

**ELIZABETH II**



**1972 CHAPTER li**

An Act to provide for the vesting in the Anglesey County Council of the harbour undertaking of the Amlwch Urban District Council; to authorise the said county council and Shell U.K. Limited to construct works and acquire lands; to confer powers on the said county council with reference to the undertaking vested in them or authorised by this Act; and for other purposes.

[26th October 1972]

**W**HEREAS—

(1) Shell U.K. Limited (hereinafter referred to as “the Company”) in conjunction with their associated companies carry on in the United Kingdom the business of importing and refining crude oil and of manufacturing a wide range of petroleum products, their derivatives and chemical products based on those derivatives:

(2) For the safety of navigation and the efficient and economic importation of such crude oil and petroleum products it is expedient to authorise the construction of a marine terminal off

the north coast of Anglesey to accommodate vessels (including large tankers) and to receive and convey to and from such vessels such oil and products and in connection with and as part of such terminal the construction of breakwaters and other works in the harbour of Amlwch:

(3) It is expedient to provide for the control of the said terminal by the county council of the administrative county of Anglesey (hereinafter referred to as "the Council") and for that purpose to provide for the transfer to the Council of the harbour undertaking of the Amlwch Urban District Council:

(4) It is expedient that the Council and the Company should be empowered to acquire lands and easements for the purpose of the construction of the said works and for other purposes:

(5) It is expedient that the other provisions contained in this Act should be enacted:

(6) The objects of this Act cannot be attained without the authority of Parliament:

(7) Estimates have been prepared for the purposes hereinafter mentioned and such estimates (so far as they relate to the works to be constructed by the Council as by this Act provided) are as follows:—

For the construction of the works authorised by this Act to be constructed by the Council	£1,500,000
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(8) The works included in such estimates are permanent works and it is expedient that the Council be empowered to borrow money for those and other purposes as provided by this Act:

(9) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

(10) Plans and sections showing the lines or situations and levels of the works authorised by this Act and also showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands, and describing them, were in the month of April, 1971, deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, and with the clerk of the Council, which plans, sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections and the deposited book of reference:

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

1. This Act may be cited as the Anglesey Marine Terminal Act Short title. 1972.

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

Division of Act into Parts.

Part I—Preliminary.

Part II—Transfer of harbour undertaking.

Part III—Limits, powers and administration.

Part IV—Charges.

Part V—Lands.

Part VI—Works.

Part VII—Finance.

Part VIII—Miscellaneous and general.

3.—(1) In this Act unless there be something in the subject or Interpretation. context repugnant to such construction—

“ the Act of 1847 ” means the Harbours Docks and Piers Clauses Act 1847;

1847 c. 27.

“ the Act of 1964 ” means the Harbours Act 1964;

1964 c. 40.

“ the Act of 1965 ” means the Compulsory Purchase Act 1965;

1965 c. 56.

“ the appointed day ” means 1st October, 1972;

“ the appropriate authority ” means—

(a) in relation to the Company’s works and in relation to any land in respect of which powers for compulsory acquisition, if any, are conferred on the Company by this Act, the Company;

(b) in relation to the terminal authority’s works and in relation to any land in respect of which powers for compulsory acquisition are conferred on the terminal authority, the terminal authority;

“ the Company ” means Shell U.K. Limited, and in the event of the Company’s works being transferred to any other member of the Royal Dutch/Shell Group includes such other member;

“ the Company’s works ” means Works Nos. 1 to 4 and any works or conveniences constructed or provided by the Company as part of or in connection with or for the purposes of those works or any of them;

PART I  
—cont.

- “ the Council ” means the county council of the county;
- “ the county ” means the administrative county of Anglesey;
- “ the county fund ” means the county fund of the Council;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ the deposited plans ”, “ the deposited sections ” and “ the deposited book of reference ” mean respectively the plans, sections and book of reference referred to in the Preamble to this Act;
- “ the district council ” means the urban district council of Amlwch;
- “ 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;
- “ financial year ” means a period of twelve months ending on 31st March;
- “ functions ” includes powers and duties;
- “ the harbour ” means the harbour of Amlwch comprised in the transferred undertaking and includes the terminal authority’s works;
- “ harbour master ” means the harbour master appointed by the terminal authority and includes his authorised deputies and assistants and any person authorised by the terminal authority to act in that capacity;
- “ hovercraft ” has the same meaning as in section 4 of the

1968 c. 59.

Hovercraft Act 1968;

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

“ land ” includes any estate or interest in or right or privilege over land;

“ the level of high water ” means the level of mean high-water springs;

“ limits of deviation ” means the limits of deviation authorised by section 43 (Power to deviate) of this Act;

“ limits of the terminal ” means the limits of the terminal as defined by section 13 (Limits) of this Act;

“ the pilotage authority ” means the pilotage authority for the Liverpool Pilotage District, and includes its licensed pilots;

- “ seaplane ” includes a flying boat and any other aircraft designed to manoeuvre on water, but does not include a hovercraft or hydrofoil vessel;
- “ ship, passenger and goods dues ” has the same meaning as in section 57 of the Act of 1964;
- “ statutory securities ” includes any securities in which trustees are for the time being authorised to invest trust moneys and any debenture stock or other security created by the Council;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878; 1878 c. 76.
- “ the terminal ” means Works Nos. 1 to 4 and the harbour and includes the land, buildings, works, plant, property and conveniences of the terminal authority connected with the terminal;
- “ the terminal authority ” means the Council;
- “ the terminal authority’s works ” means Works Nos. 5 to 10 and any works or conveniences constructed or provided by the terminal authority as part of or in connection with or for the purposes of those works or any of them;
- “ the terminal undertaking ” means the undertaking of the Council as terminal authority in connection with the terminal as from time to time authorised and completed;
- “ tidal work ” means so much of any work authorised by this Act (and in sections 56 to 59 of this Act includes so much of the works comprised in the transferred undertaking) as is on, under or over tidal waters or tidal lands below the level of high water;
- “ the transferred undertaking ” means the harbour undertaking of the district council as existing on the appointed day including, subject to the provisions of this Act—
- (a) all lands, buildings, works, plant, apparatus, vehicles, stores and chattels vested in or enjoyed by the district council immediately before the appointed day, wholly or mainly for the purpose of the transferred undertaking;
  - (b) the benefits of, and liabilities under, contracts (other than contracts for the employment of officers or servants) in force immediately before the appointed day relating wholly or mainly to the transferred undertaking;
  - (c) all registers, books of account and vouchers relating thereto, maps, plans, specifications, engineering or other reports and other documents relating solely to the transferred undertaking;

PART I  
—cont.

(d) all rights, powers, easements, interests and privileges and all other real and personal property, assets and effects then vested in or belonging to the district council relating wholly or mainly to the transferred undertaking;

but not including any funds, money or securities for money representing any sinking fund, or any moneys held on revenue account;

“the tribunal” means the Lands Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the urban district” means the urban district of Amlwch;

“vessel” means every description of vessel or craft of any kind, however propelled or moved, and anything constructed or used to carry persons or goods by water, and includes a seaplane on or in the water, a hovercraft and a hydrofoil vessel.

(2) Any reference in this Act to a work identified by the number of the work shall be construed as the work of that number authorised by section 41 (Power to company to construct works) and section 42 (Power to terminal authority to construct works) of this Act.

(3) 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 enactment, including this Act.

Incorporation  
of Act of 1847.

