sea or navigable river communicating therewith within the jurisdiction of the Commissioners, together with the area described in section 2 (Extension of limits of Acts) of the Act of 1884;

"harbour master" means the harbour master or other officer duly appointed by the Commissioners to act in such capacity or as Tees dock master and any person authorised by the Commissioners so to act;

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

"Minister" means the Minister of Transport;

PART I —*cont.*

"statutory securities" includes any securities in which trustees are for the time being authorised to invest trust moneys and any debenture stock or other security created by the Commissioners;

"Tees Conservancy Estate" includes all docks, piers, wharves, quays, berths, roads, bridges and other works, and all buildings and land, which are for the time being vested in or occupied by the Commissioners;

"undertaking" means the undertaking of the Commissioners as for the time being authorised by any enactment.

(2) In the Tees Conservancy Acts 1852 to 1964, and in the enactments incorporated therewith, unless the subject or context otherwise requires—

"hover vehicle" means a vehicle, however propelled, designed to be supported on a cushion of air;

"hydrofoil vessel" means a vessel, however propelled, designed to be supported on foils;

"seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the water but does not include a hover vehicle or hydrofoil vessel;

"vessel" means every description of vessel, however propelled or moved, and includes any thing constructed or used to carry persons or goods by water and—

(*a*) without prejudice to the generality of the foregoing, includes a hover vehicle on, in or over the water; and

(*b*) except for the purpose of levying rates, includes a seaplane on or in the water.

(3) Except where the context otherwise requires, references in this Act to any other enactment shall be construed as references to that enactment as applied, extended, varied or amended by, or by virtue of, any subsequent enactment including this Act.

As to Harbours Clauses Act 1847.

4.—(1) Sections 28 and 47 of the Harbours Clauses Act 1847 are hereby incorporated with this Act.

(2) The said section 28, as incorporated with the Act of 1852, the Act of 1858, the Act of 1863, the Act of 1867, the Act of 1912, the Act of 1946, the Act of 1950 and this Act, shall be read and have effect as amended by subsection (2) of section 31 of the Post Office Act 1953.

PART II

FINANCE

Power to borrow.

5.—(1) The Commissioners may from time to time by virtue of this Act and independently of any other borrowing power borrow at interest on the security of the revenues of the Commissioners such sums of money as they may think necessary not exceeding in the whole ten million pounds and may raise such money or any part thereof either by the creation and issue of additional

PART II —*cont.*

debenture stock under this Act or by mortgage or partly by one and partly by the other of the said methods.

(2) In the application of subsection (2) of section 79 of the Act of 1946 to money borrowed under the powers conferred by subsection (1) of this section there shall be treated as purposes to which capital money is properly applicable the expenses of the creation and issue by the Commissioners of any debenture stock or mortgage.

Power to create additional debenture stock.

6. Subject to the provisions of this Act the Commissioners may from time to time for the purposes of—

(i) raising any money which they are for the time being authorised to raise under this Act; or

(ii) paying off any money for the time being due under any mortgage granted under the Act of 1920 or the Act of 1946;

by resolution create and issue at such prices and times and on such terms and subject to such conditions as they may think fit (not being inconsistent with the provisions of this Act) redeemable debenture stock to the amount required for the aforesaid purposes or any of them.

Security for and redemption of debenture stock.

7.—(1) The debenture stock created and issued under this Act (in this Act referred to as " 1964 additional debenture stock ") shall, together with the interest thereon, be a charge on the revenues of the Commissioners subject to the principal moneys secured by debenture stock created and mortgages granted by the Commissioners under the powers conferred by Part VII (Finance) of the Act of 1946.

(2) (*a*) The 1964 additional debenture stock shall be redeemable by the Commissioners at such time and in such manner as the Commissioners by the resolution creating such stock or any portion thereof may determine with respect to such stock or portion or at such time and in such manner as may be agreed between the Commissioners and the holder of such stock or any portion thereof and the Commissioners shall distinguish the classes of 1964 additional debenture stock subject to different conditions of redemption.

(*b*) Notice of such conditions shall be endorsed on all certificates of 1964 additional debenture stock.

Application of provisions of Act of 1887 to borrowing by debenture stock.

