



CHAPTER viii

An Act to empower the Angle Ore and Transport Company Limited to construct works and to acquire lands and for other purposes.

[25th March 1959.]

WHEREAS the Angle Ore and Transport Company Limited (in this Act referred to as "the Company") are a company within the meaning of the Companies Act 1948 and are a company limited by shares:

And whereas the Company are a subsidiary within the meaning of section 154 of the Companies Act 1948 of the Steel Company of Wales Limited (hereinafter referred to as "the steel company"):

And whereas the steel company are engaged in the manufacture of iron and steel and for that purpose have established works at or in the vicinity of the port situated in the borough of Port Talbot in the county of Glamorgan (hereinafter referred to as "the port"):

And whereas the Company intend to transport ore required by the steel company and others engaged in such manufacture:

And whereas the public demand for the steel company's products is increasing and it will become necessary for the Company to import ore from overseas in ever-increasing quantities:

And whereas it is more economic to transport ore by sea in vessels of substantially greater tonnage than heretofore and such vessels are being constructed in increasing numbers:

And whereas the facilities available to receive such vessels at the port are inadequate:

And whereas Milford Haven is the only natural harbour in South Wales where such vessels can be accommodated:

And whereas the Company intend to establish an ore terminal at Chapel Bay in Milford Haven for the purpose of securing the regular flow of ore into the port and elsewhere particularly during the winter months:

And whereas the Company have acquired land in the parish of Angle in the rural district of Pembroke:

And whereas it is expedient in the public interest that the Company be empowered to construct the works authorised by this Act in the waters of Milford Haven and on the foreshore thereof for the accommodation of vessels and to acquire lands:

And whereas in order to enable the Company to manage and control the said works it is expedient that the Company be constituted a pier authority as in this Act provided:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and showing the lands which may be acquired or used under the powers of this Act and for the purposes of this Act together with a book of reference to the said plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been 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 county council of the administrative county of Pembroke and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and 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 (that is to say):—

Short title.

1. This Act may be cited as the Angle Ore and Transport Company Act 1959.

Incorporation
of Acts.

2.—(1) The following enactments so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (namely):—

(a) the Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845);

(b) the provisions of the Act of 1847 (except sections 6 to 13 16 to 23 25 to 27 31 to 42 44 to 49 67 79 to 82 and 84 to 96):

Provided that section 50 of the Act of 1847 shall not apply to the Company unless and until they levy and demand rates under the powers of this Act.

(2) (a) In the construction of the enactments so incorporated with this Act the expression "special Act" shall be read as a reference to this Act and the expression "company" shall mean the Company.

(b) In the construction of the Act of 1847—

- (i) the expression "the harbour dock or pier" shall mean the works and the water area within the limits of the pier;
- (ii) the prescribed limits shall be the limits of the pier as defined and subject as provided in section 22 (Limits of the pier) of this Act;
- (iii) the word "vessel" shall include a seaplane on the surface of the water:

Provided that nothing in the Act of 1847 shall in any circumstances require or authorise the pier master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever in the structure of a seaplane.

3.—(1) In this Act the following words and expressions have the several meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):— Interpretation.

"the Act of 1847" means the Harbours Docks and Piers Clauses Act 1847;

"the Company" means the Angle Ore and Transport Company Limited;

"enactment" includes an enactment in this Act or in any general or local Act and any order byelaw scheme or regulation made under an Act;

"the limits of the pier" has the meaning assigned to that expression by section 22 (Limits of the pier) of this Act;

"the Minister" means the Minister of Transport and Civil Aviation;

"the pier" means the works as defined in this section;

"the pier undertaking" means the undertaking of the Company in connection with the pier as from time to time authorised;

“ the Queen’s harbour master ” means the Queen’s harbour master for the dockyard port of Pembroke;

“ the signed plan ” means the plan signed in sextuplicate by Sir Gordon Touche the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords one copy in the Private Bill Office of the House of Commons one copy at the offices of the Minister one copy at the registered office of the Company one copy at the registered office of Esso Petroleum Company Limited and one copy at the offices of the clerk of the county council of the administrative county of Pembroke;

