

**From:** [REDACTED]  
**To:** [Immingham Eastern Ro-Ro Terminal](#)  
**Subject:** TR030007 - Immingham Eastern Ro-Ro Terminal - section 51 Advice - Local Acts  
**Date:** 15 March 2023 16:27:26  
**Attachments:** [Humber Conservancy Act 1899.pdf](#)  
[Harbours Docks and Piers Clauses Act 1847 c 27.pdf](#)  
[River Humber Conservancy Act 1852.pdf](#)  
[Humber Conservancy Act 1905 c clxxix.pdf](#)

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Lily,

This is my second email following your section 51 Advice and it cover two separate, but related points.

First, you reference paragraphs 5.16 to 5.18 in our DCO EM in the context of the Harbours, Docks and Piers Clauses Act 1847. A copy of this Act, as requested, is attached.

Second, in the following paragraph of your Advice you reference paragraphs 10.15 and 10.16 of the DCOs EM where I explain why parts of certain local Acts will be modified by the DCO. You have asked for “relevant extracts” of the 1852, 1899 and 1905 Acts, but as all three Acts are relatively short, I suspect it would be more helpful if I sent you the complete Acts for the library – and these too are attached.

Best regards,

Brian

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CHAPTER cci.

An Act to extend and amend the Humber Conservancy Acts 1852 to 1876 and to confer further powers on the Humber Conservancy Commissioners and for other purposes. A.D. 1899.  
[1st August 1899.]

WHEREAS by the Humber Conservancy Acts 1852 to 1876 the Humber Conservancy Commissioners are incorporated and invested with powers for the conservancy of the River Humber and other purposes connected therewith :

And whereas it is expedient that the Humber Conservancy Acts 1852 to 1876 should be amended in various respects and that further powers for certain purposes should be conferred on the Humber Conservancy Commissioners and that such provisions should be made as are contained in this Act :

And whereas it is expedient that the Humber Conservancy Commissioners should be authorised to borrow for the purposes of the Humber Conservancy Acts 1852 to 1876 and this Act in manner provided by this Act :

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) :—

I.—PRELIMINARY.

1.—(1) This Act may be cited as the Humber Conservancy Act 1899. Short title and citation.

(2) This Act and the Humber Conservancy Acts 1852 to 1876 may be cited together as the Humber Conservancy Acts 1852 to 1899.

[Price 1s.]

A.D. 1899.  
Interpre-  
tation.

2. In this Act unless the context otherwise requires—  
The expression "~~Commissioners~~" means the ~~Humber Conservancy Commissioners~~; *Rep. S.I. 1968 N. 237*  
The expression "Humber Conservancy Acts" means the Humber Conservancy Acts 1852 to 1876 and this Act;  
The expression "the corporation" means the mayor aldermen and citizens of the city and county of Kingston-upon-Hull;  
The expression "the Hull Trinity House" means the guild or brotherhood of masters and pilots seamen of the Trinity House in Kingston-upon-Hull.

Incorporation of Acts.

3. The following enactments (so far as they are applicable and are not expressly varied by this Act) are incorporated with and form part of this Act:—

(a) The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking); and

(b) ~~The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners.~~ *Rep. S.I. 1968 N. 237*

## II.—PROVISIONS RELATING TO THE POWERS OF THE COMMISSIONERS.

Removal of stranded or sunk vessels.

4.—(1) Whenever any vessel is stranded or sunk in the Humber or in or near any approach thereto from the sea the Commissioners shall cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the Humber and its said approaches therefrom.

(2) The Commissioners shall cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also all or any part of the cargo goods chattels and effects which may be raised or saved from any such vessel to be sold in such manner as they think fit and out of the proceeds of sale shall reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking watching lighting or otherwise controlling the vessel and shall hold the surplus if any of the proceeds of sale in trust for the persons entitled thereto.