8. The following provisions of the Act of 1887 are incorporated with this Act and shall extend and apply to the 1964 additional debenture stock by this Act authorised as if the same were herein set out and made applicable thereto, namely :—

Section 7 (Nature and incidents of stock);
Section 8 (No preference among holders);
Section 9 (Appointment of registrar);
Section 10 (Register of stock);
Section 11 (Certificates of proprietorship of stock);

PART II —*cont.*

Section 12 (Power for stockholder to sell and transfer);
Section 13 (Mode of transfer of stock);
Section 14 (Closing register of transfers);
Section 15 (Transmission of debenture stock on death bankruptcy &c.);
Section 16 (Notice of trust not receivable);
Section 17 (Evidence of title to interest);
Section 18 (Interest to joint holders);
Section 19 (Interest where one joint holder is an infant &c.);
Section 20 (Protection of holders of debenture stock):

Provided that notwithstanding the provisions of subsection (1) of the said section 13 the Stock Transfer Act 1963 shall have effect in relation to the transfer of the 1964 additional debenture stock by this Act authorised.

Sinking fund.

9.—(1) The Commissioners shall from time to time at yearly, half-yearly or other intervals appropriate out of income to a sinking fund such sums as (with any accumulations thereof) will be sufficient to pay off within sixty years from the date of borrowing all money borrowed by them on mortgage or by the creation and issue of 1964 additional debenture stock under this Part of this Act.

(2) It shall not be obligatory on the Commissioners to make any appropriation under this section until after the expiration of ten years from the date of borrowing.

(3) Pending or in default of application of any money held on account of the said fund to the purposes authorised by this Act the Commissioners shall invest that money in statutory securities and the interest or annual proceeds received from the money and investments held on account of the sinking fund (in this section referred to as " the income of the sinking fund ") shall be accumulated in the way of compound interest by investment in statutory securities.

(4) (*a*) If in any year the income of the sinking fund is not equal to the income which would be derived from the amount invested if it were invested at the rate per centum per annum on which payments to the fund have been based any such deficiency shall be made good by the Commissioners.

(*b*) If in any year the income of the sinking fund amounts to a sum in excess of the income which would be derived from the amount invested if it were invested at the rate per centum per annum on which payments to the fund have been based any such excess may be carried to and applied as part of the Tees Conservancy Revenue Account.

(5) The said fund shall be applied by the Commissioners in the purchase and redemption of 1964 additional debenture stock and money borrowed by them on mortgage under this Part of this Act and no part of it shall under any circumstances be applied in any other way.

PART II —*cont.*

Return to Minister with respect to sinking fund.

10.—(1) The Commissioners shall send to the Minister within three months after the expiration of each financial year a return showing the sums appropriated by the Commissioners in pursuance of the immediately preceding section of this Act.

(2) The return shall show such particulars, shall be made up to such date and shall be in such form as the Minister may require, shall be certified by the clerk to the Commissioners or other person whose duty it is to keep the accounts of the Commissioners, and shall, if so required by the Minister, be verified by statutory declaration made by that person.

(3) If it appears to the Minister, from any return made under this section or otherwise, that the Commissioners have failed to make any such appropriation as is required by the immediately preceding section of this Act, the Minister may by order direct that such sum as is specified in the order (not exceeding the amount in respect of which the default has been made) shall be paid or applied in the manner and by the date set out in the order; and the Commissioners shall notify the Minister as soon as the order has been complied with.

(4) An order made under the last preceding subsection may be enforced, at the instance of the Minister, by mandamus.

(5) If a return required to be made under this section is not made within the time specified in subsection (1) of this section, the Commissioners shall be liable to a penalty not exceeding twenty pounds, and notwithstanding the recovery of any such penalty the making of the return may be enforced, at the instance of the Minister, by mandamus.

Reborrowing.

11. The Commissioners may from time to time reborrow on mortgage or by the creation and issue of debenture stock any money borrowed by them under this Part of this Act and paid off otherwise than by means of appropriations under section 9 (Sinking fund) of this Act.

Reserve fund.

12.—(1) The Commissioners may carry to their reserve fund such part of their receipts on revenue account as shall be available for the purpose until the fund amounts to one million pounds; and if the fund at any time falls below that amount the Commissioners may carry to the fund so much of any such receipts as is required to restore the fund to that amount and is available for the purpose.

