



Medway Ports Authority Act 1973

1973 CHAPTER *xxi*

PART II

DUTIES AND GENERAL POWERS OF THE AUTHORITY

40 Restriction on construction of works and dredging

(1) No person shall—

- (a) construct, alter, renew or extend any works on, under or over tidal waters or tidal lands below the level of high water in the port unless he is licensed so to do by a works licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 37 (Licensing of works) or section 39 (Appeals in respect of works licence or dredging licence) of this Act;
- (b) dredge, dig or raise any gravel, sand, clay or other substance in the bed and foreshore of the waters of the port unless he is licensed so to do by a dredging licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 38 (Licence to dredge) or section 39 (Appeals in respect of works licence or dredging licence) of this Act:

Provided that this subsection shall not apply to the construction, alteration, renewal or extension of any works or any dredging specifically authorised by any enactment.

- (2) Any person offending against the provisions of this section or who contravenes or who fails to comply with any term or condition upon which a works licence or a dredging licence, as the case may be, is granted by the Authority shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.
- (3) A works licence shall not be required for the carrying out, construction, placing, alteration, renewal, maintenance or retention of any work by the river authority or any drainage authority in the exercise of their functions under any enactment and a

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dredging licence shall not be required by the river authority or any drainage authority in the exercise of their functions under any enactment.

- (4) Nothing in this section shall affect the powers of the Post Office under the Telegraph Acts, 1863 to 1916.