

**PROPOSED ASSOCIATED BRITISH PORTS (IMMINGHAM GREEN ENERGY TERMINAL)
DEVELOPMENT CONSENT ORDER**

DEADLINE 1

Comments from the Harbour Master, Humber on Agenda Item 5 (Navigational and Operational Safety) of Issue Specific Hearing 3 and his responses to oral submissions

PINS Reference Number	TR030008
Interested Party Reference Number	20047053
Document Ref.	HMH 5
Author	Winckworth Sherwood LLP
Date	13 March 2024

Arbor
255 Blackfriars Road
London
SE1 9AX
DX: 156810 London Bridge 6

T 020 7593 5000
F 020 7593 5099
www.wslaw.co.uk

Winckworth
Sherwood

**Solicitors and
Parliamentary Agents**

1. Introduction

- 1.1 The Harbour Master, Humber (**HMH**) was unfortunately unable to attend Issue Specific Hearing 3 (**ISH 3**) during which navigational safety matters were discussed. In this document, HMH therefore sets out:
- (a) his position on matters from Agenda item 5 (Navigation and Operational Safety) for ISH 3 [**EV5-001**]; and
 - (b) comments on oral submissions made at ISH3.
- 1.2 The comments made in this submission should be read together with the information provided in the HMH's Written Representation (HMH 1) and his responses to the Examining Authority's First Written Questions (HMH 3), both also filed at deadline 1.

2. HMH commentary on agenda item 5 from Issue Specific Hearing 3

i. Explanation of the roles and division of responsibilities and accountabilities, including any areas of overlap, in relation to navigational and operational safety of vessels using all facilities on the Humber:

Harbour Master, Humber;

- 2.1 The HMH is the statutory appointee of, and an officer of the Statutory Conservancy and Navigation Authority for the Humber (**SCNA**), which is the statutory harbour authority (**SHA**) for the Humber and the Competent Harbour Authority (**CHA**) for the Humber. This statutory body is known on the river as Humber Estuary Services (**HES**).
- 2.2 The geographical limits of the SCNA are defined by various local Acts and include a degree of geographical overlap with the statutory limits of the Port of Immingham. For the purposes of the jurisdiction of the HMH, the limits are defined in section 4 of the British Transport Docks Act 1972 (**1972 Act**) as:
- (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.”¹

¹ There is no definitive statement as to the extent of the Port of Immingham SHA's jurisdiction because the majority of the local Acts and Orders that have authorised new port infrastructure over the years have extended the geographical limits of the port so as to take account of the new works. So, for example, section 23 of the British Transport Commission Act 1961, which authorised a new jetty, extended the limits of jurisdiction so as to include “*the distance of 200 yards in every direction from the jetty*”. This has the effect of creating overlaps between the jurisdictions of the Humber SHA and Immingham SHA in respect of those areas but for all practical purposes, VTS Humber hands over

- 2.3** The SCNA is funded by conservancy dues and pilotage charges paid by river users and its statutory remit is concerned solely with the safe transit of all vessels using the Humber, commercial or recreational, whatever their ownership or destination.
- 2.4** The SCNA has power to make general directions within its extensive limits of jurisdiction. It also has a licensing function for any tidal works in the Humber under section 9 of the Humber Conservancy Act 1899, subject to those works having the prior consent of (what is now) the Marine Management Organisation.
- 2.5** As competent harbour authority under the Pilotage Act 1987, the SCNA is responsible for pilotage on the Humber, including the training and regulation of Pilots and the authorisation of PECs (those vessel masters with pilotage exemption certificates) and, as local lighthouse authority, the SCNA is responsible for the provision and maintenance of aids to navigation within the geographical limits of the Humber harbour authority.
- 2.6** HMH is responsible for the overall management of all the above-mentioned marine operations of the SCNA. In addition, he has his own independent statutory powers under section 7 of the 1972 Act to make special directions to vessels for navigational safety reasons:
- (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.*
- 2.7** In addition to his other harbour master powers, HMH can remove from or prevent entering into the harbour (i.e. the geographic limits of the Humber SHA) any vessel if that vessel might involve grave and imminent danger to any person or person or property, or put the functioning of the harbour at risk, under section 1 (Directions by harbour master concerning dangerous vessels etc) of the Dangerous Vessels Act 1985. There is no requirement for consultation, although he does have to give reasons.
- 2.8** HMH may also regulate or prohibit the entry, require the removal, or regulate the handling, movement or position within the harbour area of dangerous goods, freight container, receptacle, vehicle, vessel, portable tank or other mode of transport handling, and position of any vessel if, taking into account all relevant circumstances, the condition of the dangerous goods, or their containers, or matters related to the dangerous goods create a risk to the health and safety of any person in, or in the vicinity of, the harbour area (regulation 7 of the Dangerous Goods in Harbour Areas Regulations 2016). Under paragraph (5) of Regulation 7, where the harbour master intends to give a direction requiring the dangerous goods to be removed by land from the harbour area, the harbour

to the Immingham Dock Master at the point of mooring and takes over after unmooring and HES, the HMH and Immingham Dock Master are all collaborating to ensure the safety of the vessels concerned. The pilot's responsibilities cease at the point at which the vessel is securely berthed.

