

ELIZABETH II**1972 CHAPTER xxxvii**

An Act to confer further powers on the British Transport Docks Board for the regulation of navigation in the Humber and in relation to the Board's docks and harbours therein; to extend the limits of the docks and harbours of the Board at Barry, Cardiff and Southampton and confer further powers on the Board in relation thereto; to extend the time for the compulsory purchase of certain lands; and for other purposes.

[9th August 1972]

WHEREAS by the Transport Act 1962 the British Transport Docks Board (in this Act referred to as "the Board") were established: ^{1962 c. 46.}

And whereas it is the duty of the Board under the Transport Act 1962 (inter alia) to provide, to such extent as they may think expedient, port facilities at the harbours (as defined by the said Act) owned or managed by the Board and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them and the Board are empowered to operate the harbours owned or managed by them:

And whereas it is expedient that further powers should be conferred upon the Board for the regulation of navigation in the Humber as provided by this Act and that the powers in this Act

Board shall otherwise determine, apply within the added area and may be enforced by the Board accordingly.

PART III
—cont.

(5) The Board may within the added area provide and place in such positions as they deem appropriate mooring buoys of such size and such nature as the Board consider necessary to meet the requirements of vessels resorting thereto and maintain and repair such buoys and provide and maintain such lights as they deem appropriate.

(6) Nothing in this section shall authorise the Board to charge any ship, passenger and goods dues, as defined in the Harbours Act 1964, in relation to any vessel passing through the added area unless the vessel embarks or disembarks passengers or loads or discharges goods within the added area. 1964 c. 40.

(7) Nothing in this section shall authorise the Board to interfere with the navigation or anchoring of a vessel which is within the added area and is not proceeding to Cardiff Docks or Penarth Harbour unless the vessel makes use of the services or facilities for or in connection with the embarkation or disembarkation of passengers or the loading or discharge of goods which are provided within the limits of the harbour as extended by subsection (2) of this section.

16.—(1) In this section—

“the added area” means the area seawards of the Port and bounded by an imaginary line commencing at Hillhead on the eastern side of the entrance to Southampton Water at the point at which latitude $50^{\circ} 48' 59.5''$ north intersects longitude $1^{\circ} 14' 35.9''$ west and drawn as follows:—

Extension of
limits of
Port of
Southampton,
etc.

(a) from the said point at Hillhead on a bearing of approximately 202° true to the point at which latitude $50^{\circ} 46' 04.7''$ north intersects longitude $1^{\circ} 16' 28''$ west (the line drawn on such bearing being coincident with the western limit of the jurisdiction of the Queen's harbour master);

(b) from the point last mentioned in paragraph (a) hereof on a bearing of approximately 000° true to the point at which latitude $50^{\circ} 46' 07''$ north intersects longitude $1^{\circ} 16' 28''$ west, thence on a bearing of approximately 293° true to the point at which latitude $50^{\circ} 46' 23''$ north intersects longitude $1^{\circ} 17' 28''$ west, thence on a bearing of approximately 253° true to the point at which latitude $50^{\circ} 46' 16.9''$ north intersects longitude $1^{\circ} 18' 00.7''$ west, thence on a bearing of approximately 239° true to the point at Egypt Point in the Isle of Wight at which latitude $50^{\circ} 46' 00.2''$

PART III
—cont.

north intersects longitude 1° 18' 44.8" west (the line drawn on such bearings being coincident with the seaward limit of the jurisdiction of the Cowes Harbour Commissioners);

(c) from the point last mentioned in paragraph (b) hereof on a bearing of approximately 319° true to the point (being approximately a distance of 890 feet from Stansore Point Beacon on the western side of the entrance to Southampton Water) at which latitude 50° 47' 09.9" north intersects longitude 1° 20' 19.8" west;

(d) from the point last mentioned in paragraph (c) hereof on a bearing of approximately 063° true to the said point at Hillhead (the line drawn on such bearing being coincident with the existing seaward limit of the Port);

and there terminating;

“ the navigation ” has the same meaning as in article 3 (Interpretation) of the River Hamble Harbour Revision Order 1969;

1887 c. lii.

