

Milford Haven Conservancy Act, 1958

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I certify that this is a true copy of
the Milford Haven Conservancy Act 1958

14 Jan 1965.

MILFORD HAVEN CONSERVANCY BOARD

ARRANGEMENT OF SECTIONS

Establishment and general duty and powers of Milford Haven Conservancy Board

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CHAPTER 23

An Act to make provision with respect to the maintenance, improvement, protection and regulation of the navigation of Milford Haven; and for purposes connected therewith. [30th April, 1958]

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:—

Establishment and general duty and powers of Milford Haven Conservancy Board

1.—(1) There shall be a Milford Haven Conservancy Board (in this Act referred to as “the Board”) who shall be charged with the duty of taking such steps as the Board may from time to time consider necessary or expedient to maintain, improve, protect and regulate the navigation, and in particular the deep-water facilities, in the area bounded by—

Establishment
and duty of
Conservancy
Board.

- (a) a straight line drawn from the south-western extremity of St. Anne's Head to the southern extremity of Studdock Point; and
- (b) high water mark on the shores of Milford Haven and the approaches thereto within the straight line aforesaid, including all bays, creeks, pools, inlets and rivers, as far as the tide flows,

which area is in this Act referred to as “the haven”.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the Board.

(3) The Board shall not, except with the express consent of the Admiralty and in compliance with any condition or restriction attached to any such consent, exercise any of their powers

in any part of the haven falling within the limits for the time being established by Order in Council under the Dockyard Ports Regulation Act, 1865, of any dockyard port, and—

- (a) shall not elsewhere in the haven exercise or continue in the exercise of any of their powers in such manner as to contravene any direction with respect to the exercise of those powers which the Admiralty may from time to time deem it necessary or expedient to give to the Board in the interests of national defence; and
- (b) generally in performing their functions under this Act shall have regard to any representations made to them by the Admiralty with respect to the requirements of national defence.

(4) Without prejudice to any restriction imposed by any other provision of this Act, the Board shall not exercise any of their powers within the limits for the time being established by or under any enactment of any harbour, pier or dock undertaking carried on wholly or partly within the haven by any person other than the Board without the prior agreement of the undertakers except so far as may be necessary or expedient for the purpose of maintaining, improving, protecting or regulating the navigation within the haven outside, or between points outside, those limits, and any dispute arising under this subsection shall be referred to and determined by the Minister, whose decision shall be binding on all parties.

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

(6) For the avoidance of doubt, the Board are hereby declared to be a harbour authority within the meaning of the Petroleum (Consolidation) Act, 1928, and a harbour undertaking within the meaning of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954, and to be statutory undertakers within the meaning of the Town and Country Planning Act, 1947, by virtue of carrying on a harbour undertaking; and for the purposes of this Act all parts of the haven shall be treated as forming part of the county of Pembroke.

Protection of
amenities.

2. In formulating or considering any proposals relating to their functions under this Act, the Board shall have regard to the desirability—

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

3.—(1) The Board may—

Powers with
respect to land.

- (a) acquire by agreement, whether by way of purchase, lease or exchange, or by gift, any land, whether within or outside the haven, which they may require for the purposes of their functions under this Act ;
- (b) retain any land acquired by them for such time as they think fit ; and
- (c) sell, lease, exchange, whether with or without paying or receiving any money for equality of exchange, or otherwise dispose of any land acquired by them which is no longer required for the purposes aforesaid :

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

(2) Any capital money received by the Board in respect of any transaction under this section shall be applied in or towards the repayment of moneys borrowed by the Board or for other purposes of the Board for which capital money may properly be applied.

(3) For the purposes of their incorporation with this Act, the Lands Clauses Acts shall have effect as if sections one hundred and twenty-seven to one hundred and thirty-one of the Lands Clauses Consolidation Act, 1845, were omitted therefrom and as if the expression "lands" in the said Acts included any interest in lands and any easement or right in, to or over lands.

4.—(1) The Board may construct, whether within or outside the haven, any works required for the purposes of their functions under this Act, including any moorings, and from time to time alter or extend any such works :

Powers with
respect to
works and
cables.

Provided that—

- (a) no works below high water mark shall be constructed, altered or extended except in accordance with plans and sections approved by the Minister and subject to any conditions or restrictions imposed by the Minister before the works are begun ;
- (b) the Board shall not exercise their powers under this subsection within such limits of such an undertaking as are mentioned in subsection (4) of section one of this Act without the consent of the undertakers unless, on an application made to him for the purpose, the Minister certifies that in his opinion that consent has been unreasonably withheld.

(2) Notwithstanding any powers conferred, and without prejudice to any other restrictions imposed, by or under any other enactment, no person other than the Board shall construct, alter or extend any works within the haven below high water mark, including any moorings, or lay any submarine cable in or across the bed or foreshore of the haven, except after giving not less than fourteen days' notice in writing to the Board, and the Board may by instrument in writing—

- (a) at any time before the notice expires, require the carrying out of the operations in question to be postponed until the Board notify the person by whom the notice was given whether or not they propose to exercise their powers under the next following paragraph;
- (b) at any time before the notice expires or, where they have made a requirement under the foregoing paragraph, in giving the notification referred to in that paragraph, prohibit or impose conditions or restrictions with respect to those operations:

Provided that—

- (i) this subsection shall not apply to any operations specifically authorised by any enactment passed before this Act, or to any operations carried out by the South West Wales River Board upstream of a straight line across the River Daucleddau drawn due east from Black Tar Point or in any part of the River Cresswell;
- (ii) any person aggrieved by any requirement, prohibition, condition or restriction imposed under this subsection may appeal against it to the Minister, whose decision shall be binding on both parties.