4.—(1) The provisions of the Act of 1847 (except sections 6 to 13, 18, 19, 23, 25, 26, 42, 43, 50, 83 to 90, 95, 97, 98 and 101) so far as they are applicable for the purposes of, and are not inconsistent with or varied by, this Act are hereby incorporated with and form part of this Act.

(2) In construing the provisions as so incorporated—

(a) the expression “the special Act” shall mean this Act, the expressions “the promoters of the undertaking” and “the undertakers” shall mean the terminal authority and the expression “the harbour dock or pier” shall mean the terminal;

(b) the meaning of the word “vessel” as defined in section 3 (Interpretation) of this Act shall be substituted for the meaning assigned to that word by section 3 of the Act of 1847;

(c) section 33 shall not be construed as—

(i) derogating from the power of the terminal authority to discontinue any part of the undertaking;

(ii) authorising any person to ship or unship goods by means of Works No. 1 or 2 except with the consent of the Company;

PART I  
—cont.

(d) section 52—

(i) shall extend to empower the harbour master to give directions as to the areas, routes or channels within the limits of the terminal which vessels, or particular classes of vessels, are to use or refrain from using for movement or moorings;

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

(e) section 53 shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel and such directions may be given orally or otherwise communicated to the master.

5.—(1) Part I of the Act of 1965 (except section 4, section 24 (5), section 27 and sub-paragraph (3) of paragraph 3 of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946. Application of Part I of Act of 1965.  
1946 c. 49.

(2) In subsection (1) of section 11 of the Act of 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) as so applied, for the words "fourteen days" there shall be substituted the words "three months".

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act. 1845 c. 18.

## PART II

### TRANSFER OF HARBOUR UNDERTAKING

6. On the appointed day the transferred undertaking shall by virtue of this Act be transferred to and vest in the terminal authority. Transfer of undertaking.

PART II  
—cont.  
Payments to  
district  
council.

7.—(1) Subject to the provisions of this section, the terminal authority shall pay to the district council in the financial year current on the appointed day and in each financial year thereafter any amounts which in pursuance of arrangements in force immediately before the appointed day for the redemption of loan and the payment of interest thereon and debt management expenses in respect thereof would but for this Act have fallen on or after that day to be debited in the accounts of the transferred undertaking for that financial year in respect of money borrowed for the purposes of that undertaking:

Provided that—

- (a) the terminal authority shall not be liable to pay so much of any amount as aforesaid as is attributable to any period before the appointed day and any such amount shall be calculated as if the amount due in respect of redemption of loan and payment of interest thereon accrued from day to day;
- (b) in calculating the amount which would have fallen to be debited in respect of any loan regard shall be had to—
  - (i) the income earned by any sinking fund established for the redemption of the loan; and
  - (ii) any sum received by the district council under any enactment towards the financing of the liabilities in respect of which the loan was raised.

(2) The terminal authority shall pay to the district council as soon as practicable after the appointed day the amount of any capital expenditure incurred by the district council for the purpose of the transferred undertaking which was not defrayed from moneys raised by the exercise of a statutory borrowing power and in respect of which the district council intended to exercise a statutory borrowing power which was available to them immediately before the appointed day or in respect of which they intended, and but for this Act could reasonably have been expected, to obtain such power.

(3) Any amount payable under subsection (1) of this section shall unless otherwise agreed be paid by half-yearly instalments.

(4) Any question which may arise as to the method of calculating any amount for the purposes of subsection (1) of this section shall be determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the President of the Institute of Municipal Treasurers and Accountants.

(5) Any payment made by the terminal authority under the foregoing provisions of this section in respect of the liability for the redemption of a loan shall be deemed to be a capital payment



and any other such payment (other than a payment in respect of debt management expenses) shall be deemed to be an annual payment.

PART II  
—cont.

(6) The terminal authority may agree with the lender and with the district council for the transfer to the terminal authority of the liability with respect to any outstanding loan in respect of the transferred undertaking and where any liability so transferred is secured by a mortgage, the mortgage shall (unless otherwise agreed) take effect in all respects as a mortgage created by the terminal authority of their revenues to secure the loan and the interest thereon.

(7) Notwithstanding anything in the foregoing provisions of this section, the terminal authority may, if they think fit, on the appointed day or as soon thereafter as the amount to be paid has been ascertained pay to the district council, by way of addition to or in substitution for the sums (if any) payable under the foregoing provisions of this section, such sum as may be agreed between the terminal authority and the district council.

(8) In this section references to redemption of loan shall include a reference to repayment of advances.

8. Except as in this Act otherwise provided, all sales, conveyances, grants, assurances, deeds, contracts (other than contracts the benefit of which, and the liabilities under which, are not transferred by this Act), bonds and agreements affecting the transferred undertaking and in force immediately before the appointed day shall as from the appointed day be read and construed and be as binding and of as full force in every respect against or in favour of the terminal authority and may be enforced as fully and effectually as if instead of the district council the terminal authority had been a party thereto or been bound thereby or entitled to the benefit thereof.

Saving of  
agreements,  
etc.

9.—(1) Except as in this Act otherwise provided, nothing in this Act shall release, discharge or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the appointed day by or in favour of or against the district council in relation to the transferred undertaking.

Continuance  
of proceedings.

(2) Subject to the provisions of this Part of this Act, any such action, arbitration or proceeding, or cause of action, arbitration or proceeding, pending or existing by or in favour of or against the district council may be maintained, prosecuted or continued by or in favour of or against the terminal authority as fully and effectually as it could have been maintained, prosecuted or continued by or in favour of or against the district council if this Act had not passed into law.

PART II  
—cont.

Recovery of charges due to transferred undertaking.

10. All charges and moneys which immediately before the appointed day were due or payable to the district council in respect of the transferred undertaking may be levied, collected, sued for and recovered by the district council in the same manner as they might have been levied, collected, sued for and recovered if this Act had not been passed and shall belong to the district council for their own benefit; and for the purposes of this section any charges and moneys shall when necessary be apportioned between the district council and the terminal authority by agreement or, failing agreement, by arbitration.

Books, etc., to remain evidence.

11.—(1) All books and documents which, if this Act had not been passed, would have been evidence in respect of any matter for or against the district council in respect of the transferred undertaking shall on and after the appointed day be admitted in evidence in respect of the same or like matter for or against the terminal authority.

(2) All persons who at the appointed day have in their possession or under their control any books, documents, papers, money or effects forming part of the transferred undertaking or relating exclusively thereto or to which the district council would, but for the transfer of the transferred undertaking to the terminal authority, have been entitled shall be liable to account for and deliver them up to the terminal authority or to such person as the terminal authority may appoint to receive them, and shall be subject to the same consequences on refusal or neglect as if they had been appointed by and become possessed thereof for the terminal authority.

(3) The terminal authority shall be entitled free of charge to have access to and take copies of all books, documents and papers relating partly to the transferred undertaking which after the appointed day are retained by the district council.

National Ports Council levy.

12. As from the appointed day the liability of the district council under the provisions of the National Ports Council Provision of Funds Scheme 1965 to pay any sum for which a demand has been issued to them under article 3 of that scheme shall, in so far as such liability relates to the transferred undertaking, be transferred to, and become the liability of, the terminal authority.

PART III

LIMITS, POWERS AND ADMINISTRATION

Limits.

13.—(1) The limits within which the terminal authority shall as from the appointed day have jurisdiction shall comprise the area within the limits of deviation and those limits are in this Act termed “the limits of the terminal”.

(2) So much of the terminal authority's works as is not within the county, the urban district and the parish of Amlwch shall for all purposes be deemed to be within the county, the urban district and the said parish and the second petty sessional division of Anglesey.