(2) The reserve fund so formed shall from time to time be applied by the Commissioners in their discretion—

(*a*) in or towards meeting any deficiency on revenue account in any year; or

(*b*) to meet any extraordinary claim or demand in respect of the undertaking; or

(*c*) for improving the navigation of the river; or

PART II —*cont.*

(*d*) in or towards payment of the cost of renewing, improving and extending any part of the works of the Commissioners; or

(*e*) for any other lawful purpose duly sanctioned by the Commissioners.

(3) The sums paid into the reserve fund shall be invested in statutory securities.

(4) Section 32 (Reserve fund) of the Act of 1912 is hereby repealed.

Amendment of section 86 of Act of 1946.

13. Section 86 (Commissioners may incur temporary loans) of the Act of 1946 is hereby amended as follows:—

(*a*) by the substitution for the words " the Tees Conservancy Acts 1852 to 1946 " of the words " any enactment "; and

(*b*) by the substitution for the words " one million pounds " of the words " two million pounds".

Saving for existing securities.

14. Nothing in or done under this Act shall affect the security, priority or rights of any holder of debenture stock created or mortgages granted by the Commissioners before the passing of this Act:

Provided always that the interest payable in respect of moneys borrowed and raised under this Act shall rank pari passu with the interest payable in respect of moneys borrowed and raised before the passing of this Act.

Saving for powers of Treasury.

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

As to an existing power to borrow.

16. From and after the passing of this Act the Commissioners shall not borrow further moneys under the power in that behalf conferred upon them by section 46 (Power to borrow further moneys) of the Act of 1920.

Power to charge interest to capital.

17. Where the Commissioners, in exercise of the powers conferred upon them by any enactment, commence any work from which revenue may after its completion be derived, the Commissioners may, during such period not exceeding ten years from the commencement of that work as they determine, charge to capital as part of the cost of that work interest at a rate not exceeding six per centum per annum on any money raised to defray—

(*a*) the cost of acquisition of lands for the purpose of that work; and

(*b*) the expenses of constructing or carrying out that work.

PART II —*cont.*

General insurance fund.

18.—(1) The Commissioners may (if they think fit) establish an insurance fund with a view to providing a sum of money which shall be available for making good any losses, damages, costs and expenses to which the Commissioners may be subjected in consequence of such risks as may from time to time be specified in a resolution of the Commissioners (in this section referred to as " the specified risks ").

(2) The establishment of a fund under this section shall not prevent the Commissioners from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) The Commissioners may pay into the said fund in any year such sums as the Commissioners may think fit out of the receipts of the Commissioners on revenue account and as part of their working and establishment expenses and the cost of maintenance of the undertaking.

(4) All moneys for the time being standing to the credit of the said fund shall be invested in statutory securities and the interest and annual proceeds arising from such securities shall be invested and accumulated in the said fund.

(5) In this section " insurance office " means—

(*a*) an insurance company; or

(*b*) an underwriter being a member of an association of underwriters.

PART III

MISCELLANEOUS

Extension of time for completion of works.

19. The period now limited by section 3 (Extension of time for completion of works) of the Act of 1954 for the completion of the works described in and authorised by section 44 (Power to execute works) and section 45 (Subsidiary works and powers) of the Act of 1946, so far as the same have not already been constructed, is hereby extended until the 1st August 1974.

Rates on hover vehicles and hydrofoil vessels.

20.—(1) The Commissioners may demand and take on or in respect of hover vehicles and hydrofoil vessels—

(*a*) entering, using or leaving the harbour limits;

(*b*) entering, using or leaving any of the docks and works of the Commissioners;

(*c*) using any moorings, landing places or hards belonging to the Commissioners and there embarking or disembarking passengers or loading or discharging cargo;

such rates as the Commissioners may determine and as shall be approved by the Minister.

PART III —*cont.*

(2) Section 4 (Passing vessels to be freed from tolls) of the Act of 1884 shall, so far as applicable, extend and apply to the rates authorised by this section.

Power to compound for rates on hover vehicles hydrofoil vessels and seaplanes.

21. The Commissioners may from time to time agree with the owner of a hover vehicle, hydrofoil vessel or seaplane liable to pay rates to the Commissioners for entering, using or leaving the harbour limits for the payment of a fixed sum payable in advance, as composition by the year or shorter period for the rates payable during the period of composition:

Provided that no preference shall in any case be given to any person over any other person in like circumstances.

Certain enactments not to apply to hover vehicles, hydrofoil vessels or seaplanes.

