

ELIZABETH II



1972 CHAPTER xxxvii

An Act to confer further powers on the British Transport Docks Board for the regulation of navigation in the Humber and in relation to the Board's docks and harbours therein; to extend the limits of the docks and harbours of the Board at Barry, Cardiff and Southampton and confer further powers on the Board in relation thereto; to extend the time for the compulsory purchase of certain lands; and for other purposes.

[9th August 1972]

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

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

And whereas it is expedient that further powers should be conferred upon the Board for the regulation of navigation in the Humber as provided by this Act and that the powers in this Act

contained in relation to the Board's docks and harbours at Goole, Grimsby, Hull and Immingham should be conferred upon the Board:

And whereas it is expedient that the limits of the Board's docks and harbours at Barry, Cardiff and Southampton should be extended as provided by this Act and that the powers in this Act contained in relation thereto should be conferred upon the Board:

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

PART I

PRELIMINARY

- Short title.** 1. This Act may be cited as the British Transport Docks Act 1972.
- Division of Act into Parts.** 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—The Humber.
 Part III.—Barry, Cardiff and Southampton harbours.
 Part IV.—Protective provisions.
 Part V.—Miscellaneous and general.
- Interpretation.** 3.—(1) In this Act, unless there be something in the subject or context repugnant to such construction—
- 1847 c. 27. “the Act of 1847” means the Harbours, Docks and Piers Clauses Act 1847;
- 1966 c. xxxi. “the Act of 1966” means the British Transport Docks Act 1966;

- “ the Act of 1969 ” means the British Transport Docks Act 1969;
- “ the Act of 1971 ” means the British Transport Docks Act 1971;
- “ the Board ” means the British Transport Docks Board;
- “ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ land ” includes any estate or interest in land and land covered by water;
- “ Trinity House ” means the Corporation of Trinity House of Deptford Strond;
- “ vessel ” has the meaning assigned to it in section 3 (Interpretation) of the Act of 1966.

PART I
—cont.1969 c. xxiii.
1971 c. lix.

(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.

PART II

THE HUMBER

4. In this Part of this Act, unless the context otherwise requires— Interpretation for Part II.
- “ docks ” means the docks vested in, belonging to or managed by the Board at Goole, Grimsby, Hull (including Salt End) and Immingham or any of them, and includes the piers, jetties and other places comprising the undertaking of the Board and forming part of those docks, and “ dock ” shall be construed accordingly;
- “ dock master ” means a person appointed by the Board to be a dock or pier master at a dock or jetty of the Board and includes the deputies and assistants of persons so appointed;
- “ general direction ” means a direction authorised by section 6 (General directions to vessels in the Humber) of this Act or by subsection (1) of section 8 (Directions to vessels at the docks) of this Act;
- “ the harbour master ” means a person appointed by the Board in pursuance of section 5 (Appointment of

PART II
—cont.

harbour master) of this Act and includes the deputies and assistants of the person so appointed;

“the Humber” means and includes—

(a) so much of the river Ouse as is within the limits of improvement as defined by section 3 of the Ouse (Lower) Improvement Act 1884;

(b) the river Trent below the south side of the stone bridge at Gainsborough;

(c) the river Humber and the estuary thereof from the confluence of the rivers Ouse and Trent to the seaward limits of the Humber Pilotage District as prescribed by article 1 (c) of the Humber Pilotage Order 1922 as amended by the Humber Pilotage (Amendment) Order 1970; and

(d) all navigable havens and creeks of the river Trent below the south side of the said stone bridge and of the river Humber or of the estuary thereof wherein the tide flows and reflows;

but does not include any part of the old harbour or haven at Hull;

“lighter” includes a barge or other like craft for carrying goods;

“master” in relation to a vessel means any person having or taking the command, charge or management of a vessel for the time being;

“mooring” includes anchoring;

“special direction” means a direction authorised by section 7 (Special directions to vessels in the Humber) of this Act or by subsection (2) or (3) of section 8 (Directions to vessels at the docks) of this Act;

“the specified bodies” means the British Waterways Board, the Chamber of Shipping of the United Kingdom, the National Coal Board and the Trent River Authority.

