



Milford Haven Conservancy
Act 1983

CHAPTER xix

LONDON
HER MAJESTY'S STATIONERY OFFICE

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Milford Haven Conservancy Act 1983

CHAPTER xix

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Citation and commencement.
2. Interpretation, etc.
3. The haven.

PART II

CONSTITUTION AND JURISDICTION

4. Constitution and proceedings of Board.
5. General duties and powers.
6. Protection of amenities.
7. Arrangements for discharge of functions by Board.
8. Power to appoint special constables.
9. Power to acquire and dispose of businesses or shares.
10. Powers of acquisition and disposal of land.
11. Powers of compulsory acquisition of land.
12. Power of Board to obtain particulars of persons interested in land.
13. Application of capital moneys.

Section

14. Lighting and buoying.
15. Advisory committee.

PART III

HARBOUR AND NAVIGATION POWERS

16. Power to make byelaws.
17. Jurisdiction within the haven.
18. Powers with respect to works and cables.
19. Powers with respect to dredging, etc.
20. Access to works.
21. As to harbourmaster's powers.
22. Power to board vessels.
23. Penalty for not complying with directions of harbourmaster.
24. Power to raise and remove wrecks.
25. Power to prevent or reduce oil pollution.
26. Further power with regard to wrecks.
27. Incorporation of Merchant Shipping (Oil Pollution) Act 1971.
28. Provisions relating to oil pollution and raising of wrecks.
29. Lights on works and prevention of danger to navigation.
30. Lights detrimental to navigation.
31. Damage by vessel.

PART IV

POWERS WITH RESPECT TO CHARGES AND FEES

32. Power to levy charges and fees.
33. Charges for moorings.
34. Collection of charges.
35. Conditions as to payment of charges.
36. Claims for repayment of charges.
37. Vessels of Board exempt from rates and charges.

PART V

FINANCE

38. Borrowing powers.
39. Temporary loans.
40. Register of charges.
41. Evidence of loans.

Section

42. Appointment of registrar.
43. Power to invest.
44. Purchase of stock.
45. Ranking of securities.
46. Sinking funds.
47. Appointment of receiver.
48. Board not bound to recognise trusts.
49. Application of revenue.
50. Accounts of Board.

PART VI

SAVINGS

51. Crown savings.
52. Protection of Crown interest in wrecks.
53. Saving for Trinity House.
54. For protection of water authority.
55. For protection of electricity board.
56. Saving for Coast Protection Act 1949.
57. Saving for certain enactments.

PART VII

GENERAL

58. Service of documents.
59. Protection of members and officers of Board from personal liability.
60. Defence of due diligence.
61. Local inquiries.
62. Repeals.

SCHEDULES—

Schedule 1—Milford Haven Conservancy Board.

Part I—Constitution of Board.

Part II—Officers, procedure, etc., of Board.

Schedule 2—Subsection to be substituted for section 4 (1) of Milford Docks Act 1957.

Schedule 3—Procedure for acquisition of rights in land.

Schedule 4—Provisions with respect to stock of Board.

Schedule 5—Enactments repealed.

ELIZABETH II



1983 CHAPTER xix

An Act to repeal and re-enact with amendments the Milford Haven Conservancy Acts and Orders 1958 to 1980 and to make further provision with respect to the Milford Haven Conservancy Board; and for other purposes. [21st December 1983]

WHEREAS—

(1) By the Milford Haven Conservancy Act 1958 the Milford Haven Conservancy Board (in this Act referred to as “the Board”) were established and charged with the duty of taking such steps as the Board may from time to time consider necessary or expedient to maintain, improve, protect and regulate the navigation and in particular the deep-water facilities in an area therein defined: 1958 c. 23.

(2) By various subsequent Orders and by the Milford Haven Conservancy Act 1975 the powers and duties of the Board were amended and extended and the area in respect of which the functions of the Board are discharged was extended: 1975 c. xxviii.

(3) It is expedient to consolidate with amendments the Milford Haven Conservancy Acts and Orders 1958 to 1980, and to confer upon the Board such other powers as are in this Act contained:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Citation and commencement.

1.—(1) This Act may be cited as the Milford Haven Conservancy Act 1983.

(2) This Act shall come into operation on the expiration of one month after the passing of this Act.

Interpretation, etc.

2.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:—

1894 c. 60.

“the Act of 1894” means the Merchant Shipping Act 1894;

“the Board” means the Milford Haven Conservancy Board;

“collector of charges” means any person authorised by the Board to demand and take on their behalf any charges authorised by section 32 (Power to levy charges and fees) or section 33 (Charges for moorings) of this Act;

“contravention” includes a failure to comply and “contravene” shall be construed accordingly;

“daily fine” means a fine for each day on which an offence is continued after conviction thereof;

“electricity board” means the Central Electricity Generating Board, or the South Wales Electricity Board as the case may be;

“electricity work” means any electric line, apparatus, building, structure or other work of any nature belonging to or maintained by the electricity board;

“enactment” means any enactment whether public general or local and includes any order having effect by virtue of an enactment;

“functions” includes powers and duties;

“the harbourmaster” means such harbourmasters as the Board may appoint pursuant to paragraph 13 of Schedule 1 to this Act and with respect to all acts

authorised or required to be done by such harbourmasters shall include their deputies and assistants and any other person authorised in writing by the Board to assist them or to perform the duties of harbourmaster;

PART I
—cont.

“the haven” has the meaning assigned to it by section 3 (The haven) of this Act;

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

“master” in relation to any vessel, means the master or other person for the time being having or taking charge or command of the vessel;

“oil” has the same meaning as in the Prevention of Oil Pollution Act 1971, and includes a mixture 1971 c. 60. containing oil;

“owner” in relation to any vessel, includes any part-owner, any charterer (including but not limited to a charterer by demise) or any mortgagee in possession of the vessel and any agent or broker acting for or on behalf of any such owner, part-owner, charterer or mortgagee in possession:

Provided that for the purpose of provisions other than section 32 (Power to levy charges and fees) and section 34 (Collection of charges) of this Act, the expression shall not be deemed to include—

(a) an agent or broker whose actions are limited to providing services for the vessel or its cargo only in ports in the United Kingdom; or

(b) a charterer for a single voyage;

“pipeline” means any water supply pipe, or any sewer or sewer outfall, vested in, or under the control of, the water authority or, as the case may be, any relevant authority within the meaning of section 15 (10) of the Water Act 1973 but does not include a storm 1973 c. 37. overflow;

“prescribed limits” in relation to any undertaker, means the limits for the time being established within which the harbour, dock or pier authority exercises jurisdiction as such;

“sewer outfall” means an outfall for the passage of sewage effluent or raw sewage;

PART I
—cont.

“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;

“trustee securities” means securities in which trustees are for the time being authorised by law to invest trust property;

“undertaker” means the undertaker of any harbour, dock or pier undertaking carried on wholly or partly within the haven by any person other than the Board in whom are vested, under any enactment, powers or duties of improving, maintaining or managing a harbour, dock or pier undertaking;

“vessel” includes—

(a) every description of vessel used in navigation however propelled; and

(b) any kind of rig or production platform which floats or is capable of floating; and

(c) any dracone or floating dock, crane or any floating plant; and

(d) a vessel, however propelled, designed to be supported on foils; and

(e) a hovercraft as defined in the Hovercraft Act 1968; and

(f) any aircraft which is not airborne; and

(g) in section 21 (As to harbourmaster’s powers) and sections 24 to 28 (which deal with powers in relation to wrecks and oil pollution) of this Act part of a vessel;

1968 c. 59.

“water authority” means the Welsh Water Authority.

(2) Any reference in the provisions of this Act to the discharge of oil, or to its being discharged, from a vessel, place or thing except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or (as the case may be) to its escaping, from that vessel, place or thing.

3. In this Act, "the haven" means the area bounded by—

- (1) an imaginary line commencing at the western extremity of Studdock Point and drawn in a south-easterly direction to the point of intersection of latitude 51°36.25'N with longitude 05°03.00'W, thence in a westerly direction to the point of intersection of latitude 51°36.25'N with longitude 05°16.00'W, thence in a northerly direction to the point of intersection of latitude 51°40.80'N with longitude 05°16.00'W and thence in an easterly direction to the south-western extremity of St. Anne's Head; and
- (2) the level of high water on the shores of Milford Haven and the approaches thereto within the line aforesaid, including all bays, creeks, pools, inlets and rivers as far as the tide flows other than a creek, pool or inlet into which the tide flows only through a culvert or pipe and other than a dock which is normally tidally enclosed;

but shall not include any waters which are not for the time being within the territorial waters of Her Majesty's dominions.

PART I
—cont.
The haven.

PART II

CONSTITUTION AND JURISDICTION

4. The Board shall continue to be a body corporate with a common seal and Schedule 1 to this Act shall have effect with respect to the constitution and proceedings of the Board.

5.—(1) The Board shall be charged with the duty of taking such steps as they may consider necessary or expedient—

- (a) to maintain, improve, protect and regulate the navigation, and in particular the deep-water facilities, in the haven, and to prevent or reduce the discharge of oil, or the risk of discharge of oil, into the water from vessels in the haven; and
- (b) to provide, maintain, operate and improve port and harbour services and facilities in, or in the vicinity of, the haven;

and without prejudice to the generality of the foregoing the Board may—

- (i) turn their resources to account so far as not required for the purposes of their duties under this section; and
- (ii) do all other things which in their opinion are expedient to facilitate the proper carrying on of port and harbour services and facilities in, or in the vicinity of, the haven, or development of the haven.

General duties
and powers.

PART II
—cont.

(2) The Board shall not in the haven exercise or continue in the exercise of any of their powers in such manner as to contravene any direction with respect to the exercise of those powers which the Secretary of State may from time to time deem it necessary or expedient to give to the Board in the interests of national defence; and generally in performance of their functions shall have regard to any representations made to them by the Secretary of State with respect to the requirements of national defence.

1865 c. 125. (3) The Board shall not, except with the express consent of the Secretary of State and in compliance with any conditions or restrictions attached to any such consent, exercise their powers under subsection (1) of section 18 (Powers with respect to works and cables) and subsection (1) of section 19 (Powers with respect to dredging, etc.) of this Act, in any part of the haven falling within the limits for the time being established by Order in Council under the Dockyard Ports Regulation Act 1865, of any dockyard port, and byelaws made by the Board in the exercise of their powers under subsection (1) of section 16 (Power to make byelaws) of this Act shall not apply within the limits of any such dockyard port except with the express consent of the Secretary of State and in compliance with any conditions or restrictions attached to any such consent.

(4) Nothing done by the Board in the exercise of any of their powers in any part of the haven falling within the limits, for the time being established by Order in Council under the Dockyard Ports Regulation Act 1865, of any dockyard port shall have any application to the Crown or to any vessel belonging to Her Majesty or employed in the service of the Crown; but this subsection shall not affect the operation of section 52 (Protection of Crown interest in wrecks) of this Act, nor shall it affect the operation of subsection (3) above in its application to byelaws made by the Board.

1957 c. xxxix. (5) The Milford Docks Acts 1874 to 1981 shall have effect with the substitution for subsection (1) of section 4 of the Milford Docks Act 1957 (which defines the limits of the Milford Docks Company's undertaking) of the subsection set out in Schedule 2 to this Act.

1928 c. 32.
1971 c. 78. (6) For the avoidance of doubt, the Board are hereby declared to be a harbour authority within the meaning of the Petroleum (Consolidation) Act 1928, and to be statutory undertakers within the meaning of the Town and Country Planning Act 1971 by virtue of carrying on a harbour undertaking; and for the purposes of this Act all parts of the haven shall be treated as forming part of the county of Dyfed.

6. In formulating or considering any proposals relating to their functions, and in discharging any of their functions, the Board shall have regard to the desirability of—

PART II
—cont.
Protection
of amenities.

- (a) preserving natural beauty;
- (b) conserving flora, fauna and geological or physiological features of special interest; and
- (c) ensuring an easy passage at all times through the waters of the haven for ascending salmon and sea trout.

