

ELIZABETH II



1966 CHAPTER xxv

An Act to incorporate the Tees and Hartlepoons Port Authority; to transfer to that Authority the undertakings of the Tees Conservancy Commissioners and the Hartlepool Port and Harbour Commissioners, the harbour and dock works of the British Transport Docks Board at the Hartlepoons and Middlesbrough, the quay undertaking of the mayor, aldermen and burgesses of the borough of Stockton-on-Tees and the Middlesbrough wharf undertaking of the Tyne-Tees Steam Shipping Company Limited; to confer powers on that Authority; and for other purposes. [9th August 1966]

WHEREAS by the Tees Conservancy Acts, 1852 to 1964, the Tees Conservancy Commissioners (hereinafter called "the Tees Commissioners") were constituted and incorporated and invested with powers as the harbour authority for the river Tees and powers for the conservancy, improvement and regulation of that river:

And whereas by the Hartlepool Port and Harbour Acts, 1855 and 1869, and the Hartlepool Port and Harbour Order, 1904 (confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act, 1904), the Hartlepool Port and Harbour Commissioners (hereinafter called "the Hartlepool Commissioners") were constituted and incorporated and invested with powers as the harbour authority for the Hartlepoons: 1904 c. clxxxiv.

1962 c. 46.

And whereas the British Transport Docks Board (hereinafter called "the Docks Board") were established and incorporated by the Transport Act, 1962, and—

- (a) by virtue of that Act and of the enactments specified in Part I of Schedule 1 to this Act are invested with powers in relation to certain harbour and dock works at the Hartlepoons;
- (b) by virtue of that Act and of the enactments specified in Part II of that schedule are invested with powers in relation to certain harbour and dock works at Middlesbrough:

1878 c. cxciv.
1930 c. clxxii.
1938 c. xcvi.

And whereas the mayor, aldermen and burgesses of the borough of Stockton-on-Tees (hereinafter called "the Stockton Corporation") by virtue of the Stockton-on-Tees (Quay and Markets) Act, 1878, the Stockton-on-Tees Corporation (General Powers) Act, 1930, and the Stockton-on-Tees Corporation Act, 1938, are invested with powers in relation to a quay and works at Stockton-on-Tees:

And whereas the Tyne-Tees Steam Shipping Company Limited own and operate wharves on the river Tees at Middlesbrough:

And whereas it is expedient that there should be incorporated a new body, to be known as the Tees and Hartlepoons Port Authority, and that the undertakings of the Tees Commissioners and the Hartlepool Commissioners, the harbour and dock undertakings of the Docks Board at the Hartlepoons and Middlesbrough, the quay undertaking of the Stockton Corporation and the Middlesbrough wharf undertaking of the Tyne-Tees Steam Shipping Company Limited, should be transferred to the Authority:

And whereas it is expedient that powers should be conferred on the Authority as in this Act contained and that the other provisions of this Act should be enacted:

And whereas the purposes of this Act cannot be attained 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

Short title.

1. This Act may be cited as the Tees and Hartlepoons Port Authority Act 1966.

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

Part I.—Preliminary.

Part II.—Establishment of Tees and Hartlepoons Port Authority.

Part III.—Duties and powers of Authority.

Part IV.—Transfer of undertakings.

Part V.—Officers and servants and superannuation scheme.

Part VI.—Financial.

Part VII.—Charges.

Part VIII.—Handling and warehousing of goods etc.

Part IX.—Byelaws, etc.

Part X.—Miscellaneous and general.

PART I
—cont.

Division of
Act into
Parts.

3.—(1) In this Act, unless the subject or context otherwise requires—

“ the appointed day ” means 1st January, 1967;

“ the Authority ” means the Tees and Hartlepoons Port Authority incorporated under section 5 (Incorporation of Tees and Hartlepoons Port Authority) of this Act;

“ charges ” includes charges, rates, tolls and dues of every description for the time being payable to the Authority under any enactment;

“ collector ” means collector of charges and includes his duly authorised deputies and assistants;

“ Company ” means the Tyne-Tees Steam Shipping Company Limited;

“ Corporation quay ” means the quay authorised by the Stockton-on-Tees (Quay and Markets) Act, 1878, as 1878 c. exciv. extended by the Stockton-on-Tees Corporation Act, 1938; 1938 c. xcvi.

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

“ dock estate ” means the docks, piers, wharves, quays, berths, roads, railways, bridges, sheds and other works and conveniences, and the lands, buildings and property of every description, and of whatever nature, which are for the time being vested in or occupied by the Authority;

“ Docks Board ” means the British Transport Docks Board;

“ electricity undertakers ” means the Central Electricity Generating Board and the North Eastern Electricity Board, or either of them, 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 undertakers;

“ enactment ” means any Act, whether public general or local, and any order or other instrument made thereunder and any provision in any Act or in any such order or instrument;

PART I
—cont.

- “ financial year ” means a period of twelve months ending on 31st December;
- “ fish ” includes molluscs and crustaceans;
- “ gas board ” means the Northern Gas Board;
- “ gas work ” means any main, pipe, apparatus, building, structure or other work of any nature belonging to or maintained by the gas board;
- “ goods ” includes fish, livestock and animals of all descriptions;
- “ harbour ” means the area defined in Schedule 2 to this Act and, so far as the same is not within that area, also includes the dock estate;
- “ harbour master ” means the harbour master appointed by the Authority and includes his authorised deputies and assistants and any person authorised by the Authority to act in that capacity;
- 1847 c. 27. “ Harbours Clauses Act, 1847 ” means the Harbours Docks and Piers Clauses Act, 1847;
- “ Hartlepool Commissioners ” means the Hartlepool Port and Harbour Commissioners;
- “ hover vehicle ” means a vehicle, however propelled, designed to be supported on a cushion of air;
- “ hydrofoil vessel ” means a vessel, however propelled, designed to be supported on foils;
- “ land ” includes land covered with water;
- “ level of high water ” means the level of mean high-water springs;
- “ low water ” means mean low-water springs;
- 1952 c. 55. “ magistrates’ court ” has the meaning assigned thereto by section 124 (1) of the Magistrates’ Courts Act, 1952;
- “ master porter ” means any person engaged in handling, weighing, measuring, delivering, receiving or transporting goods within the dock estate otherwise than in a vessel;
- “ the Minister ” means the Minister of Transport;
- 1962 c. 38. “ operational land ” has the same meaning as in the Town and Country Planning Act, 1962;
- “ owner ” when used with reference to any vessel includes the owner, agent, master, charterer or other person in charge of the vessel, and when used with reference to goods includes the owner, agent, consignor, shipper, consignee or other person in charge of the goods and their respective agents in relation thereto;
- “ pleasure craft ” means any vessel of not more than 100 tons gross used wholly or mainly for recreation or for the carriage of passengers for reward;
- “ port facilities ” means services and facilities for or in connection with the berthing, moving or dry-docking of vessels, the loading or unloading of goods or the embarking or disembarking of passengers in or from vessels,

the lighterage, sorting, weighing, warehousing or handling of goods, and the movement of goods and passengers;

“ river authority ” means the Northumbrian River Authority;

“ seaplane ” includes a flying boat and any other aircraft designed to manœuvre on the water but does not include a hover vehicle;

“ the secretary ” means the secretary of the Authority and includes any person authorised by the Authority to act in that capacity;

“ signed plans ” means the plans numbered 1 and 2 of which copies have been signed in quintuplicate by the Right Honourable the Lord Hurcomb the chairman of the committee of the House of Lords to which the Bill for this Act was referred, of each of which plans copies have been deposited in—

(a) the office of the Clerk of the Parliaments, House of Lords;

(b) the Private Bill Office of the House of Commons;

(c) the Ministry of Transport;

(d) the Board of Trade;

(e) the office of the Tees Commissioners (which copies shall on and after the appointed day be kept on deposit at the office of the Authority);

“ statutory securities ” includes any securities in which trustees are for the time being authorised to invest trust moneys and any debenture stock or other security created by the Authority;

“ Stockton Corporation ” means the mayor, aldermen and burgesses of the borough of Stockton-on-Tees;

“ Tees Commissioners ” means the Tees Conservancy Commissioners;

“ transferred undertaking ” means in relation to each of the transferring undertakers the undertaking, or those parts of the undertaking, of that undertaker which are by this Act transferred to the Authority and “ the transferred undertakings ” means all those transferred undertakings;

“ transferring undertakers ” means the Tees Commissioners, the Hartlepool Commissioners, the Docks Board, the Stockton Corporation and the Company;

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

“ the undertaking ” means the undertaking of the Authority as for the time being authorised by any enactment;

“ vessel ” has the meaning assigned thereto by subsection (2) of this section;

“ works ” means works of every description other than moorings laid down for pleasure craft.

PART I
—cont.

(2) In this Act and the enactments incorporated therewith “vessel” means every description of vessel, however propelled or moved, and includes any thing constructed or used to carry persons or goods by water and—

- (a) without prejudice to the generality of the foregoing, includes a hover vehicle on, in or over the water; and
- (b) except for the purpose of levying rates, includes a seaplane on or in the water.

(3) Except where the context otherwise requires, references in this Act to any other enactment shall be construed as references to that enactment as applied, extended, varied or amended by, or by virtue of, any subsequent enactment, including this Act.

Incorporation
of Harbours
Clauses Act,
1847.
1847 c. 27.

4.—(1) The provisions of the Harbours Clauses Act, 1847 (except sections 6 to 13, 23, 25 and 26, 28, 42, 50, 84 to 90, 95, 97 and 98 and 101), so far as the same are applicable for the purposes of, and are not inconsistent with the provisions of, this Act, are hereby incorporated with and form part of this Act.

(2) In construing the provisions so incorporated the expressions “the Promoters of the undertaking” and “the undertakers” shall mean the Authority, and the expression “the harbour, dock or pier” shall mean the harbour.

PART II

ESTABLISHMENT OF TEES AND HARTLEPOOLS PORT AUTHORITY

Incorporation
of Tees and
Hartlepoons
Port
Authority.

5.—(1) As from the 1st November, 1966, there shall be constituted a body, to be known as the Tees and Hartlepoons Port Authority, for the purpose of exercising the functions in this Act contained.

(2) The Authority shall be a body corporate with perpetual succession and a common seal.

Constitution
of Authority.

6.—(1) The Authority shall consist of not less than sixteen and not more than seventeen members of whom sixteen shall be appointed by the Minister as provided in subsection (2) of this section and one may be co-opted as provided in subsection (5) of this section.

(2) The appointed members of the Authority shall be appointed as follows:—

- (a) three shall be appointed after consultation with the National Ports Council;
- (b) four shall be appointed on the nomination of the Chamber of Shipping of the United Kingdom after consultation with such body or bodies as the Minister may approve

as being representative of owners of ships registered in the United Kingdom and using the harbour and of chartered shipbrokers actively engaged in business within the harbour;

- (c) four shall be appointed after consultation with the British Shippers Council and with such local industrial and commercial interests, and such persons appearing to the Minister to be representative of the interests of users of the harbour, as he considers appropriate;
- (d) one shall be appointed on the joint nomination of the councils of the county borough of West Hartlepool and the borough of Hartlepool;
- (e) one shall be appointed on the joint nomination of the councils of the borough of Stockton-on-Tees and the urban district of Billingham;
- (f) one shall be appointed on the joint nomination of the councils of the county borough of Middlesbrough, the boroughs of Redcar and Thornaby-on-Tees and the urban district of Eston;
- (g) two shall be persons appearing to the Minister to have wide experience of, and to have shown capacity in, the organisation of labour.

(3) The Minister shall not be obliged to appoint a person who is nominated in accordance with any of paragraphs (b), (d), (e) and (f) of subsection (2) of this section, and if he declines to appoint a person so nominated shall request the Chamber of Shipping of the United Kingdom or the councils concerned (as the case may be) to nominate another person, but shall not be obliged to appoint a person so nominated.

(4) If it appears to the Minister that the Chamber of Shipping of the United Kingdom or any of the councils concerned have refused or failed to nominate a member, or to nominate a person other than one whom the Minister has declined to appoint, within a reasonable time after being requested by the Minister to make such nomination, the appointment concerned shall be made by the Minister after consultation with such persons as he considers appropriate.

(5) The appointed members of the Authority may co-opt the general manager for the time being of the Authority to serve as a member of the Authority during such period as may be specified by the appointed members at the time of co-option:

Provided that, notwithstanding the terms of his co-option, the general manager shall cease to be a co-opted member if he ceases to be the general manager of the Authority.

PART II
—cont.Appointment
of members
by Minister.

7.—(1) The Minister shall, not later than 1st October in the year 1966 and not later than 1st December in each third year thereafter, make appointments to the Authority in accordance with section 6 (Constitution of Authority) of this Act and, subject to the provisions of subsection (3) of section 8 (Qualification, resignation and retirement of members) of this Act, each member so appointed shall (unless he previously dies or resigns) hold office—

- (a) in the case of the first appointments, from 1st November, 1966, until 31st December, 1969; and
- (b) in the case of subsequent appointments (other than appointments to fill a casual vacancy), from the 1st January next following his appointment for a term of three years;

and upon ceasing to hold office shall be eligible for reappointment in accordance with the said section 6 and subject to subsection (3) of the said section 8.

(2) The first appointments made under this section shall be forthwith notified in writing to the secretary of the Tees Commissioners and subsequent appointments shall be forthwith notified in writing to the secretary.

Qualification,
resignation
and retirement
of members.

8.—(1) A person shall not be qualified to be an appointed member of the Authority unless he is a British subject resident in the British Isles and (save in the case of the first appointments made under the last foregoing section) unless, at the time of first taking office, he has not yet attained his sixty-fourth birthday.

(2) An appointed member of the Authority may at any time while he is in office, by notice in writing to the Minister and the secretary, resign his membership.

(3) An appointed member shall retire from the Authority on the 31st December being or next following his seventieth birthday and, unless the member would otherwise have retired on that date, a vacancy so arising shall be deemed to be a casual vacancy.

Casual
vacancies.

9.—(1) A casual vacancy arising in the office of an appointed member of the Authority shall be filled by the Minister appointing another person to fill the vacancy after complying with the provisions of section 6 (Constitution of Authority) of this Act.

(2) A person appointed to fill a casual vacancy shall (unless he previously dies or resigns) hold office during the remainder of the term for which the person in whose place he has been appointed would have held office.

Provisions
applying to
Authority.

10. The provisions set out in Schedule 3 to this Act shall have effect with respect to the Authority.

11. Notwithstanding the provisions of the Tees Conservancy Act, 1956, and the Hartlepool Port and Harbour Act, 1855, each of the persons holding office as a commissioner under those Acts respectively shall (unless he previously dies, resigns or becomes disqualified to be such a commissioner) continue to hold such office until 31st December, 1966.

PART II
—cont.
Present Tees and Hartlepool Commissioners continued in office.
1956 c. xlvi.
1855 c. cxxvi.

PART III

DUTIES AND POWERS OF AUTHORITY

12.—(1) It shall be the duty of the Authority, subject to the provisions of this Act, to take such steps from time to time as they may consider necessary for the conservancy, maintenance and improvement of the harbour and the facilities afforded therein or in connection therewith, and for the reclamation of land.

General duties of Authority.

(2) For those purposes, and without prejudice to the generality of the foregoing, the Authority may—

- (a) improve, maintain, regulate, manage, mark and light the harbour and, subject to the provisions of this Act, provide port facilities therein;
- (b) acquire, carry on and improve any undertaking (whether within or outside the harbour) affording or intended to afford accommodation or facilities for the transport, loading, unloading, receiving, forwarding or warehousing of goods;
- (c) turn their resources to account so far as not required for the purposes of the undertaking; and
- (d) do all other things which in their opinion are expedient to facilitate the proper carrying on or development of the undertaking.

(3) In the performance of their functions under this section the Authority shall take such steps from time to time as may be necessary for the maintenance of so much of the harbour as comprises the existing port and harbour of Hartlepool in a condition not less efficient, safe and commodious than it is at the passing of this Act.

13. The Authority and the harbour master shall exercise jurisdiction within the limits of the harbour as defined in Schedule 2 to this Act.

Jurisdiction of Authority.

14.—(1) The Authority may for any of the purposes of the undertaking acquire land by agreement, whether by way of purchase, exchange, lease or otherwise.

Power to acquire and dispose of land.

(2) The Minister may authorise the Authority to purchase compulsorily any land which they require for the purposes of the undertaking and the Acquisition of Land (Authorisation

PART III
—cont.
1946 c. 49.

Procedure) Act, 1946, shall apply as if the Authority were a local authority within the meaning of that Act and as if this Act had been in force immediately before that Act.

(3) The Authority may dispose of land belonging to them in such manner, whether by way of sale, exchange, lease, the creation of any easement, right or privilege or otherwise, for such period, upon such conditions and for such consideration as they think fit.

(4) The Authority—

(a) may, for the purposes of the undertaking, manage, use or develop land belonging to them as they think fit; and

(b) in addition may, with a view to selling or otherwise disposing of any right or interest in the land after the development is carried out—

(i) retain any land belonging to them which is not required for the purposes of the undertaking and develop it or procure its development for use by other persons; and

(ii) where the use of land belonging to them for the purposes of the undertaking can be combined with its use for other purposes, develop the land or procure its development for use wholly or partly by other persons.

(5) Where the Authority intend to develop or procure the development of land belonging to them for purposes other than the purposes of the undertaking, and are of opinion that the land cannot by itself be developed satisfactorily, they may acquire other land by agreement, whether by way of purchase, exchange, lease or otherwise, for the purpose of developing it or of procuring its development together with the land already belonging to them.

(6) Nothing in subsection (2) of this section shall authorise the compulsory acquisition of any land belonging to any local authority within the meaning of the Acquisition of Land (Authorisation Procedure) Act, 1946, or of any operational land of any water, gas or electricity undertakers or of the British Railways Board.

Application
of Town and
Country
Planning
Acts.

15.—(1) It is hereby declared that for the purposes of the Town and Country Planning Acts, 1962 and 1963, anything done by the Authority in the exercise of the powers conferred by section 14 (Power to acquire and dispose of land) of this Act, so far as that section relates to development of land for use otherwise than for the purposes of the undertaking, does not constitute the carrying on by the Authority of their statutory undertaking and, in particular, that land which is used, or in which an interest is held, by the Authority exclusively for the purpose of exercising those powers does not constitute operational land.

(2) Without prejudice to subsection (1) of this section and subject to subsection (3) of this section, any development of operational land by the Authority in the exercise of the said powers shall not for the purposes of the said Acts constitute development of operational land.

(3) Subsection (2) of this section shall not apply to development if—

- (a) the development comprises development by the Authority for the purpose of carrying on the undertaking or is development for a purpose which includes that purpose; and
- (b) the development is such that so much of it as is exclusively referable to the exercise by the Authority of the said powers cannot fairly be treated for the purposes of the said Acts as separate development.

(4) Any question under subsection (3) of this section whether part of any development can fairly be treated as separate development, shall be determined by the local planning authority to whom application is made for permission for the development in question, or, where an application for permission for the development in question is referred to the Minister of Housing and Local Government, by that Minister; and where part of any development is so treated this section and the said Acts shall apply to the parts of the development in all respects as if they were separate development.

(5) If an applicant is aggrieved by a determination of a local planning authority under subsection (4) of this section, he may appeal to the Minister of Housing and Local Government, and any such appeal shall be determined by that Minister.