22. The enactments referred to in the first, second and third columns of Schedule 1 to this Act to the extent specified in the fourth column of that schedule shall not apply to hover vehicles, hydrofoil vessels and seaplanes or in respect of discharging or other services connected therewith.

Traffic offences on dock roads.

23.—(1) In this section—

" dock road " means any road, pier, wharf, quay, bridge or other work which, or any land which, is vested in or the property of the Commissioners and is accessible to motor vehicles, not being a road to which the Road Traffic Act 1960 applies;

" motor vehicle " has the same meaning as in the Road Traffic Act 1960.

(2) The Road Traffic Act 1960 shall have effect as if, in the provisions thereof hereinafter mentioned, the expressions " road " and " highway " included a dock road; and any person who commits an offence under any of those provisions, as extended by this section, shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 257 of that Act, and all the provisions of that Act, so far as applicable (including, without prejudice to the generality of the foregoing, sections 25 and 250 thereof), shall apply accordingly.

(3) The provisions of the Road Traffic Act 1960 referred to in subsection (2) of this section are—

Section 1 (Causing death by reckless or dangerous driving);
Section 2 (Reckless, and dangerous, driving generally);
Section 3 (Careless, and inconsiderate, driving);
Section 4 (Speeding);
Section 5 (Driving under age);
Section 6 (Driving, or being in charge, when under influence of drink or drugs);

PART III —*cont.*

Section 8 (Restriction on carriage of persons on motor cycles);

Section 13 (Restriction on carriage of persons on bicycles);

Section 14 (Drivers to comply with traffic directions);

Section 15 (Pedestrians to comply with directions to stop given by constables regulating vehicular traffic);

Section 16 (Leaving vehicles in dangerous positions);

Section 24 (Speed limits for vehicles of different classes or descriptions);

Section 51 (Traffic signs);

Section 52 (Powers and duties of highway authorities as to placing of traffic signs);

Section 54 (Emergency traffic signs);

Section 77 (Duty to stop, and furnish particulars, in case of accident);

Section 97 (Minimum age for driving);

Section 98 (Drivers of motor vehicles to have driving licences);

Section 110 (Offence of applying for or obtaining licence, or driving, while disqualified);

Section 201 (Users of motor vehicles to be insured or secured against third-party risks);

Section 202 (Exceptions from requirement of third-party insurance or security);

Section 218 (Penalisation of tampering with motor vehicles);

Section 219 (Penalisation of holding or getting on to vehicle in order to be towed or carried);

Section 223 (Power of police to stop vehicles);

Section 225 (Power of police constables to require production of driving licences);

Section 226 (Power of police constables to obtain names and addresses of drivers, and others, and to require production of evidence of insurance or security and test certificates);

Section 228 (Penalisation of failure to give name and address, and power of arrest, in case of reckless or careless driving or cycling);

Section 229 (Pedestrians to give names and addresses in certain cases);

Section 230 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident);

PART III —*cont.*

Section 231 (Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security);

Section 241 (Restrictions on prosecutions for certain offences):

Provided that if no duty is chargeable under the Vehicles (Excise) Act 1962 in respect of a motor vehicle—

(*a*) by virtue of the provisions of subsection (6) of section 6 of that Act; or

(*b*) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said sections 97, 98, 201, 225, 230 and 231 shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

(4) In any part of a dock road as respects which a maximum speed limit has for the time being been fixed under the provisions of byelaws made in exercise of the powers conferred by section 24 of the Act of 1912 in relation to a motor vehicle of any class or description section 24 of the Road Traffic Act 1960 shall for the purposes of this section have effect, so far as applicable, as if the maximum speed limit fixed as aforesaid had been fixed thereby or thereunder in relation to a motor vehicle of that class or description.

(5) Regulations or orders made under sections 64 and 70 of the Road Traffic Act 1960, and from time to time in force, shall extend and apply to dock roads as they apply to roads as defined by section 257 of that Act, and subsection (2) of section 64 and section 239 of that Act shall apply accordingly:

Provided that, if no duty is chargeable under the Vehicles (Excise) Act 1962 in respect of a motor vehicle—

(*a*) by virtue of the provisions of subsection (6) of section 6 of that Act; or

(*b*) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said regulations shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

(6) For the purposes of the Road Traffic Act 1960 as extended and applied by this section, the expressions " chief officer of police ", " police officer " and " police station " where used in that Act shall respectively include the chief officer or an officer of, and any police office maintained by, the Commissioners, and the

PART III —*cont.*

expression " highway authority " shall mean the Commissioners in relation to any dock road for the maintenance of which the Commissioners are responsible.