(3) (a) Any act or omission which—

(i) takes place on, under or above so much of the Company's works as is not within the county, the urban district and the parish of Amlwch; and

(ii) would, if taking place within the county, the urban district and the said parish, constitute an offence under the law;

shall be treated for the purposes of that law as taking place within the county, the urban district and the said parish and within the second petty sessional division of Anglesey.

(b) Any jurisdiction conferred on any court under this subsection shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.

(4) The terminal authority and the harbour master shall exercise jurisdiction within the limits of the terminal.

14.—(1) It shall be the duty of the terminal authority either themselves or by arrangement between themselves and the Company to take such action as they consider necessary or desirable for or incidental to the maintenance and operation of the terminal undertaking. Maintenance and improvement of terminal undertaking.

(2) Subject to the provisions of this Act the terminal authority may as from the appointed day from time to time in connection with or for the purposes of the terminal undertaking construct, erect and maintain and may renew, enlarge, extend, alter and reconstruct as necessary and convenient jetties, walls, landing places, approaches, steps, warehouses, offices, sheds and other buildings, cranes, weighing machines, machinery and other works, apparatus and conveniences:

Provided that—

(a) the terminal authority shall not exercise the powers of this section on any land not for the time being belonging to them except with the licence or consent of the owner and occupier of the land;

(b) any electric wires, mains, cables, works or apparatus constructed, erected and maintained under the provisions of this section shall be so constructed, erected, used and maintained as to prevent any interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line

PART III  
—cont.

or with any apparatus of the Central Electricity Generating Board or the Merseyside and North Wales Electricity Board.

(3) (a) The terminal authority may as from the appointed day remove anything other than a vessel in any part of the terminal causing or likely to cause an obstruction or impediment:

1878 c. 76. Provided that the terminal authority shall not alter any telegraphic line belonging to or used by the Post Office except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

(b) In this subsection, the expression “alter” has the same meaning as in the Telegraph Act 1878.

Power to  
dredge.

15.—(1) Subject to the provisions of section 68 (Crown rights) of this Act the terminal authority may from time to time deepen, dredge, scour, cleanse, alter and improve the bed and shores of the sea within, adjoining or near to the terminal or in or near any approach to the terminal, and blast any rock in the bed and shores of the sea within, adjoining or near to the terminal or in or near any approach to the terminal and any material taken up or collected in the course of such operations shall be the property of the terminal authority and may be used, sold, removed, deposited or otherwise disposed of as the terminal authority may think fit:

Provided that no such material shall be laid down or deposited in any place below the level of high water, except in such position as the Secretary of State for Trade and Industry may approve and subject to such conditions or restrictions as he may impose.

(2) In exercise of the powers of this section the terminal authority may remove or resite submarine cables in or over the bed or shores of the sea, doing as little damage as may be and making good all damage done.

(3) The terminal authority may purchase, contract for or hire and may maintain and use vessels, plant and equipment for the purpose of exercising the powers conferred by this section and may sell or dispose of any such vessel, plant or equipment.

Power to  
undertake  
towage  
services.

16.—(1) The terminal authority may from time to time purchase, contract for or hire and may maintain and use tugs and may sell or dispose of any such tugs.

(2) In this section “tug” means a vessel propelled by mechanical power used for towing or pushing another vessel or a raft or float.

17. The terminal authority may let upon hire (with or without the services of their employees) on such terms as they think fit any vessel, plant, equipment or other property belonging to them and forming part of the terminal undertaking.

PART III  
—cont.

Power to  
hire out  
plant.

18.—(1) In their application to the terminal authority sections 530 and 532 of the Merchant Shipping Act 1894 (which confer powers on the terminal authority with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the terminal or in or near any approach thereto) shall have effect—

Powers with  
respect to  
disposal of  
wrecks.  
1894 c. 60.

(a) subject to the provisions of section 19 (Protection of Crown interests in wrecks) of this Act; and

(b) in relation to a vessel sunk, stranded or abandoned before as well as after the passing of this Act.

(2) Subject to subsection (3) of this section, and to any enactment for the time being in force limiting their liability, the terminal authority may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section 530 or the said section 532 any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of the proceeds of sale, if any, within the meaning of those sections.

(3) Except in a case which is in the opinion of the terminal authority a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530 other than the power of lighting and buoying, the terminal authority have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires the terminal authority receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the said section 19 he shall be at liberty to do so, and the terminal authority shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the terminal authority.

(4) Notice under subsection (3) of this section to the owner of any vessel may be served by the terminal authority either by delivering it to him or by sending it to him by the recorded delivery

PART III  
—cont.

service addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the terminal authority or is not in the United Kingdom, by displaying the notice at the principal office of the terminal authority for the period of its duration.

(5) Except in a case which is, in the opinion of the terminal authority, a case of emergency, the terminal authority shall, before raising, removing or destroying under the powers conferred upon them by the said section 530 any vessel sunk, stranded or abandoned in the terminal or in or near any approach thereto and within a distance of two hundred yards of any subaqueous cable belonging to or used by the Post Office give to the Post Office in writing as long notice as is practicable of their intention to do so.

(6) In this section the expression “owner” in relation to any vessel means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment thereof.

Protection of  
Crown  
interests in  
wrecks.  
1894 c. 60.  
1906 c. 48.

**19.**—(1) Without prejudice to section 741 of the Merchant Shipping Act 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty), as modified by any Order in Council made under section 80 of the Merchant Shipping Act 1906, the powers conferred on the terminal authority by sections 530 and 532 of the said Act of 1894 shall not be exercisable—

(a) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;

(b) except with the consent of the Secretary of State for Defence, which may be given with or without such a direction as is referred to in paragraph (b) of subsection (2) of this section, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which, at the time when the vessel was sunk, stranded or abandoned—

(i) had been required to be placed at the disposal of Her Majesty or of a government department; and

(ii) was appropriated to the service, under the direction and control of the Secretary of State for Defence of Her Majesty’s ships of war.

(2) The terminal authority shall give notice in writing to the Secretary of State for Defence and to the Secretary of State for

Trade and Industry of any decision of the terminal authority to exercise in relation to any vessel referred to in paragraph (b) of subsection (1) of this section any of the powers aforesaid other than the power of lighting and buoying and, except in a case which is in the opinion of the terminal authority a case of emergency, shall not proceed with the exercise thereof—

- (a) except with the consent of the Secretary of State for Defence and the Secretary of State for Trade and Industry before the expiration of a period of fourteen days from the giving of the notice; or
- (b) if before the expiration of the said period there is served on the terminal authority a direction by the Secretary of State for Defence or the Secretary of State for Trade and Industry that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and where, in any such case as aforesaid, the terminal authority proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if before the expiration of the period aforesaid, such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of section 18 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

- (i) the terminal authority shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) of this section, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 18 to have been duly served under paragraph (b) of this subsection;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for Trade and Industry for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the terminal authority by the said section 530, the terminal authority shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894, raised, removed or recovered

PART III  
—cont.

under that section, and any surplus proceeds of sale within the meaning of that section, in accordance with such directions, if any, as may be given to them by the receiver of wreck; and on exercising the said power of sale in the case of any property the terminal authority shall discharge any sums payable in respect of that property by way of duties of customs or excise and any sums so discharged shall be deemed to be expenses incurred by the terminal authority under that section.

(4) Any limitation on the powers of the terminal authority in relation to any vessel arising by virtue of subsection (1) or subsection (2) of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on Trinity House by section 531 of the said Act of 1894.