The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister of Housing and Local Government against planning decisions of local planning authorities shall apply, subject to any necessary modifications, to an appeal under this subsection.

(6) The provisions of the said Acts as to the validity, and proceedings for challenging the validity, of decisions of the Minister of Housing and Local Government on applications for planning permission referred to him under those Acts or on appeals to him under those Acts against planning decisions of local planning authorities shall apply to any determination of that Minister under this section as if a reference to this section were included in those provisions.

(7) Subject to this section, any expression in this section which is used in the Town and Country Planning Acts, 1962 and 1963, shall have the same meaning as in those Acts.

PART III
—cont.

(8) References in this section to the Town and Country Planning Acts, 1962 and 1963, shall be construed to include any enactment amending or replacing those Acts.

Power to
dredge.

16.—(1) The Authority may from time to time deepen, dredge, scour and improve the bed and foreshore of the waters of the harbour, or in or near any approach to the harbour, and blast any rock in the bed and foreshore of the waters of the harbour or in or near any approach to the harbour.

(2) Any material taken up or collected in the course of such operations shall be the property of the Authority and may be used, sold, removed, deposited or otherwise disposed of as the Authority may think fit:

Provided that—

(a) no such material shall be laid down or deposited in any place below the level of high water, except in such position as the Board of Trade may approve and subject to such conditions or restrictions as they may impose;

(b) subject to the provisions of section 27 (Deposit of dredged materials) of this Act, no such material shall be laid down or deposited in any waters off the mouth of the river Tees where the depth is less than twenty fathoms at low water.

(3) (a) In the exercise of the powers conferred by this section the Authority shall not interfere with, damage or injuriously affect any submarine cable placed or maintained by the Postmaster General without the consent of the Postmaster General or any electricity work or gas work without the consent of the electricity undertakers or the gas board as the case may be.

(b) Before operations for deepening, dredging, scouring or improving the bed and foreshore of the harbour or blasting any rock are carried out under the powers of this section within 150 yards of any such submarine cable, electricity work or gas work where blasting operations are involved, or in any other case within 50 yards of any such cable, electricity work or gas work, the Authority shall give in writing to the Postmaster General, the electricity undertakers or the gas board, as the case may be, not less than twenty-eight days' notice of their intention so to do.

(c) No materials taken up or collected shall be laid down or deposited in such a place or manner as to cover any such submarine cable, electricity work or gas work or in any way obstruct or impede any work of or connected with the inspection or repair of such a cable, electricity work or gas work without the consent of the Postmaster General, the electricity undertakers or the gas board, as the case may be.

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

17. The Authority may from time to time purchase, contract for or hire and may maintain and use tugs and may sell or dispose of any such tugs.

PART III
—cont.

Power to
undertake
towage
services.

18.—(1) (a) The Authority may from time to time license such number of tugs belonging to any person for such period and on such terms and conditions as they think fit.

Power to
license tugs,
etc.

(b) The Authority may charge a fee not exceeding five pounds for the granting of a licence under paragraph (a) of this subsection.

(2) (a) It shall not be lawful for any person to use or employ any tug or other vessel for moving vessels within the harbour unless there is in force in relation thereto a licence granted under paragraph (a) of subsection (1) of this section.

(b) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

19.—(1) Subject to obtaining any licence necessary under the Road Traffic Act, 1960, the Authority may operate road transport vehicles for the purpose of conveying goods to and from any part of the dock estate.

Power to
operate
transport.
1960 c. 16.

(2) The Authority may operate railways for the purpose of conveying goods or passengers within the dock estate.

(3) For the said purposes the Authority may from time to time purchase, contract for or hire and may maintain road or rail transport vehicles and equipment and may sell or dispose of any such vehicles and equipment.

(4) In relation to any railways forming part of a transferred undertaking of the Docks Board to which, immediately before the appointed day, the provisions of an agreement dated 23rd December, 1964, and made between the British Railways Board and the Docks Board are applicable, the provisions of that agreement, so far as the same are applicable and with any necessary modifications, shall continue to apply on and after the appointed day (without prejudice to the right of either party to terminate the same under clause 2 thereof) as if instead of the Docks Board the Authority had been a party thereto.

20. The Authority may let upon hire (with or without the services of their employees) on such terms as they think fit any vessel, plant, equipment or other property belonging to them.

Power to
hire out
plant.

21.—(1) The Authority may, on any land for the time being vested in or occupied by them, provide and maintain parking places at which vehicles may be left, and may make reasonable charges in respect of any vehicle left at any such parking place or elsewhere on the dock estate:

Power to
provide
parking places
and to make
charges.

Provided that nothing in this subsection shall apply to a road within the meaning of the Road Traffic Act, 1960.

PART III
—cont.

(2) (a) A vehicle shall not be left—

- (i) without the permission of the Authority in a parking place provided under subsection (1) of this section for a longer period than twenty-four hours;
- (ii) in any part of the dock estate where the parking of vehicles is prohibited by notice lawfully erected by the Authority;
- (iii) in any place where it is likely to cause an obstruction to traffic using the dock estate;

and where the owner or driver or person in control or in charge of a vehicle fails to remove the vehicle within the time allowed by sub-paragraph (i) of paragraph (a) of this subsection or leaves the vehicle in contravention of sub-paragraph (ii) or sub-paragraph (iii) of paragraph (a) of this subsection (as the case may be) the Authority may remove the vehicle or use the services of any other person to remove the vehicle to a place of safe custody.

(b) Any such notice as is referred to in sub-paragraph (ii) of paragraph (a) of this subsection shall be conspicuously posted in or in proximity to the place to which it relates.

(3) When the Authority in exercise of the powers of subsection (2) of this section remove a vehicle, or use the services of any other person to remove a vehicle, the expenses of and incidental to the removal and safe custody shall be recoverable by the Authority from the owner of the vehicle as a simple contract debt in any court of competent jurisdiction.

(4) If the Authority remove a vehicle under the powers of this section they shall, if and as soon as it is reasonably practicable to do so, send to the person for the time being registered as the owner of the vehicle for the purposes of the Road Vehicles (Registration and Licensing) Regulations, 1955, or any other regulations having the same effect for the time being in force, at his last known address, his registered address or at the address where the vehicle is ordinarily kept, notice that they have exercised the powers of this section and of the place to which the vehicle has been removed.

(5) A notice stating the general effect of paragraph (a) of subsection (2) of this section shall be displayed in a prominent position at each entrance to any parking place provided under subsection (1) of this section and at each place where a road accessible to vehicles which gives access to the dock estate crosses the boundary of that estate and shall be endorsed on any tickets issued to persons leaving vehicles in any such parking place or elsewhere on the dock estate.

Licensing of
works.

22.—(1) The Authority may upon such terms and conditions as they think fit grant to any person a licence (in this Act referred to as a “works licence”) to construct, alter, renew, extend or maintain any works on, under or over tidal waters or tidal lands

below the level of high water in the harbour notwithstanding interference with public rights of navigation and other public rights by such works as constructed, altered, renewed, extended or maintained.

(2) Application for a works licence shall be made in writing to the Authority and shall be accompanied by plans, sections and particulars of the works to which the application relates, and in granting any such licence the Authority may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) of this section the Authority do not grant a works licence in accordance with the application, they shall be deemed to have refused the application.

(4) Nothing in this section shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962.

(5) For the purposes of section 7 of the Telegraph Act, 1878, 1878 c. 78. any work proposed to be done under a licence granted in accordance with subsection (1) of this section shall be deemed to be work proposed to be done in the execution of an undertaking authorised by an Act of Parliament.

(6) In the exercise of the powers conferred by a works licence, the holder of the licence shall not damage or injuriously affect any electricity work or gas work or, without the consent of the electricity undertakers or the gas board, as the case may be, interfere with any such work.

(7) So much of any works constructed, altered, renewed or extended under a works licence as is not in any parish shall be deemed for all purposes to be within the parish to which it is nearest.

23.—(1) The Authority may upon such terms and conditions as they think fit grant to any person a licence (in this Act referred to as a “dredging licence”) to dredge in any part of the bed and foreshore of the waters of the harbour. Licence to dredge.

(2) Application for a dredging licence shall be made in writing to the Authority and shall be accompanied by plans, sections and particulars defining the nature and extent and manner of the operations to be carried out in the exercise of the powers granted by the licence and in granting any such licence the Authority may require modifications in the plans, sections and particulars so submitted.

PART III
—cont.

(3) If within three months from the date of the making of an application under subsection (2) of this section the Authority do not grant a dredging licence in accordance with the application, they shall be deemed to have refused the application.

(4) Any materials taken up or collected by means of dredging in pursuance of a dredging licence shall be the property of the holder of the licence and he may use, sell or otherwise dispose of or remove or deposit the same as he thinks fit:

Provided that—

- (a) no such materials shall be laid down or deposited in any place below the level of high water except in such position as (subject to the provisions of paragraph (c) of subsection (3) of section 16 (Power to dredge) of this Act) may be approved by the Authority and subject to such conditions or restrictions as may be imposed by the Authority;
- (b) if it appears to the holder of the licence that the Authority have unreasonably withheld their approval under paragraph (a) of this proviso or that any restriction or regulation imposed by the Authority under that paragraph is unreasonable, he may appeal to the Board of Trade whose decision shall be binding upon the parties.

(5) In the exercise of the powers conferred by a dredging licence the holder of the licence shall not interfere with, damage or injuriously affect—

- (a) any submarine cable placed or maintained by the Postmaster General without the consent of the Postmaster General;
- (b) any sewer outfall or submarine pipe or sewer vested in the Hartlepool Corporation or the West Hartlepool Corporation without the consent of the corporation concerned;
- (c) any electricity work without the consent of the electricity undertakers; or
- (d) any gas work without the consent of the gas board.

Appeals to Board of Trade and Minister in respect of works licence or dredging licence.

24.—(1) Any applicant for a works licence or a dredging licence who is aggrieved by—

- (a) the refusal of the Authority to grant the licence;
- (b) any terms or conditions upon which the licence is granted;
- (c) any modifications required by the Authority in the plans, sections and particulars submitted by the applicant;

may, within twenty-eight days from the date upon which the Authority notify the applicant of their decision or the date on which the Authority are under subsection (3) of section 22 (Licensing of works) of this Act or subsection (3) of section 23 (Licence to dredge) of this Act deemed to have refused the application, appeal to the appropriate Minister whose decision shall be binding upon the parties.

PART III
—cont.

(2) A person who appeals to the appropriate Minister under this section shall give to the Authority notice of his appeal accompanied by a copy of his statement of appeal and the Authority shall within twenty-eight days from the receipt of such notice be entitled to furnish the appropriate Minister with their observations on the appeal.

(3) (a) On an appeal under this section the appropriate Minister may—

- (i) dismiss the appeal; or
- (ii) require the Authority to grant the licence upon such terms and conditions as the appropriate Minister may determine; or
- (iii) require the Authority to approve the plans, sections and particulars without modification or subject to such modifications as the appropriate Minister may determine.

(b) The Authority shall give effect to any requirement made by the appropriate Minister under paragraph (a) of this subsection.

(4) In this section “ the appropriate Minister ” means—

- (a) in the case of an appeal by the applicant for a works licence, the Board of Trade;
- (b) in the case of an appeal by the applicant for a dredging licence, the Minister.

25.—(1) No person shall—

(a) construct, alter, renew or extend any works on, under or over tidal waters or tidal lands below the level of high water in the harbour unless he is licensed so to do by a works licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 22 (Licensing of works) of this Act;

(b) dredge in the bed and foreshore of the waters of the harbour unless he is licensed so to do by a dredging licence and except upon the terms and conditions

Restriction
on construc-
tion of works
and dredging.

PART III
—cont.

(if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 23 (Licence to dredge) of this Act:

Provided that this subsection shall not apply to the construction, alteration, renewal or extension of—

- (i) any works, or the carrying out of any dredging by the river authority, or any dredging, specifically authorised by any enactment;
- (ii) a jetty, pier, slipway, landing place or other similar work within the parts of the harbour described in Schedule 4 to this Act and not extending to a point where the depth of water at low water exceeds 4 feet.

(2) Any person offending against the provisions of this section or who contravenes or who fails to comply with any term or condition upon which a works licence or a dredging licence, as the case may be, is granted by the Authority shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Saving rights of Crown Estate in relation to dredging.

26. A person to whom the Authority have granted a dredging licence authorising him to carry out dredging in, upon or from any part of the bed of the harbour belonging to Her Majesty shall, in addition to the dredging licence, require the consent of the Crown Estate Commissioners on behalf of Her Majesty to the carrying out of that dredging.

Deposit of dredged materials.

27.—(1) Subject to the provisions of this Act it shall be lawful for the Authority—

- (a) to cast, deposit, discharge or unload any material or other substance or thing (other than metallic debris) dredged by them from the bed of the waters within the harbour into the sea in any part of the area described in Part I of Schedule 5 to this Act where the depth of the sea is not less than thirteen fathoms at low water;
- (b) to cast, deposit, discharge or unload any material or other substance or thing dredged by them from the bed of the waters within the harbour in any part of the area described in Part II of the said schedule.

(2) If at any time the Hartlepool Corporation or the West Hartlepool Corporation submit to the Authority reasonable proof that any material or other substance or thing has moved from the area described in Part I of the said schedule on to any part of the beaches or foreshore of the borough of Hartlepool or (as the case may be) the beaches or foreshore of the county borough

of West Hartlepool or of which the West Hartlepool Corporation are the owners or lessees, the Hartlepool Corporation or the West Hartlepool Corporation (as the case may be) may serve on the Authority notice to that effect requiring them to cease to cast, deposit or discharge or unload any material, substance or thing within that area; and subject as hereafter in this section provided the Authority shall upon receipt by them of such notice cease to cast, deposit, discharge or unload any material, substance or thing within that area.

(3) If the Authority dispute the allegation contained in any notice served pursuant to subsection (2) of this section they may, if the notice is not withdrawn, refer the matter to the Minister of Housing and Local Government for determination and that Minister shall determine the same.

(4) The Minister of Housing and Local Government may—

- (a) hold such inquiries as he may consider necessary with regard to the determination of any matter referred to him under this section as if such determination were made under the Local Government Act, 1933, and sub-1933 c. 51. sections (2) to (5) of section 290 of that Act shall apply accordingly; or
- (b) refer that matter to an arbitrator to be appointed by him.

(5) If the Minister of Housing and Local Government as the result of a reference to him under subsection (3) of this section, or an arbitrator appointed by that Minister, determines that any material, substance or thing has moved on to any part of the beaches or foreshore of the borough of Hartlepool or (as the case may be) the beaches or foreshore of the county borough of West Hartlepool or of which the West Hartlepool Corporation are the owners or lessees, he may by order provide—

- (i) that the powers conferred on the Authority by this section shall cease to be exercisable by them; or
- (ii) that the powers conferred on the Authority by this section shall only be exercisable by them subject to such limitations or restrictions as may be specified in the order;

and on the making of an order under this subsection the notice served on the Authority under subsection (2) of this section shall cease to have effect.

(6) If the Minister of Housing and Local Government, as the result of a reference to him under subsection (3) of this section, or an arbitrator appointed by that Minister, determines that

PART III
—cont.

there has not been any such movement of any material, substance or thing as is referred to in subsection (5) of this section, the notice served on the Authority under subsection (2) of this section shall cease to have effect as from the date upon which such determination is made.

(7) In this section—

“ the Hartlepool Corporation ” means the mayor, aldermen and burgesses of the borough of Hartlepool;

“ the West Hartlepool Corporation ” means the mayor, aldermen and burgesses of the county borough of West Hartlepool.

Power to
supply water.

28. The Authority may supply, or contract with statutory water undertakers for the supply of, water to vessels entering and using the harbour, and for use on the dock estate.

Power to
provide
dwelling-
houses and
make loans.

29. The Authority may subject to such terms and conditions as they think fit—

(a) from time to time erect or provide on any lands belonging to them and may purchase, take on lease or hire elsewhere dwellinghouses for persons employed by them and may (without prejudice to their power to impose other terms and conditions) permit the same to be occupied by such persons with or without payment of any rent;

(b) permit a person formerly in their employment to continue to occupy a dwellinghouse provided by them after his employment with the Authority has ceased;

(c) make loans to persons employed by them to assist such persons to acquire housing accommodation and may guarantee loans made by building societies and other lenders for house purchase purposes to such persons;

(d) continue a loan made by them to a person formerly in their employment after his employment with the Authority has ceased or the guarantee of a loan given by them in respect of such a person.

PART IV

TRANSFER OF UNDERTAKINGS

Transfer of
undertakings.

30.—(1) On the appointed day the transferred undertakings shall by virtue of this Act be transferred to and vest in the Authority.

(2) For the purposes of subsection (1) of this section the transferred undertakings shall comprise—

PART IV
—cont.

(a) in the case of the Tees Commissioners and the Hartlepool Commissioners, the respective undertakings of those commissioners as existing on the appointed day including—

(i) all lands, buildings, works, vessels, plant, apparatus, vehicles, stores and chattels;

(ii) all investments, securities, book debts, deposits, bank balances and cash;

(iii) the benefits of, and liabilities under, all agreements (other than contracts for the employment of officers or servants) in force immediately before the appointed day;

(iv) all registers, books of account and vouchers relating thereto, maps, plans, specifications, engineering or other reports and other documents;

(v) all rights, powers, easements, interests and privileges; and

(vi) all other real and personal property, assets and effects then vested in or belonging to the commissioners;

(b) in the case of the Docks Board, those parts of the undertakings of that board which are situate in the county boroughs of Middlesbrough and West Hartlepool and the borough of Hartlepool as existing on the appointed day including, subject to the provisions of this Act—

(i) all lands, buildings, works, vessels, plant, apparatus, vehicles, stores and chattels vested in or enjoyed by the Docks Board immediately before the appointed day wholly or mainly for the purposes of a transferred undertaking;

(ii) the benefits of, and liabilities under, all agreements (other than contracts for the employment of officers or servants) in force immediately before the appointed day relating wholly or mainly to a transferred undertaking;

(iii) all registers, books of account and vouchers relating thereto, maps, plans, specifications, engineering or other reports and other documents relating solely to a transferred undertaking;

(iv) all rights, powers, easements, interests and privileges; and

PART IV
—cont.

- (v) all other real and personal property, assets and effects then vested in or belonging to the Docks Board relating wholly or mainly to a transferred undertaking;
- (c) in the case of the Stockton Corporation, the quay undertaking of that corporation situate in the borough of Stockton-on-Tees as existing on the appointed day including, subject to the provisions of this Act—
- (i) all lands, buildings, works, plant, apparatus, vehicles, stores and chattels vested in or enjoyed by the Stockton Corporation immediately before the appointed day, wholly or mainly for the purposes of the transferred undertaking;
 - (ii) the benefits of, and liabilities under, contracts (other than contracts for the employment of officers or servants) in force immediately before the appointed day relating wholly or mainly to the transferred undertaking;
 - (iii) all registers, books of account and vouchers relating thereto, maps, plans, specifications, engineering or other reports and other documents relating solely to the transferred undertaking;
 - (iv) all rights, powers, easements, interests and privileges and all other real and personal property, assets and effects then vested in or belonging to the Stockton Corporation relating wholly or mainly to the transferred undertaking;
- but not including the existing warehouses of the Stockton Corporation (other than the existing transit warehouse) on or adjacent to the quay or the car park adjacent to and having access from Hunter's Lane; and
- (d) in the case of the Company, the undertaking of the Company (known as Tyne-Tees and Dents wharves) situate in the county borough of Middlesbrough as existing on the appointed day including, subject to the provisions of this Act—
- (i) all lands, buildings, works, plant, apparatus, vehicles, stores and chattels vested in or enjoyed by the Company immediately before the appointed day, wholly or mainly for the purposes of the transferred undertaking;
 - (ii) the benefits of, and liabilities under, contracts (other than contracts for the employment of officers or servants) in force immediately before the appointed day relating wholly or mainly to the transferred undertaking;

(iii) all registers, books of account and vouchers relating thereto, maps, plans, specifications, engineering or other reports and other documents relating solely to the transferred undertaking;

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

PART IV
—cont.