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ the Trinity House ” means the master wardens and assistants of the guild fraternity or brotherhood of the Most Glorious and Undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent commonly called the Corporation of the Trinity House of Deptford Strond;

“ vessel ” includes—

(a) except in section 26 (Power to levy rates) of this Act a seaplane on the surface of the water;

(b) in section 30 (Powers with respect to disposal of wrecks) and section 31 (Protection of Crown interests in wrecks) of this Act any aircraft;

“ the works ” means the works authorised by this Act and includes those works as enlarged altered replaced or relaid under section 6 (Alteration and improvement of works) of this Act and “ work ” shall be construed accordingly.

(2) This Act shall be read as if the words “ or thereabouts ” were inserted after each distance mentioned in section 4 (Power to make 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 subsequent enactment including this Act.

Power to
make works.

4.—(1) Subject to the provisions of this Act the Company may make in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described (that is to say):—

Work No. 1 A jetty head for berthing vessels commencing at a point in the waters of Milford Haven sixteen hundred feet measured in a northerly direction from the

cottage known as "the Red House" and situated in the enclosure numbered 31a in the parish of Angle in the rural district of Pembroke in the county of Pembroke on the 1/2500 Ordnance map of Pembrokeshire sheet number XXXVIII. 8 (second edition 1908) and terminating at a point in the said waters seven hundred and fifty feet westwards from the point of commencement consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways and walkways the whole having decks of concrete or steel (or a combination of concrete and steel) supported on piles columns or caissons of concrete or steel (or a combination of concrete and steel) or other partly open or partly solid structures:

Work No. 2 A jetty head for berthing vessels commencing at the termination of Work No. 1 authorised by this Act and terminating at a point two hundred feet westwards from the point of commencement consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways and walkways the whole having decks of concrete or steel (or a combination of concrete and steel) supported on piles columns or caissons of concrete or steel (or a combination of concrete and steel) or other partly open or partly solid structures:

Work No. 3 A jetty head for berthing vessels commencing at a point in the waters of Milford Haven sixteen hundred feet measured in a northerly direction from the cottage known as "the Red House" aforesaid and terminating at a point in the said waters four hundred and fifty feet eastwards from the point of commencement consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways and walkways the whole having decks of concrete or steel (or a combination of concrete and steel) supported on piles columns or caissons of concrete or steel (or a combination of concrete and steel) or other partly open or partly solid structures:

Work No. 4 A jetty head for berthing vessels commencing at the termination of Work No. 3 authorised by this Act and terminating at a point one hundred and fifty feet eastwards from the point of commencement consisting of berthing heads or strong points and mooring dolphins connected thereto and to one another by roadways and walkways the whole having decks of concrete or steel (or a combination of concrete

and steel) supported on piles columns or caissons of concrete or steel (or a combination of concrete and steel) or other partly open or partly solid structures:

Work No. 5 A pier or jetty of open construction commencing at a point fronting the foreshore near the cottage known as "the Red House" aforesaid extending into the waters of Milford Haven in a north-north-easterly direction for a distance of eleven hundred feet and terminating at the commencement of Work No. 1 and the commencement of Work No. 3 authorised by this Act the whole having decks of concrete or steel (or a combination of concrete and steel) with roadways and walkways thereon:

Provided that no part of the works shall be made west of longitude 5° 6' 06" west.

(2) The Company may by means of the works enclose and reclaim from the foreshore and bed of the sea and may hold and use as part of the pier undertaking so much of the foreshore and bed of the sea as is situate within a distance of three hundred feet in an easterly westerly and southerly direction from the works and is required for or in connection with the works:

Provided that such reclamation shall be by means of works consisting of partly open and partly solid structures.

Subsidiary
works.