7. Subsections (1) to (6) and (12) of section 101 of the Local Government Act 1972 (which provides for the discharge of functions of local authorities by committees, sub-committees and officers) shall apply to the Board as if they were referred to in subsection (13) of that section:

Arrangements
for discharge
of functions
by Board.
1972 c. 70.

Provided that—

- (1) arrangements shall not be made for the discharge of any of the functions of the Board in respect of sections 24 to 28 (which deal with powers in relation to wrecks and oil pollution) of this Act or section 530 of the Act of 1894 by any officers of the Board except by the general manager and by the secretary, or persons authorised by the Board to act in their stead in that behalf, and by the harbourmaster; and
- (2) where any arrangements are made for the discharge of any of the functions of the Board under the said sections 24 to 28 or section 530 of the Act of 1894 the opinion of the person or persons by whom the said functions are to be discharged shall be deemed to be the opinion of the Board.

8.—(1) Any two justices of the peace may appoint such persons as may be nominated for the purpose by the Board to be special constables for the area of, and within one mile of, the haven and on any premises for the time being vested in the Board or under the Board's control.

Power to
appoint
special
constables.

(2) Every person so appointed shall be sworn in by the justices duly to execute the office of a constable within the area and on the premises aforesaid, and when so sworn in shall, within that area and on those premises, have the powers and privileges and be liable to the duties and responsibilities of a constable.

(3) Special constables appointed under this section shall be under the exclusive control of the Board, and the Board shall have power to suspend or terminate the appointment of any such special constable.

PART II
—cont.

Power to
acquire and
dispose of
businesses or
shares.

9. The Board may—

(a) acquire by agreement—

(i) any business or undertaking which consists wholly or mainly of the carrying out of harbour operations or so much of any business or undertaking as consists of the carrying out of such operations; or

(ii) any business or undertaking which is wholly or mainly engaged in or which it is proposed should become wholly or mainly engaged in providing services or facilities which the Board themselves are authorised to provide;

(b) subscribe for or acquire any shares, stock, debentures, debenture stock and any other security of a like nature of a body corporate which is wholly or mainly engaged, or which it is proposed should become wholly or mainly engaged in the provision, maintenance or operation of a harbour or in providing services or facilities which the Board themselves are authorised to provide;

(c) form and promote, or join with any other person in forming and promoting a company for carrying on any function of the Board; and

(d) dispose or discontinue the whole or any part of its undertaking acquired under this section and may dispose of any shares or other securities subscribed for or acquired under this section.

Powers of
acquisition
and disposal
of land.

10. The Board may—

(a) acquire by agreement, whether by way of purchase, lease or exchange, or by gift, any land, whether within or outside the haven, which they may require for the purposes of their functions;

(b) retain any land acquired by them for such time as they think fit; and

(c) sell, lease, exchange, whether with or without paying or receiving any money for equality of exchange, or otherwise dispose of any land acquired by them which is no longer required for the purposes aforesaid:

Provided that the Board shall not without the consent of the Secretary of State dispose of any land otherwise than for a consideration worth not less than the current market value of that land, so, however, that a person acquiring any land from the Board shall not be concerned to inquire whether that consent is necessary or has been obtained.

11.—(1) The Secretary of State may authorise the Board to purchase compulsorily any land which they require for the purposes of their functions under paragraphs (a) and (b) of section 5 (1) (General duties and powers) of this Act and the Acquisition of Land Act 1981 shall apply to this Act. PART II
—cont.
Powers of
compulsory
acquisition of
land.

(2) A compulsory purchase order made in the exercise of powers of acquisition under this section may provide for the acquisition of rights over land by creating them as well as for the acquisition of rights already in existence and in this respect the Acquisition of Land Act 1981 shall apply to this Act as if this Act were an Act specified in section 28 of that Act. 1981 c. 67.

(3) In its application to this section the provisions of Part II of Schedule 19 to the Highways Act 1980 (which deals with compensation for the acquisition of rights) shall apply to this Act in respect of compensation arising from the acquisition of rights over land. 1980 c. 66.

(4) Where the Board hold an interest in land which was acquired by agreement before the commencement of this Act they may by resolution provide that section 10 of the Compulsory Purchase Act 1965 shall be included among the provisions which apply to the acquisition. 1965 c. 56.

(5) A resolution made by the Board under subsection (4) above shall not have effect until the procedure specified in Schedule 3 to this Act has been complied with.

(6) Where after the commencement of this Act the Board acquire under section 10 of this Act an interest in land over which there is a right, Part I of the Compulsory Purchase Act 1965 shall apply, so far as applicable, in relation to that right as if the land subject to it had been acquired compulsorily under this section.

(7) The Lands Clauses Acts shall not apply to this Act.

12.—(1) Where, with a view to performing any of their functions conferred on them by any enactment, the Board consider that they ought to have information connected with any land, the Board may serve on one or more of the following persons, namely:— Power of
Board
to obtain
particulars
of persons
interested
in land.

(a) the occupier of the land; and

(b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and

(c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it;

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the

PART II
—cont.

notice to furnish to the Board, within a period specified in the notice (which shall not be less than 14 days beginning with the day on which the notice is served) the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

(2) A person who—

- (a) fails without reasonable excuse to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or
- (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Application
of capital
moneys.

13. Any capital money received by the Board in respect of any transaction under section 9 (Power to acquire and dispose of businesses or shares), section 10 (Powers of acquisition and disposal of land) or section 11 (Powers of compulsory acquisition of land) of this Act shall be applied in or towards the repayment of moneys borrowed by the Board or for other purposes of the Board for which capital money may properly be applied.

Lighting and
buoying.

14.—(1) In the performance of any functions with respect to the lighting and buoying of the haven, the Board shall be a local lighthouse authority for the purposes of the Act of 1894.

1847 c. 27.

(2) Section 78 of the Harbours, Docks, and Piers Clauses Act 1847 (which requires the sanction of Trinity House for lighthouses, lights, beacons and sea-marks) is hereby incorporated with this Act as if the reference therein to the undertakers were a reference to the Board.

(3) The Board and Trinity House may by agreement provide for the taking over and acquisition by the Board of any property of Trinity House maintained for the purpose of navigation in the haven.

Advisory
committee.

15. The Board shall maintain an advisory committee in connection with the discharge of the Board's functions and the use of the haven.

PART III

HARBOUR AND NAVIGATION POWERS

16.—(1) The Board may by byelaws make provision for any matter falling within their duty under section 5 (General duties and powers) of this Act and in particular, but without prejudice to the generality of their power, provision—

- (a) for regulating the use of the haven, including the movement of vessels therein and the time, manner and condition in which vessels shall enter or leave the haven or any installation therein, the speed of vessels within the haven, and the laying down of moorings and the anchoring, mooring, unmooring and placing of vessels in the haven;
- (b) with respect to the lights and signals to be carried or the steps for avoiding collision to be taken, by vessels navigating in the haven;
- (c) for regulating—
 - (i) the loading and unloading of goods;
 - (ii) the embarkation and disembarkation of passengers; or
 - (iii) the loading, removal and disposal of ballast; within the haven otherwise than at a dock or pier save where such dock or pier is owned or operated by the Board;
- (d) for preventing and removing obstructions or impediments within the haven not authorised by or under any enactment;
- (e) for the removal, placing and disposal of vessels laid by or neglected within the haven as unserviceable;
- (f) for the protection of vessels in the haven from the dangers of fire;
- (g) for regulating the conduct of boatmen, ferrymen and others plying for hire in the haven and of persons resorting to any works constructed or operated by the Board;
- (h) subject to subsection (3) below for prohibiting vessels, or any class of vessels, not being vessels authorised so to do by or under any enactment, from plying for hire in the haven except under a licence granted by the Board and in accordance with any terms and conditions upon which the licence is granted;
- (i) for the management, control and regulation of any works constructed or operated by the Board;
- (j) requiring—
 - (i) the master or owner of a vessel or a ship's agent; and

PART III
—cont.

(ii) a person using a service or facility for which the Board may charge and the agent of any such person;

to give to the Board such information as is required by the Board for, or in connection with, the assessment and collection of a charge;

- (k) requiring a trader to give to the Board in relation to goods for which he is responsible such information as is reasonably required by the Board for, or in connection with, the assessment and collection of charges;
- (l) prescribing the manner in which a return of information required by the byelaws is to be made and, if the return is required to be in writing, the number of copies to be provided;
- (m) prescribing the time within which the said information is to be provided;
- (n) for imposing upon persons offending against the byelaws fines recoverable on summary conviction not exceeding level 4 on the standard scale and, in the case of a continuing offence, a daily fine so recoverable not exceeding £50;
- (o) for empowering the harbourmaster to give directions with respect to such matters dealt with by the byelaws or otherwise falling within the duty of the Board under section 5 (General duties and powers) of this Act as may be specified in the byelaws and to take any necessary action in default of compliance with any such directions.

(2) Any expenses incurred by the Board in respect of any obstruction, impediment or vessel under byelaws made by virtue of paragraph (d) or (e) of subsection (1) above shall be recoverable by the Board from the owner or other person having the control of that obstruction, impediment or vessel and the Board may detain such obstruction, impediment or vessel for securing the expenses, and on non-payment of such expenses on demand may sell such obstruction, impediment or vessel and out of the proceeds pay such expenses, paying the surplus, if any, to the owner on demand.

(3) Any person aggrieved by the refusal, suspension or revocation of a licence such as is mentioned in paragraph (h) of subsection (1) above or who alleges that any term or condition attached to such a licence or any fee demanded therefor under section 32 (Power to levy charges and fees) of this Act is unreasonable, may make a complaint in respect thereof to a magistrates' court, who may make such order on the complaint as they think just, and any person aggrieved by the order may appeal against it to the Crown Court.

(4) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972 (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Board under this section as if the Board were a local authority and the secretary of the Board were the proper officer of a local authority, but the Secretary of State may confirm the byelaws with such modifications as he thinks fit:

PART III
—cont.
1972 c. 70.

Provided that where the Secretary of State proposes to make a modification which appears to him to be substantial he shall inform the Board and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Board and by other persons who have been informed of it.

17.—(1) In this section unless the context otherwise requires “the pier master” means the harbour, dock or pier master of an undertaker and includes the assistants of such harbour, dock or pier master.

Jurisdiction
within the
haven.

(2) The byelaws made by the Board under section 34 of the Explosives Act 1875 and section 7 of the Petroleum (Consolidation) Act 1928 respectively shall extend and apply and may be enforced within the prescribed limits of any undertaker and the undertaker shall be under no duty to make byelaws under the said section 7 notwithstanding anything contained therein.

1875 c. 17.
1928 c. 32.

(3) The byelaws made by the Board under section 16 (Power to make byelaws) of this Act shall (except so far as the byelaws may otherwise expressly provide) extend and apply and (except as aforesaid) may be enforced within the prescribed limits of any undertaker.

(4) If there should be any conflict between any directions given by the pier master of any undertaker and any directions lawfully given by the harbourmaster, the directions given by the harbourmaster shall prevail.

(5) In the case of any conflict between any directions given by the harbourmaster and any directions given by the Queen’s Harbour Master in any part of the haven falling within the limits, for the time being established by Order in Council under the Dockyard Ports Regulation Act 1865, of any dockyard port, the directions given by the Queen’s Harbour Master shall prevail.

1865 c. 125.

PART III
—cont.
Powers with
respect to
works and
cables.

18.—(1) The Board may, within or outside the haven, construct any works required for the purposes of their functions and may alter or extend any such works and may lay moorings:

Provided that the Board shall not exercise their powers under this subsection within prescribed limits without the consent of the undertaker within whose prescribed limits the Board seek to exercise those powers unless, on an application made to him for the purpose, the Secretary of State certifies that in his opinion consent has been unreasonably withheld.