31. On the appointed day the Tees Commissioners and the Hartlepool Commissioners shall be dissolved.

Dissolution
of Tees
Commissioners
and
Hartlepool
Commis-
sioners.

32.—(1) The consideration for the transfer to and vesting in the Authority of the transferred undertakings of the Docks Board shall be the transfer to the Authority of the liability of the Docks Board in respect of the transferred loans as provided for by this section.

Consideration
for transfer
of transferred
undertakings
of Docks
Board.

(2) The transferred loans shall be repaid to the Minister by the Authority at such times and by such methods, and interest thereon shall be paid to the Minister at such rates and at such times, as the Minister may with the approval of the Treasury from time to time direct.

(3) The Authority shall, upon being called upon to do so by the Minister, give to the Minister such security for the repayment of the transferred loans and interest thereon as the Minister shall require and any such security shall for the purposes of section 60 (Ranking of stock and mortgages) of this Act be deemed to be a mortgage granted by the Authority under this Act.

(4) (a) The Minister may, in the period before the amount of the transferred loans is prescribed by him under this section, estimate the amount thereof and require the Authority to make to him provisional payments by way of interest on that estimated amount; and those provisional payments shall be on account of the payments of interest becoming due under subsection (2) of this section.

(b) If the Minister requires the Authority to make provisional payments in accordance with the last foregoing paragraph then—

(i) the liability of the Docks Board to make to the Minister payments in respect of interest on the liabilities of the board which correspond with the estimated amount of the transferred loans for the periods in respect of which such provisional payments are made shall be treated as satisfied;

PART IV
—cont.

(ii) the Minister in the instrument by which he prescribes the amount of the transferred loans under this section may include directions to give effect to any transitional provisions as appear to him expedient to take account of any interest overpaid or underpaid by the Authority or the Docks Board.

(c) If no such provisional payments are required by the Minister, the Authority shall, after the amount of the transferred loans is prescribed by the Minister under this section, pay to the Docks Board the amount of all sums paid by the Docks Board to the Minister by way of interest on the transferred loans accrued on or after the appointed day.

1962 c. 46.

(5) Notwithstanding the provisions of subsection (5) of section 39 of the Transport Act, 1962, as from the appointed day, the commencing capital debt shall be reduced by the amount included in the transferred loans in respect thereof, and if the transferred loans include any sum in respect of money borrowed by the Docks Board under section 19 of the Transport Act, 1962, the liability of the Docks Board in respect of money so borrowed shall be reduced by that sum.

(6) All sums received by the Minister by way of interest on, or repayment of, the transferred loans shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied by the Treasury as follows, that is to say:—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury see fit; and
- (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

(7) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of the receipt and disposal by him of the sums which are to be paid into the Exchequer under subsection (6) of this section, and send it to the Comptroller and Auditor General not later than the end of November following the year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

(8) In this section, unless the context otherwise requires—

“commencing capital debt” means the commencing capital debt of the Docks Board prescribed by the Minister under section 39 of the Transport Act, 1962, as existing immediately before the appointed day;

“ transferred loans ” means such amount as the Minister shall as soon as may be after the appointed day prescribe having regard to the property, rights and liabilities of the Docks Board transferred by this Act and comprising part of the commencing capital debt and (if appropriate) part of the principal amount of any money borrowed by the Docks Board from the Minister under section 19 of the Transport Act, 1962; and in the instrument by which he prescribes the amount of the transferred loans the Minister may provide for such loans to be treated as referable to particular borrowings specified in such instrument.

PART IV
—cont.

1962 c. 46.

33. In consideration of the transfer to and vesting in the Authority of the transferred undertaking of the Stockton Corporation the Authority shall on the appointed day or as soon thereafter as the amount to be paid has been ascertained pay to the Stockton Corporation such sum as may be agreed between the Authority and the Stockton Corporation or as, failing agreement, shall be determined by arbitration to be the amount which that transferred undertaking might have been expected to realise if it were sold on the appointed day in the open market.

Consideration for transfer of transferred undertaking of Stockton Corporation.

34. In consideration of the transfer to and vesting in the Authority of the transferred undertaking of the Company the Authority shall on the appointed day or as soon thereafter as the amount to be paid has been ascertained pay to the Company such sum as may be agreed between the Authority and the Company or as, failing agreement, shall be determined by arbitration to be the amount which the transferred undertaking might have been expected to realise if it were sold on the appointed day in the open market.

Consideration for transfer of transferred undertaking of Company.

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

Saving of agreements, etc.

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

Continuance of proceedings.

PART IV
—cont.

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

Books, etc.,
to remain
evidence.

37.—(1) All books and documents which, if this Act had not been passed, would have been evidence in respect of any matter for or against a transferring undertaker in respect of a transferred undertaking of that undertaker shall on and after the appointed day be admitted in evidence in respect of the same or like matter for or against the Authority.

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

(3) The Authority shall be entitled free of charge to have access to and take copies of all books, documents and papers relating partly to a transferred undertaking of the Docks Board, the Stockton Corporation or the Company which after the appointed day are retained by the Docks Board, the Stockton Corporation or the Company (as the case may be).

Recovery of
charges due
to transferred
undertakings.

38.—(1) All charges and moneys which immediately before the appointed day were due or payable to the Tees Commissioners or the Hartlepool Commissioners in respect of a transferred undertaking may be levied, collected, sued for and recovered by the Authority in the same manner as they might have been levied, collected, sued for and recovered by the transferring undertaker if this Act had not been passed.

(2) All charges and moneys which immediately before the appointed day were due or payable to the Docks Board, the Stockton Corporation or the Company in respect of a transferred undertaking may be levied, collected, sued for and recovered by the Docks Board, the Stockton Corporation or the Company in the same manner as they might have been levied, collected, sued for and recovered if this Act had not been passed and shall belong to the Docks Board, the Stockton Corporation or the

Company for their own benefit; and for the purposes of this section any charges and moneys shall when necessary be apportioned between the Docks Board, the Stockton Corporation or the Company and the Authority by agreement or, failing agreement, by arbitration.

PART IV
—cont.

39. As from the appointed day any authorisation under section 9 of the Harbours Act 1964 granted by the Minister to a transferring undertaker in relation to a transferred undertaking shall have effect as if it had been granted to the Authority.

As to authorisations under section 9 of Harbours Act 1964.

40. As from the appointed day the liability of any of the transferring undertakers other than the Docks Board under the provisions of the National Ports Council Provision of Funds Scheme 1965 to pay any sum for which a demand has been issued to them under article 3 of that scheme shall, in so far as such liability relates to a transferred undertaking, be transferred to, and become the liability of, the Authority.

1964 c. 40.
National Ports Council levy.

41. Stamp duty shall not be chargeable under section 12 of the Finance Act, 1895 (which relates to stamp duty in connection with certain statutory conveyances), on any copy of this Act or on any instrument relating to the vesting of the transferred undertakings in the Authority by virtue of section 30 (Transfer of undertakings) of this Act.

Exemption from stamp duty.
1895 c. 16.

PART V

OFFICERS AND SERVANTS AND SUPERANNUATION SCHEME

42. The Authority shall appoint a general manager who shall be their chief executive officer, a secretary and such other officers and servants as they may from time to time think proper and may pay such remuneration and allowances to their officers and servants as the Authority think fit.

Appointment of officers and servants.

43.—(1) As from the appointed day the Authority shall take over and employ—

Transfer of officers and servants.

(a) every officer or servant who immediately before that day was employed whole-time by the Tees Commissioners or the Hartlepool Commissioners;

(b) every officer or servant who immediately before that day was employed whole-time by the Docks Board, the Stockton Corporation or the Company solely in connection with a transferred undertaking; and

(c) every constable of the British Transport Police Force whose services were immediately before that date made available by the British Railways Board to the Docks Board in connection with a transferred undertaking of the Docks Board;

PART V
—cont.

(in so far as such persons are then willing to enter the service of the Authority) on terms and conditions not less favourable than those on which they were so employed immediately before the appointed day.

(2) As from the appointed day the Authority shall indemnify the Docks Board against all liability arising under any guarantee previously given by the Docks Board to the Halifax Building Society in respect of a loan made by that society to assist a person who subsequently enters the service of the Authority under subsection (1) of this section to purchase a dwellinghouse.

(3) Where at any time after the appointed day the Authority consider it necessary, in the interests of their more efficient operation or administration, to require an officer or servant who has entered their employment in pursuance of subsection (1) of this section to work at a place other than that at which he worked before the appointed day the Authority shall reimburse that officer or servant for any removal expenses and increase in travelling expenses which he may incur to such extent and for such period as may be reasonable in the circumstances.

Compensation
for loss of
office, etc.

1964 c. 40.

44. Any officer or servant of a transferring undertaker, and any constable of the British Transport Police Force, who suffers any loss of employment or loss or diminution of emoluments or pension rights in consequence of any of the provisions of this Act shall be entitled to make a claim for compensation to be determined in accordance with regulations for the time being in force made by the Minister in exercise of the powers conferred on him by subsection (1) of section 19 of the Harbours Act 1964 in the same manner as if this Act were a harbour reorganisation scheme within the meaning of section 18 of the said Act of 1964 or, if at the time the claim for compensation arises no such regulations are in force, to be determined in accordance with the directions of the Minister.

Preservation
of pensions
and gratuities.

45.—(1) In this section—

“actuary” means a fellow of the Institute of Actuaries or a fellow of the Faculty of Actuaries in Scotland;

“pension fund” means a fund established for the purposes of paying pensions, gratuities or other like benefits;

“pension rights” in relation to any person means the rights of that person, his spouse and dependants, as respects pensions, gratuities and other like benefits, and includes the possibility of receiving any such benefits pursuant to the exercise of a statutory discretion or to a customary practice and also the right to a return of contributions to a pension fund, with or without interest thereon; and

“pension scheme” includes any form of arrangement for the payment of pensions, gratuities or other like benefits.

(2) Every officer and servant who enters the service of the Authority under section 43 (Transfer of officers and servants) of this Act shall be afforded by the Authority pension rights which (taking into account all service in respect of which that person was entitled to pension rights immediately before the appointed day) are not less favourable than those to which he was entitled immediately before the appointed day.

(3) If as a result of a person leaving the service of a transferring authority and entering that of the Authority under the said section 43 contributions paid by that person to a pension fund or under a pension scheme are returned to him, with or without interest thereon, the amount of such contributions together with any such interest received by him shall be paid by that person to the Authority and if he fails to make such payment within a reasonable time of being requested by the Authority so to do the Authority's obligations in relation to him under this section shall cease to have effect.

(4) Any pension or gratuity by way of periodical payments being paid immediately before the appointed day by the Tees Commissioners or the Hartlepool Commissioners to a person previously employed by them or the spouse or dependants of such a person shall on and after the day of transfer continue to be paid by the Authority instead of the Commissioners concerned, in accordance with the terms and arrangements relating to such pension or gratuity in operation immediately before the appointed day and, following the death of any such person, the Authority shall make such payments to his spouse and dependants as, in accordance with the terms and arrangements in operation immediately before the appointed day, the Commissioners concerned would have made if this Act had not been passed.

(5) The Authority shall repay to the Docks Board the amount of—

(a) any payment made by the Docks Board after the appointed day with the consent of the Minister (whether given before or after the appointed day) for the purpose of supplementing the pension of a person who immediately before he retired was employed whole-time by the Docks Board or one of their predecessors solely in connection with a transferred undertaking and any payment which the Docks Board are liable to make after the appointed day under the provisions of the British Transport Reorganisation (Pensions of Employees) (No. 3) Order, 1962, to meet a deficiency in a pension fund in relation to such a pension as aforesaid;

(b) any payment made by the Docks Board after the appointed day which they are liable to make in respect of any pension payable under the provisions of subsection (2) of section 99 of the Transport Act, 1947, to a person 1947 c. 49.

PART V
—cont.

who immediately before he retired was employed whole-time by the Docks Board or one of their predecessors solely in connection with a transferred undertaking.

(6) Any question which may arise under subsection (2) of this section shall be determined by an actuary to be appointed either by agreement between the parties or, in default of agreement, by the President of the Institute of Actuaries.

Terms and
conditions of
employment
of staff.

46.—(1) It shall be the duty of the Authority, except so far as they are satisfied that adequate machinery exists for achieving the purpose of this subsection, to seek consultation with any organisation appearing to the Authority to be appropriate, with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of officers and servants of the Authority, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreement; and
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of officers and servants of the Authority and the discussion of other matters of mutual interest to the Authority and such persons, including efficiency in the operation of the undertaking.

(2) Where the Authority conclude such an agreement as is mentioned in the foregoing subsection or any variation is made in such an agreement, the Authority shall forthwith transmit particulars of the agreement or the variation to the Minister and the Minister of Labour.

(3) Nothing in this section shall be construed as prohibiting the Authority from taking part together with other employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment, and the promotion and encouragement of measures affecting the safety, health and welfare of officers and servants employed by them, and the discussion of other matters of mutual interest to them and their officers and servants.

Superannua-
tion scheme.

47.—(1) As from the appointed day the Authority shall establish and maintain a superannuation scheme which shall be regulated by such rules as are (subject to the provisions of section 45 (Preservation of pensions and gratuities) of this Act) from time to time made by the Authority in that behalf, and shall from time to time contribute to that scheme, out of the revenues of the undertaking, such sums as they are required to contribute in accordance with the said rules.

(2) All expenses of the said superannuation scheme, including the payment of any officers specially appointed by the Authority in connection therewith, shall be payable by the Authority out of the revenues of the undertaking.

PART V
—cont.

(3) The moneys standing to the credit of the superannuation scheme established by the Tees Commissioners under the Tees Conservancy Superannuation Scheme Act, 1953, and any transfer values or other sums paid to the Authority in pursuance of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948, or of any order made by the Minister under section 74 of the Transport Act, 1962 (which empowers the Minister to make certain orders about pensions), shall be transferred to and form part of the fund relating to the superannuation scheme to be established by the Authority under this section.

48. The Authority may grant such gratuities, pensions or allowances and make such other payments as they may think fit to any officer or servant of the Authority or to the widow or family or dependants of such officer or servant in respect of whom provision has not otherwise been made or in respect of whom the Authority consider that insufficient provision has been made in that behalf.

Gratuities,
etc.

PART VI

FINANCIAL

49. As at the appointed day there shall be created by virtue of this section and without any other requisite—

Creation of
Tees and
Hartlepoons
Port
Authority
stocks.

(a) eight hundred and forty-two thousand six hundred and thirty-five pounds of Tees and Hartlepoons Port Authority debenture stock entitled to interest at a rate of $3\frac{3}{4}$ per cent. per annum redeemable at par on 1st July, 1990, or, at the option of the Authority, on giving six months' notice—

(i) on any date for the payment of interest between 1st July, 1970, and 1st January, 1980, redeemable at £102 per cent.; or

(ii) on any date for the payment of interest between 1st July, 1980, and 1st January, 1990, redeemable at £101 per cent.; and

(b) one million pounds of Tees and Hartlepoons Port Authority debenture stock entitled to interest at a rate of $5\frac{1}{2}$ per cent. per annum redeemable at par on 1st January, 1999, or, at the option of the Authority, on giving six months' notice, redeemable at par on 1st January, 1994, or on any date for the payment of interest thereafter;

PART VI
—cont.

or such less amounts as shall be necessary to give effect to section 50 (Issue of stock in lieu of existing stock and payment of interest) of this Act.

Issue of
stock in
lieu of
existing stock
and payment
of interest.

50.—(1) The Authority shall at the appointed day divide the Tees and Hartlepoons Port Authority stocks created by section 49 (Creation of Tees and Hartlepoons Port Authority stocks) of this Act among the several persons who immediately before the appointed day were registered as the holders of stock issued by the Tees Commissioners under the Tees Conservancy Acts, 1852 to 1964, in accordance with the provisions set out in paragraph 1 of Schedule 6 to this Act and in lieu of the holdings which are to be cancelled.

(2) Subject to the provisions of this Act, the holders of Tees and Hartlepoons Port Authority stock created by virtue of the said section 49 shall, in proportion to the nominal amounts of their holdings, be subject and entitled after the appointed day to the same powers, provisions, liabilities, rights, privileges or incidents as they were subject or entitled to immediately before the appointed day in respect of stock in lieu of which the Tees and Hartlepoons Port Authority stock was issued and shall hold such Tees and Hartlepoons Port Authority stocks so as to give effect to and not to revoke any deed, will or other instrument or testamentary or other disposition disposing of or affecting such stock.

(3) The first payment of interest on Tees and Hartlepoons Port Authority stocks shall be made at 30th June, 1967, in respect of the half-year ending on that date and subsequent payments shall be made by equal half-yearly instalments at 31st December and 30th June in each year.

As to
mortgages of
Tees Com-
missioners.

51. All mortgages granted by the Tees Commissioners, so far as the same are outstanding at the appointed day, shall as from that day become and be respectively mortgages of the Authority charged upon the undertaking in all respects as if the same had been granted by the Authority and as if the Authority had been named therein instead of the Tees Commissioners.

Power to
borrow.

52.—(1) The Authority may, in addition to the borrowed moneys referred to in subsection (2) of this section, from time to time by virtue of this Act and independently of any other borrowing power borrow at interest on the security of the revenues of the undertaking such sums of money as they may think necessary not exceeding in the whole fifteen million pounds and may raise such money or any part thereof either by the creation and issue of debenture stock under this Act or by mortgage or partly by one and partly by the other of the said methods.

(2) The following moneys borrowed by the Tees Commissioners and the Docks Board, that is to say:—

PART VI
—cont.

- (a) the amount of the Tees and Hartlepoons Port Authority stocks created pursuant to section 49 (Creation of Tees and Hartlepoons Port Authority stocks) of this Act;
- (b) the amount borrowed under the security of the mortgages referred to in section 51 (As to mortgages of Tees Commissioners) of this Act; and
- (c) the amount of the transferred loans referred to in section 32 (Consideration for transfer of transferred undertakings of Docks Board) of this Act;

shall on the appointed day become moneys borrowed by the Authority.

(3) Moneys borrowed by the Authority under this section shall be applied only to purposes to which capital is properly applicable, which purposes shall include the expenses of the creation and issue by the Authority of any debenture stock or mortgage.

53. Subject to the provisions of section 50 (Issue of stock in lieu of existing stock and payment of interest) of this Act, the provisions set out in Schedule 7 to this Act shall apply to stock created and issued by the Authority pursuant to section 52 (Power to borrow) of this Act. As to stocks.