master must consult any police force through whose area the dangerous goods are to be moved.

- 2.9** As stated in footnote 1 above, the physical jurisdiction of the SCNA (and that of the HMH in respect of his own powers) overlaps with the physical jurisdiction of the Immingham Dock Master, whose statutory powers extend only to a defined distance from particular Immingham dock infrastructure as set out in its enabling legislation. Within those areas, it is the Immingham dock master who has responsibility for towage pursuant to byelaw 18 of the Immingham Dock Bye-laws 1929.
- 2.10** In practice, HMH and the Immingham Dock Master work seamlessly together, just as HMH collaborates with other dock masters at Grimsby, Hull and Goole as well as with the statutory harbour authorities at North Killingholme (**CLdN**) and Tetney Monobuoy. Ultimately, however, HMH's power to issue special directions to vessels means that he could prevent particular vessels from approaching or departing the Immingham berths – including IGET - if he considered that the requisite manoeuvres could not be done safely.

Port of Immingham Statutory Harbour Authority

- 2.11** The Port of Immingham SHA is one of a number of separate statutory harbour authorities on the Humber (and elsewhere) which are owned and operated by ABP as statutory successor to the British Docks Board, each having its own enabling legislation and powers.
- 2.12** As Immingham SHA, ABP has powers to make general directions within the Immingham docks under section 8 of the 1972 Act for the purposes not only of ensuring safety of vessels at the docks but also securing the efficient conduct of the business carried out at the docks. For the purposes of this section, "docks" includes the piers, jetties and other places comprising ABP's undertaking at Immingham.
- 2.13** In addition, the Port of Immingham is a designated harbour authority under paragraph 5 of the Schedule to the Harbour Directions (Designation of Harbour Authorities) (No.2) Order 2015 for the purposes of sections 40A to 40D of the Harbours Act 1964 (as amended by section 5 (harbour directions of the Marine Navigation Act 2013), with powers to give general directions in respect of ships entering or leaving the harbour, the movement of ships, mooring or unmooring, equipment (including nature and use) and the manning of ships.
- 2.14** As both the SCNA and ABP have powers to issue general directions, either one could make general directions in respect of the construction and/or operation of the IGET development; in practice, however, it would be the HMH and his team at HES in collaboration with the Immingham Dock Master who would determine what instructions are appropriate and HMH would arrange for them to be made - usually through the mechanisms of Notices to Mariners, the Humber Passage Plan and the Pilotage Handbook. In practice, formal directions are rarely required as vessels liaise with HES, the HMH and the Immingham Dock Master and obey their instructions voluntarily in the common welfare.
- 2.15** The Immingham Dock Master is the statutory appointee of the Immingham SHA, but also has his own powers of special direction and the same powers as HMH in respect of dangerous vessels. In addition, he has powers under section 58 (Powers of harbour

master as to mooring of vessels in harbour) of the Harbours, Docks and Piers Clauses Act 1847 as incorporated so that, if a vessel has not moored as he has directed, the Dock Master may cause the vessel to be moored, unmoored, placed or removed as he sees fit, and may unloose, cast off, cut etc. any ropes or chains as he sees fit providing that, in the event of the vessel being unmanned, he has put sufficient people aboard to protect the vessel's safety.

Trinity House

- 2.16** Trinity House has a statutory duty as general lighthouse authority pursuant to both its Royal Charter and the Merchant Shipping Act 1995 to deliver aids to navigation for the benefit and safety of all mariners. It lost many of its responsibilities in the Humber as a result of the Humber Conservancy Act 1852 which established the statutory conservancy and navigation authority. As general lighthouse authority, Trinity House has power to erect or place any lighthouse, with all requisite works, roads and appurtenances; to add to, alter, or remove any lighthouse; to erect or place any buoy or beacon, or alter or remove any buoy or beacon; to vary the character of any lighthouse or the mode of exhibiting lights therein. However, it may not exercise these general powers in the area of a statutory harbour authority unless acting in accordance with a direction given by the Secretary of State in the interests of general navigation.
- 2.17** The SCNA is the local lighthouse authority for the Humber and HMH is responsible for ensuring that its statutory responsibilities are fulfilled. Broadly speaking, Trinity House has oversight of the SCNA's activities as local lighthouse authority with power to inspect and report to the Secretary of State.