(2) Notwithstanding any powers conferred, and without prejudice to any other restrictions imposed, by or under any other enactment, no person other than the Board shall construct, alter or extend any works on, under or over tidal waters or tidal lands within the haven except after giving not less than 28 days' notice in writing to the Board; and—

- (a) at any time before the notice expires the secretary of the Board or some other person authorised by the Board in that behalf may by counter-notice in writing require the carrying out of the operations in question to be postponed until the Board notify the person by whom the notice was given whether or not they propose to exercise their powers under the next following paragraph;
- (b) the Board may by instrument in writing at any time before the notice expires or, where they have made a requirement under the foregoing paragraph, in giving the notification referred to in that paragraph, prohibit or impose conditions or restrictions with respect to such construction, alteration or extension including any conditions and restrictions upon subsequent maintenance, operation and use of such construction, alteration or extension, as the case may be:

Provided that—

- (i) this subsection shall not apply to any operations carried out by the water authority in the exercise of their functions under the Land Drainage Act 1976 or the Water Resources Act 1963 upstream of a straight line across the river Dauceddau from Jenkins Point to Williamston Pill or a straight line across the Pembroke River running east and west through National Grid reference SM 940025;
- (ii) any person aggrieved by any requirement of the Board under paragraph (a) above may appeal against it to the Secretary of State whose decision shall be binding on both parties;

1976 c. 70.
1963 c. 38.

- (iii) any person aggrieved by any prohibition, condition or restriction imposed under paragraph (b) above may, within 28 days of the date of the instrument containing the prohibition, condition or restriction appeal against it to the Secretary of State who may uphold or reject the Board's prohibition, condition or restriction or impose such prohibition, condition or restriction as he considers appropriate provided that it is not more onerous than the Board's prohibition, condition or restriction and whose decision shall be binding on both parties;
- (iv) this subsection shall not apply to any of the operations referred to in section 29 (Lights on works and prevention of danger to navigation) and section 30 (Lights detrimental to navigation) of this Act.

(3) Any person who appeals to the Secretary of State under this section shall without delay give to the Board notice of his appeal accompanied by a copy of his statement of appeal.

(4) Any work in respect of which any condition or restriction imposed under this section is not complied with may be abated and removed and the site thereof restored to its former condition by the Board and any expenditure incurred by the Board in any such abatement, removal or restoration shall be recoverable from the occupier of the works.

(5) If any work is constructed, altered or extended in contravention of, or of any prohibition imposed under, this section that work may be abated and removed and the site thereof restored to its former condition by the Board and any expenditure incurred by the Board in such abatement, removal or restoration shall be recoverable from the occupier of the works provided that in the place of such abatement, removal or restoration the Board may, with the prior agreement of the occupier, by instrument in writing impose conditions or restrictions with respect to such construction, alteration or extension, including any conditions and restrictions upon subsequent maintenance, operation and use of such construction, alteration or extension, as the case may be, and where such conditions or restrictions are imposed, from the date of the imposition of such conditions or restrictions the work shall not be treated as having been constructed, altered or extended in contravention of subsection (2) above.

(6) A person who, without having given the requisite notice under subsection (2) above, constructs, alters or extends any works on, under or over tidal waters or tidal lands within the haven shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £50.

PART III
—cont.

(7) A person who knowingly contravenes and an occupier who knowingly contravenes or who permits a contravention of—

- (a) a requirement, prohibition, condition or restriction imposed by the Board under subsection (2) above; or
- (b) a condition or restriction imposed under subsection (5) above;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a daily fine not exceeding £50.

1972 c. 70.

(8) So much of any works constructed by the Board under subsection (1) above as is not within the area of any district within the meaning of the Local Government Act 1972, shall be deemed to be within such adjacent district as is nearest thereto or, in case of dispute, as the Secretary of State may determine.

1971 c. 78.

(9) The haven shall, in respect of any works proposed to be carried out by the Board under subsection (1) above be deemed for the purposes of the Town and Country Planning Act 1971 to lie within the county of Dyfed and within whichever district is nearer to the site of the proposed works or, in case of dispute, as the council of the said county may determine.

(10) Nothing in this section shall—

- (a) authorise any interference with, or with the operation of, any electricity work; or
- (b) affect the powers of British Telecommunications under the Telegraph Acts 1863 to 1916.

(11) The provisions of subsections (4), (5) and (6) above shall apply to operations which have been prohibited or in respect of which the Board have imposed conditions or restrictions before or after the passing of this Act.

(12) In this section—

“occupier” means the owner or person in charge of the work or, if there be no such person, the occupier of the land on which the work is placed at the time of the contravention;

“works” includes cables, and references to constructing, altering or extending work shall be construed, in relation to cables, as including references to the laying thereof.

Powers with respect to dredging, etc.

19.—(1) The Board may deepen, dredge, scour and improve the bed and foreshore of the haven and the bed of the sea in or near any approach to the haven, and blast any rock within the haven and any rock in the sea in or near any approach to the

haven, and any material taken up or collected in the course of any such operations shall be the property of the Board and may be used, sold, removed, deposited, or otherwise disposed of as the Board may think fit:

PART III
—cont.

Provided that—

(a) no such materials shall be laid down or deposited—

(i) in any place or manner such as to cover any submarine cable placed or maintained by British Telecommunications or by the electricity board or to impede in any way the inspection, maintenance, removal or renewal of any such cable; or

(ii) in any other place, being a place below the level of high water, except in such position as the Secretary of State may approve and subject to such conditions or restrictions as he may impose; or

(iii) in any other place in such manner as to prejudice the powers of any authority under sections 25 and 26 of the Highways Act 1980, with respect to the establishment of the Pembrokeshire Coastal Footpath as defined by the National Parks Commission and approved by the Secretary of State under section 52 of the National Parks and Access to the Countryside Act 1949;

1980 c. 66.

1949 c. 97.

(b) the Board shall not exercise their powers under this section within prescribed limits without the consent of the undertaker within whose prescribed limits the Board seek to exercise those powers unless, on an application made to him for the purpose, the Secretary of State certifies that in his opinion that consent has been unreasonably withheld.

(2) In the exercise of the powers conferred by the foregoing subsection the Board may, subject to subsection (7) below, remove or resite submarine cables in or across the bed or foreshore of the haven or the bed of the sea doing as little damage as may be and making good all damage done.

(3) Notwithstanding any powers conferred, and without prejudice to any other restrictions imposed, by or under any other enactment, no person other than the Board shall carry out within the haven any such operations as are mentioned in subsection (1) above except after giving not less than 28 days' notice in writing to the Board, and—

(a) at any time before the notice expires the secretary of the Board or some other person authorised by the Board in that behalf may by counter-notice in writing require the carrying out of the operations in question to be postponed until the Board notify the person by

PART III
—cont.

whom the notice was given whether or not they propose to exercise their powers under the next following paragraph;

- (b) the Board may by instrument in writing at any time before the notice expires or, where they have made a requirement under the foregoing paragraph, in giving the notification referred to in that paragraph, prohibit or impose conditions or restrictions with respect to those operations:

Provided that—

1976 c. 70.
1963 c. 38.

- (i) this subsection shall not apply to any operations carried out by the water authority in the exercise of their functions under the Land Drainage Act 1976 or the Water Resources Act 1963 but in the case of any operations so carried out within the haven, except operations carried out upstream of a straight line across the river Dauceddau from Jenkins Point to Williamston Pill or a straight line across the Pembroke River running east and west through National Grid reference SM 940025, the water authority shall give to the Board notice without delay, and particulars as soon as practicable thereafter, of any such operations and, except as aforesaid, any such operations shall be carried out subject to any general directions which may from time to time be given by the Board to the water authority for the avoidance of danger to, and the prevention, so far as possible, of interference with, navigation in the haven;
- (ii) any person aggrieved by any requirement of the Board under paragraph (a) above may appeal against it to the Secretary of State, whose decision shall be binding on both parties;
- (iii) any person aggrieved by any prohibition, condition or restriction imposed under paragraph (b) above may, within 28 days of the date of the instrument containing the prohibition, condition or restriction, appeal against it to the Secretary of State who may uphold or reject the Board's prohibition, condition or restriction or impose such prohibition, condition or restriction as he considers appropriate provided that it is not more onerous than the Board's prohibition, condition or restriction and whose decision shall be binding on both parties.

(4) Subsection (3) above shall not apply to any dredging carried out by the Milford Docks Company within their prescribed limits to maintain the existing channel—

- (a) for the protection of the Milford Docks; or
(b) to ensure the efficient operation of those docks:

Provided that the Milford Docks Company shall give the Board as long notice as practicable together with particulars of the dredging to be carried out and such dredging shall be carried out subject to any general directions which may be given by the Board for the avoidance of danger and the prevention, so far as possible, of interference with navigation.

(5) Any person who appeals to the Secretary of State under this section shall without delay give to the Board notice of his appeal accompanied by a copy of his statement of appeal.

(6) Any person who contravenes subsection (3) above or any requirement, prohibition, condition or restriction imposed thereunder shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the statutory maximum or, on indictment, to a fine.

(7) Nothing in this section shall authorise any interference with any submarine cable placed or maintained by British Telecommunications or with any electricity work placed or maintained by the electricity board; and as early as possible, and in any event not less than 28 days, before any exercise of their powers under subsection (1) above within a distance of 50 metres or, in the case of blasting operations, 150 metres of any such cable or electricity work the Board shall give notice in writing to British Telecommunications or the electricity board of their intention so to do.

(8) Nothing in this section shall authorise any interference with any pipeline lawfully placed in the haven and as early as possible, and in any event not less than 28 days, before any exercise of their powers under subsection (1) above within a distance of 50 metres or, in the case of blasting operations, 150 metres of any such pipeline the Board shall give notice in writing to the water authority of their intention to do so.

20. The officers, servants and agents of the Board duly authorised by the Board shall, on producing if so required their authority and subject to compliance with the reasonable requirements of the owner or person in charge of the works, be permitted access both by water and by land without payment or hindrance at all reasonable times on, to or over works in the haven—

- (a) during the construction thereof for the purpose of inspection; and
- (b) after the construction thereof whilst in the execution of their duties.

21.—(1) The harbourmaster may remove or have removed any vessel which is sunk, stranded or abandoned within the haven, or the approaches thereto which impedes the navigation thereof, and the expense of removing any such vessel shall be

As to
harbour-
master's
powers.

PART III
—cont.

repaid by the owner of the same, and the harbourmaster may detain such vessel for securing the expenses, and on non-payment of such expenses, on demand, may sell such vessel, and out of the proceeds of such sale pay such expenses, paying the surplus, if any, to the owner on demand.

(2) The harbourmaster may give directions with respect to all matters dealt with by the foregoing subsection provided that nothing in this section shall authorise the harbourmaster to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to customs and excise or any regulations or directions made by the Commissioners of Customs and Excise under any Act.

(3) Except in a case which is, in the opinion of the harbourmaster, a case of emergency, the harbourmaster shall, before removing or having removed under the powers conferred upon him by this section any vessel sunk, stranded or abandoned within the haven or in or near any approach thereto and within a distance of 200 metres of any submarine cable belonging to or used by British Telecommunications give to British Telecommunications in writing as long notice as is practicable of his intention to do so.

Power to board
vessels.

22.—(1) Without prejudice to his powers conferred by or under any enactment the harbourmaster may, on producing, if so required, his authority, board any vessel in the haven or in or near the approaches thereto and inspect the vessel or any part thereof or its cargo or any of the machinery, boats, equipment or articles on board the vessel for the purposes of carrying out the duties of the Board under any enactment, or for enforcing any enactment or byelaw which the Board may lawfully enforce.

(2) Nothing in this section shall affect the operation of the *SI 1979/1435. Public Health (Ships) Regulations 1979* or any regulations made under section 143 of the *Public Health Act 1936. 1936 c. 49.*

(3) This section shall not apply to a vessel in the part of the haven or the approaches thereto which is seaward of a straight line drawn from the south-western extremity of St. Anne's Head to the southern extremity of Studdock Point, unless—

- (a) bound to or from the remaining part of the haven; or
- (b) obstructing or interfering with navigation.