## Byelaws.

20.—(1) The terminal authority may make byelaws for the terminal for any of the following purposes:—

- (a) to regulate the use of, and to prevent the misuse of or interference with—
  - (i) the terminal and the equipment, services and facilities provided therein;
  - (ii) Works Nos. 1 and 2;
- (b) to regulate the admission to, movement and berthing within, and the departure of vessels from, the terminal and the use of their motive power and equipment therein and the use of tugs within the terminal;
- (c) to regulate or prevent the admittance of persons to land, buildings or works of the terminal authority connected with the terminal, including the hours of admittance, and to secure the good and orderly conduct of persons in vessels or otherwise within the terminal;
- (d) to prevent nuisances and offences against decency in the terminal;
- (e) to regulate or prevent the use within the terminal or on board any vessel therein of fires, lights or any other equipment, tools or appliances which the terminal authority consider involve a risk of fire;
- (f) to prevent pollution of the water in the terminal but the provisions of any byelaws shall not apply to any substance, the discharge or escape of which into the terminal is subject to the provisions of the Oil in Navigable Waters Acts 1955 to 1971;
- (g) to secure the conservation and improvement of the terminal and to promote ease and convenience of navigation and to prevent and remove obstructions or impediments within the terminal;



- (h) to regulate vessels in the terminal and their entry into and departure from the terminal and, without prejudice to the generality of the foregoing, to prescribe rules for regulating the speed and manner of navigation and the lights and signals to be exhibited or made by, or for the benefit of, vessels using, navigating or mooring within the terminal;
- (i) to prescribe parts of the terminal—
  - (i) where vessels or a specified class of vessels may not moor, anchor or be otherwise secured; or
  - (ii) which vessels of a specified class may not enter;
- (j) to promote the safety of persons and vessels in the terminal and to prevent the taking of vessels by unauthorised persons in the terminal;
- (k) to regulate or prevent the use of firearms;
- (l) to regulate the launching of vessels within the terminal and the use of pontoons, slipways, landing places or other floating equipment or plant (not being a ship within the meaning of the Act of 1964);
- (m) to regulate the placing, laying down, maintaining or using of any mooring (including a mooring placed or laid before the coming into operation of any such regulation) in the terminal otherwise than under the authority of a licence in that behalf granted by the terminal authority in accordance with the conditions subject to which it is so granted;
- (n) to prohibit (otherwise than in a case of emergency) the use of any mooring laid down by the terminal authority, in respect of which a licence affording the privilege of preferential right of user of such mooring is for the time being in force, by any person other than the licensee; and
- (o) to prescribe the lights and signals to be exhibited or made—
  - (i) by vessels aground within the terminal; or
  - (ii) by wreck-marking vessels or by other devices used for marking obstructions within the terminal; or
  - (iii) at the entrance to the terminal or other work for assisting the navigation of vessels within the terminal.

(2) In this section "signals" includes sound signals.

PART III  
—cont.

(3) Different byelaws may be made under this section in relation to different classes of vessels.

(4) Byelaws made under this section—

(a) may prescribe the reasonable fees payable for any licence which may be granted by the terminal authority thereunder and different fees may be prescribed for different circumstances;

(b) may contain provisions for the imposing on persons guilty of an offence against any of the byelaws of fines not exceeding fifty pounds and of a daily fine not exceeding twenty pounds.

(5) If there is any conflict between any byelaw made under paragraph (f) of subsection (1) of this section and—

(a) any byelaw made by the Gwynedd River Authority under section 5 of the Rivers (Prevention of Pollution) Act 1951; or

1951 c. 64.

(b) any byelaw made by the Lancashire and Western Sea Fisheries Joint Committee under section 5 of the Sea Fisheries Regulation Act 1966;

1966 c. 38.

the relevant byelaw of the said river authority or of the said committee (as the case may be) shall prevail.

(6) As respects byelaws made under this section the confirming authority shall be the Secretary of State for the Environment.

Anglesey  
Marine  
Terminal  
Committee.

21.—(1) The Council shall appoint a committee to be called “the Anglesey Marine Terminal Committee” and except as otherwise provided in this section all matters exclusively relating to or arising from the exercise by the Council of their functions as terminal authority under this Act shall stand referred to that committee and the Council before exercising any such functions shall unless in their opinion the matter is urgent receive and consider the report of the committee with respect to the matter in question.

(2) The membership of the Anglesey Marine Terminal Committee shall be as follows:—

Eight members to be appointed by the Council;

Three members to be nominated by the Company;

Three members to be nominated by the district council;  
 One member to be nominated by the pilotage authority:

PART III  
 —cont.

Provided that the Council, the Company, the district council and the pilotage authority may each nominate in writing a deputy for any member so nominated by them to attend any meeting of the Anglesey Marine Terminal Committee in the place of the member so nominated who for any reason is unable to attend that meeting and to vote thereat.

(3) Subject to the provisions of this section, section 85 of the Local Government Act 1933 shall apply to the Anglesey Marine Terminal Committee 1933 c. 51.

(4) The Council may refer to any committee of the Council other than the Anglesey Marine Terminal Committee any matter arising out of and incidental to their functions under this Act which by reason of its relating also to any other service of the Council ought in the opinion of the Council to be so referred and the provisions of subsection (1) of this section shall not apply with reference to any matter which is so referred or to the exercise of any of the said functions so far as they relate to that matter.

22. The terminal authority may employ such persons as may be required for any of the purposes of the terminal undertaking or for the purpose of securing the observance of any byelaws made by the terminal authority in relation to the terminal.

Power to employ persons for purposes of Act.

#### PART IV

#### CHARGES

23.—(1) In addition to their power to demand, take and recover ship, passenger and goods dues under section 26 of the Act of 1964, the terminal authority may demand, take and recover in respect of any dracone or floating dock, crane rig, drilling rig or other floating plant which is not a ship, as defined by section 57 of the Act of 1964, entering, using or leaving the harbour such charges as they think fit; and the provisions of sections 30, 31, 32 and 34 of the Act of 1964 shall, with any necessary modifications, apply to the charges authorised by this subsection as they apply to ship, passenger and goods dues.

Power to make certain charges.

(2) (a) The terminal authority may demand, take and recover such reasonable charges in respect of any thing done or provided by them or on their behalf as they may determine.

(b) In this subsection "charge" does not include ship passenger and goods dues, or a charge authorised by subsection (1) of this section.

PART IV  
—cont.

Conditions relating to payment of charges.

As to payment of charges.

24. Charges shall be payable subject to such conditions as the terminal authority may from time to time specify in their published list of charges.

25.—(1) The several charges which the terminal authority are for the time being authorised to demand, take and recover in respect of vessels and goods shall be payable before the removal from the terminal of any vessel or goods in respect of which they are payable and may be demanded, taken and recovered, by such persons, at such places, at such times and under such regulations as the terminal authority may from time to time appoint.

(2) Charges payable to the terminal authority shall be payable by the owner of any vessel or goods in relation to which the charges are payable.

(3) Where charges payable to the terminal authority may be recovered by them from more than one person, the said persons shall be jointly and severally liable.

Compounding arrangements and rebates.

26. Nothing in section 30 of the Act of 1964 shall require the terminal authority to include in the list of ship, passenger and goods dues to be kept, as required by subsection (1) of that section, charges reduced by virtue of a compounding arrangement in respect of, or rebate allowed on, a due included in the said list.

Penalty for evading payment of charges.