Appointment of harbour master.

5. The Board may appoint a harbour master for the Humber and from time to time, as often as they think fit, may remove such harbour master.

General directions to vessels in the Humber.

6.—(1) The Board may, after consultation in each case with the specified bodies, give directions for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation in the Humber, and, without prejudice to the generality of the foregoing, for any of the following purposes:—

(a) for designating areas, routes or channels in the Humber which vessels are to use or refrain from using for movement or mooring;

(b) for securing that vessels move only at certain times or during certain periods;

PART II
—cont.

(c) for prohibiting—

(i) entry into or movement in the Humber by vessels at times of poor visibility due to the weather or to the presence of dust or smoke; and

(ii) entry into the Humber by a vessel which for any reason would be, or be likely to become, a danger to other vessels in the Humber;

(d) requiring the master of a vessel to give to the harbour master information relating to the vessel reasonably required by the harbour master in order to effect the objects of this subsection.

(2) Directions given under subsection (1) of this section may apply—

(a) to all vessels or to a class of vessels designated, or the designation of which is provided for, in the direction;

(b) to the whole of the Humber or to a part designated, or the designation of which is provided for, in the direction; and

(c) at all times or at times designated, or the designation of which is provided for, in the direction;

and every direction given under this section shall specify the extent of its application in relation to the matters referred to in paragraphs (a), (b) and (c) of this subsection.

(3) The Board may revoke directions given under this section or, after consultation with the specified bodies, amend them.

7.—(1) A direction under this section may be given for any of the purposes set out in subsection (2) of this section by the harbour master to a vessel anywhere in the Humber and to a vessel prior to its entering the Humber from a dock. Special directions to vessels in the Humber.

(2) A direction under this section may be given for any of the following purposes:—

(a) requiring a vessel to comply with a requirement made in or under a general direction;

(b) regulating or requiring for the ease, convenience or safety of navigation the movement, mooring or unmooring of a vessel;

(c) regulating for the safety of navigation the manner in which a vessel takes in or discharges cargo, fuel, water or ship's stores.

PART II
—cont.

Directions to
vessels at the
docks.

8.—(1) The Board may give directions applicable to all vessels, or to a specified class of vessels, at the docks, for the purpose of ensuring the safety of vessels at the docks, preventing injury to persons at, or to property at, or forming part of, the docks or of securing the efficient conduct of the business carried on at the docks, and, without prejudice to the generality of the foregoing, such directions may relate to—

- (a) the movement, berthing or mooring of a vessel;
- (b) the dispatch of its business at the dock;
- (c) the disposition or use of its appurtenances or equipment;
- (d) the use of its motive power;
- (e) the embarking or landing of passengers;
- (f) the loading or discharging of cargo, fuel, water or ship's stores;
- (g) the use of ballast.

(2) A dock master may give a direction requiring the removal from a dock of a vessel if—

- (a) it is on fire;
- (b) it is in a condition where it is liable to become immobilised or waterlogged, or to sink;
- (c) it is making an unlawful or improper use of the dock;
- (d) it is interfering with the use of the dock by other vessels, or is otherwise interfering with the proper use of the dock or the dispatch of business therein;
- (e) the removal is necessary to enable maintenance or repair work to be carried out to the dock or to an adjacent part of the dock.

(3) No direction given under this section shall interfere with any right of navigation through any docks.

(4) A dock master may give a direction to a vessel at a dock for the following purposes:—

- (a) any of the purposes referred to in subsection (1) of this section;
- (b) requiring the vessel to comply with a general direction given under this section.

(5) In this section reference to a vessel at a dock includes reference to a vessel entering or about to enter a dock and to a vessel leaving or having just left a dock.

Publication
of general
directions.

9.—(1) Notice of the giving of a general direction and of any amendment or revocation of a general direction shall, except in case of emergency, be published by the Board as soon as practicable once in Lloyds List and Shipping Gazette newspaper or

some other newspaper specialising in shipping news, and, if the notice relates to the giving or amendment of a general direction, shall state a place at which copies of the direction may be inspected and bought and the price thereof.