Charges on passengers using Tees Conservancy Estate.

24.—(1) The Commissioners may demand and take from the master or owner of a vessel, in respect of every passenger embarking thereon or landing therefrom upon the Tees Conservancy Estate, such sum not exceeding ten shillings as may from time to time be fixed by the Commissioners:

Provided that, subject to charging the same equally in like circumstances, the Commissioners may from time to time, as they think fit, fix charges of different amounts in respect of passengers or vessels of a particular class or employed in a particular trade or using a particular berth, not exceeding the amount hereinbefore specified and may compound with any person with respect to the payment of charges authorised by this section.

(2) The powers conferred by this section shall not be exercisable in relation to a passenger embarking from or landing on a public landing place in respect of the use of which the Commissioners for the time being demand and take rates and charges under the provisions of section 35 (Power to erect and license public landing places) of the Act of 1867.

Power to provide parking places and to make charges.

25.—(1) The Commissioners may, on any land for the time being vested in or occupied by them, provide and maintain parking places at which vehicles may be left, and may make reasonable charges in respect of any vehicle left at any such parking place or elsewhere on the Tees Conservancy Estate.

(2) A vehicle shall not without the permission of the Commissioners be left—

(*a*) in a parking place provided under subsection (1) of this section for a longer period than twenty-four hours;

(*b*) elsewhere on the Tees Conservancy Estate for a longer period than thirty minutes;

and where the owner or driver or person in control or in charge of a vehicle fails to remove the vehicle within the time allowed by paragraph (*a*) or paragraph (*b*) of this subsection (as the case may be), the Commissioners may remove the vehicle, or use the services of any other person to remove the vehicle, to a place of safe custody.

(3) When the Commissioners in exercise of the powers of subsection (2) of this section remove a vehicle, or use the services of any other person to remove the vehicle, the expenses of, and incidental to, the removal and safe custody shall be recoverable by the Commissioners from the owner of the vehicle as a simple contract debt in any court of competent jurisdiction.

PART III —*cont.*

(4) If the Commissioners remove a vehicle under the powers of this section they shall, if and as soon as it is reasonably practicable so to do, 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, 1955, 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 that they have exercised the powers of this section and of the place to which the vehicle has been removed.

(5) (*a*) A notice stating that a vehicle left in a parking place provided under this section for a longer period than twenty-four hours may be removed by the Commissioners in exercise of the powers of this section shall be displayed in a prominent position at each entrance to the parking place and endorsed on any tickets issued to persons leaving vehicles in the parking place.

(*b*) A notice stating that a vehicle left on the Tees Conservancy Estate (elsewhere than in a parking place provided under this section) for a longer period than thirty minutes may be removed by the Commissioners in exercise of the powers of this section shall be displayed in a prominent position at each place where a road accessible to motor vehicles which gives access to the Tees Conservancy Estate crosses the boundary of that estate.

Power to hire out plant.

26. The Commissioners may let upon hire (with or without the services of their employees) on such terms and conditions as they think fit any vessel, plant, equipment or other property belonging to them.

Byelaws relating to certain dangerous goods.

27.—(1) The Commissioners may make byelaws as to the loading and discharging by vessels within the harbour limits of dangerous goods (which expression in this section and in section 28 (Notice before entry of dangerous goods) of this Act does not include dangerous goods to which byelaws made by the Commissioners under the Explosives Act 1875 or the Petroleum (Consolidation) Act 1928 for the time being apply), and as to the bringing, handling, transport or storage of such goods within the Tees Conservancy Estate, and generally as to the precautions to be observed with respect to such goods while within the Tees Conservancy Estate, and such byelaws may in particular provide—

(*a*) for regulating the places at which vessels are to load or discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging; and

(*b*) for regulating the places at which vessels carrying dangerous goods are to be moored; and

(*c*) for the due enforcement of the byelaws.

PART III —*cont.*

(2) Byelaws made under subsection (1) of this section shall not come into force until confirmed by the Minister and sections 84 to 88 of the Harbours Clauses Act 1847 shall apply in relation to such byelaws as if they were made under section 24 (Consolidation of existing provisions as to byelaws) of the Act of 1912.