54.—(1) The Authority may, for the purposes of meeting their obligations and carrying out their functions under any enactment, raise money (whether on the security of the undertaking or otherwise) by means of overdraft from any bank or other temporary loan: Temporary loans.

Provided that the total amount outstanding at any one time of the money so borrowed shall not exceed three million pounds.

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

55.—(1) The Authority shall from time to time at yearly, half-yearly or other intervals appropriate out of income to a sinking fund such sums as (with any accumulations thereof) will be sufficient to pay off— Sinking fund.

- (a) within sixty years from the respective dates of borrowing by the Tees Commissioners, all money which immediately before the appointed day is secured by stock issued

PART VI
—cont.

by the Tees Commissioners under the Tees Conservancy Acts, 1852 to 1964, and which on and after the appointed day is secured by the Tees and Hartlepoons Port Authority debenture stocks created by section 49 (Creation of Tees and Hartlepoons Port Authority stocks) of this Act;

- (b) within sixty years from the respective dates of borrowing by the Tees Commissioners, all money secured by mortgages granted by the Tees Commissioners which by virtue of section 51 (As to mortgages of Tees Commissioners) of this Act become mortgages of the Authority as from the appointed day;

and may from time to time at yearly, half-yearly or other intervals appropriate out of income to a sinking fund such sums as (with any accumulations thereof) will be sufficient to pay off within sixty years from the date of borrowing all further moneys borrowed by them under section 52 (Power to borrow) of this Act.

(2) It shall not be obligatory on the Authority to make any appropriation under this section in respect of the borrowed moneys referred to in paragraphs (a) and (b) of subsection (1) of this section until after the expiration of ten years from the respective dates of borrowing by the Tees Commissioners.

(3) Pending or in default of application of any money held on account of the said fund to the purposes authorised by this Act the Authority shall invest that money in statutory securities and the interest or annual proceeds received from the money and investments held on account of the sinking fund (in this section referred to as "the income of the sinking fund") shall be accumulated in the way of compound interest by investment in statutory securities.

(4) (a) If in any year the income of the sinking fund is not equal to the income which would be derived from the amount invested if it were invested at the rate per centum per annum on which payments to the fund have been based any such deficiency shall be made good by the Authority.

(b) If in any year the income of the sinking fund amounts to a sum in excess of the income which would be derived from the amount invested if it were invested at the rate per centum per annum on which payments to the fund have been based any such excess may be applied as part of the general revenues of the Authority.

(5) The sinking fund shall be applied by the Authority in the redemption of the borrowed moneys referred to in subsection (2)

of the said section 52 and further moneys borrowed by them under that section, or in the purchase and cancellation of stock issued by the Authority, and no part of it shall under any circumstances be applied in any other way.

PART VI
—cont.

(6) All money and investments which immediately before the appointed day are held by the Tees Commissioners on account of the sinking funds maintained by the Tees Commissioners under section 83 (Sinking fund) of the Tees Conservancy Act, 1946, 1946 c. liii. and section 9 (Sinking fund) of the Tees Conservancy Act 1964 1964 c. xvii. shall, as from the appointed day, be appropriated to the sinking fund to be maintained by the Authority under this section and shall be dealt with and applied in accordance with the foregoing provisions of this section.

56.—(1) The Authority shall send to the Minister within three months after the expiration of each financial year a return showing the sums appropriated by the Authority in pursuance of section 55 (Sinking fund) of this Act. Return to Minister with respect to sinking fund.

(2) The return shall show such particulars, shall be made up to such date and shall be in such form as the Minister may require, shall be certified by the secretary of the Authority or other person whose duty it is to keep the accounts of the Authority, and shall, if so required by the Minister, be verified by statutory declaration made by that person.

(3) If it appears to the Minister, from any return made under this section or otherwise, that the Authority have failed to make any such appropriation as is required by the said section 55, the Minister may by order direct that such sum as is specified in the order (not exceeding the amount in respect of which the default has been made) shall be paid or applied in the manner and by the date set out in the order; and the Authority shall notify the Minister as soon as the order has been complied with.

(4) An order made under the last preceding subsection may be enforced, at the instance of the Minister, by mandamus.

(5) If a return required to be made under this section is not made within the time specified in subsection (1) of this section, the Authority shall be liable to a penalty not exceeding twenty pounds, and notwithstanding the recovery of any such penalty the making of the return may be enforced, at the instance of the Minister, by mandamus.

57. The Authority may from time to time reborrow on mortgage or by the creation and issue of debenture stock any money borrowed by them under section 52 (Power to borrow) of this Reborrowing.

PART VI
—cont.

Act, including the borrowed moneys referred to in subsection (2) of that section, and paid off otherwise than by means of appropriations under section 55 (Sinking fund) of this Act.

Registers of
stockholders.

58. The Authority shall keep separate registers of holders of each class of Tees and Hartlepoons Port Authority stock and such registers shall be accessible at all reasonable times to the several holders of stock but the Authority may close such registers at such times and for such periods not exceeding thirty days in any year as the Authority may from time to time determine.

Nature and
incidents of
stock and
mortgages.

59. All stock and mortgages issued or granted by the Authority under this Act shall be, and have all the incidents of, personal estate.

Ranking of
stock and
mortgages.

60. All stocks and mortgages issued or granted by the Authority under this Act shall rank *pari passu* without any priority on account of the date of issue or grant thereof or on any other account:

Provided that nothing in this section shall affect the priority or rights of any person who immediately before the appointed day was registered as the holder of stock issued by the Tees Commissioners under the Tees Conservancy Acts, 1852 to 1964, or was the grantee of a mortgage granted by the Tees Commissioners and such priority and rights shall continue to apply to the stock issued to such person under section 50 (Issue of stock in lieu of existing stock and payment of interest) of this Act in lieu of the stock formerly held by him and to any such mortgage.

Authority
not bound
to regard
trusts.

61. The Authority shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any stock or mortgage issued or granted by the Authority, or the principal or interest money thereby secured, may be subject, and the receipt and discharge of the person in whose name any such stock or mortgage stands in the books of the Authority shall be a sufficient discharge to the Authority for any money payable in respect thereof, notwithstanding any trust to which the same or the money secured thereby may then be subject; and the Authority shall not be bound to see to the application of the money paid upon such receipt or discharge.

Transfer of
stock and
mortgages.

62. Any person entitled to any stock or mortgage issued or granted by the Authority (including the mortgages referred to in section 51 (As to mortgages of Tees Commissioners) of

this Act) may (subject in the case of a mortgage to the terms and conditions upon which the same was granted) transfer his rights and interests therein to any other person:

PART VI
—cont.

Provided that—

- (a) stock may only be transferred in multiples of one pound;
- (b) a mortgage may only be transferred in respect of the whole sum secured thereby and outstanding at the date of transfer.

63.—(1) When the holder of any stock or mortgage issued or granted by the Authority dies, the only persons to be recognised by the Authority as having any title to or interest in the stock or mortgage concerned shall be—

Transmission
of stock, etc.

- (a) in the case of a sole holder, the executors or administrators of the deceased; and
- (b) in the case of joint holders, the survivor or survivors of the joint holders.

(2) If any stock or mortgage issued or granted by the Authority is transmitted by reason of death, bankruptcy or any other means than by a transfer according to the provisions of section 62 (Transfer of stock and mortgages) of this Act, the Authority shall upon such evidence being produced as may from time to time be required by them register such transmission in the appropriate register kept by them.

64. If any mortgage or certificate of stock or interest granted or issued by the Authority is lost, destroyed, worn out or damaged then upon proof thereof and upon such indemnity being given to the Authority as they may require, they may in their discretion give to the person entitled to such mortgage or stock a duplicate mortgage or certificate of stock, in substitution for the mortgage or certificate so lost, destroyed, worn out or damaged, and an entry of such substituted mortgage or certificate shall be made in the appropriate register kept by the Authority.

Renewal of
lost stock
certificates,
etc.

65.—(1) The Authority may carry to a reserve fund such part of their receipts on revenue account as shall be available for the purpose until the fund amounts to two million pounds; and if the fund at any time falls below that amount the Authority may carry to the fund so much of any such receipts as is required to restore the fund to that amount and is available for the purpose.

Reserve fund.

(2) The reserve fund so formed shall from time to time be applied by the Authority in their discretion—

- (a) in or towards meeting any deficiency on revenue account in any year; or

PART VI
—cont.

- (b) to meet any extraordinary claim or demand in respect of the undertaking; or
- (c) for improving the navigation of the harbour; or
- (d) in or towards payment of the cost of renewing, improving and extending any part of the works, or replacing any of the vessels, plant or equipment of the Authority; or
- (e) for any other lawful purpose duly sanctioned by the Authority.

(3) The sums paid into the reserve fund shall be invested in statutory securities.

General
insurance
fund.

66.—(1) The Authority may (if they think fit) establish an insurance fund with a view to providing a sum of money which shall be available for making good any losses, damages, costs and expenses to which the Authority may be subjected in consequence of such risks as may from time to time be specified in a resolution of the Authority (in this section referred to as “the specified risks”).

(2) The establishment of a fund under this section shall not prevent the Authority from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) The Authority may pay into the said fund in any year such sums as the Authority may think fit out of the receipts of the Authority on revenue account and as part of their working and establishment expenses and the cost of maintenance of the undertaking.

(4) All moneys for the time being standing to the credit of the said fund shall be invested in statutory securities and the interest and annual proceeds arising from such securities shall be invested and accumulated in the said fund.

(5) In this section “insurance office” means—

- (a) an insurance company; or
- (b) an underwriter who is a member of an association of underwriters.

Power to
charge
interest to
capital.

67. Where the Authority, in exercise of the powers conferred upon them by any enactment, commence any work from which revenue may after its completion be derived, they may, during such period not exceeding ten years from the commencement of that work as they determine, charge to capital as part of the cost of that work interest on any money raised to defray—

- (a) the cost of acquisition of lands for the purpose of that work; and
- (b) the expenses of constructing or carrying out that work.

68.—(1) In order to enable the Authority to acquire an interest in, or to provide or facilitate the provision of funds for any body corporate carrying on or intending to carry on or to establish or extend—

- (a) warehouses, factories or works in or near the dock estate;
- (b) an undertaking or business connected with or ancillary to the carrying on of the undertaking;
- (c) any other undertaking or business which appears to the Authority to be advantageous or convenient for, or in connection with, the undertaking or to be for the benefit of the Authority either directly or indirectly;

the Authority may subscribe for, purchase, take up and hold any shares, stock, mortgages, debentures or debenture stock of such body corporate and may in respect of any such shares, stock, mortgages, debentures or debenture stock for the time being held by them exercise either by themselves or through some person nominated by them for the purpose all or any of the rights exercisable by an individual holder of such shares, stock, mortgages, debentures or debenture stock.

(2) The Authority may from time to time at its discretion dispose of any such shares, stock, mortgages, debentures or debenture stock for the time being held by it.

(3) The Authority may apply for the purposes of this section any of their capital or funds for the time being available.

69.—(1) The accounts of the Authority shall be audited annually by an auditor or firm of accountants appointed by the Authority. Accounts.

(2) A person or firm shall not be qualified to be so appointed an auditor unless he is a member, or in the case of a firm all the partners wherein are members, 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 and Corporate Accountants;
- (d) the Institute of Chartered Accountants in Ireland;
- (e) any body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act, 1948, by the Board of Trade.

PART VI
—cont.

(3) The report of the auditor on the accounts of the Authority for each financial year shall be read at a meeting of the Authority to be held as soon as reasonably practicable following the end of the year of account.

(4) The Authority shall cause an abstract of the annual accounts as audited to be printed and copies shall be made and kept available at the principal office of the Authority for inspection by the public without charge during reasonable hours and for supply on demand to any person on payment of such reasonable charge as the Authority may determine.

Saving for
powers of
Treasury.

1946 c. 58.

70. It shall not be lawful to exercise the powers of borrowing conferred upon the Authority by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 (Treasury control of borrowing, &c.) of the Borrowing (Control and Guarantees) Act, 1946.

PART VII

CHARGES

Charges on
certain floating
articles.
1964 c. 40.

71. In addition to their power to demand, take and recover ship, passenger and goods dues under section 26 of the Harbours Act 1964, the Authority may demand, take and recover in respect of any floating manufactured article (not being a ship within the meaning of the Harbours Act 1964) entering, using or leaving the harbour such dues as they think fit; and the provisions of sections 30, 31, 32 and 34 of the Harbours Act 1964 (which require lists of charges to be available for inspection and sale; give a right of objection to ship, passenger and goods dues; empower the Minister to revise such dues; and make supplementary provision in relation to those matters) shall, with any necessary modifications, apply to the dues authorised by this section as they apply to ship, passenger and goods dues.

Charges for
port facilities.

72. The Authority may demand, take and recover such reasonable charges for port facilities provided by them as they may from time to time determine.

Conditions
relating to
payment of
charges.

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

As to payment
of charges.

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

(2) An officer as defined in the Customs and Excise Act, 1952, may refuse clearance of any vessel if he is satisfied that any charges payable to the Authority in respect of that vessel or any goods therein have not been paid.

PART VII
—cont.
1952 c. 44.

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

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

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

As to
compounded
charges.
1964 c. 40.

76. If the owner of any vessel or goods or any other person at any time eludes or evades or attempts to elude or evade payment of, or refuses or neglects to pay, any charges payable by such owner or person to the Authority at the time when the same become due and payable, he shall—

Penalty for
evading
payment of
charges.

- (a) be liable to pay to the Authority a sum equal to three times the amount of such charges, which sum shall be a debt due to the Authority and shall be recoverable by the Authority in any court of competent jurisdiction; and
- (b) be liable on summary conviction to a fine not exceeding fifty pounds.

77. Any person claiming the return of the whole or any part of any charges paid to the Authority shall make his claim, and produce all documents and give all information required by the Authority in proof thereof, within three years from the time of payment; and in default thereof the claim shall cease to be enforceable.

Claims for
repayment of
charges.

78. The owner or person having the charge of any goods warehoused, placed, stored or yarded in a warehouse, transit shed or area, store or yard of the Authority shall, before the removal of those goods from the warehouse, transit shed or area, store or yard and at such date or dates as shall be fixed by the Authority, pay such charges as shall be then due and payable on those goods.

Payment of
charges on
warehoused
goods.

79. The Authority may, if they think fit, require any person liable, or to become liable, to pay charges to the Authority to deposit with their collector, or to guarantee such sum as, in the opinion of the Authority, is reasonable having regard to the probable amount of the charges.

Deposit for
charges.

PART VII
—cont.Recovery of
charges.
1847 c. 27.

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

Crown
exemptions
from charges.

81.—(1) Except in so far as may be agreed between the Authority and the government department concerned or as may be specifically laid down by statute, nothing in any enactment authorising the Authority to charge rates shall extend to authorise the Authority to levy charges on or regulate or subject to control—

(a) a vessel—

(i) belonging to or in the service of Her Majesty or any member of the Royal Family; or

(ii) in the service of the Commissioners of Customs and Excise, not being a vessel carrying goods for reward; or

1953 c. 36.

(iii) employed by or under the authority of the Postmaster General or the Secretary of State for Defence for the conveyance under contract of postal packets as defined by the Post Office Act, 1953, not being a vessel also conveying passengers or goods for reward; or

(iv) in the service of the Trinity House and not carrying goods for reward;

(b) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;

(c) a mailbag as defined by the Post Office Act, 1953, conveyed by a vessel;

(d) troops landed at the dock estate or a person employed by the Secretary of State for Defence while in the execution of his duty;

(e) goods or stores belonging to the Secretary of State for Defence.

(2) A person who takes the benefit of an exemption under subsection (1) of this section but is not entitled thereto shall be guilty of an offence and liable to a fine not exceeding ten pounds.

PART VIII

HANDLING AND WAREHOUSING OF GOODS ETC.

Licensing of
foy boatmen.

82.—(1) The Authority may—

(a) license from time to time on such conditions of licence (not being conditions as to the charges to be made) as they may determine such foy boatmen as they think

proper for the purposes of running lines and assisting in the mooring and unmooring of vessels and acting as riggers on vessels; and

PART VIII
—cont.

(b) require a person so licensed to give such security for the proper discharge of his duties as the Authority consider satisfactory.

(2) Any person who acts as a foy boatman in the harbour, except under and in accordance with a licence issued by the Authority under this section, shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

83.—(1) Any applicant for a licence under section 82 (Licensing Appeals of foy boatmen) of this Act who is aggrieved by—

(a) the withholding of a licence by the Authority under the said section; or

(b) any conditions upon which the licence is granted;

may, within twenty-eight days from the date upon which the Authority notify the applicant of their decision, appeal to the Minister whose decision shall be final.

(2) Any appeal under this section shall be made by notice in writing to the Minister and copies of such notice shall be served on the Authority and such other persons as the Minister may direct.

(3) On any appeal under this section the Minister shall, if either the person aggrieved or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(4) On the determination of an appeal under paragraph (a) or (b) of subsection (1) of this section the Minister may confirm the decision of the Authority or give directions to the Authority for giving effect to his determination and the Authority shall comply with such directions.

(5) Where any decision of the Authority against which a right of appeal is conferred by the foregoing provisions of this section makes it unlawful for any person to carry on a business he was lawfully carrying on up to the time of the decision, that person may continue to carry on that business for a period of three months after the expiration of the time for appealing or, if an appeal is made, after the appeal is determined or withdrawn.

PART VIII
—cont.Services at
Tees Dock.
1946 c. liii.

84. The Authority may, if and to the extent to which they so resolve, undertake exclusively by persons employed by them the whole operations in connection with the stevedoring and master portorage of the works authorised by section 44 (Power to execute works) of the Tees Conservancy Act, 1946, and all works and conveniences connected therewith or subsidiary thereto, and if and to such extent as they so resolve all such operations shall be under the control and management of the Authority.

Power to
provide
services as
foy boatmen.

85. The Authority may undertake directly or by contract the work normally undertaken by foy boatmen, including running lines and assisting in the mooring and unmooring of vessels and acting as riggers on vessels.

Notice before
entry of
dangerous
goods.

86.—(1) Except in case of emergency, the owner or master of a vessel carrying any dangerous goods shall, when that vessel enters the harbour, give notice to the harbour master of the nature and quantity of dangerous goods carried in the vessel and, if such notice is not given, the owner or master of the vessel shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

(2) Where the owner or master of a vessel is charged with an offence under subsection (1) of this section it shall be a defence to prove that he did not know and could not, with reasonable diligence, have ascertained the nature of the goods in respect of which the proceedings are taken.

Liability for
safety of
goods.

87. The Authority shall not be responsible for the safety of any goods deposited in any part of the dock estate not specifically set apart by them for the purpose of warehousing.

Power to
remove goods.

88. The Authority may remove, or cause to be removed, any goods remaining on or in any part of the dock estate after the expiry of any periods prescribed by the Authority, to their own or any other public warehouse or store, and such removal shall be carried out at the expense and risk of the owner:

Provided always that—

- (i) notwithstanding such removal or placing in store, such goods shall be liable to a general lien for the cost of removal, and for any charges payable to the Authority by the owner; and
- (ii) the power of the Authority, for preventing the removal of goods until the cost of removal, and the charges, have been paid, shall extend and apply to any goods removed or placed in store under the provisions of this section.

89.—(1) The Authority may, by resolution, designate any dock, wharf or other work, or any portion thereof, for the loading and unloading of any goods to which this section applies.