(2) In an emergency, notice of the giving of a general direction or of any amendment or revocation of a general direction may be given in any manner the Board consider appropriate.

10. A special direction may be given in any reasonable manner considered appropriate. Manner of giving special directions.

11. The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, persons on board, its cargo or any other person or property. Master's responsibility to be unaffected.

12.—(1) The master of a vessel who fails to comply with a general or special direction shall be guilty of an offence and liable to a fine not exceeding two hundred pounds. Failure to comply with directions.

(2) It shall be a defence to the master of a vessel charged with an offence under subsection (1) of this section to prove that he had reasonable ground for supposing that compliance with the direction in question would be likely to imperil his vessel or any person for whom he is responsible or that in the circumstances compliance was impracticable.

13.—(1) Without prejudice to any other remedy available to the Board, if a special direction is not complied with within a reasonable time, the harbour master or dock master may, where practicable, put persons aboard the vessel to carry out the direction or may otherwise cause the vessel to be handled in accordance with the direction. Enforcement of directions.

(2) If there is no one on board a vessel to attend to a special direction, the harbour master or dock master may proceed as if the direction had been given and not complied with:

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

- (a) in relation to a vessel other than a lighter, unless, after reasonable inquiry has been made, the master cannot be found; or

PART II
—cont.

(b) in relation to a lighter, unless it is obstructing the access to or exit from a dock or otherwise interfering with navigation.

(3) Expenses incurred by the Board in the exercise of the powers conferred by subsection (1) of this section shall be recoverable by the Board as a simple contract debt.

PART III

BARRY, CARDIFF AND SOUTHAMPTON HARBOURS

Extension of
limits of
Barry
harbour, etc.

14.—(1) In this section—

“ the added area ” means the area bounded by an imaginary line commencing at the seaward end of the eastern breakwater at the entrance to Barry Docks and from there drawn on a bearing of approximately 090° true to the point at which latitude 51° 23' 28.6" north intersects longitude 3° 15' west, thence on a bearing of 180° true to the point at which latitude 51° 21' 12" north intersects longitude 3° 15' west, thence on a bearing of 270° true to the point at which latitude 51° 21' 12" north intersects longitude 3° 18' west, thence on a bearing of 000° true to the point at which latitude 51° 22' 24" north intersects longitude 3° 18' west, thence on a bearing of 090° true to the point at which latitude 51° 22' 24" north intersects longitude 3° 15' 48" west, thence on a bearing of 000° true to the point at which latitude 51° 23' 24" north intersects longitude 3° 15' 48" west, thence on a bearing of approximately 080° true to the seaward end of the western breakwater at the entrance to Barry Docks and thence straight to the seaward end of the before-mentioned eastern breakwater, excepting so much of such area as is within the existing limits;

1884 c. cclvii.
1893 c. ccvi.

“ the Barry Docks Acts ” mean the Barry Dock and Railways Act 1884 and the Barry Railway Act 1893;

“ the existing limits ” means the limits within which the powers of the Board's dock master at Barry may be exercised under the Barry Docks Acts;

1962 c. 46.

“ the harbour ” means the docks and harbour at Barry transferred to and vested in the Board by the Transport Act 1962.

(2) The limits of the harbour shall be deemed to be the existing limits and are hereby extended to include the added area.

(3) The limits within which the powers of the Board's dock master at Barry may be exercised under and subject to the provisions of the Act of 1847, as incorporated with the Barry Docks Acts, are hereby extended to include the added area and such of the provisions of the Act of 1847 as immediately before the passing of this Act were operative within the existing limits shall extend and apply to the added area.

(4) All byelaws, rules and regulations of the Board for the time being in force within the existing limits shall, unless the Board shall otherwise determine, apply within the added area and may be enforced by the Board accordingly.

(5) The Board may within the added area provide and place in such positions as they deem appropriate mooring buoys of such size and such nature as the Board consider necessary to meet the requirements of vessels resorting thereto and maintain and repair such buoys and provide and maintain such lights as they deem appropriate.