5.—(1) Subject to the provisions of this Act the Company for the purposes of or in connection with the works authorised by section 4 (Power to make works) of this Act may within the area shown edged pink on the signed plan in addition to such works—

(a) construct or place and maintain and use all such cuts channels entrances sea walls gates weirs dams basins reservoirs ponds trenches pounds slipways lay-byes sluices culverts syphons by-passes arches bridges (fixed or opening) ferries sewers drains mains pipes cables tanks valves and valve chambers embankments towing-paths banks walls jetties berthing heads strong points landing places mooring dolphins moorings buoys beacons lights signals telecommunication installations groynes quays wharves warehouses sheds buildings engines pumps machinery lifts cranes towers drops winches capstans gantries conveyors staithe tips railways tramways junctions sidings turntables roads roadways tunnels walkways approaches pipeways works and appliances as may be necessary or convenient for or in connection with or subsidiary to the said authorised works;

(b) 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.

(2) Any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Company 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 Company 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 (b) of subsection (1) of this section affecting any apparatus the Company shall submit to the appropriate authority sufficient plans sections and particulars of the proposed works for their reasonable approval.

(b) The Company 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 be refused as may be settled by arbitration and all such works shall be executed to the reasonable satisfaction of the appropriate authority and the Company 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 Company under this subsection shall be settled by arbitration.

(d) 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 contained the Company shall not—

(a) use any telegraphic line belonging to or used by the Postmaster-General;

(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.

(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 Postmaster-General or with telegraphic communication by means

of any such line or with any apparatus of the South Wales Electricity Board or with any purpose for which such apparatus is used.

(7) Any telegraphic and telephonic apparatus used under the provisions of this section shall be so used as not to contravene the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(8) Notwithstanding anything in this section contained the Company shall not instal or use apparatus for wireless telegraphy in contravention of the provisions of the Wireless Telegraphy Act 1949.

(9) In subsection (5) of this section the expression "alter" has the same meaning as in the Telegraph Act 1878 and in subsection (8) "apparatus for wireless telegraphy" has the same meaning as in the Wireless Telegraphy Act 1949.

Alteration and improvement of works.

6.—(1) Subject to the provisions of this Act the Company may from time to time maintain renew enlarge and alter temporarily or permanently the works authorised by section 4 (Power to make works) of this Act or any part thereof:

Provided that nothing in this section shall authorise the Company to deviate laterally beyond the limits of the pier.

(2) The provisions of subsection (3) of section 5 (Subsidiary works) of this Act shall apply in relation to any works of maintenance renewal enlargement or alteration carried out under this section as they apply in relation to works carried out under the powers of the said section 5.

Power to deviate.

7. In the construction of the works authorised by section 4 (Power to make works) and section 5 (Subsidiary works) of this Act the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent within the area shown edged pink on the signed plan and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards.

Works to be within petty sessional division and rural district of Pembroke.

8. So much of the works as is outside the area of the petty sessional division of Pembroke in the county of Pembroke or the rural district of Pembroke shall be deemed to be within the said area or the said rural district (as the case may be).

Power to dredge.

9.—(1) Subject to the provisions of this Act the Company may from time to time deepen dredge scour and improve the bed and foreshore of the sea and blast any rock within the limits of deviation authorised by section 7 (Power to deviate) of this Act or any part or parts thereof and the channels and approaches thereto and any chalk gravel rock or other materials taken up or collected by means of such deepening dredging

scouring or blasting shall be the property of the Company and they may use sell or otherwise dispose of or remove or deposit the same as they think fit:

Provided that no such materials shall be laid down or deposited in any place below high-water mark of ordinary spring tides except after consultation with the local planning authority and the Nature Conservancy and in such a position and under such restrictions and regulations as may be fixed by the Minister:

Provided also that the Company shall not blast any rock within the area shown edged blue on the signed plan except with the consent of Esso Petroleum Company Limited but such consent shall not be unreasonably withheld and any question whether such consent has or has not been unreasonably withheld shall be determined by arbitration.