MCA

- 2.18** The Maritime and Coastguard Agency (**MCA**) provides and enforces standards for ship safety, security, pollution prevention and seafarer health, safety and welfare. Through HM Coastguard, it provides an emergency co-ordination and response service as well as maritime search and rescue. The MCA is a member of the steering group that is responsible for updating the Port Marine Safety Code (**PMSC**) and associated guide. The MCA carries out health checks to ensure that the Humber (and Immingham) MSMSs are compliant with the PMSC, and it monitors their compliance against the PMSC. However, the MCA would have no direct involvement in the construction or operation of the IGET.

CLdN Ports Killingholme Limited.

- 2.19** CLdN is a private limited company that owns and is the statutory undertaker for the North Killingholme Haven SHA (Ro-Ro terminal) within the geographical limits prescribed by article 4 of the North Killingholme Haven Harbour Empowerment Order 1994:

"4.—(1)The area within which the Company shall exercise jurisdiction as a harbour authority and within which the powers of their Dockmaster shall be exercised shall comprise the jetty premises together with so much of the river as lies within the area of water adjacent to those premises and which is bounded by an imaginary line 100 metres from the works.

(2) The jurisdiction of the Company as a harbour authority and the powers of their Dockmaster conferred under or by virtue of this Order shall be exercised only in relation to vessels going to, moored at or departing from the works and, without prejudice to the generality of the foregoing, shall not be exercised in relation to any vessel navigating or at anchor in the river unless any such vessel is obstructing the approaches to the works.

(3) In case of conflict between any direction given by the Harbour Master and any direction given by the Dockmaster of the Company, the direction of the Harbour Master shall prevail."

2.20 For the purposes of the Order – the Harbour Master is defined as meaning:

"the harbour master appointed by A.B. Ports under section 5 (Appointment of harbour master) of the British Transport Docks Act 1972(5) and includes his deputies and assistants;"

Thus, it is clear that a decision of HMH has precedence. In other words, the Secretary of State saw fit to limit CLdN's statutory powers so as to ensure that they may not interfere with the regime for the safe management of traffic on the river, as regulated by the SCNA and HMH. This is important when it comes to consideration of any protective provisions for CLdN that would have the potential to interfere with the operations of VTS Humber in determining the order and terms on which vessels may enter and depart the Humber and the ability of HMH and HES to make the appropriate safety decisions in all cases.

Immingham Oil Terminal Operators

2.21 Immingham Oil Terminal Operators are commercial tenants of the Immingham SHA. Their terminal is a nationally important COMAH site.

ii. Explanation of how these roles and responsibilities relate to the Proposed Development.

Harbour Master, Humber and the SCNA

2.22 The SCNA is responsible for the safe navigation of the river for all users and, as CHA, it trains pilots and stipulates pilotage requirements. Through VTS Humber, the SCNA monitors and regulates vessel movements through the Humber to ensure safe passage for all vessels. These various responsibilities apply to the construction and operational phases of the proposed IGET development as they have done to all the other developments along the harbour over the course of many years.

2.23 As described above, HMH has overall responsibility for the SCNA's marine operations including VTS Humber and the provision of pilotage and PECs. In the event that the application is successful, HMH will work closely with the Applicant during the detailed design of the IGET jetty, ensuring that his expert opinion is taken into account. He will carry out his own further risk assessments and simulations to ensure that the jetty can be operated safely and that the pilots and vessel masters who will be operating to and from the jetty are trained to use it. He will not permit the jetty to operate until sufficient trials have been carried out, from a soft start in benign conditions, to ensure that it can be operated safely for users, neighbours and other river users. This is nothing out of the ordinary for the HMH. The uses to which the jetty is to be put may be novel, but the usual

principles and mechanisms will apply to ensure that risks are reduced to ALARP and tolerable. HMH would be alarmed at any interference with the operation of these mechanisms.

- 2.24** HMH has a “safety first” ethos. In carrying out his duties, HMH is fully independent and can confirm that he has never experienced any pressure from ABP to compromise safety for the sake of commercial expediency. In his experience, this is never an issue as all mariners are only too aware of the risks associated with marine operations and the need to put safety first.