(6) Nothing in this section shall authorise the Board to levy any ship, passenger and goods dues, as defined in the Harbours Act 1964, in relation to any vessel passing through the added area unless the vessel embarks or disembarks passengers or loads or discharges goods within the added area. 1964 c. 40.

(7) Nothing in this section shall authorise the Board to interfere with the navigation or anchoring of a vessel which is within the added area and is not proceeding to Barry Docks unless the vessel makes use of the services or facilities for or in connection with the embarkation or disembarkation of passengers or the loading or discharge of goods which are provided within the limits of the harbour as extended by subsection (2) of this section.

(8) Nothing in this section shall authorise the Board to interfere, except so far as may be necessary in the interests of safety, with the navigation of a vessel which is within the added area by reason of the exercise by the mayor, aldermen and burgesses of the borough of Barry (hereinafter in this section referred to as "the corporation") of the powers of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 as amended in its application to the corporation by section 36 of the Barry Corporation Act 1957. 1890 c. 59.
1957 c. xxxi.

(9) Nothing in this section shall limit the exercise of the powers of the corporation in relation to the provision of means of sewage disposal involving the construction, inspection, maintenance and replacement of a buried and protected outfall sewer with diffuser pipes within or through the added area and accordingly such powers shall continue and be exercisable as if this Act had not been passed.

PART III
—cont.

Extension of
limits of
Cardiff
harbour, etc.

15.—(1) In this section—

“ the added area ” means the area seawards of the existing limits (as hereinafter defined) bounded by an imaginary line commencing at the point on the east side of the port of Cardiff at which latitude $51^{\circ} 28' 24''$ north intersects longitude $3^{\circ} 8' 24''$ west and from there drawn on a bearing of approximately 159° true to the point where latitude $51^{\circ} 24' 50''$ north intersects longitude $3^{\circ} 6' 15''$ west (being approximately a distance of 1,200 feet on a bearing of approximately 265° true from Monkstone Lighthouse), thence on a bearing of approximately 123° true to the point at which latitude $51^{\circ} 24' 40''$ north intersects longitude $3^{\circ} 5' 50''$ west (being approximately a distance of 1,200 feet on a bearing of approximately 164° true from Monkstone Lighthouse), thence on a bearing of approximately 167° true to the point at which latitude $51^{\circ} 23' 54''$ north intersects longitude $3^{\circ} 5' 34''$ west (being approximately a distance of 5,900 feet on a bearing of approximately 167° true from Monkstone Lighthouse), thence on a bearing of approximately 210° true to the point at which latitude $51^{\circ} 22' 42''$ north intersects longitude $3^{\circ} 6' 40''$ west (being a distance of approximately 1,900 feet on a bearing of approximately 051° true from Flat Holm Lighthouse), thence on a bearing of approximately 308° true to the point at Lavernock Point at which latitude $51^{\circ} 24' 23''$ north intersects longitude $3^{\circ} 10' 6''$ west;

“ the Cardiff Docks Acts ” means the Bute Docks and Cardiff Railway Acts 1865 to 1897;

“ the existing limits ” means the limits within which the dock master may exercise his authority in pursuance of the Cardiff Docks Acts;

“ the harbour ” means the docks and harbour at Cardiff transferred to and vested in the Board by the Transport Act 1962.

1962 c. 46.

(2) The limits of the harbour shall be deemed to be the existing limits and are hereby extended to include the added area.

(3) The limits within which the powers of the Board's dock master at Cardiff may be exercised under and subject to the provisions of the Act of 1847, as incorporated with the Cardiff Docks Acts, are hereby extended to include the added area and such of the provisions of the Act of 1847 as immediately before the passing of this Act were operative within the existing limits shall extend and apply to the added area.

(4) All byelaws, rules and regulations of the Board for the time being in force within the existing limits shall, unless the

Board shall otherwise determine, apply within the added area and may be enforced by the Board accordingly.

PART III
—cont.

(5) The Board may within the added area provide and place in such positions as they deem appropriate mooring buoys of such size and such nature as the Board consider necessary to meet the requirements of vessels resorting thereto and maintain and repair such buoys and provide and maintain such lights as they deem appropriate.