Penalty for not
complying
with directions
of harbour-
master.

23. Any person who fails to comply with any direction lawfully given by the harbourmaster under this Act or any byelaw made by the Board shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

24.—(1) Where any vessel is sunk, stranded or abandoned (whether before or after the commencement of this Act) in the haven or in or near any approach thereto, the Board may—

PART III
—cont.
Power to raise
and remove
wrecks.

- (a) take such steps until the vessel is raised, removed, destroyed or disposed of as the Board may consider necessary or expedient for the prevention of interference with the use of the navigation or the safety of navigation thereon comprising the marking, buoying, watching, lighting or otherwise controlling such vessel and its cargo, giving warning to shipping of the presence of the vessel and giving directions;
- (b) subject to subsection (4) below, raise, remove, blow up or otherwise destroy or dispose of the vessel.

(2) Where the Board have exercised any of their powers under subsection (1) above in respect of any vessel sunk, stranded or abandoned after 30th April 1958 they may cause the vessel or its cargo or anything associated with the vessel which may be removed or saved from the vessel to be sold in such manner as they think fit and may, out of the proceeds of the sale, retain the expenses incurred by them in the exercise of their powers under this section and any expenses incurred by them in removing or saving the cargo or anything associated with the vessel which may be removed or saved from the vessel, and an amount equal to any sum (including a sum equivalent to any customs duties or value added tax in respect of the vessel or its cargo due to the Commissioners of Customs and Excise) which they have been required by law to pay in connection with the vessel or its cargo and shall pay the surplus, if any, to the person entitled thereto:

Provided that a sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least 7 clear days' notice of the intended sale has been given by advertisement in a newspaper circulating in the districts of South Pembrokeshire and Preseli.

(3) If the proceeds of sale are insufficient to reimburse the Board for the said expenses, they may recover any such expenses which are not reimbursed out of the proceeds of sale, or, if there is no sale, the whole of those expenses from the person who, at the time of the sinking, stranding or abandonment of the vessel, is or was the owner thereof.

(4) (a) The Board shall not commence to exercise their powers under subsection (1) (b) above in relation to any vessel if and so long as, in the opinion of the Board, every practicable measure for proceeding with the removal or disposal of the

PART III
—cont.

vessel is being taken with all reasonable diligence and in accordance with any requirements of the Board for the prevention of interference with the use of the navigation or with safe navigation thereon.

(b) Except as provided in paragraph (c) below before exercising in relation to any vessel any of the powers conferred on them by subsection (1) (b) above the Board shall give to the owner of the vessel not less than 48 hours' notice of their intention to do so; and if before the notice expires the Board receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, the Board shall not exercise the powers of the said subsection (1) (b) in relation to that vessel until the expiration of 7 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 the use of the navigation or the safety of navigation thereon which may be given to him by the Board.

(c) Subject to paragraph (a) above in any case where there is, in the opinion of the Board, an emergency affecting the use of the navigation or the safety of navigation thereon, they shall not be required to give notice to the owner of a vessel before exercising their powers under subsection (1) (b) above, but in that case shall, subject to subsection (5) below, as soon as is practicable notify the owner.

(5) If the owner of a vessel to whom notice is to be given under subsection (4) above, or who is to be notified under that subsection, is not known to the Board, or if neither the address of his business nor of his abode is so known or if neither is within the United Kingdom, the notice or notification may be given by displaying it at the office of the Board for, in the case of the notice, the period of its duration and in the case of a notification under subsection (4) (c) above for 7 days.

(6) The powers conferred by this section shall be in addition to the powers exercisable by the Board under sections 530 and 532 of the Act of 1894.

(7) Except in a case which is, in the opinion of the Board, a case of emergency, the Board shall, before raising, removing, blowing up or otherwise destroying or disposing of, under the powers conferred upon them by this section, any vessel sunk, stranded or abandoned within the haven or in or near any approach thereto and within a distance of 200 metres of any submarine cable belonging to or used by British Telecommunications or of any pipeline, give to British Telecommunications or, as the case may be, the water authority

in writing as long notice as is practicable of their intention to do so.

PART III
—cont.

25.—(1) In addition to any powers conferred on the Board or on the harbourmaster by or under any enactment in respect of vessels which are sunk, stranded or abandoned, if a vessel which is sunk, stranded or abandoned, in the haven is discharging oil, or, in the opinion of the Board, is likely to discharge oil, into the haven or the waters adjacent thereto (then whether or not the Board or the harbourmaster have exercised in relation to that vessel any of the powers aforesaid) the Board may give such directions as respects the vessel or its cargo as they consider necessary or expedient for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, to the master or other person having control of that vessel:

Power to prevent or reduce oil pollution.

Provided that directions shall not be given under this subsection if and so long as, in the opinion of the Board, every practicable measure is being taken with all reasonable diligence for the purpose of preventing or reducing oil pollution, or the risk of oil pollution.

(2) If the master or other person having control of such vessel as is mentioned in subsection (1) above fails to comply with the directions given under that subsection, or if there be no competent person on board such vessel to attend to such directions, the Board may take such steps as they consider necessary or expedient as respects the vessel or its cargo, including operations involving the taking over of control of the vessel, for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, and any expenses incurred by the Board in respect of such steps shall, save as provided by subsection (4) below, be recovered by the Board from the owner and the Board may detain such vessel for securing the expenses and on non-payment of such expenses on demand may sell such vessel and out of the proceeds pay such expenses paying the surplus, if any, to the owner on demand.

(3) If the proceeds of sale are insufficient to reimburse the Board for the said expenses they may recover any such expenses which are not reimbursed out of the proceeds of the sale or if there is no sale, the whole of those expenses from the person who at the time the directions specified in subsection (1) above were given was the owner of the vessel and any action under this subsection shall fall within the Admiralty jurisdiction of the High Court and shall be deemed to be a claim for dock charges or dues under section 20 (2) (n) of the Supreme Court Act 1981. 1981 c. 54.

(4) Where in respect of any vessel the Board or the harbourmaster exercise the powers which are referred to in

PART III
—cont.

subsection (1) above, and where expenses incurred under those powers are recoverable by the Board, and where expenses are also incurred by the Board under subsection (2) above in respect of the same vessel, then the Board may recover all such expenses howsoever incurred as if they were incurred under subsection (2) above.

(5) (a) Nothing in this section shall authorise any steps to be taken or directions to be given—

- (i) that are not reasonably necessary to prevent or reduce oil pollution, or the risk of oil pollution; or
- (ii) such that the benefit which could reasonably be expected to result therefrom is disproportionately less than the expenses incurred or damage suffered as a result of the action;

and the Board shall be liable in damages in respect of any loss or damage suffered or expense incurred by any person by reason of steps taken or directions given by the Board which are not authorised under this section or by reason of any action taken in compliance with such unauthorised directions.

(b) In considering whether steps or directions are authorised under this section account shall be taken of—

- (i) the risk and likely extent of oil pollution if the steps had not been taken or the directions not given;
- (ii) the likelihood of the steps or the action taken in compliance with directions being effective; and
- (iii) the extent of the damage which could reasonably have been expected to result from the directions given or the steps taken.

(6) Where the Board incur liability in damages by virtue of the last foregoing subsection, the provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1900 shall apply to that liability as if—

1900 c. 32.

- (a) the words “any loss or damage is caused to any vessel, or to any goods, merchandise, or other things whatsoever on board any vessel or vessels” in section 2 (1) of the said Act of 1900 extended to include any loss, damage and expense of whatsoever nature caused to persons or to property;
- (b) the words “without their actual fault or privity” were omitted; and
- (c) all steps taken, directions given and action taken in compliance with directions given as respects any one vessel sunk, stranded or abandoned in the haven, or its

cargo, constituted one distinct occasion upon which all such loss, damage and expense arose.

PART III
—cont.

(7) Any reference in this section to the taking of any action includes reference to a compliance with a direction not to take some specified action.

(8) The Board shall, as soon as is practicable, notify the Secretary of State when exercising their powers under this section.

(9) The Secretary of State may, by order made by statutory instrument, amend this section to apply its provisions to substances other than oil and such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section “cargo” includes bunker fuel and any of the machinery, boats, equipment or articles on board a vessel.

26. Without prejudice to any other restrictions imposed by or under any enactment any person other than the Board and the Secretary of State, upon whom powers with respect to vessels sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the haven or in or near any approach thereto have been conferred by or under any enactment, not being powers exercisable by the master of a vessel or any competent person on board a vessel shall, before exercising any such powers, give notice to the Board of his intention to exercise those powers and shall in exercising those powers comply with any directions for the prevention of interference with navigation which may from time to time be given by the Board.

Further power with regard to wrecks.

27. Subject to the provisions of subsection (5) of section 25 (Power to prevent or reduce oil pollution) of this Act, in the exercise of any powers conferred on the Board for the purpose of preventing an obstruction or danger to navigation, to dispose of any vessel sunk, stranded or abandoned, or for preventing or reducing the discharge of oil, or the risk of discharge of oil, the Board shall, for the purpose of section 3 of the Merchant Shipping (Oil Pollution) Act 1971, be regarded as a person performing salvage operations with the agreement of the owner.

Incorporation of Merchant Shipping (Oil Pollution) Act 1971.

1971 c. 59.

28.—(1) In the exercise of any of their powers under section 24 (Power to raise and remove wrecks) or section 25 (Power to prevent or reduce oil pollution) of this Act the Board shall have regard to the desirability of consulting the owner of

Provisions relating to oil pollution and raising of wrecks.

PART III
—cont.

the vessel and of co-ordinating with the owner, where practicable, the steps to be taken and shall in all cases notify the water authority and the relevant undertaker as soon as, in the opinion of the Board, is practicable and subject to the provisions of subsection (4) of the said section 24 shall in the exercise of any such powers consult, and seek to co-ordinate the steps to be taken, with the relevant undertaker.

(2) Every person concerned with compliance with directions given, or with action taken, under the said sections 24 and 25 shall use his best endeavours to avoid any risk to human life.

(3) In this section “the relevant undertaker” means the undertaker within whose prescribed limits the vessel is sunk, stranded or abandoned, or as the case may be, the undertaker at whose harbour, dock or pier the vessel which is sunk, stranded or abandoned had berthed or, where this is known to the Board had entered the haven for the purpose of berthing thereat.

Lights on
works and
prevention
of danger to
navigation.

29.—(1) The owner or where the owner is not in occupation the occupier of any works in the haven whether constructed before or after the commencement of this Act shall at the outer extremity of those works on, under or over tidal waters or tidal lands 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 Board shall direct:

Provided that in any case where the Secretary of State has power under any enactment to impose requirements on such owner or occupier and there is any inconsistency between the directions of the Board and the requirements of the Secretary of State the requirements of the Secretary of State shall prevail.

(2) In case of injury to or destruction or decay of any such works as are referred to in subsection (1) above or any part thereof, so far as the same shall be constructed on, under or over tidal waters or tidal lands, the owner or occupier of the works 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 be directed by the Board and shall apply to the Board for directions as to the means to be taken.

(3) If the owner or occupier of any works fails to comply in any respect with the provisions of this section, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and to a daily fine not exceeding £100 or, on indictment, to a fine.

(4) Nothing in the foregoing provisions of this section shall derogate from or affect any duty or liability of the Board under section 14 (Lighting and buoying) of this Act.

30.—(1) The Board may by notice in writing require a person placing or using in or near the haven a light which is, in their opinion, calculated to mislead persons navigating in the haven or to interfere with the safe navigation of vessels, to screen, alter, extinguish or remove the light within a reasonable time specified in the notice.

PART III
—cont.
Lights
detrimental
to navigation.

(2) A person who—

(a) fails to comply with a notice given under this section;
or

(b) after complying replaces or again uses the light or places or uses in lieu thereof another light in respect of which the Board would be entitled to give a notice under this section;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and to a daily fine not exceeding £100 or, on indictment, to a fine.

31. Section 74 of the Harbours, Docks, and Piers Clauses Act 1847 is hereby incorporated with this Act.

Damage by
vessel.
1847 c. 27.