(3) If the proceeds of sale are insufficient to reimburse the Commissioners for the aforesaid expenses the Commissioners may recover the deficiency or in case of an appeal under the provision herein-after contained such sum as is awarded by the arbitrator

to be payable in respect of the deficiency from the master or other person who at the time of the sinking or stranding of the vessel had the charge or command of the vessel or from the person who at that time was the owner of the vessel or from the executors or administrators of such master or other person or of such owner or person as a debt either summarily as a civil debt or in any court of competent jurisdiction :

If on demand being made under this provision for payment of any deficiency the person on whom the demand is made is dissatisfied as to the reasonableness of the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade and the sum payable in respect of the deficiency shall on such appeal be decided by an arbitrator appointed by the Board and the arbitrator may award costs to be paid by either party to the arbitration and any costs so awarded may be recovered in the same manner as the sum payable in respect of the deficiency is recoverable.

(4) The powers given to the Commissioners under this section may be exercised notwithstanding any steps taken by the owner of the vessel stranded or sunk or by any other person for the raising removal or destruction of the vessel.

5.—(1) The Commissioners may remove anything in the Humber or in any approach thereto from the sea whether fixed or floating or otherwise which in their opinion—

Removal of obstructions.

- (A) obstructs or impedes the navigation of the Humber ; or
- (B) is the cause of any such obstruction or impediment ; or
- (C) is likely so to obstruct or impede the navigation of the Humber or to be the cause of any such obstruction or impediment.

(2) Where the thing removed is not the result of natural causes the following provisions shall apply :—

- (A) The Commissioners may if in their opinion the thing removed is of no value recover the expenses incurred by them in or in relation to the removal from the owner of the thing removed ;
- (B) The Commissioners may if in their opinion the thing removed is of value sell it and apply the proceeds of sale in reimbursing themselves for the expenses incurred by them in or in relation to the removal ;
- (C) If the proceeds of sale are more than sufficient to reimburse such expenses the Commissioners shall pay the surplus to the owner of the thing removed and if the proceeds of sale are insufficient to reimburse the expenses the Commissioners may recover the deficiency from the owner ;

A.D. 1899.

(D) Any expenses or deficiency which may be recovered under this section may be recovered either summarily as a civil debt or in any court of competent jurisdiction.

(3) The powers given by this section shall not extend so as to authorise the removal of any pier or other work constructed under the authority of any Act of Parliament unless the pier or work has been abandoned or permitted to fall into decay.

(4) The Commissioners shall not under the powers given by this section without the consent of the Board of Trade remove any pier slipway or other work which has been constructed before the passing of this Act and which has not been abandoned or permitted to fall into decay if the owner thereof shall prove to the satisfaction of that Board that the same has been constructed in accordance with such notice authority assent or approval as was at the time properly requisite for its construction and the Board may direct how much of the work shall be removed and as a condition of their consent may if they think it reasonable require the Commissioners to pay by way of compensation to the owner of the work such sum as seems equitable having regard to all the circumstances of the case that sum to be determined in default of agreement either by the Board or by a single arbitrator appointed by the Board as the Board decide.

(5) If any question shall arise between Earle's Shipbuilding and Engineering Company Limited or the successors in title of the said company on the one hand and the Commissioners on the other hand as to whether any slipway pier wharf or other work belonging to the company or their successors in title obstructs or impedes the navigation of the Humber or is likely so to do or is or is likely to be the cause of any such obstruction or impediment then that question shall be referred to the decision of the Board of Trade and the decision of that Board shall be final.

(6) If any question shall arise between the Right Honourable the Earl Carrington or his successors in title (herein-after in this subsection called "the owner") and the Commissioners as to whether any stone-heap groyne or other work constructed by the owner or his predecessors in title on or in front of any land belonging to the owner obstructs or impedes the navigation of the Humber or is likely so to do or is or is likely to be the cause of any such obstruction or impediment then that question shall be referred to the decision of the Board of Trade and the decision of that Board shall be final.

