



# Harbours Transfer Act 1862

1862 CHAPTER 69 25 and 26 Vict

*Special Acts for Railways, Harbours, &c.*

**8 Powers for protection of navigation, &c. under local Acts for harbours, railways and other works on tidal lands, &c. to be exercised by Board of Trade.**

Where any special or local or local and personal Act, or Act of a local or local and personal nature, already passed or to be passed before the end of the present session of Parliament,—

- (1) Authorizing or regulating the construction of a railway, or the execution of any work whatever, situate on or affecting tidal lands, or the shore of the sea or of any navigable river, where and so far up the same as the tide flows and reflows; or,
- (2) Authorizing or regulating the construction or improving of a harbour, dock, or pier, or works connected therewith, by any company, body corporate, commissioners, trustees, undertakers, persons or person; or,
- (3) Constituting or altering or regulating the constitution of any harbour or conservancy authority; or,
- (4) Altering or regulating the powers or duties of any harbour or conservancy authority,— contains either expressly or by incorporation or reference or otherwise any provision for any of the purposes following:—

For preventing the construction or execution of any work or the doing of any thing without the consent or approval of the Admiralty, or for authorizing or requiring any work to be constructed, executed, or maintained, or any thing to be done with the consent or on the requisition or to the satisfaction of the Admiralty:

For empowering the Admiralty to exercise any authority concerning lifeboats, mortars, rockets, tide gauges, or barometers to be provided by any undertakers:

For empowering the Admiralty to make a local survey or examination at the expense of any company, body, or person:

For empowering the Admiralty, in case of any work being abandoned or suffered to fall into disuse or decay, or in any other case, to abate, remove, or alter any

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work or any part of it, or restore the site thereof to its former condition, at the like expense:

For empowering the Admiralty to exercise any authority concerning lights to be maintained at night during the construction or execution of any work:

for empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint a member or members of any board or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority:

For empowering the Admiralty to determine any dispute or difference between or among any bodies or persons:

For empowering the Admiralty or the First Lord of the Admiralty to nominate or appoint any arbitrator, referee, or umpire, or any engineer, inspector, or officer, or any person to fill any place or discharge any duty under such Act:

or any other provision for the protection, management, or regulation of harbours or navigation, or for the exercise of any control or power over or in relation to any harbour authority, or any other provision in any wise relating to conservancy, or authorizing or requiring any act or thing concerning harbours or navigation or conservancy to be done by or in relation to the Admiralty,—

Then such Acts and all enactments relative thereto shall be read and construed as if in the respective provisions aforesaid the Board of Trade were named instead of the Admiralty, and the President of the Board of Trade instead of the First Lord of the Admiralty.

## **9 Power to Admiralty to retain authority over ports, &c. where dockyards, &c. are situate.**

Provided always, that where it appears to the Admiralty that the interests of Her Majesty's Naval Service require that the whole or any part of any harbour, port, bay, estuary, or navigable river in, on, or adjoining to which there is or shall be any of Her Majesty's dockyards, victualling yards, steam factory yards, arsenals, or naval stations, should be excepted, either entirely or in some respects out of the operation of the last foregoing section, the Admiralty may give notice in writing to the Board of Trade that any such harbour, port, bay, estuary, or navigable river as aforesaid, or such part thereof as is in the notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such notice shall be published by the Admiralty in the London, Edinburgh, or [<sup>F1</sup>Belfast] Gazette (according as the place affected may be in England, Scotland, or Ireland); and thereupon the harbour, port, bay, estuary, or navigable river to which such notice relates, or the part thereof therein specified, shall, either entirely or in the respects therein mentioned, as the case may require, be and remain as if this Act had not been passed; but any such notice may be from time to time varied or at any time revoked by a like notice published in like manner.

### **Textual Amendments**

**F1** Words substituted by S.R. & O. 1921/1804 (Rev. XVI, p. 967; 1921, p. 424), art. 7(a)

### **Modifications etc. (not altering text)**

**C1** Functions of Admiralty under s. 9 now exercisable by Secretary of State: [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), ss. 1\(2\), 3\(2\)](#)

**C2** Functions of Board of Trade under s. 9 now exercisable by Secretary of State: [Ministers of the Crown \(Emergency Appointments\) Act 1939 \(c. 77\), s. 5](#), S.R. & O. 1939/1470 (Rev. XV, p. 214: 1939 II, p.

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3051), art. 1, 1941/654 (Rev. XV, p. 228: 1941 I, p. 1221), art. 2, [Ministers of the Crown \(Transfer of Functions\) Act 1946 \(c. 31\), s. 1\(2\)](#), S.R. & O. 1946/375 (Rev. XV, p. 230: 1946 I, p. 1009) art. 2 and S.I. 1970/1681, [art. 2\(1\)](#)

## 10 Exception as to Mersey and Thames.

Provided also, that nothing herein contained shall affect—

- (1) The Act of the session of the fifth and sixth years of Her Majesty, “<sup>M1</sup>for better preserving the navigation of the River Mersey”:
- (2) . . . <sup>F2</sup>

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### Textual Amendments

**F2** S. 10(2) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. XI](#)

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### Marginal Citations

**M1** 1842 c. x.

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