PART VIII
—cont.

Power to give directions as to loading or unloading of certain goods.

(2) Where pursuant to subsection (1) of this section, the Authority have designated a place for the loading or unloading of goods of any description the harbour master may direct that goods of that description intended to be loaded on board, or unloaded from, a vessel shall not be deposited or received elsewhere than at the place so designated and in the event of any person disobeying any such direction the Authority may remove the goods to the place so designated, and any expense incurred by them in so doing may be recovered by them from that person as a simple contract debt in any court of competent jurisdiction.

(3) The goods to which this section applies are goods in bulk and goods the nature or character of which is such as, in the opinion of the Authority to give rise to special risk of contamination, taint, stain, injury or danger to other goods or to persons, or to necessitate the provision of special facilities for, or special precautions in relation to, the handling thereof or for the safety, protection, welfare or accommodation of persons employed in or in connection with such handling.

PART IX

BYELAWS, ETC.

90.—(1) Subject to the provisions of this Act the Authority may make byelaws for all or any of the following purposes:—

Power to make general byelaws.

(a) for the purposes specified in section 83 of the Harbours Clauses Act, 1847;

1847 c. 27.

(b) for regulating the navigation, berthing and mooring of vessels within the harbour including their speed and manner of navigation, and the use of tugs within the harbour;

(c) for regulating the launching of vessels within the harbour;

(d) for regulating the use of ferries within the harbour;

(e) for regulating the use of yachts, sailing boats, rowing boats, pleasure craft and other small craft and the holding of regattas within the harbour;

(f) for prohibiting the use of motor boats (which expression for the purposes of this paragraph means a small craft propelled by mechanical power other than steam) without a licence from the Authority and for regulating the grant, suspension and revocation of and the charge to be made for such licences;

PART IX
—cont.

- (g) for regulating the use of pontoons, dry docks, slipways and cargo handling appliances within the harbour and the dock estate;
- (h) for regulating the shipping, transhipping and unshipping, warehousing, stowing, depositing and removing of timber within the dock estate and the placing of the same in timber ponds or depots and regulating the manner and limiting the period of use of such ponds or depots and of entering or leaving the same;
- (i) for regulating the use of the coal staithes of the Authority;
- (j) generally for regulating the use of the docks, berths, wharves, quays, piers, jetties, staithes, warehouses, sheds, landing places and other works and conveniences provided by the Authority and the conduct of persons on board any vessel lying thereat;
- (k) for prohibiting or regulating the discharge or deposit of ballast, ashes, refuse, rubbish or other material (including any polluting liquid) into the harbour;
- (l) for preventing and removing obstructions or impediments within the harbour;
- (m) for regulating traffic on railways within the dock estate and the use of locomotives thereon;
- (n) for regulating the movement, speed and parking of vehicles within the dock estate;
- (o) for prohibiting all persons working or employed in or entering the dock estate or any part thereof from smoking therein.

(2) Any person deeming himself aggrieved by the withholding, suspension or revocation of a licence under the provisions of byelaws made by virtue of paragraph (f) of subsection (1) of this section may appeal to a magistrates' court within twenty-one days after such withholding, suspension or revocation.

(3) In this section " vessel " includes any floating manufactured article.

Power to
make byelaws
as to lights
and signals.

91.—(1) Subject to the provisions of this Act, the Authority may make byelaws for all or any of the following purposes:—

- (a) for prescribing the lights and signals to be carried, exhibited or made by vessels while being used, navigated or moored within the harbour;
- (b) for prescribing the lights and signals to be exhibited or made by vessels aground within the harbour;
- (c) for prescribing the lights and signals to be exhibited or made by wreck-marking vessels or by other devices used for marking obstructions within the harbour;

(d) for prescribing steering and sailing rules for the regulation of vessels used or navigated within or entering or leaving the harbour;

(e) for prescribing the lights and signals to be exhibited or made at the entrance to any dock or at any wharf, pier or other work for assisting the navigation of vessels within the harbour.

(2) In this section "signals" includes sound signals and "vessel" includes any floating manufactured article.

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

92.—(1) The Authority may make byelaws as to the loading and discharging by vessels within the harbour of dangerous goods (which expression in this section and in section 86 (Notice before entry of dangerous goods) of this Act does not include dangerous goods to which byelaws made by the Authority under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being apply), and as to the bringing, handling, transport or storage of such goods within the harbour, and generally as to the precautions to be observed with respect to such goods while within the harbour, and such byelaws may in particular provide—

Byelaws relating to certain dangerous goods.
1875 c. 17.
1928 c. 32.

(a) for regulating the places at which vessels are to load or discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging;

(b) for regulating the places at which vessels carrying dangerous goods are to be moored; and

(c) for the due enforcement of the byelaws.

(2) Where a person is charged with an offence against a byelaw in force under this section it shall be a defence for that person to prove that the offence was not caused or facilitated by any act or neglect on his part, or on the part of any person engaged or employed by him, and, if that person is charged as the owner or master of a vessel, that in addition all reasonable means were taken by the master to prevent the commission of the offence.

(3) Byelaws made under subsection (1) of this section may contain provisions for the imposing on persons offending against any of the byelaws of fines not exceeding, on summary conviction, one hundred pounds, and, on conviction on indictment, one thousand pounds.

93. All byelaws, rules and regulations made by the transferring undertakers (or in the case of the Docks Board, by any of their predecessors) in pursuance of any enactments repealed by this Act or by any repealed enactment relating to predecessors of the

Existing byelaws to remain in force.

PART IX
—cont.

Docks Board and in force immediately before the appointed day shall until amended or revoked by the Authority continue in full force and effect within the areas to which they apply respectively immediately before the appointed day and such byelaws, rules and regulations may be enforced and all fines incurred thereunder may be recovered in the same manner and to the same effect as byelaws made by the Authority may be enforced and fines incurred thereunder recovered.

Confirmation
of byelaws
and fines
thereunder.

1933 c. 51.

94.—(1) All byelaws made by the Authority (whether under this Act or under any other enactment) shall be subject to the provisions contained in subsections (2), (3), (4), (5), (6) and (7) of section 250 and in section 252 of the Local Government Act, 1933, and those sections shall for the purposes of this section be construed as if the reference to “the clerk of the authority” included a reference to the secretary.

(2) Except where otherwise provided by this Act or by the enactment authorising the making of the byelaws concerned a person offending against any byelaw made by the Authority shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

(3) All fines imposed for the breach of any such byelaws shall be recoverable on summary conviction.

(4) Where so provided by the byelaws concerned a person found committing an offence against any byelaw made by the Authority under this Act may be taken into custody without a warrant by a constable.

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

PART X

MISCELLANEOUS AND GENERAL

Authority to
be local
lighthouse
authority.

1894 c. 60.

As to
pilotage.

1922 c. xiii.

95. The Authority shall within the harbour be a local lighthouse authority for the purposes of the Merchant Shipping Act, 1894.

96.—(1) As from 1st November, 1966, the Tees Pilotage Order, 1922 (confirmed by the Pilotage Orders Confirmation (No. 2) Act, 1922), shall be amended as set out in Part I of Schedule 8 to this Act.

(2) As from the appointed day the Hartlepool Pilotage Order, 1922 (confirmed by the said Act), shall be amended as set out in Part II of the said schedule.

97.—(1) Section 52 of the Harbours Clauses Act, 1847, as incorporated with this Act, in its application to the Authority and to the harbour master—

PART X
—cont.

Harbour
master's
powers.
1847 c. 27.

- (a) shall, notwithstanding the provisions of section 33 of the Harbours Clauses Act, 1847, as also so incorporated, extend so as to empower the harbour master to impose terms and conditions upon which a pleasure craft, hover vehicle or hydrofoil vessel may enter the harbour or any part thereof;
- (b) shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour; and
- (c) shall not be construed to require the harbour master in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section, but in pursuance of that section for all or any of the purposes thereof the harbour master shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels.

(2) Section 53 of the Harbours Clauses Act, 1847, as incorporated with this Act, in its application to the Authority and the harbour master, shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel, and such directions may be given orally or otherwise communicated to the master on any occasion when it is not reasonably practicable for a written notice to be served on the master.

98.—(1) The Authority may from time to time appropriate a particular berth or berths in the dock estate for the use of vessels of a particular owner or engaged in particular trades and where either—

Appropriation
of berths.

- (a) a charge for the appropriation is made pursuant to subsection (2) of this section; or
- (b) the appropriation relates only to a berth or berths at a dock or wharf which the Authority, in exercise of the powers conferred on them by section 102 (Occupancy and use of dock estate by persons engaged in harbour operations) of this Act, have leased or licensed to the owner of the vessels;

any vessel covered by the appropriation shall, to such extent as the Authority may determine, have priority in the use of the berth or berths as against other vessels.

(2) The Authority may make a reasonable charge against the owner of a vessel for the appropriation of a particular berth or berths.

PART X
—cont.Traffic offences
on dock roads.

1960 c. 16.

99.—(1) In this section—

“dock road” means any road, pier, wharf, quay, bridge or other work which, or any land which, is vested in or the property of the Authority and is accessible to motor vehicles, not being a road to which the Road Traffic Act, 1960, applies;

“motor vehicle” has the same meaning as in the Road Traffic Act, 1960.

1962 c. 59.

(2) The Road Traffic Act, 1960, and the Road Traffic Act, 1962, shall have effect as if the provisions hereinafter mentioned applied to dock roads as they apply to roads and highways; and any person who commits an offence under any of those provisions, as extended by this section, shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 257 of the said Act of 1960, and all the provisions of the said Acts, so far as applicable (including, without prejudice to the generality of the foregoing, sections 25, 241 and 250 thereof), shall apply accordingly.

(3) The provisions of the Road Traffic Act, 1960, referred to in subsection (2) of this section are—

- Section 1 (Causing death by reckless or dangerous driving);
- Section 2 (Reckless, and dangerous, driving generally);
- Section 3 (Careless, and inconsiderate, driving);
- Section 4 (Speeding);
- Section 5 (Driving under age);
- Section 6 (Driving, or being in charge, when under influence of drink or drugs);
- Section 7 (Motor racing on highways);
- Section 8 (Restriction on carriage of persons on motor cycles);
- Section 9 (Reckless, and dangerous, cycling);
- Section 10 (Careless, and inconsiderate, cycling);
- Section 11 (Cycling when under influence of drink or drugs);
- Section 13 (Restriction on carriage of persons on bicycles);
- Section 14 (Drivers to comply with traffic directions);
- Section 15 (Pedestrians to comply with directions to stop given by constables regulating vehicular traffic);
- Section 16 (Leaving vehicles in dangerous positions);
- Section 24 (Speed limits for vehicles of different classes or descriptions);

- Section 51 (Traffic signs);
- Section 52 (Powers and duties of highway authorities as to placing of traffic signs);
- Section 54 (Emergency traffic signs);
- Section 56 (Removal of traffic signs, etc.);
- Section 77 (Duty to stop, and furnish particulars, in case of accident);
- Section 97 (Minimum age for driving);
- Section 98 (Drivers of motor vehicles to have driving licences);
- Section 110 (Offence of applying for or obtaining licence, or driving, while disqualified);
- Section 201 (Users of motor vehicles to be insured or secured against third-party risks);
- Section 202 (Exceptions from requirement of third-party insurance or security);
- Section 218 (Penalisation of tampering with motor vehicles);
- Section 219 (Penalisation of holding or getting on to vehicle in order to be towed or carried);
- Section 223 (Power of police to stop vehicles);
- Section 225 (Power of police constables to require production of driving licences);
- Section 226 (Power of police constables to obtain names and addresses of drivers, and others, and to require production of evidence of insurance or security and test certificates);
- Section 228 (Penalisation of failure to give name and address, and power of arrest, in case of reckless or careless driving or cycling);
- Section 229 (Pedestrians to give names and addresses in certain cases);
- Section 230 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident);
- Section 231 (Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security):

PART X
—cont.
1962 c. 13.

Provided that if no duty is chargeable under the Vehicles (Excise) Act, 1962, in respect of a motor vehicle—

(a) by virtue of the provisions of subsection (6) of section 6 of that Act; or

(b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said sections 5, 97, 98, 110, 201, 225, 230 and 231 shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

1962 c. 59.

(4) The provision of the Road Traffic Act, 1962, referred to in subsection (2) of this section is section 42 (Driving with uncorrected defective eyesight).

1912 c. lxxvi.

(5) Any maximum speed limit which has for the time being been fixed under the provisions of byelaws made in exercise of the powers conferred by section 90 (Power to make general byelaws) of this Act, or any byelaws made by the Tees Commissioners under section 24 (Consolidation of existing provisions as to byelaws) of the Tees Conservancy Act, 1912, which are for the time being continued in force by virtue of section 93 (Existing byelaws to remain in force) of this Act, shall for the purposes of section 4 of the Road Traffic Act, 1960, be deemed to have been fixed by an enactment passed after the commencement of the said Act of 1960.

1960 c. 16.

(6) Regulations or orders made under sections 64 and 70 of the Road Traffic Act, 1960, and from time to time in force, shall extend and apply to dock roads as they apply to roads as defined by section 257 of that Act, and subsection (2) of section 64 and section 239 of that Act shall apply accordingly:

Provided that, if no duty is chargeable under the Vehicles (Excise) Act, 1962, in respect of a motor vehicle—

(a) by virtue of the provisions of subsection (6) of section 6 of that Act; or

(b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

the said regulations shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

(7) For the purposes of the Road Traffic Act, 1960, and the Road Traffic Act, 1962, as extended and applied by this section, the expressions “chief officer of police”, “police officer”, “constable” and “police station” where used in those Acts shall respectively include the chief officer or an officer of, and any police office maintained by, the Authority, and the expression

“highway authority” shall mean the Authority in relation to any dock road for the maintenance of which the Authority are responsible.

PART X
—cont.

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

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

(a) subject to the provisions of section 101 (Protection of Crown interests in wrecks) of this Act; and

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

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

(3) Except in a case which is in the opinion of the Authority a case of emergency, subsection (2) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section 530 other than the power of lighting and buoying, the Authority have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires they receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the said section 101 he shall be at liberty to do so, and the Authority shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Authority.

(4) Notice under subsection (3) of this section to the owner of any vessel may be served by the Authority either by delivering it to him or by sending it to him by registered post or by the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom, or, if the owner or any such place of business or abode is not known to the Authority or is not in the United Kingdom, by displaying the notice at the principal office of the Authority for the period of its duration.

PART X
—cont.

(5) Except in a case which is, in the opinion of the Authority a case of emergency, the Authority shall, before raising, removing or destroying under the powers conferred upon them by the said section 530 any vessel sunk, stranded or abandoned in the harbour or in or near any approach thereto and within a distance of 150 yards of any submarine cable placed or maintained by the Postmaster General in, on, along or across the bed of the waters of the harbour give to the Postmaster General in writing as long notice as is practicable of their intention to do so.

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

Protection of
Crown interests
in wrecks.

1894 c. 60.
1906 c. 48.

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

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

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

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

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

(2) The Authority shall give notice in writing to the Secretary of State for Defence and to the Board of Trade of any decision of the Authority to exercise in relation to any vessel referred to in paragraph (b) of subsection (1) of this section any of the powers aforesaid other than the power of lighting and buoying and, except in a case which is in the opinion of the Authority a case of emergency, shall not proceed with the exercise thereof—

(a) except with the consent of the Secretary of State for Defence and the Board of Trade, before the expiration of a period of fourteen days from the giving of the notice; or

- (b) if before the expiration of the said period there is served on the Authority a direction by the Secretary of State for Defence or the Board of Trade that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

PART X
—cont.

and where, in any such case as aforesaid, the Authority proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if, before the expiration of the period aforesaid, such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of section 100 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

- (i) the Authority shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of subsection (1) of this section, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this subsection and of subsection (3) of the said section 100 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 Board of Trade for the purposes of this proviso.

(3) Without prejudice to the powers of sale conferred on the Authority by the said section 530, the Authority shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894 raised, removed or recovered under that section, and any surplus proceeds of sale within the meaning of that section, in accordance with such directions (if any) as may be given to them by the receiver of wrecks; and on exercising the said power of sale in the case of any property the Authority shall discharge any sums payable in respect of that property by way of duties of customs or excise, purchase tax, or surcharge in respect of sugar or molasses, and any sums so discharged shall be deemed to be expenses incurred by the Authority under that section.

(4) Any limitation on the powers of the Authority in relation to any vessel arising by virtue of subsection (1) or subsection (2)

PART X
—cont.

of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on Trinity House by section 531 of the said Act of 1894.

Occupancy and use of dock estate by persons engaged in harbour operations.
1964 c. 40.

102. Notwithstanding anything in any enactment the Authority may from time to time by way of lease or the creation of any right, privilege or otherwise permit the occupancy of, and the right to operate at, any part of the dock estate to any person engaged in harbour operations (as defined in subsection (1) of section 57 of the Harbours Act 1964), upon such conditions and for such consideration as the Authority think fit.

Power to continue separate police.

103.—(1) The Authority may continue and maintain the separate police force maintained by the Tees Commissioners immediately before the appointed day for police duty within the harbour, and may from time to time appoint officers and men for that purpose who shall hold office at pleasure.

1964 c. 48.

(2) In the event of the continuance of the said separate police force under this section the provisions specified in Schedule 9 to this Act and the provisions of sections 51, 52 and 53 of the Police Act 1964 (which concern assaults on constables, impersonation, etc., and causing disaffection) shall apply thereto.

(3) Every member of the said separate police force shall, on appointment, be attested as a constable by making a declaration before a justice of the peace having jurisdiction within the harbour and such declaration shall be in the form set out in Schedule 2 to the Police Act 1964.

(4) Members of the said separate police force shall have all the powers and privileges and shall be entitled to the indemnities and protection of a constable within the harbour and in any place not more than 2 miles beyond the limits of the harbour.

Power to contract for harbour police.

104.—(1) The Authority may from time to time make agreements with a police authority for the employment by the Authority of any members of the police establishment of that police authority for police duty within the harbour.

(2) Any such agreement may contain such terms and conditions and provide for such payment or consideration as the Authority shall think proper and shall agree with the police authority.

(3) In this section “ police authority ” has the same meaning as in the Police Act 1964.

Allowances and donations.

105. The Authority may give donations, contributions or subscriptions to such public institutions or charities as the Authority in their discretion may think fit.

106. Every instrument to which the common seal of the Authority is affixed shall be signed by one member of the Authority and the secretary or some other person authorised by the Authority to act in that behalf.

PART X
—cont.
Affixing
common seal.

107. Without prejudice to the provisions of section 39 (As to authorisations under section 9 of Harbours Act 1964) of this Act, nothing in this Act shall exempt the Authority or any other person from the provisions of sections 9 and 10 of the Harbours Act 1964.

Saving for
Harbours
Act 1964.
1964 c. 40.

108. 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 Board of Trade to certain operations and contain other provisions for the safety of navigation) or of any enactment which requires the consent or approval of the Board of Trade.

Saving for
Board of
Trade.
1949 c. 74.

109. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary, or assistant secretary of the Board or any person authorised in that behalf by the President.

As to
Board of
Trade.

110. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing herein contained shall authorise the Authority to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of such commissioners on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

111. Any person employed by the Minister or the Board of Trade and any officer as defined in the Customs and Excise Act, 1952, shall have free access to the dock estate while in the execution of their duty.