PART IV

POWERS WITH RESPECT TO CHARGES AND FEES

32.—(1) Subject to the provisions of this section, the Board may demand and take, in respect of every vessel (other than a vessel used wholly for recreation) entering, using or leaving the haven, such charges as the Board may determine, and those charges shall be ship, passenger and goods dues for the purposes of the Harbours Act 1964.

Power to
levy charges
and fees.

1964 c. 40.

(2) No charges shall be demanded under this section in respect of—

(a) any fishing boat within the meaning of Part IV of the Act of 1894;

(b) any vessel employed in the exercise of powers conferred by or under any enactment on any person other than the Board similar to the powers conferred on the Board by section 19 (Powers with respect to dredging, etc.) of this Act;

(c) any vessel of a gross registered tonnage of less than 150 tons or of a gross tonnage of less than 150 or a small ship;

(d) any vessel which, having left the haven, returns thereto only by reason of stress of weather or other sufficient emergency; or

PART IV
—cont.

- (e) any vessel in the haven which is seaward of a straight line drawn from the south-western extremity of St. Anne's Head to the southern extremity of Studdock Point unless bound to or from the remaining part of the haven:

Provided that paragraph (c) of this subsection shall not preclude the Board from demanding and taking charges in respect of vessels to which that paragraph applies lying in the haven; but the Board shall not except with the consent of the undertaker in question demand and take charges in respect of such vessels lying within prescribed limits.

(3) In the exercise of their powers under subsection (1) above the Board may grant and revoke exemptions from, or compound with any person with respect to, the payment of charges authorised to be demanded by that subsection.

(4) The Board may demand and take in respect of the use of any facilities or services provided by them in or in the vicinity of the haven such reasonable charges, and, subject to subsection (3) of section 16 (Power to make byelaws) of this Act, in respect of licences such as are mentioned in paragraph (h) of subsection (1) of that section such reasonable fees, as they may from time to time determine.

(5) In this section—

S.I. 1982/841. “gross registered tonnage” is determined according to the provisions of Part II Chapter A of Schedule 5 to the Merchant Shipping (Tonnage) Regulations 1982;

“gross tonnage” means a tonnage determined according to article 6 of the Merchant Shipping (Tonnage) Regulations 1982;

1983 c. 13. “small ship” has the meaning given to it by section 10 of the Merchant Shipping Act 1983; and

reference to gross registered tonnage shall cease to have effect on 18th July 1994.

Charges for moorings.

33.—(1) In addition to any powers conferred on the Board or on the harbourmaster by or under any enactment the Board may make and recover such charges as are reasonable taking into account the cost to the Board arising out of exercising their powers in relation to moorings (including annual or other payments) from persons who place or provide or lay down, as the case may be, any works or moorings to which this section applies and from persons who use any moorings to which this section applies and the due payment on demand of such charges for the time being exigible may be—

- (a) imposed by the Board as a condition or restriction under the provisions of subsections (2) and (5) of section 18 (Powers with respect to works and cables) of this Act;

(b) made a condition of a grant of a permission by the harbourmaster to lay down or keep moorings in the haven within his powers by or under any enactment for regulating the laying down of moorings whether or not any other conditions have already been imposed in respect of laying down or keeping such moorings, and the failure to pay such charges shall be deemed to be a failure to comply with the conditions of that permission.

PART IV
—cont.

(2) The works and moorings to which this section applies are berthing heads, landing stages, dolphins, slipways, mooring buoys and the like works and apparatus for the mooring or berthing or slipping of vessels.

(3) The Board shall not exercise their powers under this section within prescribed limits without the consent of the undertaker within whose prescribed limits the Board seeks to exercise those powers.

34.—(1) Any amount payable in respect of any vessel by way of charges under subsection (1) of section 32 (Power to levy charges and fees) or section 33 (Charges for moorings) of this Act shall be paid by the master or owner of the vessel to the collector of charges at such place and time and in such manner as the Board may direct, and the collector may, either alone or with any other person authorised in that behalf by the Board, go on board any vessel in the haven for the purpose of inspecting the vessel and its cargo in order to ascertain whether any, and if so what, amount is payable by way of such charges in respect of that vessel.

(2) The master of any vessel entering or departing from the haven shall, not later than 24 hours after the entry or, as the case may be, at an interval before the departure which is reasonable in the circumstances of the case, give notice thereof to the harbourmaster, and if he fails so to do he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale:

Provided that this subsection shall not apply in relation to any vessel such as is mentioned in paragraph (a), (b) or (c) of subsection (2) of section 32 (Power to levy charges and fees) of this Act.

(3) If any amount payable in respect of any vessel by way of such charges is not paid on demand the Board may recover that amount from the master or owner of the vessel, or the collector of charges, taking such assistance as he thinks necessary, may at any time and at any place within the haven seize and detain that vessel, whether laden or empty, and the tackle and furniture

PART IV
—cont.

thereof until that amount and the reasonable expenses of the collector have been paid; and if payment is not made before the expiration of 7 days from the date of the seizure, then, subject to the next following subsection, the collector may cause the property seized to be sold and apply the proceeds of sale thereof towards payment of the amount and expenses aforesaid and of the expenses of the sale, paying over the surplus, if any, to the owner of the vessel.

(4) If, where any property has been seized and detained under the last foregoing subsection, any dispute arises as to the sum payable in redemption thereof, the collector of charges may continue to detain, but shall not sell, the property until the dispute has been determined.

(5) If the person liable to pay any amount by way of such charges as aforesaid evades payment thereof the Board may recover from that person a sum equal to three times that amount.

(6) No vessel in respect of which any amount is payable by way of such charges as aforesaid shall depart from the haven until that amount has been paid or secured, and the collector or other proper officer of customs and excise for the haven may with the consent of the Commissioners of Customs and Excise refuse to receive any entry or give any discharge or clearance or take any report outwards of any such vessel until he is satisfied that that amount has been paid or that sufficient security has been given for the payment thereof and of any expenses arising from the non-payment thereof.

Conditions as to payment of charges.

35. Charges payable under section 32 (Power to levy charges and fees) or section 33 (Charges for moorings) of this Act shall be payable subject to such conditions as the Board may specify in their published list of charges.

Claims for repayment of charges.

36. Any person claiming the return of the whole or any part of any charges paid to the Board shall make such claim and produce all documents and give all information required by the Board in proof of such claim within 12 months from the time of payment and, in default thereof, the claim shall no longer be enforceable.

Vessels of Board exempt from rates and charges.

37. Notwithstanding anything contained in any enactment the Board shall not be liable to pay any rates or charges in respect of any vessel while in use by them for the purposes of their functions under any enactment.

PART V

FINANCE

38.—(1) The Board may borrow money by any one or more **Borrowing** of the following methods:— **powers.**

- (a) on an unsecured basis; or
- (b) upon the security of a guarantee given by a third party;
or
- (c) upon the security of all or any of the revenues and property of the Board; or
- (d) by the creation and issue of stock.

(2) The total amount of moneys borrowed under this section and any of the enactments repealed by this Act and outstanding at any one time shall not exceed—

- (a) £25,000,000; or
- (b) (with the consent of the Secretary of State) such further sums of money as the Board may require.

(3) Subject to the provisions of section 43 (Power to invest) of this Act, moneys borrowed by the Board under this section shall be applied only to purposes to which capital money is properly applicable.

(4) For the purposes of the last foregoing subsection (but without prejudice to the generality thereof) purposes to which capital money is properly applicable shall be deemed to include—

- (a) the payment of any interest falling due within the five years immediately following the date of the borrowing on any sum of money borrowed by the Board under this section; and
- (b) the expenses of the creation and issue by the Board of any stock or any other security; and
- (c) the repayment within 12 months of the date of borrowing of any sum for the time being outstanding by way of principal on any amount previously borrowed; and
- (d) the purchase of any of the Board's stock; and
- (e) the payment or repayment of any moneys for any purpose previously sanctioned by the Secretary of State.

PART V
—cont.

(5) Any sums borrowed under this section shall be repaid within such period as the Board may in the case of that sum fix, being a period not exceeding 60 years, and shall be so repaid, in the case of an amount borrowed by the creation and issue of stock, by means of a sinking fund and in any other case either by means of a sinking fund or by instalments of principal or of principal and interest combined, or partly by one of those methods and partly by another or others of them; and

(a) where the amount is to be repaid by means of a sinking fund, then, so long as it is so repaid within the fixed period, the first payment to the fund may be made at any time before the expiration of five years from the date of the borrowing;

(b) where the amount is to be repaid by means of instalments, the first instalment shall be paid within five years from the date of the borrowing.

(6) The provisions of Schedule 4 to this Act shall have effect with respect to any stock created under this section.

(7) It shall not be lawful to exercise the powers of borrowing conferred by subsection (1) above otherwise than 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.

Temporary
loans.

39.—(1) The Board may, for the purposes of meeting their obligations and carrying out their functions under any enactment, raise money (whether on the security of the revenues and property of the Board or unsecured) by means of overdraft from any bank or by short term borrowing from a bank or any other person:

Provided that the total amount outstanding at any one time of the money so borrowed including money borrowed in a like manner under any of the enactments repealed by this Act shall not exceed £5,000,000.

(2) The power conferred by this section shall be in addition to any other borrowing power for the time being enjoyed by the Board.

Register of
charges.

40. The Board shall keep at their offices a register of all charges created by them under this Act, specifying in each case the revenues or property charged, the amount of the charge and the name of the person entitled thereto, and the said register shall be kept available during reasonable hours for inspection without charge by any creditor of the Board under this Act and

for inspection by any other person on payment of such fee, not exceeding £1 for each inspection, as the Board may determine.

PART V
—cont.

41. For the purpose of making any loan to the Board by any person and of any rights and liabilities with respect to that loan, a certificate signed at the time of the making of the loan by the secretary and any two members of the Board that the borrowing of that sum is authorised by this Act shall be sufficient evidence of the validity of that loan. Evidence of loans.

42. The Board may on such terms and subject to such conditions and instructions as they think expedient appoint and keep appointed an officer of the Board or any other person or any banking or other company as registrar for all or any of the purposes of Schedule 4 to this Act and a registrar so appointed shall perform such of the functions of the Board under the said Schedule 4 as the Board may direct. Appointment of registrar.

43. The Board may invest in trustee securities the whole or any part of any sum of money borrowed by them and not for the time being required for the purpose for which it was borrowed and any other money held by the Board and not for the time being required for the purposes of the Board. Power to invest.

44. The Board may purchase any stock created and issued by them, whether at par or at a price above or below par, either in the market or by agreement with the holder thereof for the purpose of extinguishing that stock before the due date of redemption. Purchase of stock.

45. All securities issued or granted by the Board shall rank *pari passu* for the purposes of security without any priority on account of the date of issue or grant thereof or on any other account. Ranking of securities.

46.—(1) Any sinking fund established by the Board for the purposes of section 38 (Borrowing powers) of this Act shall be formed and maintained either— Sinking funds.

- (a) as a non-accumulating fund by payment thereto throughout the period fixed under subsection (4) of that section (hereafter in this section referred to as “the fixed period”) of such equal annual sums as will be sufficient to repay the amount borrowed at the expiration of that period; or
- (b) as an accumulating fund by payment thereto throughout the fixed period of such equal annual sums as, with compound interest thereon at the rate on which the equal annual payments are based, will be sufficient as aforesaid:

PART V
—cont.

Provided that, where the first payment to the fund is not made within 12 months of the date of borrowing, the references in this subsection to payments throughout the fixed period shall be construed as references to payments throughout the residue of that period commencing with the date of the first payment to the fund.

(2) Every sum paid to the fund and, where it is an accumulating fund, the interest on the investments thereof shall, unless applied in or towards repayment of the principal amount secured by any charge, or the purchase for extinction before the due date of redemption of any stock, in connection with which the fund is maintained, be immediately invested, and may thereafter from time to time be reinvested, in trustee securities.