(2) The powers of the Company under this section of deepening dredging scouring and improving the bed and foreshore of the sea and blasting rock shall not be exercisable without the approval of the Queen's harbour master.

(3) In the exercise of the powers conferred by this section the Company may remove or resite submarine cables in or across the bed or foreshore of the sea doing as little damage as may be and making good all damage done.

(4) (a) In the exercise of the powers conferred by this section the Company shall not interfere with damage or injuriously affect any submarine cable placed or maintained by the Postmaster-General without the consent of the Postmaster-General.

(b) Before commencing to deepen dredge scour or improve the bed or foreshore of the sea or blast any rock under the powers of this section within a distance of one hundred and fifty yards of any such submarine cable in any case where blasting operations are involved or in any other case within a distance of fifty yards of any such cable the Company shall give in writing to the Postmaster-General as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do.

(c) Any material dredged up or removed shall not be laid down or deposited in such a place or manner as to cover any such submarine cable or in any way obstruct or impede any work of or connected with the inspection or repair of such a cable.

10. Subject to the provisions of this Act if the works authorised by section 4 (Power to make works) of this Act are not completed within ten years from the first day of October nineteen hundred and fifty-nine then on the expiration of that period the powers by this Act granted to the Company for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed:

Period for
completion of
works.

Provided that nothing in this section shall prejudice or affect the powers of the Company to maintain use enlarge alter replace or relay the said works at any time and from time to time as occasion may require.

Works below high-water mark to be subject to approval of Minister.

11.—(1) Subject to the provisions of this Act any work shall be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Lights on works during construction.

12.—(1) The Company shall at or near such part of any work as shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister shall from time to time require or approve.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent lights on works.

13.—(1) After the completion of the works the Company shall at the outer extremity of those works on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which after conviction thereof they so fail.

14.—(1) In case of injury to or destruction or decay of the works or any part thereof so far as the same shall be constructed on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Trinity House and shall apply to the Trinity House for directions as to the means to be taken.

Provision
against
danger to
navigation.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding ten pounds and in the case of a continuing offence to an additional fine not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

15.—(1) The Company may from time to time build purchase contract for or hire and may maintain and use tugs hoppers barges or other powered craft—

Company
may provide
dredgers
tugs etc.

(a) as may be necessary or expedient for or in relation to any of the purposes mentioned in section 9 (Power to dredge) of this Act; and

(b) for the use and accommodation of vessels within the limits of the pier and for this purpose they may let the same.

(2) In addition to the purposes referred to in paragraph (a) of subsection (1) of this section the Company may purchase hire provide and may maintain and use all necessary dredging and other machines engines craft machinery and appliances as may be necessary or expedient.

(3) Any electrical power used pursuant to this section shall be so used and any electrical works or apparatus purchased hired provided maintained or used pursuant to this section shall be so constructed laid or erected and so maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

16.—(1) Where any work situate wholly or partially on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

Abatement of
work
abandoned or
decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Survey of
works by
Minister.

17. If at any time the Minister deems it expedient to order a survey and examination of any work which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Power to
sell pier
undertaking.

18.—(1) At any time after the works have been completed the Company may with the previous consent in writing and upon such terms conditions and restrictions as may be approved by the Minister sell the pier undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations in respect of the pier undertaking to which the Company are subject and shall perform all the duties of the Company under this Act in respect of such undertaking.

(2) The Company shall within one month after the date of any conveyance made under this section deposit a certified copy thereof at the Ministry of Transport and Civil Aviation and shall upon failure to do so be liable to a fine not exceeding twenty pounds.

Power to
lease pier
undertaking
or rates.

19.—(1) The Company may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister lease to any company corporation or person (a) the pier undertaking or (b) the right to collect and retain the rates which the Company are authorised to demand take and recover.