27. The owner of any vessel or goods or any other person who eludes or evades or attempts to elude or evade payment of, or refuses to pay, a charge payable by such owner or person to the terminal authority at the time when the same becomes due and payable shall be liable to pay to the terminal authority, in addition to the charge, a sum equal to the amount thereof, which sum shall be a debt due to the terminal authority and shall be recoverable by them in any court of competent jurisdiction.

Claims for repayment of charges.

28. Any person claiming the return of the whole or any part of any charges paid to the terminal authority shall make such claim, and produce all documents and give all information required by the terminal authority in proof thereof, within twenty-four months from the time of payment; and in default thereof the claim shall cease to be enforceable.

Deposit for charges.

29. The terminal authority may, if they think fit, require any person liable, or to become liable, to pay charges to the terminal

authority to deposit with their collector, or to guarantee such sum as, in the opinion of the terminal authority, is reasonable having regard to the probable amount of the charges.

PART IV  
—cont.

30. In addition to any other remedy given by this Act and by the Act of 1847, as incorporated with this Act, and whether the demand required by section 44 of that Act has been made or not, the terminal authority may recover any charges payable to them as a debt in any court of competent jurisdiction.

Recovery of charges.

31.—(1) Nothing in any enactment authorising the terminal authority to demand, take and recover charges shall extend to authorise the terminal authority to demand, take or recover charges in respect of—

Exemption of certain vessels from charges.

- (a) any vessel passing through the limits of the terminal which does not make use of the Company's works or of any facilities provided by the terminal authority; and
- (b) any vessel forced by stress of weather to seek shelter in the limits of the terminal which does not break bulk while making use of the terminal.

(2) No ship, passenger and goods dues shall be chargeable by the terminal authority in respect of—

- (a) any vessel entering, using or leaving so much of the limits of the terminal as is outside the harbour if the vessel entered the limits of the terminal solely for the purpose of making use of the Company's works or any facility provided by the Company in connection with those works;
- (b) any vessel of the Lancashire and Western Sea Fisheries Joint Committee within the limits of the terminal but outside the harbour while being used solely for carrying out the functions of that committee.

32. The following persons shall have free access to the terminal:—

Access for officers of Department of Trade and Industry, etc.

- (1) officers of the Department of Trade and Industry acting in the execution of their duty;
- (2) members of the crew of a lifeboat, officers of the coast-guard and other persons employed in saving life or in exercising or using a lifeboat while engaged in going to or returning from a lifeboat or using any apparatus for saving life; and
- (3) persons brought ashore from a vessel in distress.

## PART V

## LANDS

Power to  
acquire land.

33.—(1) Subject to the provisions of this Act—

- (a) the Company may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the Company's works or for the construction of tanks and a pumping station or for the purposes of obtaining access thereto, obtaining materials for the construction thereof or depositing spoil or other material excavated during the construction thereof or for purposes ancillary thereto or connected therewith;
- (b) the terminal authority may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the terminal authority's works or for the purposes of obtaining access thereto, obtaining materials for the construction thereof or depositing spoil or other material excavated during the construction thereof or for purposes ancillary thereto or connected therewith.

(2) (a) The powers for the compulsory acquisition of land under this section shall not be exercised after 31st December, 1974.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 31st December, 1974, a notice to treat has been served in respect of that land.

Correction of  
errors in  
deposited  
plans and  
book of  
reference.

34.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the appropriate authority after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the county for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, they shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the clerk of the Council and with the clerk of the district council with whom a copy of the deposited plans has been deposited in accordance with the Standing Orders

of the Houses of Parliament, or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the appropriate authority to take the land and execute the works in accordance with the certificate.

PART V  
—cont.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

35. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was at the time of the erection, executing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Disregard of  
recent  
improvements  
and interests.

36.—(1) All rights over any land that may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land whether compulsorily or by agreement or on the entry on the land in pursuance of subsection (1) of section 11 of the Act of 1965 as applied by this Act, whichever is sooner.

Extinction of  
private rights.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the appropriate authority compensation to be determined in case of dispute under and in accordance with the Land Compensation Act 1961.

1961 c. 33.

37.—(1) Subject to the provisions of this Act, the Company may stop up so much of the footpaths in the urban district as is shown on the deposited plans as intended to be stopped up, and thereupon all rights of way over the said footpaths or portions thereof shall be extinguished and the Company may appropriate and use the site thereof.

Stopping up  
of footpaths.

(2) No portion of any footpath shall be stopped up under the powers of this section until the Company are in possession of all lands abutting on both sides of such portion along the complete length to be stopped up except so far as the owners, lessees and occupiers of those lands may otherwise agree.

PART V  
—cont.

Temporary  
stoppage of  
highways, etc.

38.—(1) The terminal authority during and for the purpose of the execution of the terminal authority's works or the disposal of spoil or other materials may temporarily stop up, alter, divert or otherwise interfere with any highway or any private right of way and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

(2) The terminal authority shall provide reasonable access for foot-passengers with or without animals bona fide going to or from any such land, house or building.

(3) The terminal authority shall not exercise the powers of this section—

(a) in relation to a highway without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be determined by the Secretary of State for Wales;

(b) with respect to any highway upon which a service of stage carriages or express carriages is operated unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised;

(c) so as unreasonably to prevent access to any station or depot of any passenger road transport operators.

(4) (a) The terminal authority shall, whenever possible, provide a proper temporary substitute way before interrupting the traffic on any highway referred to in paragraph (b) of subsection (3) of this section.

(b) The terminal authority may execute and do all necessary works and things for keeping any such highway open to traffic.

(5) Any person who suffers loss by reason of the exercise of the powers of this section in relation to any private right of way shall be entitled to be paid by the terminal authority compensation to be determined in case of dispute under, and in accordance with, the Land Compensation Act 1961.

1961 c. 33.

Power to  
acquire  
easements  
only.

39.—(1) The appropriate authority may, instead of acquiring greater interest in any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily only such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works authorised by this Act or for the purpose of obtaining access to the works or to the lands acquired under this Act or for the purpose of doing any other thing necessary in connection with the works or lands.



(2) Accordingly the appropriate authority may give notice to treat in respect of any such easement or right describing the nature thereof; and "land" in the Act of 1965 as applied by this Act includes such easements and rights as aforesaid.

PART V  
—cont.

(3) Where the appropriate authority have acquired an easement or right only over or in any land under this section—

(a) they shall not be required or, except by agreement or during the execution of the said works, entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the appropriate authority to acquire his entire interest in the land, the appropriate authority shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the appropriate authority may acquire the entire interest of the owner of the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 33 (Power to acquire land) of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

40.—(1) Any person empowered by the Act of 1965 as applied by this Act to sell and convey or release lands may if he thinks fit, subject to the provisions of the Act of 1965, grant to the appropriate authority any easement or right required for the purposes of this Act over or in the lands not being an easement or right of water in which some person other than the grantor has an interest.

Grant of easements by persons under disability.

(2) The provisions of the Act of 1965 with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

## PART VI WORKS

41.—(1) Subject to the provisions of this Act the Company may construct and maintain, in the lines and situations and within the limits of deviation shown on the deposited plans, and

Power to Company to construct works.