(3) When the fund is a non-accumulating fund, the interest on its investments may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of the fund in or towards such a repayment or purchase as aforesaid:

Provided that—

- (a) where it is an accumulating fund the Board shall pay into the fund each year during the residue of the fixed period, in addition to the equal annual payments, a sum equal to the interest which would have been produced by the fund or that part thereof if invested at the rate on which the equal annual payments to the fund are based;
- (b) where the fund is maintained in connection with any stock, in any year in which the fund or any part thereof has been applied in such a purchase as aforesaid at a price above par the Board shall pay into the fund, in addition to the annual payment, a sum equal to the difference between the price paid for that purchase and the par value of the stock purchased.

(5) If the fund is an accumulating fund and the income thereof at any time is less or greater than the income which would be derived from the sums invested if those sums were invested at the rate on which the equal annual payments to the fund are based, the deficiency shall be made good by the Board or, as the case may be, the Board may apply the excess towards those annual payments.

(6) If at any time it appears to the Board that the fund as for the time being maintained will not be sufficient to pay off the amount borrowed at the expiration of the fixed period, the Board shall make such adjustments in the payments to the fund as will cause the fund to be sufficient for that purpose.

(7) If at any time it appears to the Board that the fund as for the time being maintained will be more than sufficient or is already sufficient, to pay off the amount borrowed at the expiration of the fixed period, the Board may make such adjustments in the payments to the fund (including suspension of such payments) as they think fit.

(8) If the Board desire to accelerate the paying off of the amount borrowed, they may with the approval of the Secretary of State increase the amount of the payments to the fund.

(9) Any surplus remaining in the fund on the expiration of the fixed period after providing for the paying off of the amount borrowed shall be applied to such purposes of the Board to which capital moneys may properly be applied as the Board may think fit; and if at the expiration of five years after the expiration of the fixed period any sum remains in the fund which for any reason not due to the default of the Board it has not been possible to pay to the person entitled thereto by way of the repayment of the principal amount secured by any charge or the redemption of any stock in connection with which the fund was maintained, then, without prejudice to the rights of any such person, that sum may be applied as aforesaid.

47.—(1) Where any sums accrued due by way of principal, interest or principal and interest combined in respect of amounts borrowed by the Board under section 38 (Borrowing powers) of this Act remain unpaid at the expiration of a period of, in the case of sums due by way of principal, six months or, in the case of sums due by way of interest or of principal, and interest combined, 30 days after the date when payment became due and after demand therefor in writing has been made, and the sums so accrued due and unpaid amount in the aggregate to not less than 10 per cent. of the aggregate amount for the time being outstanding by way of principal on all moneys borrowed by the Board or £10,000, whichever is the greater, the person or persons to whom those sums are owing may apply to the High Court for the appointment of a receiver.

(2) On any such application, the court may, if it is satisfied that the sums owing to the person or persons by whom the application is made amount in the aggregate to not less than the amount aforesaid, and after hearing the parties, appoint on such terms as the court may determine a person to receive on behalf of the applicants the whole or any part of any receipts of the Board on which the sums owing are secured until those sums, any expenses of the receiver and any costs of the application have been fully paid.

PART V
—cont.

(3) No receiver shall be appointed in the case of any security given by the Board otherwise than as provided by the foregoing provisions of this section.

Board not bound to recognise trusts.

48. The Board shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any moneys payable by way of principal or interest in respect of any charge or stock created by the Board may be subject, and the receipt of the person or persons in whose name the charge or stock for the time being stands in the books of the Board shall be sufficient discharge to the Board for any such moneys paid by them notwithstanding any trust to which those moneys may then be subject and whether or not the Board have had notice of that trust.

Application of revenue.

49. All moneys in the nature of revenue received by the Board shall be applicable by them for the purposes and in the order following, that is to say:—

- (a) in payment of any expenses properly chargeable to revenue incurred by the Board in the execution of this Act;
- (b) in payment year by year of the interest accruing on any moneys borrowed by the Board;
- (c) in making the provision required by this Act for the repayment of moneys so borrowed;

and any balance shall be applicable to such purposes of the Board in such manner as the Board may determine.

Accounts of Board.

50.—(1) The Board shall keep proper accounts, and proper records in relation to those accounts, and shall prepare proper statements of account in respect of each financial year of the Board; and the accounts of the Board for each such year shall be audited by auditors appointed by the Board for that year.

(2) No person shall be qualified to be so appointed auditor unless he is a member of one or more of the following bodies that is to say:—

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Association of Certified Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161 (1) (a) of the Companies Act 1948 by the Department of Trade and Industry.

PART VI
SAVINGS

51.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained shall authorise the Board to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

Crown savings.

- (a) 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; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

(3) Section 28 of the Harbours, Docks, and Piers Clauses Act 1847 (which relates to the exemption of vessels in Her Majesty's or the public service) is hereby incorporated with this Act and as so incorporated shall be construed as if the reference therein to the special Act were a reference to this Act and as if the penalty provided thereby were expressed to be recoverable on summary conviction. 1847 c. 27.

52.—(1) Without prejudice to section 741 of the Act of 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty), the powers conferred on the Board by sections 530 and 532 of the Act of 1894, section 24 (Power to raise and remove wrecks) and section 25 (Power to prevent or reduce oil pollution) of this Act and the powers conferred on the harbourmaster under section 21 (As to harbourmaster's powers) of this Act shall not be exercisable—

Protection of Crown interest in wrecks.

- (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, 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

PART VI
—cont.

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, of Her Majesty's ships of war.

(2) The Board shall give notice in writing to the Secretary of State for Defence and the Secretary of State for Transport of any decision of the Board to exercise in relation to any vessel referred to in paragraph (b) of subsection (1) above 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 Board 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 Transport, before the expiration of a period of 14 days from the giving of the notice; or

(b) if before the expiration of the said period there is served on the Board a direction by the Secretary of State for Defence or the Secretary of State for Transport 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 Board proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) above 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 24 (Power to raise and remove wrecks) of this Act:

Provided that—

(i) the Board 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) above, 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 and the next following subsection and of subsection (5) of section 25 (Power to prevent or reduce oil pollution) of this Act 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 the purposes of this proviso.

(3) Where a direction is served in respect of any vessel under paragraph (b) of subsection (2) above the Board may from time to time apply to the authority by whom the direction was given for the reimbursement of any expenses reasonably incurred by the Board in marking, lighting, watching, buoying, controlling or giving warning to shipping of the presence of that vessel and that authority may make to the Board such payments as the Treasury may determine.

(4) Without prejudice to the power of sale conferred on the Board by the said section 530 the Board shall hold and dispose of any wreck within the meaning of Part IX of the 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 Board shall discharge any sums payable in respect of that property by way of duties of customs or excise, or value added tax, and any sums so discharged shall be deemed to be expenses incurred by the Board under that section.

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

53. Nothing in this Act shall prejudice or derogate from any Saving for of the rights or privileges, or the jurisdiction or authority, of Trinity House. Trinity House.

54. For the protection of the water authority the following For protection provisions shall, unless otherwise agreed in writing between the of water Board and the water authority, apply and have effect:— authority.

(1) In this section—

“dredging operation” means an operation authorised by subsection (1) of section 19 (Powers with respect to dredging, etc.) of this Act;

“sea defence work” includes a river wall or sea defence work for the time being vested in, or under

PART VI
—cont.
1976 c. 70.
1963 c. 38.

the control of, the water authority for the purposes of the Land Drainage Act 1976, or the Water Resources Act 1963;

“watercourse” means a watercourse, as defined in the Land Drainage Act 1976, subject to the control of the water authority;

“wreck raising operation” means an operation authorised by section 24 (Power to raise and remove wrecks) of this Act other than the marking, buoying, watching, lighting or controlling of a vessel or its cargo and the giving of warning to shipping of the presence of the vessel.

(2) Subsection (2) of section 18 (Powers with respect to works and cables) of this Act shall not make unlawful the carrying out by the water authority in an emergency of any works required to ensure the efficient operation of any pipeline:

Provided that the water authority shall give the Board notice without delay of the emergency and particulars of the work to be or being carried out and such works shall be carried out subject to any general directions which may be given by the Board for the avoidance of danger and the prevention, so far as possible, of interference with navigation.

(3) Subsection (2) of section 19 (Powers with respect to dredging, etc.) of this Act shall not make unlawful the carrying out of dredging by the water authority in an emergency where the dredging is of an existing natural or dredged channel and, being within 50 metres of a sewer outfall (other than a storm overflow) is required to ensure the efficient operation of it:

Provided that the water authority shall give the Board notice without delay of the emergency and particulars of the dredging to be or being carried out and such dredging shall be carried out subject to any general directions which may be given by the Board for the avoidance of danger and the prevention, so far as possible, of interference with navigation.

(4) (a) The Board shall, before commencing any dredging operation or any wreck raising operation—

(i) which is within 150 metres of any sea defence work; or

(ii) which may interfere with the efficiency of a watercourse for land drainage purposes;

deliver to the water authority for their approval which shall not be unreasonably withheld, a plan defining the nature, extent and manner of the operation (and, in the case of a dredging operation, particulars as to the place

and manner of disposal of materials taken up or collected in the course of the operation);

PART VI
—cont.

- (b) An operation to which sub-paragraph (a) of this paragraph applies shall not be carried out otherwise than in accordance with such plan and in such manner as may be approved by the water authority in accordance with that sub-paragraph or as may be settled by arbitration:

Provided that if the water authority do not within 21 days after the delivery of such plan signify to the Board their disapproval thereof, and the grounds for their disapproval, they shall be deemed to have approved the plan;

- (c) The Board shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but in such a case they shall give to the water authority notice as soon as reasonably practicable, and a plan defining the nature and extent of the operation as soon as reasonably practicable thereafter, and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances.

- (5) In giving their approval to a plan delivered under paragraph (4) above the water authority may attach to their approval such conditions (including conditions requiring the construction of protective works by, and at the expense of, the Board during the carrying out of a wreck raising operation or of a dredging operation) as are reasonably necessary—

(a) in the case of a dredging operation, to prevent pollution of any stream (including any controlled waters within the meaning of the Control of Pollution Act 1974), or of water contained in underground strata, arising from the disposal of materials taken up or collected in the course of the operation; and

1974 c. 40.

(b) in the case of a wreck raising operation or a dredging operation, to prevent pollution of any such stream, to safeguard a sea defence work or watercourse against damage or to secure that the efficiency of a watercourse for land drainage purposes is not impaired.

- (6) If by reason of the carrying out of any dredging operation or wreck raising operation a sea defence work or pipeline is interfered with, or the efficiency of

PART VI
—cont.

a watercourse for land drainage purposes or of a pipeline is impaired, the water authority may—

(a) make good the sea defence work, pipeline or watercourse to restore it to its former standard of efficiency; or

(b) where necessary, construct some other work in substitution therefor;

and may recover from the Board the reasonable cost of so doing and for the purposes of this paragraph such cost shall include a proper proportion of the overhead charges of the water authority, and any such cost of executing works needed for remedying any subsidence of the sea defence work or pipeline or of the substituted work during such reasonable period as may be agreed between the Board and the water authority, or failing agreement, settled by arbitration.

- (7) If the water authority have reasonable ground for believing that a sea defence work or watercourse is likely to be damaged or the efficiency of a watercourse for land drainage purposes is likely to be impaired in any of the circumstances mentioned in the last foregoing paragraph, they may carry out such protective works as may be agreed between them and the Board or as, failing agreement, may be settled by arbitration, and recover the reasonable cost thereof (including a proper proportion of the overhead charges of the water authority) from the Board.
- (8) Any difference arising between the Board and the water authority under this section shall be determined by an arbitrator to be agreed upon between the parties, or failing agreement, appointed on the application of either party after notice in writing to the other of them, by the President of the Institution of Civil Engineers.

For protection
of electricity
board.