(2) As from the commencement of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Company by this Act or which the Company have or might exercise under this Act and shall be subject to all the liabilities and obligations in respect of the pier undertaking to which the Company are subject and shall perform all the duties of the Company under this Act in respect of such undertaking.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister and the provisions of this Act with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Company shall within one month after the date of any lease made under this section deposit a certified copy thereof at the Ministry of Transport and Civil Aviation and shall upon failure to do so be liable to a fine not exceeding twenty pounds.

(5) Nothing in this section shall exempt the Company from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Act and of this Act as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Company and all moneys received by the Company under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Act.

(6) Notwithstanding that under this section the power to demand take and recover any rates for which statutory maxima may be fixed by an order made under section 26 (Power to levy rates) of this Act is transferred by the Company to some other person the rates in respect of which the power is so transferred shall for the purposes of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 be deemed to be charges (within the meaning of the said Act of 1954) which the Company are for the time being authorised to demand and take in pursuance of the said Acts and in connection with any application for the revision of such rates the provisions of the said section 6 shall apply as if the said power to demand take and recover had not been so transferred.

20. The Company may with the previous consent in writing of and upon such terms and conditions as may be approved by the Minister mortgage charge or otherwise encumber the pier undertaking or the right to collect and retain the rates which the Company are authorised to demand take and recover.

Power to mortgage pier undertaking or rates.

Power to
acquire lands.

21. Subject to the provisions of this Act the Company may by agreement purchase and use such of the lands delineated on the deposited plans and described in the deposited book of reference (other than any lands west of longitude 5° 6' 06" west) as may be required for the purpose of the works and for the purpose of establishing the ore terminal mentioned in the preamble to this Act and for the purposes ancillary thereto or connected therewith.

Limits of
the pier.

22. The limits within which the Company shall exercise jurisdiction as a pier authority and within which the powers of the pier master may be exercised shall extend over (a) the area of water within a distance of three hundred feet from the structures of Works Nos. 1 2 3 and 4 authorised by this Act and over (b) the area of water enclosed by lines drawn in a direction south (true) from points respectively three hundred feet west of the termination of Work No. 2 and three hundred feet east of the termination of Work No. 4 to high-water mark of ordinary spring tides:

Provided that the jurisdiction of the pier master conferred by this Act shall only be exercised with reference to vessels which shall be within the limits of the pier and vessels coming to or departing from the said Works Nos. 1 2 3 and 4 and vessels which shall obstruct the approaches to such works and shall not be exercised beyond the said limits.

Directions of
pier master.

23. Section 52 of the Act of 1847 in its application to the Company and the pier master shall extend to empower the pier master to give directions prohibiting the mooring of vessels within the limits of the pier.

Orders of
pier master
need not
be in writing.

24. Section 53 of the Act of 1847 in its application to the Company and the pier master shall not be construed to require the pier master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master:

Provided that notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.

Pier master
may prevent
sailing of
vessels.

25. The pier master may prevent the removal or sailing from within the limits of the pier of any vessel in respect of which or of the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collectors of rates.

Power to
levy rates.

26.—(1) The Company may if they think fit levy and demand in respect of every vessel lying alongside or using any berth or other work of the Company within the limits of the pier and in respect of all ore discharged shipped or received upon or from

any berth or other work of the Company within the limits of the pier rates not exceeding those specified in an order (in this section referred to as "the order") made by the Minister in accordance with the provisions of this section.

(2) Before they begin to levy or demand rates under this section the Company shall make application to the Minister for an order prescribing the maximum rates and shall submit to the Minister a draft of the order which they desire him to make.

(3) After submitting the draft order to the Minister the Company shall furnish the Minister with such information and particulars certified in such manner as the Minister may require and shall publish in such newspapers as the Minister may require a notice stating—

(a) the general effect of the application; and

(b) that within a period of forty-two days from the date of the first publication of the notice any person having a substantial interest may object to the application by giving notice to the Minister accompanied by the grounds of his objection with a copy to the Company.

(4) Before making the order the Minister shall if required by the Company or by any person who has objected to the application and has not withdrawn his objection and in any other case if he thinks fit cause a local inquiry to be held by such person as he may appoint for the purpose.

