

ELIZABETH II



1976 CHAPTER xvii

An Act to empower the British Transport Docks Board to construct works in substitution for works authorised by the British Transport Docks Act 1974 and to acquire lands and to apply the provisions of the said Act to the substituted works; to extend the time for the compulsory purchase of certain lands; to confer further powers on the Board; and for other purposes.
[22nd July 1976]

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

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:

1974 c. xxii.

And whereas it is expedient that the Board should be empowered to construct the works authorised by this Act in substitution for works authorised to be constructed by the British Transport Docks Act 1974, to acquire the lands referred to in this Act and to abandon the construction of works authorised by the said Act of 1974:

And whereas it is expedient that the period now limited for the compulsory purchase of certain lands should be extended as provided by this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Board and that the other provisions in this Act contained should be enacted:

And whereas a plan and sections showing the line or situation and levels of the works to be constructed under the powers of this Act, and a plan of the lands authorised to be acquired or used by this Act, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the county council of the county within which the said works will be constructed or the said lands are situated, which plan, sections and book of reference are respectively referred to in this Act as the deposited plan, the deposited sections and the deposited book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as the British Transport Docks Act 1976.

Interpretation.

2.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with the Act of 1974 have in relation to the relative subject-matter the same respective meanings and—

“ the abandoned bund ” means the portion of the authorised bund described in section 4 (Abandonment of portions of Works Nos. 1 and 2 of Act of 1974) of this Act;

- “ the Act of 1973 ” means the British Transport Docks Act 1973; 1973 c. xiii.
- “ the Act of 1974 ” means the British Transport Docks Act 1974; 1974 c. xxii.
- “ the authorised bund ” means the bund or embankment, Work No. 2, authorised by the Act of 1974;
- “ the Board ” means the British Transport Docks Board;
- “ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ land ” includes any estate or interest in land and land covered by water;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plan;
- “ the terminal ” means the terminal, Work No. 1, authorised by the Act of 1974;
- “ the undertaking ” means the undertaking of the Board as authorised from time to time;
- “ the works ” means the works authorised by this Act.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

(3) All areas, bearings, directions, distances, lengths and widths stated in any description of works, powers or lands shall be construed as if the words “ or thereabouts ” were inserted after each such area, bearing, direction, distance, length and width.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

3. Subject to the provisions of this Act, the Board may, Power to in the line and situation and within the limits of deviation shown make works. on the deposited plan and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In the county of Lancashire—

In the borough of Wyre—

Work No. 1 A bund or embankment and quay wall (Bund and quay wall at Fleetwood).
(being in substitution for a portion of the authorised

bund), commencing by a junction with the authorised bund at a point 310 metres east of the root of the East Jetty of the entrance to Wyre Dock, thence proceeding in a northerly direction for a distance of 120 metres, thence proceeding in a north-easterly direction for a distance of 40 metres, thence turning westward in a semi-circle over a distance of 20 metres, thence proceeding in a south-westerly direction for a distance of 285 metres and there terminating by a junction with the authorised bund at a point 150 metres east-south-east of the root of the East Jetty of the entrance to Wyre Dock.

Abandonment
of portions
of Works
Nos. 1 and 2
of Act of
1974.

4. The Board shall abandon the construction of so much of—

- (i) the south-eastern row of dolphins and connecting catwalks forming part of the terminal; and
- (ii) the authorised bund as lies between the commencement and termination of Work No. 1;

as is rendered unnecessary by the construction of Work No. 1.

Work No. 1
to form part
of Work
No. 2 of Act
of 1974.

5. The Act of 1974 shall have effect as if Work No. 1 instead of the abandoned bund formed part of Work No. 2 authorised by the Act of 1974 and the provisions of the Act of 1974 shall apply accordingly to Work No. 1 and any works, apparatus or conveniences constructed or provided by the Board, as part of, or in connection with, or for the purposes of, Work No. 1.

Extension of
dredging
powers to
Work No. 1.

6. The provisions of section 9 (Power to dredge in river Wyre) of the Act of 1974 shall have effect as if the reference therein to Work No. 1 of that Act included a reference to Work No. 1.

Power to
acquire
lands.

7.—(1) Subject to the provisions of this Act, the Board may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purpose of Work No. 1 or for any purpose connected with or ancillary to the undertaking.

(2) The provisions of the Act of 1974 shall apply to any lands authorised to be acquired by the Board under this Act as though the said lands had been authorised to be acquired by the Board under the Act of 1974.

Extensions
of time.

1967 c. xxxi.

8.—(1) The period now limited by the Act of 1973 for the compulsory purchase of the lands authorised to be acquired by section 6 (Power to acquire lands) of the British Transport Docks Act 1967 is hereby extended until 31st December 1981.

(2) The period now limited by the Act of 1973 for the compulsory purchase of the lands authorised to be acquired by section 6 (Power to acquire lands) of the Act of 1973 for the purposes of Work No. 1 authorised by Part III (Works, etc.) of the Act of 1973 is hereby extended until 31st December 1981.

(3) The powers for the compulsory purchase of the said lands shall cease on the said date except in so far as any such powers shall by then have been exercised.

9.—(1) In this section—

“the enabling Act” means the Act of 1973;

“the land” means any land which is for the time being authorised to be acquired compulsorily by the enabling Act;

“lessee” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under subsection (2) of this section.

Powers to owners and lessees to give notice as to purchase of land.

(2) If any owner or lessee of any of the land shall give notice in writing to the Board of his desire for the acquisition as soon as may be by the Board of his interest in any part of the land specified in the notice the Board shall within a period of three months after the receipt of such notice—

- (a) enter into a contract with him for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or
- (b) serve on him a notice to treat for the compulsory acquisition of his interest in the land specified in his notice, or in such part thereof as may be required by the Board; or
- (c) serve on him notice in writing of the Board's intention not to proceed with the purchase of his interest in the land specified in his notice.

(3) Where notice is given under the last foregoing subsection by an owner or lessee of land specified in the notice, then—

(a) if the Board—

- (i) fail to comply with that subsection; or
- (ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection; or
- (iii) serve notice on him in compliance with paragraph (c) of that subsection;

the powers conferred by the enabling Act for the compulsory purchase of his interest in the land so specified shall cease; or

- (b) if his interest in part only of the land so specified is acquired in pursuance of a contract or notice to treat under paragraphs (a) or (b) of that subsection the powers conferred by the enabling Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

Powers of
police as to
search and
arrest.
1962 c. 46.
1949 c. xxix.

10. In its application to the Board pursuant to the provisions of Part III of the Second Schedule to the Transport Act 1962, subsection (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act 1949 in relation only to subsection (1) of that section, as amended by section 19 (Powers of police as to search and arrest) of the Act of 1974, shall have effect as if the words "first day of January one thousand nine hundred and eighty-two" were substituted for the words "first day of January one thousand nine hundred and seventy-seven".

Costs of Act.

11. All costs, charges and expenses of, and incidental to, the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Board and may in whole or in part be defrayed out of revenue.

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