55. For the protection of the electricity board the following provisions shall, unless otherwise agreed in writing between the Board and the electricity board, apply and have effect:—

- (1) Subject to paragraph (3) of this section, subsection (2) of section 18 (Powers with respect to works and cables) of this Act shall not—

(a) apply to the construction, alteration or extension by the electricity board of any electric line from time to time authorised under or by virtue of any enactment (whether coming into operation before or after the commencement of this Act);

(b) make unlawful the carrying out by the electricity board in an emergency of any works not so authorised necessary for the protection of, or to ensure the efficient operation of, any electricity work:

PART VI
—cont.

Provided that the electricity board shall give the Board notice without delay of the emergency and particulars of the work to be or being carried out and such works shall be carried out subject to any general directions which may be given by the Board for the avoidance of danger and the prevention, so far as possible, of interference with navigation:

- (2) Subject to paragraph (3) of this section, subsection (3) of section 19 (Powers with respect to dredging, etc.) of this Act shall not make unlawful the carrying out of dredging by the electricity board in an emergency where the dredging is of an existing natural or dredged channel and is necessary for the protection of, or to ensure the efficient operation of, any electricity work:

Provided that the electricity board shall give the Board notice without delay of the emergency and particulars of the dredging to be or being carried out and such dredging shall be carried out subject to any general directions which may be given by the Board for the avoidance of danger and the prevention, so far as possible, of interference with navigation:

- (3) Nothing in paragraph (1) or (2) of this section shall affect anything in respect of which the Board have imposed terms and conditions before 1st January 1976, or shall affect any such terms and conditions:
- (4) Except in a case which is in the opinion of the Board a case of emergency, the Board shall before exercising the powers of subsection (1) of section 24 (Power to raise and remove wrecks) of this Act within a distance of 200 metres of any electricity work of which the Board are aware give the electricity board as long notice as is practicable of their intention to exercise those powers.

56.—(1) Except as provided in subsection (2) below, nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Secretary of State to the carrying out of certain operations whereby obstruction or danger to navigation is caused or is likely to result). Saving for Coast Protection Act 1949. 1949 c. 74.

PART VI
—cont.

(2) Application for consent under the said sections 34 to 36 to the carrying out of any operations for which notice is required to be given to the Board under section 18 (Powers with respect to works and cables) or section 19 (Powers with respect to dredging, etc.) of this Act shall not be determined, until notice has been given to the Board and the notice has expired or, where the Board have required the carrying out of the operations in question to be postponed, until the Board notify the applicant whether or not they intend to use their powers, or where there is an appeal under subsection (2) of the said section 18 or subsection (3) of the said section 19, the appeal has been dealt with.

Saving for
certain
enactments.
1971 c. 60.
1973 c. 33.

57.—(1) Nothing in this Act shall affect the operation of—
(a) the Prevention of Oil Pollution Act 1971;
(b) the Protection of Wrecks Act 1973.

(2) In subsection (3) below, the expression “the relevant statutes” means—

1962 c. xliv.
1965 c. xxiv.
1971 c. iv.

(a) the Regent Refining Company Act 1962;
(b) the Gulf Oil Refining Act 1965; and
(c) the Amoco (UK) Act 1971.

(3) Without prejudice to the rights and powers conferred on the Board and the obligations imposed on the undertakers by the relevant statutes, nothing in this Act prohibiting dredging or the construction, alteration or extension of works, except after notice to the Board, or otherwise rendering dredging or works subject to the control or regulation of the Board shall apply to the power to dredge or to construct works authorised by the relevant statutes.

PART VII

GENERAL

Service of
documents.

58.—(1) Any document required or authorised by this Act to be given to or served on any person may be given or served either by delivering it to that person, or by leaving it at his proper address, or by post.

1978 c. 30.

(2) For the purposes of this section, and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of a corporation, be that of the registered or principal office of the corporation, and in any other case shall be the last known address of the person to be served:

Provided that, if the person to or on whom the document to be given or served has furnished an address for the giving or service of the document, being an address in the United Kingdom, his proper address for those purposes shall be the address furnished.

PART VII
—cont.

(3) If the name or the address of any owner, lessee or occupier of land to or on whom any such document is to be given or served cannot, after reasonable inquiry, be ascertained by the Board, the document may be given or served by addressing it to the person to or on whom it is to be given or served by the description of "owner", "lessee" or "occupier" of the land (describing it) to which the document relates and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, affixing it, or a copy of it, to some conspicuous part of the premises.

59. Section 265 of the Public Health Act 1875 (which relates to the protection from personal liability of members and officers of certain authorities) shall apply to the Board as if any reference in that section to the said Act of 1875 included a reference to this Act, any reference in that section to a member of a local authority included a reference to a member of the Board and any reference in that section to a joint board included the Board.

Protection of
members and
officers of
Board from
personal
liability.
1875 c. 55.

60.—(1) In any proceedings for an offence under section 19 (Powers with respect to dredging, etc.) and section 29 (Lights on works and prevention of danger to navigation) and section 30 (Lights detrimental to navigation) of this Act, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence:

Defence of
due diligence.

Provided that in the case of proceedings under the said sections 29 and 30 it shall not be a defence unless he also proves that as soon as he became aware of the commission of the offence he immediately took all reasonable steps to terminate the offence.

(2) If in any case the defence provided by subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

PART VII
—cont.
1980 c. 43.

(3) Notwithstanding anything in section 127 (1) of the Magistrates' Courts Act 1980, in any case where a court accepts a defence put forward under this section which involves an allegation that the commission of the offence was due to the act or default of another person, a magistrates' court may try any information which is laid against that person for an offence under the sections specified in subsection (1) above arising from the same set of circumstances if the information was laid at any time within six months of the final determination of the case of the first defendant.

(4) Where an information against any person is tried in accordance with subsection (3) above the information shall not be tried by any of the same justices as tried the earlier information arising from the commission of the same offence.

Local
inquiries.
1972 c. 70.

61. The Secretary of State may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act, and the provisions of section 250 (2) to (5) of the Local Government Act 1972 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply to any such inquiry as if it were held by the Secretary of State under subsection (1) of that section and as if references therein to a local authority included references to the Board:

Provided that subsection (4) of that section (which requires the Secretary of State's costs of such an inquiry to be defrayed by the parties thereto) shall not apply in relation to any inquiry unless it is so directed by the Secretary of State.

Repeals.

62. The enactments specified in Schedule 5 to this Act are hereby repealed.

SCHEDULES

SCHEDULE 1

Section 4.

MILFORD HAVEN CONSERVANCY BOARD

PART I

CONSTITUTION OF BOARD

1. The Board shall consist of a chairman and not less than nine and not more than twelve other members.

2. The chairman and not less than eight and not more than nine other members of the Board shall be appointed by the Secretary of State of whom—

- (a) one member shall be appointed after consultation with such persons appearing to him to be representative of organised labour in Wales as he considers appropriate;
- (b) one member shall be appointed after consultation with the Dyfed County Council and one member shall be appointed after consultation with the Preseli and South Pembrokeshire District Councils;
- (c) two members shall be appointed after consultation with such persons appearing to the Secretary of State to be representative of bodies engaged in the oil industry and having a substantial interest in the haven as he considers appropriate.

3. In appointing the members referred to in paragraph 2, other than those referred to in sub-paragraphs (a), (b) or (c), the Secretary of State shall select persons who appear to him to have wide experience of and to have shown capacity in one or more of the matters mentioned in paragraph 4 below, or to have in some other respect knowledge or experience that would be of value to the Board in the discharge of their functions.

4. The matters referred to in paragraph 3 above are—

- (a) the management of harbours;
- (b) shipping;
- (c) navigation of ships;
- (d) the protection or conservation of the environment;
- (e) commercial, financial or legal matters.

5. The general manager for the time being of the Board shall be a member of the Board.

6. The Board may, if they so decide, appoint one other officer of the Board to be a member of the Board, who shall hold or vacate his office as a member at the discretion of the Board.

SCH. 1
—cont.

7. If at any time no member of the Board has wide experience of navigation (including the command of sea-going ships, pilotage and navigational aids) the persons holding office under paragraphs 2, 5 and 6 above shall appoint as an additional member of the Board a person, not being an officer of the Board, who in their opinion has such experience.

8. A person who is not or has not been a member of the Board shall not be appointed to the Board if at that time aged 65 years or over.

9. Except those members of the Board who cease to hold office in accordance with the provisions of paragraphs 12 or 13 below, members of the Board shall upon ceasing to hold office be eligible for re-appointment.

10. A person appointed by the Secretary of State as a member of the Board shall cease to hold office at the expiration of such period not exceeding three years from the date of the appointment as the Secretary of State may in making the appointment specify and in specifying such period the Secretary of State shall have regard to the desirability of retirement in rotation.

11. A person appointed under paragraph 7 above shall cease to hold office at the expiration of such period not exceeding three years from the date of the appointment as the persons making the appointment specify at the time of the appointment.

12. If the Secretary of State is satisfied that a member whom he has appointed to the Board has been absent from meetings of the Board for more than six consecutive months without written permission of the Board, or has been adjudged bankrupt, or has been convicted of an offence involving dishonesty or immorality, or is incapacitated by physical, or mental illness or is otherwise unable or unfit to discharge the functions of a member, the Secretary of State may declare the office of such member vacant and thereupon such member shall cease to hold office and the office shall become vacant.

13. If the Board are satisfied that a member appointed under paragraph 7 above has been absent from meetings of the Board for more than six consecutive months without written permission of the Board, or has been adjudged bankrupt, or has been convicted of an offence involving dishonesty or immorality, or is incapacitated by physical, or mental illness or is otherwise unable or unfit to discharge the functions of a member, the Board may declare the office of such member vacant and thereupon such member shall cease to hold office and the office shall become vacant.

14. Any casual vacancy among the members of the Board appointed by the Secretary of State shall be filled as soon as practicable by the appointment by the Secretary of State in accordance with the provisions of paragraph 2 of this Schedule of a new member and the member so appointed shall come into office upon his appointment or, where the appointment is made in advance to fill a casual vacancy which is known to be about to occur, upon that

vacancy occurring and subject to the provisions of this Act shall hold office during the remainder of the term of the member in whose place he is appointed:

SCH. 1
—cont.

Provided that a casual vacancy occurring less than four months before the end of the vacating member's normal term of office may at the discretion of the Secretary of State be left unfilled.

15. A person appointed by the Secretary of State as a member of the Board may at any time while he is in office, by notice in writing to the Secretary of State and to the Board, resign his membership.

16. A person appointed by the Board under paragraphs 6 or 7 above may at any time resign his membership of the Board, by notice in writing given to the chairman of the Board, and the office thereupon shall become vacant.

PART II

OFFICERS, PROCEDURE, ETC., OF BOARD

17. The Board shall appoint a general manager, a secretary and such other officers or servants as they may think necessary or expedient on such terms and conditions as they think fit including such harbourmasters as they think necessary and may appoint a person to more than one post or office.

18. The quorum required for a meeting of the Board shall be five, and the Board shall meet at least once in each financial year of the Board.

19. The Board may pay to any member thereof any travelling or other expenses reasonably incurred by him in attending meetings of the Board or otherwise in the execution of his duties as a member of the Board and the chairman and such other member of the Board appointed under paragraph 2 of this Schedule who may be elected from time to time by the Board to be a vice-chairman shall be paid such salaries, fees, allowances and other expenses as the Board may from time to time determine.

20. If a member of the Board has any pecuniary interest in any contract or proposed contract to which the Board is or would be a party and is present at a meeting of the Board at which that contract is the subject of consideration, he shall at that meeting as soon as practicable after the commencement thereof disclose that fact and shall not vote on any question with respect to that contract.

21. The Board may act notwithstanding a vacancy in the membership thereof, and no act of the Board shall be invalidated by reason of any irregularity in the appointment of any member thereof or by reason of any person irregularly acting as a member thereof.

22.—(1) For the purpose of discharging any of their functions in pursuance of arrangements made under section 7 (Arrangements for

SCH. 1
—cont.

discharge of functions by Board) of this Act the Board may appoint a committee consisting wholly of members of the Board.