(6) Nothing in this section shall authorise the Board to charge any ship, passenger and goods dues, as defined in the Harbours Act 1964, in relation to any vessel passing through the added area 1964 c. 40. unless the vessel embarks or disembarks passengers or loads or discharges goods within the added area.

(7) Nothing in this section shall authorise the Board to interfere with the navigation or anchoring of a vessel which is within the added area and is not proceeding to Cardiff Docks or Penarth Harbour unless the vessel makes use of the services or facilities for or in connection with the embarkation or disembarkation of passengers or the loading or discharge of goods which are provided within the limits of the harbour as extended by subsection (2) of this section.

16.—(1) In this section—

“the added area” means the area seawards of the Port and bounded by an imaginary line commencing at Hillhead on the eastern side of the entrance to Southampton Water at the point at which latitude $50^{\circ} 48' 59.5''$ north intersects longitude $1^{\circ} 14' 35.9''$ west and drawn as follows:—

Extension of
limits of
Port of
Southampton,
etc.

(a) from the said point at Hillhead on a bearing of approximately 202° true to the point at which latitude $50^{\circ} 46' 04.7''$ north intersects longitude $1^{\circ} 16' 28''$ west (the line drawn on such bearing being coincident with the western limit of the jurisdiction of the Queen's harbour master);

(b) from the point last mentioned in paragraph (a) hereof on a bearing of approximately 000° true to the point at which latitude $50^{\circ} 46' 07''$ north intersects longitude $1^{\circ} 16' 28''$ west, thence on a bearing of approximately 293° true to the point at which latitude $50^{\circ} 46' 23''$ north intersects longitude $1^{\circ} 17' 28''$ west, thence on a bearing of approximately 253° true to the point at which latitude $50^{\circ} 46' 16.9''$ north intersects longitude $1^{\circ} 18' 00.7''$ west, thence on a bearing of approximately 239° true to the point at Egypt Point in the Isle of Wight at which latitude $50^{\circ} 46' 00.2''$

PART III
—cont.

north intersects longitude $1^{\circ} 18' 44.8''$ west (the line drawn on such bearings being coincident with the seaward limit of the jurisdiction of the Cowes Harbour Commissioners);

(c) from the point last mentioned in paragraph (b) hereof on a bearing of approximately 319° true to the point (being approximately a distance of 890 feet from Stansore Point Beacon on the western side of the entrance to Southampton Water) at which latitude $50^{\circ} 47' 09.9''$ north intersects longitude $1^{\circ} 20' 19.8''$ west;

(d) from the point last mentioned in paragraph (c) hereof on a bearing of approximately 063° true to the said point at Hillhead (the line drawn on such bearing being coincident with the existing seaward limit of the Port);

and there terminating;

“the navigation” has the same meaning as in article 3 (Interpretation) of the River Hamble Harbour Revision Order 1969;

1887 c. lii.

“the Port” means the Port of Southampton as defined in section 5 (Defining the Port) of the Southampton Harbour Act 1887 but excluding the navigation;

1865 c. 125.

“the Queen’s harbour master” means the person for the time being appointed to be Queen’s harbour master of the Dockyard Port of Portsmouth under the Dockyard Ports Regulation Act 1865;

1939 c. lxxxiii.

“the Southampton Harbour Acts” means the Southampton Harbour Acts 1863 to 1949 as amended by section 27 (Amendment of section 3 of Southampton Harbour Act 1939) of the Act of 1971.

1962 c. 46.

(2) The Port is hereby extended to include the added area and the Southampton Harbour Acts shall extend and apply accordingly as if any reference therein to the Port were a reference to the Port as so extended and the Ninth Schedule to the Transport Act 1962 shall have effect as if the harbours specified in paragraph 2 of the said schedule as vesting in the Board included the added area.

(3) All byelaws, rules and regulations of the Board for the time being in force within the Port shall, unless the Board shall otherwise determine, apply within the added area and may be enforced by the Board accordingly.

1964 c. 40.