6.—(1) The Commissioners and any body of persons having powers for the raising or removal of wrecked vessels or obstructions in or near the Humber or any river or water flowing into or adjacent to the Humber may by arrangement provide for their joint use in such manner as may be settled by agreement and at their joint expense in such proportions as may be similarly settled any vessels or apparatus fitted for raising removing or marking wrecked vessels or obstructions and any such body of persons may contribute out of any funds at their disposal any sums necessary for carrying into effect any such arrangement.

Provision of wreck-raising apparatus jointly with other bodies.

(2) The powers given by this section shall be in addition to and not in derogation of any other powers of the Commissioners to provide any such vessels or apparatus.

7.—(1) The Commissioners may construct and provide—

- (i) Gridirons or other similar appliances for the purpose of carcening or breaking up vessels; and
- (ii) Suitable storehouses (including floating magazines) for explosives:

Provision of gridirons and storehouses for explosives.

And for those purposes may if they think fit purchase by agreement or take on lease such land as they think suitable not exceeding in the whole five acres or use any part of the foreshores or bed of the Humber or any other land vested in them.

(2) The consent of the Board of Trade shall be necessary for the use of any foreshore or bed under this section.

(3) Nothing in this section shall exempt the Commissioners from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so purchased taken on lease or used.

Licences for execution of works.

9. Subject to the provisions of this Act the Commissioners may grant licences for the execution of any landing stages slipways piers jetties or any protective or other works on the foreshores or bed of the Humber vested in or leased to them for such consideration and subject to such conditions as they think fit. But—

- (i) No such licence shall take effect until it has been consented to by the Board of Trade; and
- (ii) No licence shall be granted for the execution of works beyond the river lines as herein-after defined.

Byelaws.

10.—(1) The Commissioners may make byelaws for all or any of the following purposes (that is to say):—

- (A) For the management and improvement of the Humber and the navigation thereof;
- (B) For the prevention of obstructions in the Humber;
- (C) For the regulation of traffic in the Humber;
- (D) For the government good order and regulation of persons navigating the Humber;

- (e) For preventing the removal or alteration of any water mark set up by the Commissioners for the purpose of showing the height or depth of water in the Humber;
- (f) For appointing places at which only vessels may be broken up and for regulating the mode of breaking up vessels;
- (g) For preventing any nuisance to riparian residents or other persons by persons using the Humber or the banks or shores thereof:

And may by such byelaws impose penalties not exceeding ten pounds for each offence or in the case of a continuing offence five pounds for each day on which the offence is continued after conviction therefor.

(2) Byelaws made under this section shall not take effect until confirmed by the Board of Trade but no other confirmation shall be necessary.

(3) A byelaw shall not be confirmed under this section—

(A) Unless the Commissioners have given notice of their intention to apply for confirmation of the byelaw in one or more local newspapers circulating in Hull at least one month before the application is made and have during such month kept a similar notice posted up outside the office of the Commissioners at Hull; and

(B) Unless for at least one month before the application is made a copy of the proposed byelaw has been kept at the office of the Commissioners and has been open to inspection without payment during reasonable hours; and

(C) Unless copies of the proposed byelaw have been during such month kept at the office of the Commissioners for sale to parties applying for the same at a reasonable price not exceeding one shilling each; and

(D) Unless a copy of the proposed byelaw shall have been sent to the Commissioners at least one month before the application is made.

(4) The Commissioners shall cause copies of all byelaws in force to be printed and sold to any person desiring copies at a reasonable price and may also by arrangement with the owners of any dock or other convenient place cause copies of the byelaws to be posted up near or in such dock or place.

(5) A copy of any byelaw made by the Commissioners purporting to be printed by direction of the Commissioners shall unless the contrary be proved be evidence of the byelaw and of its proper making and confirmation.