(2) For the purpose of discharging, in pursuance of arrangements made under the said section 7 any of their functions within and in the vicinity of the areas of the haven upstream of the Cleddau bridge and upstream of a straight line across the Pembroke River running east and west through National Grid reference SM 940025 the Board may, with one or more local authorities, appoint a joint committee with those authorities and for this purpose "local authority" shall have the same meaning as it has in Part VI of the Local Government Act 1972:

1972 c. 70.

Provided that no function shall be exercised by such a joint committee so as to subject to any regulation or control any vessel exceeding 20 metres in length which regularly trades to sea.

23. Subject to the provisions of this Schedule, the procedure and business of the Board shall be regulated in such manner as the Board may from time to time determine.

24. The application of the seal of the Board shall be authenticated by the signatures of the chairman of the Board or some other member of the Board authorised by the Board in that behalf and of the secretary of the Board or some other person authorised by the Board to act in his stead in that behalf; and every document purporting to be an instrument issued by the Board and to be sealed as aforesaid or to be signed on behalf of the Board shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

Section 5.

SCHEDULE 2

SUBSECTION TO BE SUBSTITUTED FOR SECTION 4 (1) OF MILFORD DOCKS ACT 1957

1957 c. xxxix.

- (1) The limits of the Docks shall be those necessary to include—
- (a) the works of the Company authorised by the Milford Docks Acts 1874 to 1957, and by any subsequent enactment; and
 - (b) the area bounded—
 - (i) on the east, by a straight line drawn from the point of intersection of longitude $5^{\circ} 01' 52''$ west with the high water mark of ordinary spring tides on the north shore of Milford Haven (hereinafter referred to as "Point A") in a south-easterly direction to the point of intersection of latitude $51^{\circ} 42' 08''$ north with longitude $5^{\circ} 01' 16''$ west (hereinafter referred to as "Point B");
 - (ii) on the south, by a straight line drawn from Point B in a westerly direction to the point of intersection of latitude $51^{\circ} 42' 04''$ north with longitude $5^{\circ} 02' 17''$ west (hereinafter referred to as "Point C");
 - (iii) on the west, by a straight line drawn from Point C in a north-westerly direction to the point of intersection of longitude $5^{\circ} 02' 38''$ west with the high water mark aforesaid (hereinafter referred to as "Point D");

(iv) on the north, by the high water mark of ordinary spring tides on the north shore of Milford Haven, including the shores of Hakin Point, Haven's Head Pill and Hubberston or Priory Pill, between Point D and Point A.

SCH. 2
—cont.

SCHEDULE 3

Section 11.

PROCEDURE FOR ACQUISITION OF RIGHTS IN LAND

1. Where the Board passes a resolution in pursuance of section 11(4) of this Act in connection with any land in which the Board holds an interest, it shall be the duty of the Board—

(a) to send to the Secretary of State a copy of the resolution and a map indicating the land;

(b) to publish in two successive weeks, in one or more local newspapers circulating in the area in which the land is situated, a copy of the resolution and a notice stating—

(i) the address of the principal office of the Board where a map indicating the land may be inspected by members of the public free of charge between 10 a.m. and 4 p.m. on each weekday, except Saturdays and bank holidays, during a period specified in the notice (which shall not be less than 21 days beginning with the date of first publication of the notice in pursuance of this paragraph); and

(ii) that any person having an interest in land which could be injuriously affected by virtue of the resolution if it came into force may object to the resolution in accordance with the following subsection; and

(iii) the address of the Secretary of State;

(c) not later than the date aforesaid, to serve a copy of the resolution and of the said notice by post by the recorded delivery service on each person who, after reasonable enquiry, appears to the Board to be such a person as is mentioned in sub-paragraph (b)(ii) of this paragraph; and

(d) not later than that date, to affix a copy of the resolution and the said notice in a prominent position on the land.

2. Any such person as is mentioned in sub-paragraph (b)(ii) of paragraph 1 above may object to the resolution in question by serving on the Secretary of State within the period mentioned in sub-paragraph (b)(i) of that paragraph, a notice setting out the grounds of his objection.

3. A resolution passed in pursuance of section 11(4) of this Act shall not come into force unless the Secretary of State makes an order providing that it shall come into force and, where he makes such an order, shall come into force on the date specified in the order; and the Secretary of State—

(a) shall not make such an order in respect of a resolution before the expiration of the period specified in pursuance of sub-paragraph (b)(i) of paragraph 2 above in the notice published

SCH. 3
—cont.

in pursuance of that subsection in connection with the resolution; and

(b) may hold an inquiry for the purpose of deciding whether to make such an order in respect of a resolution.

4. Where an order is made in pursuance of paragraph 3 above in respect of a resolution passed by the Board, it shall be the duty of the Board—

(a) to publish in two successive weeks, in one or more local newspapers circulating in the area in which the land to which the resolution relates is situated, a notice stating that the order has been made, the date specified in the order as that on which the resolution comes into force and the effect of the following paragraph; and

(b) to serve a copy of the notice by post by the recorded delivery service on each person on whom notice in respect of the resolution was served in pursuance of paragraph 1 (c) above.

5. No question as to the validity of a resolution purporting to be passed in pursuance of section 11(4) of this Act or of an order purporting to be made in pursuance of that section in respect of such a resolution shall be entertained in any proceedings begun after the expiration of the period of three months beginning with the date when notice relating to the resolution was first published in pursuance of paragraph 4 above, and, except as otherwise determined in proceedings begun before the expiration of that period, such a resolution shall be deemed to be duly passed and such an order shall be deemed to be duly made.

Section 38.

SCHEDULE 4

PROVISIONS WITH RESPECT TO STOCK OF BOARD

Terms of issue, etc.

1. The stock may be created and issued by public tender or otherwise from time to time at such price, at such time, bearing such interest and, subject to the provisions of this Act, on such terms and conditions as the Board may by resolution respectively determine in the case of each portion of stock created and, together with the interest thereon, shall be a charge on the revenues and property of the Board.

2. The stock shall be redeemable by the Board at par in such manner and, subject to the provisions of this Act, at such time as the Board may by the resolution for the creation of the stock in question declare:

Provided that nothing in this paragraph shall prevent the Board from purchasing any stock, whether at par or at a price above or below par in the market or, by agreement with the holder thereof for the purpose of extinguishing that stock before the due date of redemption.

3. Any sum payable by way of interest on, or for the redemption of, any stock which for any reason not due to the default of the Board is not paid at the due date shall be paid on demand at any time thereafter

to any person showing his right thereto, but no interest shall be payable thereon in respect of the period between the due date and the date of payment.

SCH. 4
—cont.

4. Where two or more persons are registered as joint holder of any stock, a receipt given by any one of those persons for any sum paid by way of interest on, or for the redemption of, that stock shall be effectual unless notice to the contrary has been given to the Board by any other of those persons.

5. The Board on redeeming or purchasing any stock shall forthwith pass a resolution directing the stock so redeemed or purchased to be cancelled and the stock register to be amended accordingly, and that stock and any interest thereon which has not already become payable shall thereupon be extinguished.

6. The Board may at any time by resolution revoke in whole or in part any resolution for the creation of any stock previously passed by the Board except in relation to any of that stock which has already been issued.

Stock register and stock certificates

7.—(1) The Board shall cause to be kept a stock register in which shall be entered—

- (a) the names and addresses of all persons who become holders of the stock and of the amount of the stock held by each such person;
- (b) the date at which each such person was entered in the register as a holder of the stock;
- (c) the date at which any such person ceased to be a holder of the stock.

(2) The stock register shall be prima facie evidence of all matters entered therein and of the title of the persons shown therein as being for the time being holders of any of the stock.

(3) The stock register shall be open during reasonable hours for inspection without payment by any holder of the stock or by any person duly authorised in writing in that behalf by any holder of the stock.

8.—(1) The Board shall cause to be issued to each holder of the stock a stock certificate, which shall be prima facie evidence of the title of the person named therein, his personal representatives or assigns, to the stock specified therein, but the want of a stock certificate, if accounted for to the satisfaction of the Board, shall not prevent the person entitled to the stock from disposing of and transferring it.

(2) Any stock certificate which is worn out or damaged may on production thereof to the Board be cancelled and replaced by a new certificate, and any stock certificate shown to the satisfaction of the Board to have been lost or destroyed may, on the giving of such guarantee or indemnity in respect thereof as the Board may require,

SCH. 4
—cont.

be replaced as aforesaid, and in either case due entry of the issue of the new certificate shall be made in the stock register.

(3) The Board may charge such fee not exceeding 25 pence as they may think fit for each stock certificate issued by them under this Schedule.

Transfer and transmission of stock

9.—(1) The stock shall be transferable in amounts of one pound or multiples of one pound by deed, but stock created at different dates shall not be included in the same deed of transfer and the Board shall not be bound to register any transfer except on production of the stock certificate relating to the stock to be transferred or on its absence being accounted for to their satisfaction.

(2) Any deed of transfer of stock when duly executed shall be delivered to and kept by the Board who shall enter particulars of the transfer in a register of transfers and indorse on the deed a notice of that entry; and until the deed has been so delivered the Board shall not be affected thereby and the transferee shall not be entitled to receive any interest on the stock.

(3) The Board may charge such fee not exceeding 25 pence as they may think fit in respect of any entry made by them in the register of transfers.

(4) The Board shall on demand, subject to delivery up of the old stock certificate or to its absence being accounted for to their satisfaction and to the giving of such guarantee or indemnity in respect thereof as they may require—

(a) in the case of the subdivision of any holding of stock, issue to each person entitled to any part of that holding a new certificate of the stock to which he is entitled;

(b) in any other case, as the Board may elect, either issue a new certificate or make an indorsement of the transfer on the old certificate.

10.—(1) Where the person shown in the stock register as the holder of any stock is dead, his personal representatives shall be the only persons recognised by the Board as having any title to that stock or any interest thereon.

(2) The Board shall not be required to allow the personal representatives aforesaid to transfer any such stock until there has been produced to the Board a document which is by law sufficient evidence of the grant of probate of the will, or letters of administration of the estate, or confirmation as executor, of that deceased person, and the Board may require all the executors who have proved the will or all the administrators to join in the transfer.

11.—(1) Any person becoming entitled to any stock in consequence of the bankruptcy of the holder thereof or otherwise than by the death of the holder or the transfer of the stock shall produce such

evidence of his title as may be reasonably required by the Board, and until such evidence has been produced the Board shall not be affected by the transmission and any person claiming by virtue thereof shall not be entitled to receive any interest on the stock.

SCH. 4
—cont.

(2) Subject to the foregoing sub-paragraph, the name of the person entitled under such a transmission as aforesaid shall be entered in the stock register.

(3) The two foregoing sub-paragraphs shall apply to a change of name of the holder of any stock as if there had been a transmission of the stock.

(4) The Board may charge such fee not exceeding 25 pence as they think fit for each entry made in the stock register under this paragraph.

12. The Board may in any year close the stock register and the register of transfers in respect of any portion of the stock for a period not exceeding 14 days immediately preceding the due date for payment of interest on that portion of the stock and, notwithstanding the receipt by the Board during that period of any deed of transfer or of the evidence of any other transmission, any interest next payable in respect of that portion of the stock may be paid to the persons appearing to be entitled thereto by reference to the registers as at the date of the closing thereof.

SCHEDULE 5

Section 62.

ENACTMENTS REPEALED

Enactment

Milford Haven Conservancy Act 1958.	1958 c. 23.
Milford Haven Conservancy Act 1975.	1975 c. xxviii.
Milford Haven Conservancy Revision Order 1966.	S.I. 1967/167.
Milford Haven Conservancy Revision Order 1969.	S.I. 1969/478.
Milford Haven Conservancy (Wreck Removal) Revision Order 1975.	S.I. 1975/1273.
Milford Haven Conservancy Revision Order 1975.	S.I. 1975/1828.
Milford Haven Conservancy Revision Order 1980.	S.I. 1980/1987.

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