Port of Immingham

- 2.25** The Immingham SHA is responsible for port development within its jurisdiction, subject to the licensing of any tidal works by the SCNA (replaced in the case of the DCO by the approval of detailed plans and specifications for such works). It has statutory responsibility for ensuring the safety of vessels within its jurisdiction and for the efficient conduct of the business carried on at the docks.
- 2.26** The Immingham Dock Master has responsibility for the safe mooring and unmooring of vessels within the jurisdiction of the Immingham SHA and also for licensing towage providers and stipulating towage requirements within the port.

Trinity House

- 2.27** The role and responsibilities of Trinity House would remain unchanged, but the supervisory role of Trinity House would also encompass the new infrastructure. Trinity House will have final approval on any requirements of the LLA in regards to the new arrangements for IGET.

MCA

- 2.28** The role and responsibilities of the MCA would remain unchanged but the new jetty would be assimilated into the Marine Safety Management Systems (MSMSs) of the Humber and Immingham SHAs which are subject to health checks and compliance auditing in the usual way.

CLdN and IOT Operators

- 2.29** CLdN and IOT Operators are two of a large number of users of the river whose vessels are subject to regulation and management by VTS Humber as they travel to and from their respective facilities on the Humber. Their roles and responsibilities would be unchanged by the introduction of the new development, but HMH is alert to their concerns and aware of their requirements.

iii. Identification of any relevant safety codes, management plans, good practice guides, safety measures that the Proposed Development must comply with.

- 2.30** HMH has nothing to add to the submissions made on behalf of the Applicant during ISH3.

iv. Discussion on the overall capacity within the Humber to accommodate the Proposed Development, including any implications the Proposed Development would be likely to have on shipping services and navigation to and from the Humber ports.

2.31 HMH refers the Examining Authority to his response to question Q1.11.2.2 of the Examining Authority's First Written Questions (HMH3). Safety requirements such as the proposed exclusion zone and speed limit are of relatively limited impact on shipping and, for the reasons given in HMH3, HMH would not expect the extension of these arrangements, which already apply to the Immingham Oil Terminal, to have material adverse implications for any of the scheduled services or other regular services operating on the Humber. For the avoidance of doubt, HMH considers that the construction and operation associated with the introduction of IGET and the Immingham Eastern Ro-Ro Terminal could both be accommodated safely without causing capacity problems or material delays because vessel movements will be planned and managed, just as they are today.

v. Discussion on the Applicant's Navigational Risk Assessment and Navigational Simulation Survey.

2.32 In the opinion of HMH, the approach to the risk assessment and the risk assessment methodology for the NRA were broadly in line with the principles of the PMSC and the conclusions were consistent with what HMH would expect insofar as relates to the passage of tankers to and from the proposed development. Similarly, the overall approach to the NSS was fit for that purpose and the methodology was appropriate. He was present at the simulations that took place at HR Wallingford and notes that the simulations were successful.

2.33 With regard to the suitability and deliverability of the identified mitigation measures, these are very much what HMH would expect and can be delivered and enforced through the usual river regime. He has a few minor comments on the content of the table of mitigation measures at Table 12-6 in the Environmental Statement. For example, the "Harbour Works Consent" referred to is disappplied by the dDCO and substituted by a procedure for the approval by the SCNA of tidal works.

2.34 In relation to how mitigation measures are secured through the dDCO, HMH takes the view that it is vitally important for the Humber that the DCO should not include any specific requirements that would impinge on the discretion of the SCNA and/or the existing mechanisms for securing the safe and efficient operation of the Humber for all users. He notes that, in accordance with precedent, the dDCO does contain provisions that allow for mitigation to be imposed, and which may be enforced by directions if necessary:

- Article 49 – provision against danger to navigation
- Article 50 – lights on tidal works during construction
- Article 51 – permanent lights on tidal works
- Requirement 6 – compliance with CEMP
- Requirement 22 - Notice to Mariners
- Deemed Marine Licence – para 6 – approval of details by MMO
- Approval and inspection of tidal works under the protective provisions for the SCNA

- Discharges only with prior consent of conservancy (protective provisions for the SCNA)
- Protective works (protective provisions for the SCNA)
- Safe operating procedure (protective provisions for the SCNA)

2.35 The provisions for approval of tidal works and safe operating procedures in the dDCO ensure that the SCNA and HMH can impose controls on the construction and use of the IGET jetty in accordance with their statutory responsibilities on the Humber.

3. Commentary on oral submissions at ISH3

3.1 HMH regrets that he was unable to participate in ISH3, but he has since had the opportunity to listen to the recording of Part 2 of the hearing.