(4) Nothing in this section shall authorise the Board to charge any ship, passenger and goods dues, as defined in the Harbours Act 1964, in relation to any vessel passing through the added area unless such vessel makes use by means of lighters, tenders, packet boats or otherwise of the facilities of the Port.

(5) Nothing in this section shall authorise the Board as successors to the Southampton Harbour Board to exercise within the added area the powers of a local sea fisheries committee conferred on the latter board by an order of the Board of Trade dated 27th August, 1889, and made under the Sea Fisheries Regulation Act 1888.

PART III
—cont.

1888 c. 54.
(51 & 52 Vict.)

17. Nothing in subsection (5) of section 14 (Extension of limits of Barry harbour, etc.) or subsection (5) of section 15 (Extension of limits of Cardiff harbour, etc.) of this Act shall prejudice or derogate from any of the existing rights, duties or privileges of Trinity House.

Saving for
Trinity House.

PART IV

PROTECTIVE PROVISIONS

18. Section 30 (Crown rights) of the Act of 1966 is incorporated with, and forms part of this Part of, this Act.

Incorporation
of protective
provision
of Act of
1966.

19.—(1) In this section “the corporation” means the lord mayor, aldermen and burgesses of the city and county of Bristol.

For

(2) Before placing any mooring buoy under the powers of subsection (5) of section 14 (Extension of limits of Barry harbour, etc.) or subsection (5) of section 15 (Extension of limits of Cardiff harbour, etc.) of this Act the Board shall give to the corporation at least three months’ notice in writing of their intentions specifying the size and nature of the proposed mooring buoy, its proposed position and the type of vessel for which it is proposed.

For
protection
of Bristol
Corporation.

(3) If within two months of the receipt of a notice given under subsection (2) of this section the corporation, by counter-notice in writing to the Board, object to the placing of the mooring buoy in the position proposed on the ground that the mooring buoy or vessels resorting thereto will unreasonably interfere with the navigation of vessels proceeding to or from the port and harbour of Bristol, the dispute shall (in default of agreement between the Board and the corporation as to the placing of the mooring buoy in the position proposed or in an alternative position) be referred to the Secretary of State whose decision shall be final and binding on both parties.

20. Before giving or amending any directions under section 6 (General directions to vessels in the Humber) of this Act which will or may affect any vessel entering or proposing to enter the Humber from the river Hull, or entering or proposing to enter the river Hull from the Humber, the Board shall in each case consult with the lord mayor, aldermen and citizens of the city and county of Kingston upon Hull as harbour authority for the river Hull.

For
protection of
Kingston
upon Hull
Corporation.

PART IV
—cont.

For
protection of
Humber
Bridge
Board.

21. Before giving or amending any directions under section 6 (General directions to vessels in the Humber) of this Act which will or may affect any vessel for the time being used for or in connection with the construction, maintenance, repair, alteration or renewal of the bridge and other works authorised by the Humber Bridge Acts 1959 and 1971 the Board shall in each case consult with the Humber Bridge Board.

Saving for
vessels
engaged on
flood
protection
works.

22.—(1) In this section “the river authority” means the Trent River Authority and “the harbour master” has the same meaning as in Part II (The Humber) of this Act.

(2) Notwithstanding anything in Part II (The Humber) of this Act no general direction given under section 6 (General directions to vessels in the Humber) of this Act and no special direction given under section 7 (Special directions to vessels in the Humber) of this Act shall apply to a vessel engaged on emergency works in connection with the performance by the river authority of their function as the authority responsible for flood protection in relation to the banks, sluices and other defensive works of the river Trent.

(3) Immediately after becoming aware of the need for any emergency works of the nature referred to in subsection (2) of this section the river authority shall notify the harbour master of such works and shall supply details of the emergency and the measures being taken by the river authority to deal with it.

For
protection
of terminal
operators.