“ the Port ” means the Port of Southampton as defined in section 5 (Defining the Port) of the Southampton Harbour Act 1887 but excluding the navigation;

1865 c. 125.

“ the Queen’s harbour master ” means the person for the time being appointed to be Queen’s harbour master of the Dockyard Port of Portsmouth under the Dockyard Ports Regulation Act 1865;

1939 c. lxxxiii.

“ the Southampton Harbour Acts ” means the Southampton Harbour Acts 1863 to 1949 as amended by section 27 (Amendment of section 3 of Southampton Harbour Act 1939) of the Act of 1971.

1962 c. 46.

(2) The Port is hereby extended to include the added area and the Southampton Harbour Acts shall extend and apply accordingly as if any reference therein to the Port were a reference to the Port as so extended and the Ninth Schedule to the Transport Act 1962 shall have effect as if the harbours specified in paragraph 2 of the said schedule as vesting in the Board included the added area.

(3) All byelaws, rules and regulations of the Board for the time being in force within the Port shall, unless the Board shall otherwise determine, apply within the added area and may be enforced by the Board accordingly.

1964 c. 40.

(4) Nothing in this section shall authorise the Board to charge any ship, passenger and goods dues, as defined in the Harbours Act 1964, in relation to any vessel passing through the added area unless such vessel makes use by means of lighters, tenders, packet boats or otherwise of the facilities of the Port.

(5) Nothing in this section shall authorise the Board as successors to the Southampton Harbour Board to exercise within the added area the powers of a local sea fisheries committee conferred on the latter board by an order of the Board of Trade dated 27th August, 1889, and made under the Sea Fisheries Regulation Act 1888.

PART III
—cont.

1888 c. 54.
(51 & 52 Vict.)

17. Nothing in subsection (5) of section 14 (Extension of limits of Barry harbour, etc.) or subsection (5) of section 15 (Extension of limits of Cardiff harbour, etc.) of this Act shall prejudice or derogate from any of the existing rights, duties or privileges of Trinity House.

PART IV

PROTECTIVE PROVISIONS

18. Section 30 (Crown rights) of the Act of 1966 is incorporated with, and forms part of this Part of, this Act.

Incorporation
of protective
provision
of Act of
1966.

19.—(1) In this section “the corporation” means the lord mayor, aldermen and burgesses of the city and county of Bristol.

For
protection
of Bristol
Corporation.

(2) Before placing any mooring buoy under the powers of subsection (5) of section 14 (Extension of limits of Barry harbour, etc.) or subsection (5) of section 15 (Extension of limits of Cardiff harbour, etc.) of this Act the Board shall give to the corporation at least three months’ notice in writing of their intentions specifying the size and nature of the proposed mooring buoy, its proposed position and the type of vessel for which it is proposed.

(3) If within two months of the receipt of a notice given under subsection (2) of this section the corporation, by counter-notice in writing to the Board, object to the placing of the mooring buoy in the position proposed on the ground that the mooring buoy or vessels resorting thereto will unreasonably interfere with the navigation of vessels proceeding to or from the port and harbour of Bristol, the dispute shall (in default of agreement between the Board and the corporation as to the placing of the mooring buoy in the position proposed or in an alternative position) be referred to the Secretary of State whose decision shall be final and binding on both parties.

20. Before giving or amending any directions under section 6 (General directions to vessels in the Humber) of this Act which will or may affect any vessel entering or proposing to enter the Humber from the river Hull, or entering or proposing to enter the river Hull from the Humber, the Board shall in each case consult with the lord mayor, aldermen and citizens of the city and county of Kingston upon Hull as harbour authority for the river Hull.

For
protection of
Kingston
upon Hull
Corporation.