(3) Where a person is charged with an offence against a byelaw in force under this section it shall be a defence for that person to prove that the offence was not caused or facilitated by any act or neglect on his part, or on the part of any person engaged or employed by him, and, if that person is charged as the owner or master of a vessel, that in addition all reasonable means were taken by the master to prevent the commission of the offence.

(4) Byelaws made under subsection (1) of this section may contain provisions for the imposing on persons offending against any of the byelaws of fines not exceeding, on summary conviction, one hundred pounds, and, on conviction on indictment, one thousand pounds.

Notice before entry of dangerous goods.

28.—(1) Except in case of emergency, the owner or master of a vessel carrying any dangerous goods shall, when that vessel enters the harbour limits, give notice to the harbour master of the nature and quantity of dangerous goods carried in the vessel and, if such notice is not given, the owner or master of the vessel shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

(2) Where the owner or master of a vessel is charged with an offence under subsection (1) of this section it shall be a defence to prove that he did not know and could not, with reasonable diligence, have ascertained the nature of the goods in respect of which the proceedings are taken.

Recovery of authorised rates.

29.—(1) In addition to the remedy given by section 44 of the Harbours Clauses Act 1847, and whether the demand required by that section has been made or not, the Commissioners may recover the amount of any authorised rates due to them as a debt in any court of competent jurisdiction.

(2) In this section "authorised rates" means the rates, tolls, dues and charges which the Commissioners are for the time being authorised to levy, demand and recover in pursuance of any enactment.

(3) Section 33 (Recovery of Rates or Dues) of the Act of 1867 is hereby repealed.

Harbour master may give directions as to mooring.

30. Section 52 of the Harbours Clauses Act 1847, in its application to the Commissioners and the harbour master—

(*a*) shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour limits; and

PART III —*cont.*

(*b*) shall not be construed to require the harbour master in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section, but in pursuance of that section for all or any of the purposes thereof the harbour master shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels.

Directions of harbour master need not be in writing.

31.—(1) Section 53 of the Harbours Clauses Act 1847, in its application to the Commissioners and the harbour master, shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel, and such directions may be given orally or otherwise communicated to the master on any occasion when it is not reasonably practicable for a written notice to be served on the master.

(2) Section 49 (Additional power to harbour master) of the Act of 1867 is hereby repealed.

Amendments to Tees Conservancy Acts 1852 to 1959.

32. The enactments referred to in the first, second and third columns of Schedule 2 to this Act are hereby amended as specified in the fourth column of that schedule.

Saving for public general Act.

33. If any public general Act to amend the law with respect to harbours shall be passed in the present session of Parliament before the date of the passing of this Act, this Act shall for the purposes of that public general Act be deemed to have become law before that public general Act.

Costs of Act.

34. All costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners.

SCHEDULES

Section 22.

SCHEDULE 1

ENACTMENTS WHICH DO NOT APPLY TO HOVER VEHICLES HYDROFOIL VESSELS AND SEAPLANES OR TO DISCHARGING OR OTHER SERVICES IN CONNECTION THEREWITH

Act (1)	Section (2)	Marginal note (3)	Extent to which the enactments do not apply (4)
Act of 1852 ...	LXXXV	River Tolls	The whole section.
Act of 1858 ...	LXXV	Transfer of Anchorage and Plankage Dues to the Commissioners	The whole section.
Act of 1867 ...	26	River Tolls as in Sched. (A)	The whole section.
	27	Tonnage Duty to be levied on Steam Vessels as in Sched. (B)	The whole section.
	28	Tonnage Rates for Moorings	The whole section.
	32	Rates for Use of Graving Dock as in Sched. (D)	The whole section.
Tees Conservancy Act 1878	15	Rates on goods as specified in Part I of Schedule	The whole section.
	16	Rates on vessels launched &c. in Port	The whole section.
	17	Power to fix moorings and levy tolls	The whole section.
	18	Rates for river craft ...	The whole section.
	21	Towage service ...	The whole section.
Act of 1884 ...	11	Power to vary rates for use of graving dock	The whole section.
Tees Conservancy (No. 1) Act 1887	5	Power to make additional charges for vessels using moorings after certain time	The whole section.
Tees Conservancy Act 1889	17	Dues to be paid before clearance of vessel outwards	The whole section.
Act of 1946 ...	72	Rates on shipping ...	The whole section.
	73	Rates on goods ...	The whole section.
Tees Conservancy (Revision of Charges) Order 1962	—	—	The whole Order.