Crown right
of access.
1952 c. 44.

112. Nothing in this Act or in any enactment applied to the undertaking by this Act shall authorise the Authority to supply water for their own profit or to supply water for use for domestic purposes at any premises on land or for any purposes other than such purposes as are necessarily incidental to the undertaking or to carry out works outside the dock estate for the provision of services which it is the function of statutory water undertakers to provide.

For
protection
of Tees
Valley and
Cleveland
Water Board
and
Hartlepoons
Water
Company.

PART X
—cont.Access to
Stockton
Corporation
quay.

113.—(1) The Authority shall maintain and when necessary renew gates at the following points giving access to the Corporation quay:—

- (a) the northern end of the access to the car park from Hunter's Lane;
- (b) the eastern end of Bishop Street;
- (c) the eastern end of Silver Street;
- (d) the south end of Calvert's Lane;
- (e) the eastern end of Finkle Street;
- (f) a point adjacent to the river steps near the south end of the Corporation quay;

but may keep the said gates closed whenever and so long as they think fit and may prevent access to the Corporation quay by persons who are not—

- (i) employed in connection with or engaged in business connected with the Corporation quay;
- (ii) employed in connection with or engaged in business connected with any premises of the Authority on the Corporation quay; or
- (iii) employed on or engaged in or bona fide seeking business in connection with any vessel at the Corporation quay:

Provided that the Authority shall at all times permit rail, vehicular and pedestrian access to persons employed in connection with or engaged in business connected with the warehouses or to persons bona fide using the car park when so engaged.

(2) In this section—

“the car park” means the car park at the northern end of the Corporation quay adjacent to and having access from Hunter's Lane;

“the warehouses” mean the existing warehouses of the Corporation erected on or adjacent to the Corporation quay.

As to disposal
of Stockton
Corporation
quay.

114.—(1) If the Authority certify in writing that they have ceased to provide port facilities at the Corporation quay or have ceased to require that quay for the purposes of the undertaking, the Authority shall offer to sell the same to the Stockton Corporation.

(2) If the Stockton Corporation be desirous of purchasing the Corporation quay then within six weeks after such offer of sale they shall signify their desire in that behalf to the Authority, or if they decline such offer or if within six weeks they neglect

to signify their desire to purchase the Corporation quay the right of pre-emption of the Stockton Corporation in respect of the Corporation quay shall cease.

PART X
—cont.

(3) If the Stockton Corporation be desirous of purchasing the Corporation quay and the Stockton Corporation and the Authority do not agree as to the price thereof then such price shall be determined under and in accordance with the Land Compensation Act, 1961. 1961 c. 33.

115. For the protection of the British Railways Board (in this section referred to as “the railways board”) the following provisions shall unless otherwise agreed in writing between the Authority and the railways board apply and have effect:— For protection of British Railways Board.

(1) The Authority shall not alter, remove or discontinue the use of any connection between the railways of the Authority and the railways of the railways board without having first consulted the railways board in relation thereto:

(2) If in consequence of the transfer of undertakings under Part IV of this Act—

(a) any constable of the British Transport Police Force suffers loss of employment or loss or diminution of emoluments or pension rights or his position is worsened; or

(b) it shall become necessary for the railways board to transfer any such constable to other employment;

the Authority shall repay to the railways board on demand all costs and expenses incurred by the railways board in compensating such constable in respect of any of the matters aforesaid or in connection with any such transfer:

(3) Nothing in this Act shall be construed as conferring upon the Authority any right or power without the consent in writing of the railways board to convey goods or passengers from any part of the dock estate to any other part of the dock estate over the railways of the railways board.

116. Before in any case commencing any operation for the construction, alteration, renewal or extension of works in the harbour or for the carrying out of dredging (other than maintenance dredging) therein, the Authority or the river authority (as the case may be), shall, unless otherwise agreed in writing between them as respects any particular operation or any class of works, consult the Northumbrian River Authority. Consultations between Authority and Northumbrian River Authority.

PART X
—cont.

of such operations, give not less than seven days' notice in writing of such their intention to the other of them, and shall take into consideration any representations in writing which such other authority may make with respect to that operation before the expiration of such notice.

For protection
of river
authority.

117. For the protection of the river authority the following provisions shall, unless otherwise agreed in writing between the Authority and the river authority, apply and have effect:—

(1) (a) If as a result of any operations carried out by the Authority under section 16 (Power to dredge) of this Act any protected property shall be breached or shall at any time be injured or its efficiency is otherwise impaired, the river authority may recover from the Authority the reasonable cost (including a proper proportion of the overhead charges of the river authority) of filling in the breach or (as the case may be) making good such injury and in either case of restoring it to its former standard of efficiency;

(b) In this paragraph "protected property" means any works or apparatus from time to time constructed or provided by the river authority or any works for the time being under their jurisdiction for the purposes of the Land Drainage Acts, 1930 and 1961, and the Water Resources Act 1963:

1963 c. 38.

(2) Any dispute or difference which may arise between the Authority and the river authority under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

Saving for
river authority.

118. Except as in section 116 (Consultations between Authority and Northumbrian River Authority) of this Act expressly provided, nothing in this Act shall prejudice or derogate from or in any wise alter or affect or interfere with the rights, powers and privileges of the river authority under any enactment.

For protection
of Hartlepool
and West
Hartlepool
Corporations.

119. For the protection of the mayor, aldermen and burgesses of the borough of Hartlepool and the mayor, aldermen and burgesses of the county borough of West Hartlepool (each of whom is in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the Authority and the corporation apply and have effect:—

(1) In this section the expression "sewer" means a sewer outfall, submarine pipe or sewer vested in the corporation:

(2) (a) In the exercise of the powers conferred by section 16 (Power to dredge) of this Act the Authority shall not

interfere with, damage or injuriously affect any sewer placed or maintained by the corporation without the consent of the corporation;

- (b) Before operations for deepening, dredging, scouring or improving the bed and foreshore of the harbour or blasting any rock are carried out under the powers of the said section 16 within 150 yards of any sewer where blasting operations are involved, or in any other case within 50 yards of any such sewer the Authority shall give in writing to the corporation not less than twenty-eight days' notice of their intention so to do:
- (3) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall before raising, removing or destroying any vessel sunk, stranded or abandoned in the harbour or in or near any approach thereto and within a distance of 150 yards of any sewer in, on, along or across the bed of the waters of the harbour give to the corporation as long notice as is practicable of their intention to do so:
- (4) Nothing in this Act shall affect or derogate from any rights, powers, privileges or duties of the corporation in the management, control, supervision or regulation of any of the beaches within or adjoining the harbour or of any person using the same and in particular nothing herein contained shall authorise the Authority to take, use or in any manner interfere with any portion of the shore or bed of the sea or any land or rights of whatsoever description belonging to or under the control and management of the corporation:
- (5) (a) Where a road accessible to vehicles which gives access to the dock estate crosses the boundary of that estate by a junction with a highway maintainable by the corporation the Authority shall cause such traffic signs to be placed on the dock estate on or near that junction as the corporation may reasonably require subject to and in accordance with the provisions of section 52 of the Road Traffic Act, 1960;
- (b) Any dispute between the Authority and the corporation under this subsection shall be referred to and determined by the Minister:
- (6) Any difference which may arise between the Authority and the corporation under this section (other than a difference as to the meaning or construction of this section) shall be determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed on the application

PART X
—cont.

of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

For protection
of Central
Electricity
Generating
Board and
North Eastern
Electricity
Board.

120.—(1) Nothing in section 25 (Restriction on construction of works and dredging) of this Act shall apply to the construction, alteration, renewal, extension or maintenance by the electricity undertakers of any electricity work from time to time authorised under or by virtue of any enactment or any consent, wayleave or other instrument given or made under any enactment or make it unlawful for the electricity undertakers to carry out any work not so authorised, or any dredging, necessary in case of emergency for the protection of or to ensure the efficient operation of any electricity work.

(2) (a) Before granting a licence to any person for the construction, alteration, extension, renewal or maintenance of any works under section 22 (Licensing of works) or for dredging under section 23 (Licence to dredge) of this Act, the Authority shall, in any case where the proposed works or dredging would be at, over, under or near to any electricity work situated on or under tidal waters or tidal lands below the level of high water in the harbour, or in such a position as to be likely to affect or endanger any such work, or in any case where reasonably so requested by the electricity undertakers, submit to the electricity undertakers detailed particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the electricity undertakers may reasonably require; and such licence shall only be granted subject to such conditions as may be reasonably necessary to safeguard the electricity work including, without prejudice to the generality of the foregoing, conditions empowering the electricity undertakers from time to time to inspect the works or dredging to which the licence relates and to take any steps necessary to prevent damage to the electricity work or to ensure that the electricity work can operate efficiently and to recover from the holder of the licence the reasonable cost of any works carried out by the electricity undertakers for those purposes.

(b) If in any case any difference arises between the Authority and the electricity undertakers with respect to the particulars required to be furnished to the electricity undertakers by the Authority or with respect to the conditions which the undertakers require to be attached to any licence granted under either of the said sections 22 or 23, such difference shall be determined by a single arbitrator to be agreed between the Authority and the electricity undertakers or in default of agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

(c) If within three weeks of the receipt by the electricity undertakers from the Authority of the particulars of any proposed works or dredging the electricity undertakers do not require any further particulars to be furnished or in any case where further particulars are required, within two weeks of the receipt thereof by the electricity undertakers, the electricity undertakers do not intimate that they require conditions to be attached to the licence for such works or dredging, the electricity undertakers shall be deemed to have acquiesced in the granting thereof.

(d) Upon the grant of any licence to which this subsection applies the Authority shall supply to the electricity undertakers a copy of the licence and any conditions subject to which it is granted.

(3) Except in a case which is, in the opinion of the Authority a case of emergency, the Authority shall before raising, removing or destroying any vessel sunk, stranded or abandoned in the harbour and within a distance of 150 yards of any electricity work give the electricity undertakers as long notice as is practicable of their intention to do so.

121.—(1) Nothing in section 25 (Restriction on construction of works and dredging) of this Act shall apply to the construction, alteration, renewal, extension or maintenance by the gas board of any gas work from time to time authorised under or by virtue of any enactment or any consent, wayleave or other instrument given or made under any enactment or make it unlawful for the gas board to carry out any work not so authorised, or any dredging, necessary in case of emergency for the protection of or to ensure the efficient operation of any gas work. For protection
of Northern
Gas Board.

(2) (a) Before granting a licence to any person for the construction, alteration, extension, renewal or maintenance of any works under section 22 (Licensing of works) or for dredging under section 23 (Licence to dredge) of this Act, the Authority shall, in any case where the proposed works or dredging would be at, over, under or near to any gas work situated on or under tidal waters or tidal lands below the level of high water in the harbour, or in such a position as to be likely to affect or endanger any such work, or in any case where reasonably so requested by the gas board, submit to the gas board detailed particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the gas board may reasonably require; and such licence shall only be granted subject to such conditions as may be reasonably necessary to safeguard the gas work including, without prejudice to the generality of the foregoing, conditions empowering the gas board from time to time to inspect the works or dredging to which the licence relates and to take any steps necessary to prevent damage to the gas work or to ensure that the gas work can

PART X
—cont.

operate efficiently and to recover from the holder of the licence the reasonable cost of any works carried out by the gas board for those purposes.

(b) If in any case any difference arises between the Authority and the gas board with respect to the particulars required to be furnished to the gas board by the Authority or with respect to the conditions which the gas board require to be attached to any licence granted under either of the said sections 22 or 23, such difference shall be determined by a single arbitrator to be agreed between the Authority and the gas board or in default of agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

(c) If within three weeks of the receipt by the gas board from the Authority of the particulars of any proposed works or dredging the gas board do not require any further particulars to be furnished or in any case where further particulars are required, within two weeks of the receipt thereof by the gas board, the gas board do not intimate that they require conditions to be attached to the licence for such works or dredging, the gas board shall be deemed to have acquiesced in the granting thereof.

(d) Upon the grant of any licence to which this subsection applies the Authority shall supply to the gas board a copy of the licence and any conditions subject to which it is granted.

(3) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall before raising, removing or destroying any vessel sunk, stranded or abandoned in the harbour and within a distance of 150 yards of any gas work give the gas board as long notice as is practicable of their intention to do so.

For protection
of Imperial
Chemical
Industries
Limited.

122.—(1) In this section—

“the company” means Imperial Chemical Industries Limited;

“the tunnel” means any tunnel constructed or to be constructed by the company through and across the bed of the river Tees for the purpose of accommodating cables, pipes and wires.

(2) (a) Before exercising their powers under section 16 (Power to dredge) of this Act of deepening, dredging, scouring or improving the bed and foreshore of the harbour or blasting any rock within a distance of 150 yards of the tunnel where blasting operations are involved, or in any other case within a distance of 50 yards of the tunnel, the Authority shall, except in the case of maintenance dredging or in a case which is, in the opinion of the Authority, a case of emergency (in which latter case the Authority shall give the company notice thereof as soon as is practicable),

submit to the company for their reasonable approval plans and sections defining the nature, extent and manner of the operations to be carried out in the exercise of those powers; except as aforesaid the powers shall not be exercised otherwise than in accordance with such plans and sections as may be reasonably approved by the company or as may be settled by the Minister under paragraph (c) of this subsection and in such manner as may be reasonably approved by the company.

(b) If the company do not signify their approval or disapproval of such plans and sections within fourteen days after their submission they shall be deemed to have approved the same.

(c) The approval of the company under this subsection shall not be unreasonably withheld and if it appears to the Authority that any such approval has been unreasonably withheld they may appeal to the Minister whose decision shall be binding on both parties.

(3) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall before raising, removing or destroying any vessel sunk, stranded or abandoned in the harbour and within a distance of 150 yards of the tunnel give the company as long notice as is practicable of their intention to do so.

123.—(1) The provisions of the enactments specified in Schedule 10 to this Act shall, on the appointed day, be repealed to the extent shown in that schedule. Repeal and application of enactments.

(2) The provisions of the enactments specified in Schedule 11 to this Act shall, on and after the appointed day, with any necessary modifications apply to the undertaking and have effect as if for references to the undertakers therein mentioned there were substituted (unless the context otherwise requires) references to the Authority.

(3) The provisions of any local enactment (not being an enactment specified in Schedule 10 or Schedule 11 to this Act) which is for the time being in force and by virtue of which the Docks Board are, immediately before the appointed day, under any duty, liability or obligation in relation to a transferred undertaking shall, on and after the appointed day, with any necessary modifications apply and have effect as if for references to the Docks Board or their predecessors, as the case may be, there were substituted (unless the context otherwise requires) references to the Authority.

(4) Any local enactment (not being an enactment specified in Schedule 10 or Schedule 11 to this Act) which makes provision for the protection of a transferring undertaker or their predecessors in relation to a transferred undertaking shall, on and after the appointed day, with any necessary modifications apply and have

PART X
—cont.

effect as if for references to the transferring undertaker or their predecessors, as the case may be, there were substituted (unless the context otherwise requires) references to the Authority.

Saving for
enactments
relating to
reclamation.

124. Notwithstanding the repeal by this Act of any provisions of the Tees Conservancy Acts, 1852 to 1912, the provisions of those Acts in relation to—

- (a) rights of pre-emption of land reclaimed by the Tees Commissioners under those Acts;
- (b) the sale and purchase of land so reclaimed;
- (c) the division and application of the proceeds of sale of land so reclaimed and the application of rents of such land; and
- (d) the apportionment of moneys in relation to land so reclaimed;

and all provisions ancillary to or consequential thereon shall continue to apply and have effect (subject to any necessary modifications) as if this Act had not passed into law.

Arbitration.

125. Where under this Act any matter is to be referred to or determined by arbitration the reference shall be to a single arbitrator to be agreed upon between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other)—

- (a) in any case where the matter arises under section 117 (For protection of river authority) of this Act, by the President of the Institution of Civil Engineers; and
- (b) in any case where the matter arises under any other provision of this Act, by the President of the Royal Institution of Chartered Surveyors.

Costs of Act.

126. All costs, charges and expenses preliminary to and of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Authority.

SCHEDULES

SCHEDULE 1

ENACTMENTS RELATING TO TRANSFERRED UNDERTAKINGS OF DOCKS BOARD

PART I

ENACTMENTS RELATING TO HARBOUR AND DOCK WORKS AT THE HARTLEPOOLS

- Act passed in the second year of the reign of His late Majesty King William 4 intituled "An Act for making and maintaining Wet Docks in the Port of Hartlepool, and a Railway from the said Docks into the Township of Moorsley, with certain Branches therefrom, all in the County of Durham".
- Act passed in the fourth year of the reign of His said late Majesty King William 4 intituled "An Act to enable the Hartlepool Dock and Railway Company to make a new Branch of Railway to the City of Durham, and for amending an Act of the Second Year of His present Majesty relative to the Hartlepool Railway".
- An Act passed in the third year of the reign of Her late Majesty Queen Victoria intituled "An Act to enable the Hartlepool Dock and Railway Company to raise a further Sum of Money for completing their Undertaking; and enlarging the Time for completing the same; and for amending the Acts relating thereto".
- Hartlepool West Harbour and Dock Act, 1847. 1847 c. xvi.
- York, Newcastle, and Berwick Railway (Hartlepool Dock and Railway &c. Leasing) Act, 1848. 1848 c. lxxxi.
- Hartlepool West Harbour and Dock Act, 1850. 1850 c. cxi.
- West Hartlepool Harbour and Railway Act, 1852. 1852 c. cxlii.
- North-eastern Railway Company's Act, 1854. 1854 c. ccxi.
- North-eastern Railway Company's (Hartlepool Dock and Railway Amalgamation) Act, 1857. 1857 c. xxxiii.
- West Hartlepool Harbour and Railway Traffic &c. Act, 1861. 1861 c. ccxliv.
- West Hartlepool Harbour and Railway Company's Capital Act, 1861. 1861 c. ccxlix.
- West Hartlepool Harbour and Railway (Capital) Act, 1863. 1863 c. cliv.
- North-eastern West Hartlepool and Cleveland Railways Amalgamation Act, 1865. 1865 c. ccclxviii.
- North-eastern Railway Company's Act, 1869. 1869 c. cv.
- North-eastern Railway Company's (Additional Powers) Act, 1874. 1874 c. cxxxiv.
- North Eastern Railway Act, 1905. 1905 c. cci.
- Railways Act, 1921. 1921 c. 55.

SCH. 1 — <i>cont.</i>	North-eastern, Eastern and East Scottish Group Amalgamation Scheme, 1922.
1947 c. 49.	Transport Act, 1947.
1953 c. 13.	Transport Act, 1953.
1964 c. xxxviii.	British Transport Docks Act 1964.

PART II

ENACTMENTS RELATING TO MIDDLESBROUGH DOCK

1858 c. cxvi.	Stockton and Darlington Railway Amalgamation Act, 1858.
1863 c. cxxii.	North-eastern and Stockton and Darlington Railways Amalgamation Act, 1863.
1884 c. lviii.	North-eastern Railway Act, 1884.
1897 c. ccxxiii.	North Eastern Railway Act, 1897.
1921 c. 55.	Railways Act, 1921.
	North-eastern, Eastern and East Scottish Group Amalgamation Scheme, 1922.
	Transport Act, 1947.
	Transport Act, 1953.
	British Transport Docks Act 1964.