PART VI  
—cont.

according to the levels shown on the deposited sections, the works hereinafter described, together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Work No. 1 A circular mooring buoy of solid construction having a diameter of 50 feet or thereabouts the centre thereof being situated in the Irish Sea 3,240 yards or thereabouts in a northerly direction from a point on the coast of the urban district 870 feet or thereabouts north-west of Trwyn Penwaig;

Work No. 2 A circular mooring buoy of solid construction having a diameter of 50 feet or thereabouts, the centre thereof being situated in the Irish Sea 3,450 yards or thereabouts in a north-north-easterly direction from a point on the coast of the urban district 460 feet or thereabouts north-west of Trwyn Penwaig;

Work No. 3 A submarine pipeline or pipelines commencing on the south side of Work No. 1, extending in a southerly direction to and terminating at the point on the coast of the urban district referred to in the description of Work No. 1;

Work No. 4 A submarine pipeline or pipelines commencing on the south side of Work No. 2, extending in a south-south-westerly direction to and terminating at the point on the coast of the urban district referred to in the description of Work No. 2.

(2) So far as is practicable Works Nos. 3 and 4 shall be buried in the sea-bed.

Power to terminal authority to construct works.

42.—(1) Subject to the provisions of this Act the terminal authority may construct and maintain partly in the urban district in the county and partly on the foreshore and bed of the Irish Sea in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the works hereinafter described together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say:—

Work No. 5 A breakwater of solid construction on the west side of the entrance to the harbour as it exists at the passing of this Act in an east-north-easterly direction;

Work No. 6 A breakwater of solid construction on the east side of the entrance to the harbour as it exists at the passing of this Act in a north-north-westerly direction;

Work No. 7 A jetty of solid construction on the west side of the harbour in an easterly direction;

Work No. 8 A jetty of open construction along the south-east side of the harbour;

Work No. 9 A spending beach comprised of large rubble stone deposited on the foreshore between Work Nos. 5 and 7;

Work No. 10 A spending beach comprised of large rubble stone deposited on the foreshore behind Work No. 8.

PART VI  
—cont.

(2) The terminal authority may enclose and reclaim from the foreshore and bed of the sea and may hold and use as part of the terminal undertaking so much of the foreshore and bed of the sea as is required for or in connection with the terminal authority's works.

43.—(1) The Company in the construction of the Company's works and the terminal authority in the construction of the terminal authority's works may deviate laterally to any extent within the limits of deviation shown on the deposited plans and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards.

(2) Notwithstanding anything shown on the deposited plans or the deposited sections, the Company, in constructing Works Nos. 3 and 4, may, within the limits of deviation shown on the said plans, construct—

- (a) any part of those works in tunnel;
- (b) parts of those works as a single pipeline with such point of termination as may be appropriate.

44. Subject to the provisions of this Act the Company in connection with the Company's works and for the purposes hereof or in connection therewith may from time to time erect, construct and maintain, whether temporarily or permanently, within the limits of deviation on, under or over tidal waters or tidal lands below the level of high water, all such necessary works and conveniences as may be requisite or expedient for the construction, maintenance and use of the Company's works.

45.—(1) Subject to the provisions of this Act, the terminal authority, for the purposes of or in connection with the terminal authority's works and the enclosing and reclaiming of the foreshore and bed of the sea authorised by section 42 (Power to terminal authority to construct works) of this Act, may from time to time within the limits of deviation in addition to such works—

- (a) construct or place and maintain and use all such cuts, channels, docks, entrances, boundary, river and other walls and embankments, gates, weirs, dams, basins, reservoirs, locks, ponds, trenches, pounds, slipways, lay-bys, sluices, culverts, syphons, by-passes, arches, sewers, drains, mains, pipes, cables, tanks, valves and valve chambers, banks, walls, jetties, berthing heads, strong points, landing places, piles, fenders, booms, pontoons, caissons, staging, cofferdams, mooring dolphins, moorings, buoys, beacons, lights, signals, telecommunication installations, groynes, quays, wharves, pavings, hardstandings, warehouses, silos, sheds, buildings, engines, pumps, machinery, lifts,

**PART VI**  
—cont.

cranes, towers, drops, winches, capstans, gantries, transporters, elevators, conveyors, staites, tips, railways, junctions, bridges, sidings, turntables, roads, roadways, ramps, tunnels, walkways, approaches, pipe ways, stairs, radio and radar stations, works and appliances as may be necessary or convenient for or in connection with or subsidiary to the said authorised works;

(b) make junctions with, and may alter the line or level of any street or way interfered with by, or contiguous to the works and may alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavement and may execute any works for the protection of any adjoining land or building;

(c) temporarily or permanently use, strengthen, widen, improve, alter or otherwise interfere with drains, sewers, submarine cables, telegraphic, telephonic, electric, gas, water and other pipes, lines, wires, works and apparatus (all of which are hereinafter in this section referred to as "apparatus") providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus:

Provided that—

(a) no line of rails constructed under this Act shall be used for the public conveyance of passengers;

(b) the provisions of section 31 of the Land Drainage Act 1961 shall apply to the execution of any works under this subsection in, over or under any part of Afon Goch

1961 c. 48.

(2) Any paving, metalling or materials in, on or under any street altered or otherwise interfered with by the terminal authority under the powers of this section and rendered unnecessary and any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the terminal authority and the substituted apparatus shall be under the same jurisdiction, care, management and direction as the existing apparatus for which it may be so substituted.

(3) In the exercise of the powers conferred by this section the terminal authority shall cause as little detriment and inconvenience as the circumstances permit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(4) (a) Not less than twenty-eight days before executing any works under paragraph (c) of subsection (1) of this section affecting any apparatus the terminal authority shall submit to the appropriate authority sufficient plans, sections and particulars of the proposed works for their reasonable approval.

(b) The terminal authority shall execute such works in accordance with such plans, sections and particulars as may be submitted to and approved by the appropriate authority or, if such approval is refused, as may be settled by arbitration and all such works shall be executed to the reasonable satisfaction of the appropriate authority and the terminal authority shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) Any dispute or difference which may arise between the appropriate authority and the terminal authority under this subsection (other than one related to disputed compensation) shall be settled by a single arbitrator to be appointed by agreement between the parties or, failing agreement, by the President of the Institution of Civil Engineers.

(d) Any question of disputed compensation payable under the provisions of this section shall be determined under and in accordance with the Land Compensation Act 1961. 1961 c. 33.

(e) In this subsection “the appropriate authority” means in relation to any apparatus the authority to whom it belongs or by whom it is repairable.

(5) Notwithstanding anything in this section the terminal authority shall not—

(a) use any telegraphic line belonging to or used by the Post Office;

(b) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878. 1878 c. 76.

(6) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used in pursuance of the powers conferred by this section shall be so constructed, erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line or with any apparatus of the Central Electricity Generating Board or the Merseyside and North Wales Electricity Board.

(7) Nothing in this section shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunication conferred upon the Post Office by subsection (1) of section 24 of the Post Office Act 1969. 1969 c. 48.

(8) In subsection (5) of this section, the expression “alter” has the same meaning as in the Telegraph Act 1878.

(9) In this section the expression “street” has the same meaning as in the Public Utilities Street Works Act 1950. 1950 c. 39.

PART VI  
—cont.

Maintenance  
and  
alteration  
of works.

46. Subject to the provisions of this Act, the appropriate authority may from time to time maintain, renew, enlarge, extend, alter and reconstruct temporarily or permanently the work authorised by this Act or any part thereof:

Provided that nothing in this section shall authorise the appropriate authority to deviate laterally beyond the limits of deviation.

Power to  
Company to  
dredge.

47.—(1) Subject to the provisions of section 68 (Crown rights) of this Act the Company may from time to time deepen, dredge, scour, cleanse, alter and improve the bed and shores of the sea adjoining or near to the Company's works for the purpose of affording access thereto, and may use, appropriate or dispose of the materials so dredged:

Provided that no such materials shall be deposited below the level of high water except at such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Secretary of State for Trade and Industry.