SCHEDULE 2

AMENDMENTS TO TEES CONSERVANCY ACTS 1852 TO 1959

Section 32.

Act (1)	Section or schedule (2)	Marginal note (3)	Amendment (4)
Act of 1858	LXXXIII	Defining Anchorage and Plankage Dues	The words "Ship or" shall be omitted in each place where those words occur.
Act of 1867	27	Tonnage Duty to be levied on Steam Vessels as in Sched. (B)	The word "Steam" shall be omitted in both places where that word occurs.
	31	Additional Facilities to Commissioners for Collection of Dues	In paragraph (4) for the words "Steamboat Dues" there shall be substituted the words "Tonnage Duty levied under section 27 of this Act"; in paragraph (5) the word "Steam" shall be omitted in both places where that word occurs; and for the word "Horse" there shall be substituted the word "Engine".
	52	Penalty for destroying Boats of Commissioners	The words "Boat or" shall be omitted in both places where those words occur; and for the words "Sails, Oars, Tackle, Furniture of such Boat or" there shall be substituted the words "equipment of such".
	53	Power to regulate Rate of Speed of Steamers	The words "Steamers and other" shall be omitted.
	54	Penalty for not observing Rate of Speed	The words "Steamer or other" shall be omitted.
Tees Conservancy Act 1892	32	Provisions as to Tees dues in certain cases	For the word "ship" in each place where that word occurs there shall be substituted the word "vessel".
	33	Penalty for giving false information as to destination of ship	For the word "ship" in both places where that word occurs there shall be substituted the word "vessel".
Act of 1912	3	Interpretation	The definition of "ship" shall be omitted.
	24	Consolidation of existing provisions as to byelaws	In paragraph (v) of subsection (1) for the words "steamers and motor boats" there shall be substituted the word "vessels"; and after paragraph (ix) of that subsection a new paragraph shall be inserted as follows:— "(ix)A for prescribing the docks and works

SCH. 2 —*cont.*

Act (1)	Section or schedule (2)	Marginal note (3)	Amendment (4)
Act of 1912 (continued)			which may not be entered and used by hover vehicles hydrofoil vessels or seaplanes;".
	26	Byelaws as to ships loading petroleum in the river	For the words "ships" and "ship" respectively there shall be substituted the words "vessels" and "vessel".

Table of Statutes referred to in this Act

Short title	Session and chapter
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Tees Conservancy and Stockton Dock Act 1852	15 & 16 Vict. c. clxii.
Tees Conservancy Act 1858	21 & 22 Vict. c. cxli.
Tees Conservancy Act 1863	26 & 27 Vict. c. cxliv.
Tees Conservancy Act 1867	30 Vict. c. l.
Explosives Act 1875	38 & 39 Vict. c. 17.
Tees Conservancy Act 1878	41 & 42 Vict. c. lxxxvi.
Tees Conservancy Act 1884	47 & 48 Vict. c. cxlix.
Tees Conservancy (No. 2) Act 1887 ...	50 & 51 Vict. c. cxlvii.
Tees Conservancy (No. 1) Act 1887 ...	50 & 51 Vict. c. clxxxvi.
Tees Conservancy Act 1889	52 & 53 Vict. c. ci.
Tees Conservancy Act 1892	55 & 56 Vict. c. xxvii.
Tees Conservancy Act 1912	2 & 3 Geo. 5 c. lxxvi.
Tees Conservancy Act 1920	10 & 11 Geo. 5 c. xxxvi.
Petroleum Consolidation Act 1928	18 & 19 Geo. 5 c. 32.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Tees Conservancy Act 1946	9 & 10 Geo. 6 c. liii.
Tees Conservancy Act 1950	14 Geo. 6 c. iv.
Post Office Act 1953	1 & 2 Eliz. 2 c. 36.
Tees Conservancy Act 1954	2 & 3 Eliz. 2 c. xxvi.
Road Traffic Act 1960	8 & 9 Eliz. 2 c. 16.
Vehicles (Excise) Act 1962	10 & 11 Eliz. 2 c. 13.
Stock Transfer Act 1963	1963 c. 18.

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