SCHEDULE 2

LIMITS OF HARBOUR

The limits of the harbour shall comprise the areas shown edged blue on the signed plans being—

- (a) certain areas which are within the jurisdiction of the Tees Commissioners under the Tees Conservancy Acts, 1852 to 1964;
- (b) certain areas which are within the jurisdiction of the Hartlepool Commissioners under the Hartlepool Port and Harbour Acts, 1855 and 1869, and the Hartlepool Port and Harbour Order, 1904;
- (c) all areas which are within the jurisdiction of the Docks Board in relation to their transferred undertakings;
- (d) all lands which form part of the transferred undertaking of the Stockton Corporation;
- (e) all lands which form part of the transferred undertaking of the Company, and all parts of the bed and foreshore of the river Tees which lie between those lands and the areas referred to in sub-paragraph (a) of this paragraph; and
- (f) certain areas which immediately before the appointed day were wholly or partly within the seaward limits of jurisdiction of the Tees Commissioners and the Hartlepool Commissioners lying to the west of an imaginary straight line commencing at the north-eastern extremity of the seaward limits of the Tees Commissioners as existing immediately before the appointed day and terminating at the north-western extremity of the seaward limits of the Hartlepool Commissioners as so existing.

SCHEDULE 3

Section 10.

PROVISIONS APPLYING TO THE AUTHORITY

1.—(a) The chairman of the Authority for the period from 1st November, 1966, to the first meeting of the Authority in the year 1970 shall be appointed by the Minister.

(b) At the first meeting of the Authority or at any subsequent meeting held before the year 1970 the members present may choose one member of the Authority to act as deputy chairman of the Authority.

(c) The person chosen under sub-paragraph (b) of this paragraph to act as deputy chairman shall hold office from and including the meeting at which he is chosen until the first meeting of the Authority in the year 1970.

(d) At the first meeting of the Authority held in the year 1970 and in each third year thereafter members of the Authority present at the meeting shall choose one member of the Authority to act as chairman and at that meeting or any subsequent meeting the members present may choose another member to act as deputy chairman.

(e) The persons chosen under sub-paragraph (d) of this paragraph to act as chairman and deputy chairman respectively shall hold office from and including the meeting at which they are chosen until the first meeting of the Authority in the third year thereafter.

2.—(a) If any casual vacancy occurs in the office of chairman after the first meeting of the Authority in the year 1970 through death, resignation or retirement the members of the Authority shall as soon as they conveniently can after the occurrence of such vacancy choose some other member of the Authority to fill the vacancy.

(b) If any casual vacancy occurs in the office of deputy chairman through death, resignation or retirement the members of the Authority may choose some other member of the Authority to fill the vacancy.

(c) Every person chosen under this paragraph to act as chairman or deputy chairman shall continue in office as such so long only as the person in whose place he has been so chosen would have been entitled to continue in office if such vacancy had not occurred.

3. The person for the time being holding office as deputy chairman shall have and may exercise in the absence of the chairman all the powers of the chairman.

4. If at the meeting of the Authority neither the chairman nor the deputy chairman are present the members of the Authority present at the meeting shall choose one of their number to be chairman of the meeting.

5. The Authority may act notwithstanding a vacancy in the membership thereof, and no act of the Authority shall be deemed to be invalid by reason of any irregularity in the appointment or election of any member thereof or by reason of any person irregularly acting as a member thereof.

SCH. 3
—cont.

6. A member of the Authority shall vacate his office if he—
- (a) is adjudged bankrupt, or makes a composition or arrangement with his creditors; or
 - (b) is convicted in the British Isles of any offence, and ordered to be imprisoned for a period of not less than three months without the option of a fine; or
 - (c) has, for a period of six consecutive months, been absent from meetings of the Authority (which expression for the purposes of this paragraph includes meetings of a committee of the Authority), otherwise than by reason of illness or some other cause approved during that period by the Authority.

7. The Authority may, subject to such conditions as they think fit, delegate any of their functions to a committee of the Authority.

8. If at any meeting of the Authority or of a committee of the Authority there is an equality of votes on any question the chairman of the meeting shall have a second or casting vote.

9. The quorum required for a meeting of the Authority shall be five and the Authority shall meet at least four times in each year.

10. If a member of the Authority has any pecuniary interest in any contract or proposed contract to which the Authority is or would be a party or is a director of a company or body with which the contract or proposed contract is made or proposed to be made and is present at a meeting of the Authority or of any committee of the Authority 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.

11. The Authority shall cause minutes to be made in books provided for that purpose—

- (1) of the names of members present at each meeting of the Authority and of committees of the Authority; and
- (2) of all resolutions and proceedings at meetings of the Authority and of committees of the Authority;

and any such minutes as aforesaid, if signed by any person purporting to be the chairman of any meeting of the Authority or of a committee of the Authority shall be receivable in evidence without any further proof.

12. The Authority may pay to the chairman and members of the Authority such fees, allowances and travelling expenses as the Authority may from time to time determine.

13. Subject to the provisions of this schedule the procedure and business of the Authority shall be regulated in such manner as the Authority may from time to time determine.

SCHEDULE 4

Section 25.

PARTS OF THE HARBOUR EXCLUDED FROM SECTION 25 (RESTRICTION ON
CONSTRUCTION OF WORKS AND DREDGING) OF THIS ACT

1. Those parts of the river Tees which lie upstream of Victoria Bridge, Stockton-upon-Tees.
2. The areas which lie within 100 yards from the entrance to Paddy's Hole at the mouth of the river Tees.
3. The area known as West Harbour, Hartlepool.
4. The tidal lands lying immediately to the south of an imaginary straight line drawn from the eastern corner of Ferry Jetty, Hartlepool, to the fixed white light at the pier end of Middleton Jetty, Hartlepool.

SCHEDULE 5

Section 27.

SEAWARD AREAS FOR DEPOSIT OF DREDGED MATERIALS

PART I

The area bounded by lines connecting reference points A B C D each point being defined by latitude and longitude as follows:—

- | | | |
|----------|-----------|--------------------|
| Point A. | Latitude | 54° 40' 47" north. |
| | Longitude | 01° 03' 29" west. |
| Point B. | Latitude | 54° 41' 36" north. |
| | Longitude | 01° 02' 14" west. |
| Point C. | Latitude | 54° 41' 02" north. |
| | Longitude | 01° 00' 16" west. |
| Point D. | Latitude | 54° 40' 13" north. |
| | Longitude | 01° 01' 30" west. |

PART II

The area bounded by a circle with a radius of half a mile drawn round a point defined by latitude 54° 45' north, longitude 01° 06' west.

SCHEDULE 6

Section 50.

DIVISION OF TEES AND HARTLEPOOLS PORT AUTHORITY STOCK
AMONG HOLDERS OF STOCK ISSUED BY TEES COMMISSIONERS

1. Subject to paragraphs 2 and 3 of this schedule the Tees and Hartlepoons Port Authority debenture stocks created by section 49 (Creation of Tees and Hartlepoons Port Authority stocks) of this Act shall be divided as follows:—

- (a) to each holder of Tees Conservancy $3\frac{3}{4}$ per cent. redeemable debenture stock 1990, for each one pound thereof one pound of Tees and Hartlepoons Port Authority debenture stock entitled to interest at a rate of $3\frac{3}{4}$ per cent. per annum redeemable in accordance with paragraph (a) of the said section 49;

SCH. 6
—cont.

(b) to each holder of Tees Conservancy 5½ per cent. redeemable debenture stock 1994/99, for each one pound thereof one pound of Tees and Hartlepoons Port Authority debenture stock entitled to interest at a rate of 5½ per cent. per annum redeemable in accordance with paragraph (b) of the said section 49.

2. The final payments of interest on Tees Conservancy 3¾ per cent. redeemable debenture stock 1990 and Tees Conservancy 5½ per cent. redeemable debenture stock 1994/99 shall be made on 31st December, 1966, in respect of the period from the last previous payment of interest thereon respectively.

1887 c. cxlvii.

1946 c. liii.

1964 c. xvii.

3. The stock register kept by the Tees Commissioners pursuant to section 10 (Register of stock) of the Tees Conservancy (No. 2) Act, 1887, under that section as applied by section 82 (Application of provisions of Act of 1887 to borrowing by debenture stock) of the Tees Conservancy Act, 1946, and section 8 (Application of provisions of Act of 1887 to borrowing by debenture stock) of the Tees Conservancy Act 1964 shall be closed on 14th December, 1966, and the persons appearing in that register as holders of Tees Conservancy 3¾ per cent. redeemable debenture stock 1990 and Tees Conservancy 5½ per cent. redeemable debenture stock 1994/99 respectively on that date shall be the persons entitled to Tees and Hartlepoons Port Authority debenture stock in accordance with the provisions of this schedule.

Section 53.

SCHEDULE 7

PROVISIONS WITH RESPECT TO STOCK OF THE AUTHORITY

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 on such terms and conditions as the Authority 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 undertaking of the Authority.

2. The stock shall be redeemable by the Authority at par or at a price above par in such manner and at such time as the Authority may by the resolution for the creation of the stock in question declare:

Provided that nothing in this paragraph shall prevent the Authority from purchasing any stock, whether at par or at a price above or below par, 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 Authority 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.

4. Where two or more persons are registered as joint holders 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 Authority by any other of those persons.

SCH. 7
—cont.

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

SCHEDULE 8

Section 96.

AMENDMENTS OF TEES PILOTAGE ORDER, 1922, AND
HARTLEPOOL PILOTAGE ORDER, 1922

1922 c. xiii.

PART I

Section (1)	Marginal note (2)	Amendment (3)
Tees Pilotage Order, 1922— 2	Pilotage Authority ...	In paragraph (a) of subsection (1) for "Tees Conservancy Commissioners" there shall be substituted "Tees and Hartlepoons Port Authority".

PART II

Section (1)	Marginal note (2)	Amendment (3)
Hartlepool Pilotage Order, 1922— 3	Pilotage Authority ...	The following paragraph shall be substituted for paragraph (a) of subsection (1):— “(a) Four members appointed by the Tees and Hartlepoons Port Authority;”.

Section 103.

SCHEDULE 9

PROVISIONS WHICH APPLY TO A SEPARATE POLICE FORCE

Definitions.

1. In this schedule—

“ constable ” means a member of the separate police force referred to in section 103 (Power to continue separate police) of this Act;

“ chief constable ” means the officer of the Authority for the time being having the direction and control of the said separate police force.

Expenses of prosecution.

2. The Authority may defray the expense of prosecuting any persons for offences committed within the harbour and of defending any constable in the execution of his duty.

Allowances to constables.

3. The Authority may make such allowances to a constable for exceptional diligence or other meritorious conduct, or for disablement in the execution of his duty, as they think reasonable.

Constables not to resign without leave or notice.

4.—(a) No constable shall resign his office, or withdraw himself from the duties thereof, save with the written permission of the Authority or the chief constable, or until after the expiry of not less than one month's written notice given to the chief constable.

(b) Any constable who so resigns or withdraws himself without such leave or notice shall be liable to forfeit all arrears of remuneration then due to him.

General duty of constables.

5. Each constable shall keep watch and ward within the harbour and shall use his best endeavours to prevent any offence, or any mischief by fire, therein.

Penalty for neglect of duty.

6. Every constable who is found guilty of any neglect or violation of his duty as a constable shall be liable on summary conviction to a fine not exceeding ten pounds.

SCHEDULE 10

Section 123 (1).

REPEALS

Enactment	Extent of repeal
<i>A.—Enactments relating to Tees Commissioners</i>	
Tees Conservancy and Stockton Dock Act, 1852	The whole Act, except the provisions specified in Schedule 11 to this Act. 1852 c. clxii.
Tees Conservancy Act, 1854 ...	The whole Act. 1854 c. cxcv.
Tees Conservancy Act, 1858 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1858 c. cxli.
Tees Conservancy Act, 1863 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1863 c. cxliv.
Tees Conservancy Act, 1867 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1867 c. l.
Tees Conservancy Order, 1874 ...	The whole Order. 1874 c. clxxxv.
Tees Conservancy Act, 1875 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1875 c. lxxxvi.
Tees Conservancy Act, 1878 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1878 c. lxxxvi.
Tees Conservancy Act, 1884 ...	The whole Act. 1884 c. cxlix.
Tees Conservancy (No. 1) Act, 1887	The whole Act, except the provisions specified in Schedule 11 to this Act. 1887 c. clxxxvi.
Tees Conservancy (No. 2) Act, 1887	The whole Act, except the provisions specified in Schedule 11 to this Act. 1887 c. cxlvii.
Tees Conservancy Act, 1889 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1889 c. ci.
Tees Conservancy Act, 1892 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1892 c. xxvii.
Tees Conservancy Act, 1907 ...	The whole Act. 1907 c. civ.
Tees Conservancy Act, 1912 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1912 c. lxxvi.
Tees Conservancy Act, 1919 ...	The whole Act. 1919 c. xxvi.
Tees Conservancy Act, 1920 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1920 c. xxxvi.
Tees Conservancy Act, 1922 ...	The whole Act. 1922 c. vi.
Tees Conservancy Act, 1946 ...	The whole Act, except the provisions specified in Schedule 11 to this Act. 1946 c. liii.

SCH. 10
—*cont.*

	Enactment	Extent of repeal
1950 c. iv.	Tees Conservancy Act, 1950 ...	The whole Act.
1953 c. xvi.	Tees Conservancy Superannuation Scheme Act, 1953	The whole Act.
1954 c. xl.	Tees Conservancy (Deposit of Dredged Material) Act, 1954	The whole Act.
1954 c. xxvi.	Tees Conservancy Act, 1954 ...	The whole Act, except the provision specified in Schedule 11 to this Act.
1956 c. xlvii.	Tees Conservancy Act, 1956 ...	The whole Act.
1959 c. x.	Tees Conservancy Act, 1959 ...	The whole Act, except the provision specified in Schedule 11 to this Act.
	Tees Conservancy (Revision of Charges) Order, 1962	The whole Order.
1964 c. xvii.	Tees Conservancy Act 1964 ...	The whole Act, except the provision specified in Schedule 11 to this Act.

B.—Enactments relating to Hartlepool Commissioners

1855 c. cxxvi.	Hartlepool Port and Harbour Act, 1855	The whole Act, except the provisions specified in Schedule 11 to this Act.
1869 c. lxxxii.	Hartlepool Port and Harbour Act, 1869	The whole Act, except the provisions specified in Schedule 11 to this Act.
1885 c. xci.	Hartlepool Headland Protection and Improvement Act, 1885	Section 4 (Repeal of part of section 74 of Hartlepool Port and Harbour Act, 1855).
1904 c. clxxxiv.	Hartlepool Port and Harbour Order, 1904	The whole Order.

*C.—Enactments relating to transferred undertakings of
Docks Board*

Act of 2 Will. 4 c. lxxvii	Section XLIV (Company may contract for the Works) so far as it relates to a transferred undertaking.
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Enactment	Extent of repeal
Act of 2 Will. 4 c. lxxvii (<i>continued</i>)...	<p>Section LXV (Dock Dues). Section LXVI (Limiting the Wharfage to be taken by the Company) so far as it relates to a transferred undertaking. Section LXVII (Wharfingers not to give Preference) so far as it relates to a transferred undertaking. Section LXVIII (Goods not to be removed till Wharfage paid) so far as it relates to a transferred undertaking. Section LXIX (Removal of Ballast). Section LXX (Power for the Dockmasters to regulate and direct the placing and mooring of Ships in the Docks). Section LXXI (Punishing Persons throwing Dirt into the Docks). Section LXXII (Penalty on cutting Ropes, &c. Not to extend to the Dockmaster). Section LXXIII (Restrictions as to boiling Pitch, &c., or keeping Gunpowder on board Ships). Section LXXIV (Gunpowder may be landed without Leave of the Officers of Customs in certain Cases). Section LXXV (No Ships to enter the Docks under Sail). Section LXXVI (Ships drove in by Stress of Weather, &c. not to be liable to Rates). Section LXXVII (Custom House Officers not to discharge Vessels till Duties are paid). Section LXXVIII (Guns not to be fired from Ships in the Port). Section LXXIX (Penalty on fastening Vessels to the Buoys or Chains). Section LXXX (Docks to be free). Section LXXXI (Exempting Vessels in His Majesty's Service). Section LXXXV (Power to reduce the Tolls) so far as it relates to a transferred undertaking. Section LXXXVI (Committee empowered to lease the Tolls) so far as it relates to a transferred undertaking. Section LXXXVII (List of Tolls to be affixed in conspicuous Places. Persons demanding more than the proper Toll subject to Penalty) so far as it relates to a transferred undertaking.</p>

SCH. 10
—cont.

Enactment	Extent of repeal
Act of 2 Will. 4 c. lxxvii (<i>continued</i>)...	<p>Section LXXXVIII (Tolls only payable while Board remains affixed) so far as it relates to a transferred undertaking.</p> <p>Section XCVIII (Owners of Waggon and Vessels to be accountable for Damages done by their Servants) so far as it relates to a transferred undertaking.</p> <p>Section CX (Penalty on destroying Works) so far as it relates to a transferred undertaking.</p> <p>Section CXXVIII (Mines, &c. reserved to Lords of Manors or other Proprietors) so far as it relates to a transferred undertaking.</p> <p>Section CXXXI (Lights or Beacons not to be erected or altered without the Sanction of the Trinity House of Deptford Strond).</p> <p>Section CXXXII (Saving the Rights of the Trinity House).</p> <p>Section CXXXIII (Saving the Rights of the Bishop of Durham and Marquis of Cleveland) so far as it relates to a transferred undertaking.</p> <p>Section CXXXIV (Saving the Rights of the Mayor and Burgesses of Hartlepool) so far as it relates to a transferred undertaking.</p> <p>Section CXXXV (Until certain Works are constructed, Company not to ship any Coals).</p>
3 & 4 Vict. c. cix	<p>Section XI (No more than five of the Pier Commissioners to be on the Committee).</p> <p>Section XX (Dock Tolls to be charged equally).</p>
1847 c. xvi. Hartlepool West Harbour and Dock Act, 1847	The whole Act, except the provisions specified in Schedule 11 to this Act.
1848 c. lxxxii. York, Newcastle and Berwick Railway (Hartlepool Dock and Railway &c. Leasing) Act, 1848	The whole Act, so far as it relates to a transferred undertaking.
1850 c. cxi. Hartlepool West Harbour and Dock Act, 1850	The whole Act, except the provisions specified in Schedule 11 to this Act.
1852 c. cxlii. West Hartlepool Harbour and Railway Act, 1852	The whole Act, so far as it relates to the undertaking of the Hartlepool West Harbour and Dock Company, except the provisions specified in Schedule 11 to this Act.