(5) The Minister shall make the order in the terms of the draft submitted to him or in those terms as modified in such manner as he thinks fit.

(6) In making the order the Minister shall have regard to the financial position and future prospects of the pier undertaking and the order shall prescribe such maximum rates as in the Minister's opinion shall not exceed by more than is reasonable the rates estimated to be required to be levied and demanded so as to result in the pier undertaking receiving an annual revenue neither substantially less nor substantially more than adequate to meet such expenditure on the working management and maintenance of the pier undertaking and such other costs charges and expenses of the pier undertaking as are properly chargeable to revenue including reasonable contributions to any reserve contingency or other fund and a reasonable return upon the paid-up share capital of the Company.

(7) The order shall be made by statutory instrument.

(8) The order may be varied or revoked by an order made under subsection (2) of section 6 of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 as if it were an order made under that section.

Power to vary exemptions and compound for rates.

27. If the Company levy and demand rates under the powers of this Act they may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Act but so that no preference be in any case given to any person over any other person using the pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Act.

Rates for services and accommodation not otherwise provided for.

28. The Company may (so far as the rates specified in any order made under section 26 (Power to levy rates) of this Act do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use for the purposes of or in connection with an ore terminal of any mooring posts cranes buoys works and conveniences belonging to or provided by the Company or in respect of any services rendered by them for or in connection with those purposes.

Annual accounts to be sent to Minister.

29.—(1) If the Company levy and demand rates under the powers of this Act they shall within three months after the date to which the accounts and balance sheet in respect of the pier undertaking are made up send to the Minister a copy of such accounts in such form as the Minister may prescribe and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Company and any and every such accounts.

(2) The Company shall as from the expiration of that period be liable on summary conviction to a fine not exceeding twenty pounds for every refusal or neglect to comply with the foregoing provisions.

Powers with respect to disposal of wrecks.

30.—(1) In their application to the Company sections 530 and 532 of the Merchant Shipping Act 1894 shall have effect in relation to a vessel sunk stranded or abandoned before as well as after the passing of this Act.

(2) Subject to subsection (4) of this section and to any enactment for the time being in force limiting his liability the Company 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 (being a vessel sunk stranded or abandoned after the passing of this Act) any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section or in the case of an appeal under the next following subsection against the amount demanded such sum (if any) as may be awarded under that subsection.

(3) At any time before the expiration of fourteen days from the date of service on the owner of a vessel of a demand for the payment of any amount under the last foregoing subsection he may if he is dissatisfied with the amount demanded appeal to the Minister who shall appoint an arbitrator to determine whether

any and if so what sum should properly be payable by the owner in respect of the Company's expenses aforesaid and the decision of the arbitrator shall be final and binding on both parties and the costs of the appeal and award shall be borne by the parties in such manner as the arbitrator may determine and be recoverable as a simple contract debt.

(4) Except in a case which is in the opinion of the Company 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 Company 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 Company 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 next following section he shall be at liberty to do so and the Company 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 Company.

(5) Notice under the last foregoing subsection to the owner of any vessel may be served by the Company either by delivering it to him or by sending it to him by post in a registered letter 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 Company by displaying the notice at the registered office of the Company for the period of its duration.

(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.

(7) Except in a case which is in the opinion of the Company a case of emergency the Company shall before exercising any of the powers conferred upon them by the said section 530 (other than the power of lighting and buoying) give to the Postmaster-General in writing as long notice as is practicable of their intention to do so.

31.—(1) Without prejudice to section 741 of the Merchant Shipping Act 1894 the powers conferred on the Company 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

Protection of
Crown
interests in
wrecks.

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 Admiralty (which may be given with or without such a direction as is referred to in paragraph (b) of the next following subsection) 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 Admiralty of Her Majesty's ships of war.