(2) In exercise of the powers of this section the Company may remove or resite submarine cables in or over the bed or shores of the sea, doing as little damage as may be and making good all damage done.

Compulsory  
pilotage.  
1913 c. 31  
(2 & 3 Geo. 5).

48.—(1) For the purposes of the Pilotage Act 1913 and of any byelaw made thereunder Works Nos. 1 and 2 shall be deemed to be a port in a pilotage district in which pilotage is compulsory and for which the Mersey Docks and Harbour Company is the pilotage authority.

(2) Pilotage for a vessel bound for the Company's works shall be compulsory as soon as the vessel comes within the limits of the pilotage district and shall continue to apply for a movement of the vessel from or to the Company's works until the vessel has finally passed seaward out of the pilotage district.

(3) In this section "the pilotage district" has the same meaning as in the Liverpool Pilotage Order 1920.

Restriction  
on use of  
Company's  
works.

49. Except with the consent of the Secretary of State for Trade and Industry and of the Secretary of State for Wales the Company shall not use or permit to be used the Company's works for the loading into vessels of crude oil.

PART VII

FINANCE

Power to  
terminal  
authority to  
borrow.

50.—(1) The terminal authority may borrow, without the consent of any sanctioning authority, for any of the purposes

specified in column (1) of the following table, the sum specified in relation thereto in column (2) of that table:—

PART VII  
—cont.

(1) Purposes for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands, minerals, easements and rights and payment of compensation for the terminal authority's works	The sum required	Twenty-five years.
(b) The construction of the terminal authority's works	£1,500,000	Twenty-five years.
(c) The payment of the costs, charges and expenses of this Act	The sum required	Ten years.

(2) Every sum borrowed under subsection (1) of this section shall be repaid within such period from the date of borrowing as the terminal authority without the consent of any sanctioning authority may determine, not exceeding the period specified in relation thereto in column (3) of the said table.

(3) The terminal authority may also with the sanction of the Secretary of State for Wales borrow such further sums as may be necessary for any of the purposes of this Act, and any sum borrowed under the powers of this subsection shall be repaid within such period, not exceeding twenty-five years, from the date of borrowing as the terminal authority with the consent of the said Secretary of State may determine.

(4) Subject to the provisions of this section, Part IX of the Local Government Act 1933 shall have effect as if money borrowed under this section were borrowed under that Part. 1933 c. 51.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946. 1946 c. 58.

51.—(1) All moneys received by the terminal authority in connection with the terminal undertaking whether on capital or revenue account shall be carried to and form part of the county fund as receipts for general county purposes and all payments and expenses made and incurred by the terminal authority in respect of the terminal undertaking or in carrying into execution Income and expenditure.

PART VII  
—cont.

the powers and provisions of this Act (including interest on moneys borrowed by the terminal authority) shall be paid or transferred out of the county fund:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the terminal authority to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Amendment  
of accounts  
regulations.

52.—(1) The Statutory Harbour Undertakings (Form of Accounts etc.) (Local Authorities) Regulations 1969 are hereby amended by the addition in Schedule 1 to those regulations of the words “Anglesey County Council” before the words “Bideford Corporation”.

(2) The amendment made by subsection (1) of this section shall not prejudice in any way the power of the Secretary of State for the Environment to rescind, revoke, amend or vary the said regulations by further regulations made under section 42 of the Act of 1964.

Application  
of revenue of  
terminal  
undertaking.

53.—(1) If in respect of any financial year the moneys received by the terminal authority on account of the revenue of the terminal undertaking (including the interest received by the terminal authority in that year on any reserve fund which the terminal authority may from time to time be authorised to set up when the said fund amounts to the prescribed maximum but excluding any moneys received by the terminal authority under paragraph (2) of section 54 (Agreements) of this Act) shall exceed the moneys expended or applied by the terminal authority in respect of the terminal undertaking properly chargeable to revenue, the terminal authority may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the county fund a sum not exceeding the amount of such excess to any of the following purposes:—

(a) in reduction of capital moneys borrowed for the purposes of the terminal undertaking;

(b) in the renewal, construction, extension or improvement of any works and conveniences for the purposes of the



terminal undertaking or in payment of any expenses in respect of the terminal undertaking which might otherwise have been defrayed out of capital moneys;

PART VII  
—cont.

- (c) in providing a reserve fund in respect of the terminal undertaking by setting aside such an amount as they may from time to time think reasonable which (unless the amounts so set aside are applied in any other manner authorised by any enactment) may be invested in statutory securities until the fund so formed amounts to the maximum reserve fund from time to time prescribed by the terminal authority.

(2) Any reserve fund provided under this section may be applied—

- (a) in making good to the county fund any deficiency at any time happening in the income of the terminal authority from the terminal undertaking; or
- (b) in meeting any extraordinary claim or demand at any time arising against the terminal authority in respect of the terminal undertaking; or
- (c) for defraying any expenditure in connection with the terminal undertaking for which capital is properly applicable, or in providing money for repayment of loans (but not in making any annual payment required to be made in respect of loans); or
- (d) for defraying expenditure to be incurred from time to time in repairing, maintaining, replacing and renewing any buildings, works, plant, vessel, equipment or article forming part of the terminal undertaking;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(3) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) The terminal authority shall apply out of the county fund the balance remaining after meeting contributions in respect of loan charges or other financial commitments in respect of the terminal undertaking (including any contribution to a reserve fund to be applied for any purpose mentioned in paragraph (d) of subsection (2) of this section) of moneys received by the terminal authority under section 54 (Agreements) of this Act for any purpose which in their opinion is solely in the interests of the Island of Anglesey or its inhabitants.

## PART VIII

## MISCELLANEOUS AND GENERAL

## Agreements.

**54.** The terminal authority and the Company may enter into and carry into effect agreements with respect to—

- (1) the carrying out of their respective functions under this Act and with respect to any matters incidental thereto or consequential thereon including agreements for defraying the expenditure incurred by either party in exercise of any such functions or the making of contributions by either party to the other towards expenditure so incurred;
- (2) payments to be made to the terminal authority by the Company or by any company, body or person using the Company's works in respect of such user or otherwise.

Tidal works not to be executed without approval of Secretary of State for Trade and Industry.

**55.—**(1) A tidal work shall not be constructed, erected, renewed, enlarged, extended, altered or reconstructed except in accordance with plans and sections approved by the Secretary of State for Trade and Industry and subject to any conditions and restrictions imposed by him before the work is begun.

(2) If a tidal work is constructed, erected, renewed, enlarged, extended, altered or reconstructed in contravention of this section or of any condition or restriction imposed under this section—

- (a) the Secretary of State for Trade and Industry may by notice in writing require the appropriate authority at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the appropriate authority, they have failed to comply with the requirements of the notice, the said Secretary of State may execute the works specified in the notice; or
- (b) if it appears to the said Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the said Secretary of State in so doing shall be recoverable from the appropriate authority as a simple contract debt.

Provision against danger to navigation.

**56.—**(1) In the case of injury to, destruction, or decay of a tidal work, or any part thereof, the terminal authority shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(2) If the terminal authority fail to notify Trinity House as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction in respect thereof to a fine not exceeding one hundred pounds, and on conviction on indictment to a fine.

57.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State for Trade and Industry may by notice in writing require the appropriate authority at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the said Secretary of State thinks proper.

Abatement  
of works  
abandoned  
or decayed.