Enactment	Extent of repeal	SCH. 10 —cont.
North-eastern Railway Company's (Hartlepool Dock and Railway Amalgamation) Act, 1857	The whole Act, so far as it relates to a transferred undertaking.	1857 c. xxxiii.
Stockton and Darlington Railway Amalgamation Act, 1858	Section LXXXI (Tolls for the Middlesbrough Dock).	1858 c. cxvi.
West Hartlepool Harbour and Railway Traffic &c. Act, 1861	<p>Section 5 (Power to Company to detain Goods landed at the Docks, &c. of the Company on account of Freight, or until a Deposit has been made).</p> <p>Section 6 (Such Deposit to be considered as made in Payment of Claim for Freight).</p> <p>Section 7 (Declaration to be made by Owner or Consignee of Goods as to Amount in dispute).</p> <p>Section 8 (No Notice to retain Deposit beyond 30 Days of any Effect unless Proceedings instituted within that Time).</p> <p>Section 9 (Notice to detain for Freight not to be available against Warrant issued by Company unless given within 7 Days after landing of Goods).</p> <p>Section 10 (If Deposit not made within 90 Days after Notice to detain, Goods may be sold by the Company).</p> <p>Section 11 (No Sale to be made without 10 Days Notice by Post or Advertisement).</p> <p>Section 12 (Sale of damaged or perishable goods).</p> <p>Section 13 (Application of Proceeds of Sale of damaged or perishable Goods).</p> <p>Section 14 (Company not to be affected by Excess or Invalidity of Claim).</p> <p>Section 15 (Company may give Certificates of deposited Goods, and Warrants for Delivery of Goods).</p> <p>Section 16 (Effect of Certificate).</p> <p>Section 17 (Warrant not to be given until Freight Rates, &c. paid).</p> <p>Section 18 (Warrant not to be given until Certificate given up).</p> <p>Section 19 (Effect of Warrant).</p>	1861 c. ccxliv.
West Hartlepool Harbour and Railway Company's Capital Act, 1861	The whole Act, so far as it relates to a transferred undertaking.	1861 c. ccxlix.

SCH. 10 —cont.	Enactment	Extent of repeal
1863 c. cliv.	West Hartlepool Harbour and Railway (Capital) Act, 1863	The whole Act, so far as it relates to a transferred undertaking.
1865 c. ccclxviii.	North-eastern West Hartlepool and Cleveland Railways Amalgamation Act, 1865	The whole Act, so far as it relates to a transferred undertaking.
1869 c. cv.	North-eastern Railway Company's Act, 1869	Section 21 (Middlesbrough dock rates). Section 22 (Rates for the use of cranes, weighing machines, &c.) so far as it relates to a transferred undertaking. Section 23 (Certain provisions of 10 & 11 Vict. c. 27 made applicable to company's Wearmouth and Hartlepool docks) so far as it relates to a transferred undertaking.
1874 c. cxxxiv.	North-eastern Railway Company's (Additional Powers) Act, 1874	Section 22 (Hartlepool, West Hartlepool, Middlesbrough, and Tyne Dock rates), so far as it relates to a transferred undertaking. Section 23 (Rates for the use of cranes, weighing machines, &c.) so far as it relates to a transferred undertaking.
1897 c. ccxxiii.	North Eastern Railway Act, 1897	Section 13 (Dock works to form part of Company's undertaking at Middlesbrough).
1905 c. cci.	North Eastern Railway Act, 1905	The whole Act, so far as it relates to a transferred undertaking, except the provisions specified in Schedule 11 to this Act.

*D.—Enactments relating to quay undertaking of
Stockton Corporation*

1878 c. exciv.	Stockton-on-Tees (Quay and Markets) Act, 1878	Section 4 (Power to take lands for purposes of Act). Section 5 (Power to grant easements). Section 6 (Power to extinguish easements, rights, &c.). Section 7 (Sale, &c., of superfluous lands, warehouses, &c.). Section 8 (Period of compulsory purchase of lands). Section 10 (Power to remove landing stages, &c.). Section 11 (Limits of lateral and vertical deviation). Section 12 (Period for completion of works).
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Enactment	Extent of repeal	SCH. 10 --cont.
<p>Stockton-on-Tees (Quay and Markets) Act, 1878 (<i>continued</i>)</p>	<p>Section 13 (Power to take tolls for quays, &c.). Section 14 (For securing impartial terms on vessels). Section 15 (Power to compound for rates, &c.). Section 16 (For securing impartiality in rates). Section 17 (Rates for warehousing &c.). Section 18 (Tolls for use of sidings). Section 19 (Terminal charges). Section 20 (Power to use steam engines, &c., on sidings). Section 22 (Power to make byelaws). Section 40 (Power to Corporation to appoint officers and servants). Section 41 (Quay and works not exempt from provisions of Merchant Shipping Acts). Section 42 (For protection of Tees Conservancy Commissioners). Section 43 (Saving rights of Joseph Craddock).</p>	<p>1878 c. cxciv.</p>
<p>Stockton-on-Tees Corporation (General Powers) Act, 1930</p>	<p>Subsection (2) of section 18 (Power to close entrance to Corporation quay).</p>	<p>1930 c. clxxii.</p>
<p>Stockton-on-Tees Corporation Act, 1938</p>	<p>Section 25 (Extension of limits of Corporation quay). Section 26 (Application of provisions of Harbours Docks and Piers Clauses Act, 1847, to extended quay). Section 27 (For protection of Tees Conservancy Commissioners).</p>	<p>1938 c. xcvi.</p>

Section 123 (2).

SCHEDULE 11
ENACTMENTS APPLIED TO AUTHORITY

Enactment	Section or schedule	Marginal note
<i>A.—Enactments relating to Tees Commissioners</i>		
1852 c. clxii. Tees Conservancy and Stockton Dock Act, 1852	XL	Certain Provisions of 10 & 11 Vict. c. 27 incorporated with this Act.
	XLIV	Power to Commissioners to execute the Works herein named.
	XLV	For Protection of the Shipping Places of the Clarence Railway Company.
	XLVI	Disputes between the Commissioners and the Clarence Railway Company to be settled by Arbitration.
	XLVII	If Commissioners fail to execute Works, the Railway Company may do the same, and recover Expenses from the Commissioners.
	XLVIII	Admiralty may order local Survey to be made, at Expense of Commissioners.
	XLIX	If Works affecting tidal Waters are abandoned, Admiralty may remove same, at Expense of Commissioners.
	L	Works on Bed and Shores of River not to be executed without the Consent of the Commissioners of Woods, &c.
	LI	Any Land reclaimed by the Works not to be taken without the Consent of the Commissioners of Woods, &c.
	LII	Power to execute Works according to deposited Plans, and take Lands described in Book of Reference.
	LIII	Admiralty may construct Breakwater, &c. near to Seaton Snook, &c.
	LIX	Commissioners to maintain Embankments and Works.
	CXXV	Saving Rights of Trinity House.
	CXXVI	Saving Rights of Lords of Manors and Landowners.
	CXXVIII	Saving Rights of Commissioners of Sewers.
	CXXIX	Saving Rights of the Crown.
	CXXXII	Certain Sections of repealed Acts to remain in force, notwithstanding Repeal of recited Acts.

Enactment	Section or schedule	Marginal note	
Tees Conservancy Act, 1858	VII	For subjecting reclaimed Lands to the Provisions of this Act.	1858 c. cxli.
	XXXVI	Commissioners of Woods may retain Lands for Roads, &c.	
	XLVII	Commissioners to keep their Works in repair.	
	XLVIII	Commissioners to make Drains over their Lands to the Tees.	
Tees Conservancy Act, 1863	7	Amending Sections 42 and 44 of the First Act.	1863 c. cxliv.
	40	Commissioners not to be liable for Repair of Drains after Sale of reclaimed Lands.	
	41	Commissioners may require Owner of Wharf, &c. Walls, to keep them in repair.	
Tees Conservancy Act, 1867	4	8 & 9 Vict. c. 18, 10 & 11 Vict. c. 27, 23 & 24 Vict. c. 106 and 26 & 27 Vict. c. 92 incorporated.	1867 c. 1.
	14	Power to construct a Graving Dock.	
	18	Description of River Works authorized by this Act.	
	24	Power to the Commissioners to exercise the Powers now vested in Board of Trade, as to the North Gare Breakwater.	
	25	Waterside Works may be altered.	
	48	Amending Section 90 of the Third Act.	
	57	Commissioners and Commissioners of Woods may agree as to letting reclaimed Lands until sold.	
	62	For Protection of certain Rights of the Corporation of Middlesbrough.	
Tees Conservancy Act, 1875	10	Power to make railway.	1875 c. lxxxvi
	11	For protection of North-eastern Railway Company.	
	12	Saving rights of North-eastern Railway Company.	
	18	Passengers not to be carried on railway.	
	65	Provision as to general railway Acts.	
	66	Saving rights of the Crown.	

SCH. 11
—cont.

	Enactment	Section or schedule	Marginal note
1878 c. lxxxvi.	Tees Conservancy Act, 1878	27	Power to transfer jurisdiction of Trinity House of Deptford Strond over buoys &c. in River Tees to Commissioners.
		29	Provisions of Act not to apply to Corporation Ferry.
1887 c. clxxxvi.	Tees Conservancy (No. 1) Act, 1887	2	Limiting liability of Commissioners in respect of damage to lands from floods.
		4	For settlement of differences with the Crown as to minerals.
1887 c. cxlvii.	Tees Conservancy (No. 2) Act, 1887	34	Rights of Postmaster-General as to railway.
		35	Access to reclaimed lands. Construction of roads wharves &c.
		39	Works on foreshore not to be constructed without consent of Board of Trade.
1889 c. ci.	Tees Conservancy Act, 1889	3	Power to Commissioners of Woods to sell land with minerals or to sell minerals with or without surface rights.
		4	Power to Commissioners of Woods to grant mineral leases with or without any part of the surface.
		5	Notice to landowners of exercise of powers of sale or leasing certain reclaimed lands.
		9	Power to deviate Tees Side Railway.
		14	Saving for Postmaster-General.
1892 c. xxvii.	Tees Conservancy Act, 1892	4	Power to execute works.
		6	Power to make incidental works.
		16	Power to enter into agreements with respect to execution of works and reclamation of land.
		17	Power to Commissioners to acquire lands and easements for approaches to reclaimed lands.
		20	Certain provisions of Tees Conservancy Acts respecting reclaimed lands not to apply.
		21	Reservation of minerals under reclaimed lands.
		23	Public rights over lands taken to be extinguished.

Enactment	Section or schedule	Marginal note
Tees Conservancy Act, 1892 (continued)	25	Survey of works by Board of Trade. 1892 c. xxvii.
	26	Abatement of work abandoned or decayed.
	53	Works on foreshore not to be constructed without consent of Board of Trade.
Tees Conservancy Act, 1912	4	Power to take lands and make works. 1912 c. lxxvi.
	13	New roads to be substituted for award roads.
	14	For protection of Lord Eldon.
	15	For protection of Greatham Hospital Trustees.
	16	For protection of Ecclesiastical Commissioners.
	17	For protection of North Eastern Railway Company.
	18	As to stopping up parts of Greatham Creek Road.
	19	As to rights of way over certain reclaimed lands.
	20	Agreements with local and road authorities as to construction &c. of substituted roads.
	21	Heightening of one-third tide river-training walls.
	35	Permanent lights on works.
	36	Survey of works by Board of Trade.
	37	Abatement of work abandoned or decayed.
38	Powers to Commissioners of Woods to grant building leases.	
39	Notice to landowners of exercise of powers of leasing certain reclaimed lands.	
43	Crown rights.	
44	Works below high-water mark to be subject to approval of Board of Trade.	
Tees Conservancy Act, 1920	4	Power to execute works. 1920 c. xxxvi.
	5	Power to deviate in construction of works.
	6	Power to make incidental works.
	7	For protection of Ecclesiastical Commissioners.
	8	For protection of Durham County Council.

SCH. 11
—cont.

	Enactment	Section or schedule	Marginal note
1920 c. xxxvi.	Tees Conservancy Act, 1920 (continued)	9	For protection of Postmaster-General.
		10	For protection of North Eastern Railway Company.
		11	Works and reclaimed lands to be situate in parish of Cowpen Bewley.
		18	Deposit of slag &c. by manufacturers and others.
		20	Works below high-water mark to be subject to approval of Board of Trade.
		21	Survey of works by Board of Trade.
		22	Abatement of work abandoned or decayed.
		23	Lights on works during construction.
		24	Permanent lights on works.
		25	Provision against danger to navigation.
		26	Certain provisions of Tees Conservancy Acts respecting reclaimed lands not to apply.
		27	Vesting appropriation and disposal of lands reclaimed.
		28	Reservation of minerals under lands reclaimed.
		29	Application of sale proceeds &c. of lands reclaimed.
		30	Commissioners of Woods to convey lands reclaimed.
		31	As to moneys paid to Commissioners of Woods.
		32	Application of purchase and other moneys paid to Commissioners.
		33	Power to enter into agreements with respect to execution of works and reclamation of land.
		34	Period for completion of works.
		37	Rights in respect of lands reclaimed under Act of 1858 to be enjoyed in gross.
38	Defining rights of Lord Eldon in respect of reclaimed lands in Seaton Parish.		
58	Crown rights.		
1946 c. liii.	Tees Conservancy Act, 1946	44	Power to execute works.
		45	Subsidiary works and powers.
		46	For protection of Postmaster-General.

SCH. 11
—cont.

Enactment	Section or schedule	Marginal note
Tees Conservancy Act, 1946 (continued)	47	Certain provisions of Tees Conservancy Acts respecting reclaimed lands not to apply. 1946 c. liii.
	48	Limits of deviation.
	49	Application of certain sections of Act of 1920.
	52	Cables pipes or wires under or across tidal waters.
	62	As to exercise of certain powers.
	63	As to jurisdiction of Justices.
	64	Accommodation for workmen employed on construction of works.
	65	Special provisions relating to Black Path.
	66	For protection of the London and North Eastern Railway Company.
	67	For further protection of the London and North Eastern Railway Company.
	68	As to junction of Work No. 4 with railway of Company.
	78	Extension of time for completion of works.
	89	Crown rights.
	90	Crown minerals.
94	For further protection of Tees Valley Water Board.	
95	Saving for town and country planning.	
Tees Conservancy Act, 1954	3	Extension of time for completion of works. 1954 c. xxvi.
Tees Conservancy Act, 1959	3	Extension of time for completion of works. 1959 c. x.
Tees Conservancy Act, 1964	19	Extension of time for completion of works. 1964 c. xvii.

B.—Enactments relating to Hartlepool Commissioners

Hartlepool Port and Harbour Act, 1855	LXIV	Commissioners to maintain the Town Wall abutting on Part of the Harbour. 1855 c. cxxvi.
	LXX	Power to make Works authorised by Act of 1851 continued.
	LXXIV LXXVII	New Works authorised. Admiralty may order a local Survey, at Expense of Commissioners.

SCH. 11
—cont.

	Enactment	Section or schedule	Marginal note
1855 c. cxxvi.	Hartlepool Port and Harbour Act, 1855 (<i>continued</i>)	LXXVIII	If Works abandoned or fall into Decay, Admiralty may remove them, at the Expense of the Commissioners.
		LXXX	For protecting the Property of the Trustees of the late W. Sedgewick, Esq.
		LXXXI	For Protection of the Property of the Duke of Cleveland's Trustees.
		LXXXIV	No person to remove Rocks or Stone from the Sea Shore.
		CXIV	Commissioners may establish an additional Ferry between West Hartlepool and Hartlepool.
		CXVI	Commissioners not to have any exclusive Right of Ferry.
		CXLVII	Saving Rights of the Crown.
		CXLVIII	Saving Rights of the Bishop of Durham and the Duke of Cleveland's Trustees.
		CXLIX	Saving the Rights of Trinity House, &c.
		CLI	Saving the Rights of the Fishermen of Hartlepool.
1869 c. lxxxii.	Hartlepool Port and Harbour Act, 1869	19	Repeal of restriction in section 70 of Act of 1855.
		21	Power to abandon part of authorized works.
		24	New works authorized.
		25	Execution of works to be subject to the directions of the Board of Trade.
		26	Lights on works. Penalty.
		27	For protection of the trustees of Smith's Charity.
		28	New works substituted for abandoned works.
		29	Penalty for removing rocks or stones from the sea shore.
		40	Saving rights of the Crown.
		<i>C.—Enactments relating to transferred undertakings of Docks Board</i>	
	Act of 2 Will. 4 c. lxvii ...	II	Company empowered to make the Docks, Railways, and other Works (so far as it relates to a transferred undertaking).

Enactment	Section or schedule	Marginal note
Hartlepool West Harbour and Dock Act, 1847	LII	Entrance to Harbour and Dock to be dredged, as required by 1847 c. xvi. the Admiralty.
	LIII	Entrance to Harbour not to be sluiced.
	LVIII	Saving the Rights of the Trinity House of Newcastle-upon-Tyne.
	LIX	Saving the Rights of the Fishermen of Hartlepool.
	LX	Saving the Rights of the Mayor, &c. of Hartlepool.
	LXII	Act not to affect the Right of the late Duke of Cleveland, &c.
Hartlepool West Harbour and Dock Act, 1850	VIII	Slipway to be constructed subject to Approval of 1850 c. cxi. Admiralty.
	XIII	Admiralty may require a local Survey of the Works at the Expense of the Company.
	XV	If Works abandoned, &c. Admiralty may remove them at the Charge of the Company.
	XVI	Slake not to be interfered with or its Waters.
	XVII	Penalty in case of Interference with Slake or its Waters.
West Hartlepool Harbour and Railway Act, 1852	CXXXVI	Certain Sections of the repealed Acts relating to the Clarence Railway Company and the Hartlepool West Harbour and Dock Company which are to remain in force (so far as it relates to sections LII, LIII, LVIII, LIX, LX and LXII of the Hartlepool West Harbour and Dock Act, 1847, and sections VIII, XV, XVI and XVII of the Hartlepool West Harbour and Dock Act, 1850). 1852 c. cxlii.
Stockton and Darlington Railway Amalgamation Act, 1858	VIII	Certain Sections of repealed Acts, as in Schedule, to remain in force (so far as it relates to the Stockton and Darlington Act of 1854, section X). 1858 c. cxvi.
	XV	General Saving of Rights under recited Acts (so far as it relates to the Stockton and Darlington Acts of 1854 and 1855).

SCH. 11
—cont.

	Enactment	Section or schedule	Marginal note
1897 c. ccxxiii.	North Eastern Railway Act, 1897	11	Power to enlarge existing dock at Middlesbrough.
		12	For protection of Messrs. Crewdson Hardy & Co.
		14	Power to make subsidiary dock works.
1905 c. cci.	North Eastern Railway Act, 1905	17	Power to make new dock works at Hartlepool and Hull (so far as it relates to the Hartlepool Dock Works therein referred to).
		19	Disposal of dredgings from Hartlepool Dock Works.
		21	Power to make subsidiary dock works.
		23	Permanent lights on works.
		24	Lights on works during construction.
		25	Works below high-water mark not to be commenced without consent of Board of Trade.
		26	Provision against danger to navigation.
		27	Abatement of works abandoned or decayed.
		28	Survey of works by Board of Trade.
		68	Saving rights of Trinity House Deptford Strond.
69	Saving rights of Crown.		
<i>D.—Enactments relating to quay undertaking of Stockton Corporation</i>			
1878 c. exciv.	Stockton-on-Tees (Quay and Markets) Act, 1878	2	Incorporation of general Acts.
		9	Power to construct works according to deposited plans.
		44	Saving rights of the Crown.
		45	Saving rights of Crown in foreshore.
		46	Saving rights of the Crown under 29 & 30 Vict. c. 62.
1930 c. clxxii.	Stockton-on-Tees Corporation (General Powers) Act, 1930	18 (1)	Power to close entrance to Corporation Quay.

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Tees and Hartlepoons Port Authority Act 1966

CHAPTER xxv

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