(2) The Company shall give notice in writing to the Admiralty and to the Minister of any decision of the Company to exercise in relation to any vessel 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 Company a case of emergency shall not proceed with the exercise thereof—

(a) except with the consent of the Admiralty and the Minister 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 Company a direction by the Admiralty or the Minister 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 Company 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 such 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 the last foregoing section:

Provided that:

(i) the Company 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 the foregoing subsection 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 (4) of the last foregoing section 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 Minister for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the Company by the said section 530 the Company shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894 raised removed or recovered 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 Company shall discharge any sums payable in respect of that property by way of duties of customs or excise purchase tax or surcharge in respect of sugar or molasses and any sums so discharged shall be deemed to be expenses incurred by the Company under that section.

(4) Any limitation on the powers of the Company 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 the Trinity House by section 531 of the said Act of 1894.

32. In addition to the byelaws which may be made by the Company under section 83 of the Act of 1847 the Company may from time to time make alter and repeal such byelaws as they think fit with reference to all or any of the following purposes (that is to say):—

Power to
Company to
make
byelaws.

the management control and regulation of the pier and of goods wares merchandise and vehicles using or passing over or frequenting or resorting to the pier;

the control and regulation of vessels being within the limits of the pier;

the conduct of persons using or being on the pier and the control or prohibition of smoking by such persons;

safety precautions to be observed by persons on vessels being within the limits of the pier or persons using or being on the pier;

generally any other matters relating to the pier.

33.—(1) All byelaws made by the Company shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) and (7) of section 250 (Procedure etc. for making byelaws) and in section 251 (Fines for offences against byelaws) and 252 (Evidence of byelaws) of the Local Government Act 1933 and all fines imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of fines.

Application
of Local
Government
Act 1933
to byelaws.

and those sections shall for the purposes of this section be construed as if the words "the Company" were inserted instead of the words "the authority" wherever they occur and as if the reference to "the clerk of the authority" included a reference to the secretary of the Company.

(2) The confirming authority for the purposes of the said section 250 shall be the Minister.

Inquiries by
Minister.

34. The Minister may cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval or the making of any order or the confirmation of any byelaw under this Act and section 290 of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Company were a local authority.

Local
lighthouse
authority.

35. The Company shall within the limits of the pier be a lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Arbitration.

36. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

Saving for
Queen's
harbour
master.

37. Nothing contained in this Act or in any byelaws made thereunder shall take away alter prejudice or affect the jurisdiction or any rights powers authorities or privileges of the Queen's harbour master within the limits of the pier.

Saving for
Trinity
House.

38. Nothing in this Act shall prejudice or derogate from or in anywise alter affect or interfere with the jurisdiction or authority of the Trinity House in the appointment of pilots loadsmen or guides or the fees advantages salaries profits emoluments commodities and rights incidents and appurtenances whatsoever due payable accustomed appertaining or belonging to the Trinity House or any other rights offices duties and privileges whatsoever now subsisting and in force and held used or enjoyed by the Trinity House under or by virtue of any royal charter grant letters patent or Act or otherwise.

Crown
rights.

39. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Company 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 those commissioners on behalf of Her Majesty first had and obtained for that purpose.

40. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.

41. Nothing in this Act shall prejudice or derogate from the rights powers jurisdiction or authority of the Milford Haven Conservancy Board under the Milford Haven Conservancy Act 1958 and for the purposes of that Act this Act shall be deemed to have been passed before and in force at the passing of that Act.

Saving for Milford Haven Conservancy Board.

42. The costs charges and expenses preliminary to and of and incidental to the applying for and the preparing obtaining and passing of this Act shall be paid by the Company.

Costs of Act.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
General Pier and Harbour Act 1861 Amendment Act	25 & 26 Vict. c. 19.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Companies Act 1948	11 & 12 Geo. 6 c. 38.
Wireless Telegraphy Act 1949	12 & 13 Geo. 6 c. 54.
Transport Charges &c. (Miscellaneous Provisions) Act 1954	2 & 3 Eliz. 2 c. 64.
Milford Haven Conservancy Act 1958	6 & 7 Eliz. 2 c. 23.

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