Applicant

3.2 With regard to the submissions made by the Applicant, HMH provides a brief description of the legislative background to the SCNA in his Written Representations (HMH1). He is in broad agreement with Paul Bristowe's summary of roles and responsibilities on behalf of ABP although he would say that it is as the appointed harbour master and an officer of the SCNA that HMH is charged with delivering the performance of the SCNA's statutory functions on a day to day basis, rather than that there is any delegation of the actual statutory functions of the SCNA to him. He does, of course, have his own statutory powers and remit.

3.3 HMH has nothing to add to the four phases of port call described by Paul Bristowe: planning, arrival, Humber passage, berthing which demonstrate how carefully the procedure is planned in each case, taking into account the particular vessel and its requirements, with input from every relevant stakeholder.

3.4 Similarly, HMH does not differ from Paul Bristowe on the matter of the impacts of the proposed speed restriction. He considers that the proposal for a 5 knot limit seems eminently sensible in the circumstances. HMH explains in his response to question number Q1.11.2.2 of the Examining Authority's First Written Questions (HMH 3) why he does not consider the speed limit would have a material adverse impact on sailing times.

3.5 In respect of the evidence given by John Beattie of Anatec on the NRA and NSS, HMH agrees with the figures provided.

3.6 In regard to the implementation of an exclusion zone, HMH would say that any exclusion zone could be implemented through the existing marine safety management system and other mechanisms that are currently applied as appropriate to ensure navigational safety on the Humber estuary.

CLdN

3.7 With regard to the submissions made on behalf of CLdN, HMH notes that CLdN's efficiency and market attractiveness relies on its fixed sailing schedules and that CLdN's has concerns around:

- Sailing speed restrictions

- Exclusion zones
- Accidents and major incidents
- Unknown or additional new activities at the berth in future

3.8 He also notes that CLdN is seeking protective provisions for its harbour undertaking on the face of the dDCO.

3.9 CLdN is one of a number of users of the estuary who have scheduled services. Currently, every effort is made by HES to enable these services to run to schedule and this will not change during the construction and operation of the proposed development. However, HMH is concerned that protective provisions for CLdN should not include any provision that would seek to interfere with the discretion of the SCNA and HMH as to the regulation and management of vessel movements on the Humber. In particular, HMH would resist any protective provisions stating that CLdN vessels should be given priority over vessels arriving at or departing from the IGET, or any other vessels using the river Humber. Where it is safe and appropriate to do so, scheduled services will be given priority, as they are now, if it is necessary to ensure they can meet their schedules. It may well be unsafe, inappropriate and/or unnecessary to afford scheduled services such priority at all times. These are matters that Parliament has seen fit to leave to the discretion of the Humber conservancy, taking into account the needs of *all* river users.

Immingham Oil Terminal Operators

3.10 HMH notes that, whilst reserving its position, the concerns of the Immingham Oil Terminal Operators (**IOT**) focussed on future capacity of the IGET and any impacts that might have on congestion on the Humber as a whole. HMH has addressed questions of capacity and congestion in his response to the Examining Authority's written question number Q1.11.2.2 (HMH3).

Winckworth Sherwood LLP

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.

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.

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.

PRINTED IN ENGLAND BY OYEZ PRESS LTD.

FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

13½p net

SBN 10 513772 3



British Transport Docks Act 1972

CHAPTER xxxvii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

PART II

THE HUMBER

4. Interpretation for Part II.
5. Appointment of harbour master.
6. General directions to vessels in the Humber.
7. Special directions to vessels in the Humber.
8. Directions to vessels at the docks.
9. Publication of general directions.
10. Manner of giving special directions.
11. Master's responsibility to be unaffected.
12. Failure to comply with directions.
13. Enforcement of directions.

PART III

BARRY, CARDIFF AND SOUTHAMPTON HARBOURS

Section

14. Extension of limits of Barry harbour, etc.
15. Extension of limits of Cardiff harbour, etc.
16. Extension of limits of Port of Southampton, etc.
17. Saving for Trinity House.

PART IV

PROTECTIVE PROVISIONS

18. Incorporation of protective provision of Act of 1966.
19. For protection of Bristol Corporation.
20. For protection of Kingston upon Hull Corporation.
21. For protection of Humber Bridge Board.
22. Saving for vessels engaged on flood protection works.
23. For protection of terminal operators.
24. Saving for local fisheries committee of the Southern Sea Fisheries District.

PART V

MISCELLANEOUS AND GENERAL

25. Extensions of time.
26. Powers to owners and lessees to give notice as to purchase of land.
27. Costs of Act.