(2) Where a work consisting partly of a tidal work and partly of works of the appropriate authority on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State for Trade and Industry may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the appropriate authority, they have failed to comply with the requirements of the notice the Secretary of State for Trade and Industry may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the appropriate authority as a simple contract debt.

58. The Secretary of State for Trade and Industry may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which the appropriate authority propose to construct a tidal work, and any expenditure incurred by the said Secretary of State in any such survey and examination shall be recoverable from the appropriate authority as a simple contract debt.

Survey of  
tidal works.

59.—(1) After the completion of a tidal work the appropriate authority shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for preventing danger to navigation, as Trinity House shall from time to time direct.

Permanent  
lights on tidal  
works.

(2) If the appropriate authority fail to comply in any respect with a direction given under this section they shall be liable on summary conviction in respect thereof to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

**PART VIII**  
—*cont.*

Lights on  
tidal works  
during  
construction.

**60.**—(1) The appropriate authority shall at or near a tidal work during the whole time of the construction, erection, renewal, enlargement, extension, alteration or reconstruction thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State for Trade and Industry shall from time to time direct.

(2) If the appropriate authority fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Terminal  
authority to  
be local  
lighthouse  
authority.  
1894 c. 60.

**61.** The terminal authority shall within the terminal be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

For protection  
of Post  
Office.

**62.**—(1) Nothing in section 15 (Power to dredge) or section 47 (Power to Company to dredge) of this Act shall authorise any interference with any subaqueous cable belonging to or used by the Post Office.

(2) As early as possible, and in any event not less than twenty-eight days, before any exercise of their powers under subsection (1) of the said section 15 or subsection (1) of the said section 47 within a distance of fifty yards or, in the case of blasting operations, one hundred and fifty yards of any subaqueous cable belonging to or used by the Post Office, the terminal authority or the Company (as the case may be) shall give notice in writing to the Post Office of such intended exercise.

(3) No material taken up or collected in the course of any such operations as are referred to in the said subsection (1) of section 15 and no materials dredged in the exercise of the powers conferred by the said subsection (1) of section 47 shall be laid down or deposited in any place or manner so as to cover any subaqueous cable belonging to or used by the Post Office or to impede in any way the inspection, maintenance, removal or renewal of any such cable.

For protection  
of pilotage  
authority and  
Liverpool  
Pilots'  
Association.

**63.** For the protection of the pilotage authority and the Liverpool Pilots' Association the following provisions shall, except as may be otherwise agreed in writing between the pilotage authority and the said association and the terminal authority, apply and have effect:—

(1) In the exercise of the powers of section 14 (Maintenance and improvement of terminal undertaking) and section 42 (Power to terminal authority to construct works) of this Act the terminal authority shall so far as is reasonably practicable avoid any interruption or obstruction of the customary use by pilots and their vessels of the harbour

and its approaches for purposes of pilotage, including the landing or embarkation of pilots and the mooring of such vessels, and if at any time such interruption or obstruction occurs to an extent which renders it reasonably necessary that suitable alternative facilities be made available for use by such pilots and vessels the terminal authority shall at their expense make them available without charge, together with suitable access thereto:

- (2) Nothing in this Act shall prejudicially affect or derogate from any customary practice or usage of the pilotage authority (other than the use of the harbour without the payment of ship dues or charges in respect of vessels of the pilotage authority) and the powers conferred on the terminal authority and on the harbour master by this Act or by any byelaws made under or by virtue of this Act shall, subject to the harbour master's obligation to ensure the safety of shipping and the operation of the terminal within the limits of the terminal, be so exercised as not to prejudicially affect or derogate from the proper discharge of the statutory functions of the pilotage authority:
- (3) Any difference arising between the pilotage authority, the said association and the terminal authority under this section (other than a difference as to the meaning thereof) shall be referred to and determined by an arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed on the application of any party after giving notice in writing to the others, by the Secretary of State for Trade and Industry.

**64.**—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act. Local inquiries.

(2) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply in relation to any such inquiry; and for that purpose the definition of "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act. 1933 c. 51.

(3) In this section "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946. 1946 c. 31.

**65.** Section 265 of the Public Health Act 1875 shall apply to the terminal authority as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee or a sub-committee of a local authority. Protection of members and officers of terminal authority from personal liability.  
1875 c. 55.

PART VIII  
—*cont*  
Continuance  
of terminal  
authority.

66.—(1) Notwithstanding anything to the contrary contained in any public general Act passed during the present session of Parliament which makes provision with respect to local government and the functions of local authorities in England and Wales, if such Act establishes—

- (a) a local government area to be known as a district comprising the area of the county specified in subsection (2) of this section and establishes a council for that district; and
- (b) areas to be known as communities and provides that the urban district shall become a community of the urban district and shall be known by the name of the urban district;

on and after 1st April, 1974—

- (i) the functions conferred by this Act on the council shall be exercised by the council of the district referred to in paragraph (a) of this subsection;
- (ii) for references in this Act to the council there shall be substituted references to the council of that district;
- (iii) for references in this Act to the county there shall be substituted references to that district;
- (iv) for references in this Act to the district council there shall be substituted references to any community council elected for that area.

(2) The area of the county hereinbefore referred to comprises the following areas as they exist immediately before the passing of this Act:—

- (a) the borough of Beaumaris;
- (b) the urban districts of Amlwch, Holyhead, Llangefni and Menai Bridge;
- (c) the rural districts of Aethwy, Twrcelyn and Valley.

Application  
of general  
provisions of  
Public  
Health Act  
1936.

1936 c. 49.

Crown rights.

67. The sections of the Public Health Act 1936 mentioned in the Schedule to this Act shall have effect as if references therein to that Act included references to this Act.

68. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing herein contained shall authorise the appropriate authority to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate

Commissioners without the consent in writing of such commissioners on behalf of Her Majesty first had and obtained for that purpose.

PART VIII  
—cont.

69.—(1) Section 289 of the Town and Country Planning Act 1971 shall apply to this Act as if it had been passed during the Session 10 & 11 Geo. 6; and accordingly the Town and Country Planning Act 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Saving for  
Town and  
Country  
Planning Act  
1971.  
1971 c. 78.

(2) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1963 shall have effect as if the authority to develop given—

- (a) by this Act in respect of Works Nos. 1 to 10 were limited to such development begun within five years after the passing of this Act; and
- (b) by section 44 (Power to Company to make subsidiary works) of this Act were limited to development carried out within twelve months of the completion of the Company's works; and
- (c) by section 45 (Power to terminal authority to make subsidiary works) of this Act were limited to development carried out within twelve months of the completion of the terminal authority's works.

(3) In this section the reference to article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1963 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provision of an Act repealing that section.

70. Nothing in this Act shall exempt the appropriate authority from the provisions of sections 9 and 10 of the Act of 1964 in relation to the works authorised by this Act.

Saving for  
Act of 1964.

71. Nothing in this Act shall exempt the Company from the provisions of sections 20 to 25, 27 to 34, 36 to 38, 42 and 46 of the Pipe-lines Act 1962 in relation to any pipeline authorised by this Act.

Saving for  
Pipe-lines  
Act 1962.  
1962 c. 58.

72. On the appointed day the Amlwch Harbour Order 1914 shall be and is hereby repealed.

Repeal.

73. Subject to the provisions of any agreement made under section 54 (Agreements) of this Act the costs, charges and expenses of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.

Costs of Act.

Section 67.

**SCHEDULE**

1936 c. 49.

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# Anglesey Marine Terminal Act 1972

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