(6) The powers of the Commissioners under any byelaws made in pursuance of this section shall not be exercised so as to interfere with—

(b) Any directions which the master of the ferry boat dock and pier master appointed by the Corporation have power to give with respect to the passage of vessels to and from the said dock and to and from the Victoria Pier and the Vittoria Jetty belonging to the Corporation; or

(c) Any directions which the owners of any dock constructed or to be constructed under any Act of Parliament or their dock master have power to give respecting the navigation of vessels in the dock or the passage of vessels to and



Surveys of  
the Humber.

11.--(1) The Commissioners shall as soon as may be after the passing of this Act make a complete survey of so much of the Humber as lies between a line drawn from the eastern side of Hesse Haven to the eastern side of Barton Haven and a line drawn from the high lighthouse at Thorngumbald to Skitter Haven and shall record the results of the said survey upon a plan with proper cross sections (in this section called "the Commissioners plan") and shall from time to time after the completion of the said survey take such steps as they may think necessary to keep up to date a chart or plan indicating as far as practicable the state and condition for the time being of the said portion of the river. Provided that it shall not be necessary for the Commissioners to carry any of the provisions of this section into effect if and so far as the Admiralty may from time to time after the passing of this Act make charts or surveys of the said portion of the Humber.

(2) The Admiralty charts and surveys and the Commissioners plan and any amendments therein or additions thereto made from time to time in accordance with the provisions of this section shall be evidence of any fact recorded thereon unless the contrary shall be proved in any proceedings in any court or in any arbitration or inquiry.

(3) The Commissioners plan and any amendments therein or additions thereto made from time to time in accordance with the provisions of this section shall be open to inspection by all persons at the office of the Commissioners at all reasonable hours and it shall be lawful for any persons to make copies of or extracts therefrom.

(4) Nothing in this section shall be deemed to limit any of the rights or obligations of the Commissioners under the Humber Conservancy Acts.

12. Nothing in this Act shall prejudice affect or interfere with any foreshore on the north of the River Humber in the city and county of Kingston-upon-Hull belonging to the Corporation or any lands of the Corporation adjacent thereto or any rights of the Corporation or any other owners for the time being of the said hereditaments in respect of the said foreshore or land or in any way connected therewith and no embankment or other work of any kind whatsoever shall be erected or made in front of the said foreshore or land without the previous consent in writing of the Corporation being first had and obtained.

Property  
and rights of  
Corporation  
of Hull.

## V.—SUPPLEMENTAL.

23.—(1) This Act shall not be taken as a surrender of nor shall anything in this Act prejudice or affect any property interest rights powers authorities or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Woods.

Saving for Crown rights and Board of Trade agreements.

(2) Nothing in this Act shall alter the provisions of any agreements set out in the schedule to the Humber Conservancy Act 1868 or in the schedules to the Humber Conservancy Act 1871 but the provisions of those agreements shall so far as applicable apply in relation to any of the purposes of this Act.

24. Nothing in this Act shall prejudice or derogate from or in anywise alter affect or interfere with the jurisdiction or authority of the Hull Trinity House in the appointment and regulation of pilots or in respect of beaconage and buoyage or the erecting placing and setting up of beacons buoys and floating and shore lights and lighthouses in the Humber or any other right office duty and privilege whatsoever now subsisting and in force and held used or enjoyed by the Hull Trinity House under or by virtue of any Royal Charter grant letters patent or Act or otherwise howsoever.

Saving rights of Hull Trinity House.

25. Nothing in this Act contained shall extend to or be construed to extend to take away impeach infringe change lessen prejudice alter or affect any of the rights dues estates interests powers authorities privileges immunities and exemptions now vested in belonging to or exercised and enjoyed by the Corporation but the Corporation shall have and may use exercise and enjoy the same as fully freely and effectually in all respects as they could or might have done if this Act had not been passed.

Saving rights of Corporation of Hull.

26. Nothing in this Act contained shall be taken to repeal section 63 of the Humber Conservancy Act 1876.

Saving for trustees of late William Bailey.