23. For the protection of the operators the following provisions shall, except so far as may be otherwise agreed in writing between the operators and the Board, apply and have effect:—

(1) In this section—

“the Act of 1965” means the Crude Oil Terminals (Humber) Act 1965;

“general direction” has the meaning assigned to that expression in section 4 (Interpretation for Part II) of this Act and includes any amendment or revocation thereof and any reference to the giving of a general direction includes reference to its amendment or revocation;

“the Immingham terminal” means the oil terminal at Immingham constructed under the powers of the Immingham Dock Revision Order 1966, and includes any authorised extension thereof or addition thereto;

“the operators” means, in respect of the Immingham terminal on the one hand and the Tetney terminal on the other, the person for the time being responsible for the management and operation of that terminal;

1965 c. xxviii.

“ the Tetney limits ” means the limits of the Tetney terminal as defined by the Act of 1965 and extended by the Tetney Marine Terminal Revision Order 1969;

PART IV
—cont.

“ the Tetney terminal ” means any works, including monomoorings for the reception of vessels, constructed or which may be constructed off Tetney Haven under the powers of the Act of 1965, and includes any authorised extension thereof or addition thereto:

- (2) Not less than three months before giving a general direction which may in any way affect the operations of the operators, the Board shall consult the operators as to the terms thereof:
- (3) The operators may appeal to the Secretary of State on the ground that a general direction is prejudicial to the operations or rights of the operators, and the Secretary of State shall, having regard to the interests of ease, convenience or safety of navigation in the Humber, have power, by order, to amend the direction or, as the case may be, to annul the amendment or revocation:
- (4) Notwithstanding any of the provisions of Part II (The Humber) of this Act neither the Board nor the harbour master shall exercise the powers of that Part so as to give a direction to a vessel within the Tetney limits except—
 - (a) in a case of emergency arising elsewhere in the Humber; or
 - (b) for the purpose of avoiding danger to shipping and, for that purpose, only to a vessel which is departing or about to depart from those limits.

24. Nothing in this Act shall prejudicially affect or derogate from the powers and rights of the Local Fisheries Committee of the Southern Sea Fisheries District (which district includes the added area referred to in section 16 (Extension of limits of Port of Southampton, etc.) of this Act) or any byelaws from time to time made by that committee.

Saving for local fisheries committee of the Southern Sea Fisheries District.

PART V

MISCELLANEOUS AND GENERAL

25.—(1) The period now limited by the Act of 1969 for the compulsory purchase of the lands authorised to be acquired by section 5 (Power to acquire lands) of the Act of 1966 for the

Extensions of time.

PART V
—cont.

purposes of Works Nos. 1, 2 and 3 authorised by Part III (Works, etc.) of the Act of 1966 is hereby extended until 31st December, 1975.

(2) The period now limited by the Act of 1969 for the compulsory purchase of the lands authorised to be acquired by section 6 (Power to acquire lands) of the Act of 1969 for the purposes of Works Nos. 1, 3 and 4 authorised by Part III (Works, etc.) of the Act of 1969 is hereby extended until 31st December, 1975.

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

Powers to owners and lessees to give notice as to purchase of land.

26.—(1) In this section—

“ the enabling Act ” means the Act of 1969;

“ the land ” means any land which is for the time being authorised to be acquired compulsorily by the enabling Act;

“ lessee ” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under subsection (2) of this section.

(2) If any owner or lessee of any of the land shall give notice in writing to the Board of his desire for the acquisition as soon as may be by the Board of his interest in any part of the land specified in the notice the Board shall within a period of three months after the receipt of such notice—

(a) enter into a contract with him for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(b) serve on him a notice to treat for the compulsory acquisition of his interest in the land specified in his notice, or in such part thereof as may be required by the Board; or

(c) serve on him notice in writing of the Board's intention not to proceed with the purchase of his interest in the land specified in his notice.

(3) Where notice is given under the last foregoing subsection by an owner or lessee of land specified in the notice, then—

(a) if the Board—

(i) fail to comply with that subsection; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection; or

(iii) serve notice on him in compliance with paragraph (c) of that subsection;

PART V
—cont.

the powers conferred by the enabling Act for the compulsory purchase of his interest in the land so specified shall cease; or

(b) if his interest in part only of the land so specified is acquired in pursuance of a contract or notice to treat under paragraphs (a) or (b) of that subsection the powers conferred by the enabling Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

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

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