(3) Any works which are constructed, altered or extended, and any cable which is laid, in contravention of, or of any prohibition imposed under, this section or in respect of which any condition or restriction imposed under this section is not complied with may be abated and removed and the site thereof restored to its former condition—

- (a) in a case arising under subsection (1) of this section, by the Minister;
- (b) in a case arising under the last foregoing subsection, by the Board,

and any expenditure incurred by the Minister or, as the case may be, by the Board in any such abatement, removal or restoration shall be recoverable as a simple contract debt from the Board or, as the case may be, from the person by whom the operations in question were carried out.

(4) So much of any works constructed by the Board under subsection (1) of this section as is not within the area of any county district within the meaning of the Local Government Act, 1933, shall be deemed to be within such of the adjacent

county districts as is nearest thereto or, in case of dispute, as the Minister may determine.

5.—(1) The Board may from time to time deepen, dredge, scour and improve the bed and foreshore of the haven and the bed of the sea in or near any approach to the haven, and blast any rock within the haven and any rock in the sea in or near any approach to the haven, and any material taken up or collected in the course of any such operations shall be the property of the Board and may be used, sold, removed, deposited, or otherwise disposed of as the Board may think fit: Powers with respect to dredging, etc.

Provided that—

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

(i) in any place or manner such as to cover any submarine cable placed or maintained by the Postmaster-General or by an Electricity Board or to impede in any way the inspection, maintenance, removal or renewal of any such cable; or

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

(iii) in any other place in such manner as to prejudice the powers of any authority under sections thirty-nine to forty-one of the National Parks and Access to the Countryside Act, 1949, with respect to the establishment of the Pembrokeshire Coastal Footpath as defined by the National Parks Commission and approved by the Minister of Housing and Local Government under section fifty-two of the said Act of 1949;

(b) the Board shall not exercise their powers under this subsection within such limits of such an undertaking as are mentioned in subsection (4) of section one of this Act without the consent of the undertakers unless, on an application made to him for the purpose, the Minister certifies that in his opinion that consent has been unreasonably withheld.

(2) In the exercise of the powers conferred by the foregoing subsection the Board may, subject to subsection (4) of this section, remove or resite submarine cables in or across the bed or foreshore of the haven or the bed of the sea doing as little damage as may be and making good all damage done.

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

fourteen days' notice in writing to the Board, and the Board may by instrument in writing—

- (a) at any time before the notice expires, require the carrying out of those operations to be postponed until the Board notify the person by whom the notice was given whether or not they propose to exercise their powers under the next following paragraph ;
- (b) at any time before the notice expires or, where they have made a requirement under the foregoing paragraph, in giving the notification referred to in that paragraph, prohibit or impose conditions or restrictions with respect to those operations :

Provided that—

- (i) this subsection shall not apply to any operations necessary for the purpose of the maintenance of any such undertaking as is mentioned in subsection (4) of section one of this Act or for any construction, alteration or extension of works which is specifically authorised by any enactment passed before this Act, or to any operations carried out by the South West Wales River Board upstream of a straight line across the River Dauceddau drawn due east from Black Tar Point or in any part of the River Cresswell ;
- (ii) any person aggrieved by any requirement, prohibition, condition or restriction imposed under this subsection may appeal against it to the Minister, whose decision shall be binding on both parties.

(4) Nothing in this section shall authorise any interference with any submarine cable placed or maintained by the Postmaster-General or by an Electricity Board ; and as early as possible, and in any event not less than twenty-eight days, before any exercise of their powers under subsection (1) of this section within a distance of fifty yards or, in the case of blasting operations, one hundred and fifty yards of any such cable, the Board shall give notice in writing to the Postmaster-General or Electricity Board of their intention so to do.

Powers with respect to disposal of wrecks.

6.—(1) In their application to the Board, sections five hundred and thirty and five hundred and thirty-two of the Merchant Shipping Act, 1894 (which confer powers on the Board 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 haven or in or near any approach thereto) shall have effect—

- (a) subject to the provisions of the next following section ; and
- (b) in relation to a vessel sunk, stranded or abandoned before, as well as after, the passing of this Act.

(2) Without prejudice to any other restrictions imposed by or under any other enactment, any person other than the Board upon whom powers with respect to vessels sunk, stranded or abandoned as aforesaid have been conferred by or under any enactment shall in exercising those powers comply with any directions for the prevention of interference with navigation which may from time to time be given to him by the Board.

(3) Subject to subsection (5) of this section, the Board 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 five hundred and thirty, being a vessel sunk, stranded or abandoned after the passing of this Act, any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section or, in the case of an appeal under the next following subsection against the amount demanded, such sum, if any, as may be awarded under that subsection.

(4) At any time before the expiration of fourteen days from the date of service on the owner of a vessel of a demand for the payment of any amount under the last foregoing subsection, he may, if he is dissatisfied with the amount demanded, appeal to the Minister, who shall appoint an arbitrator to determine whether any, and if so what, sum should properly be payable by the owner in respect of the Board's expenses aforesaid; and the decision of the arbitrator shall be final and binding on both parties, and the costs of the appeal and award shall be borne by the parties in such manner as the arbitrator may determine and be recoverable as a simple contract debt.

(5) Except in a case which is in the opinion of the Board a case of emergency, subsection (3) 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 five hundred and thirty other than the power of lighting and buoying, the Board 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 the Board 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 next following section, he shall be at liberty to do so, and the Board 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 Board.

(6) Notice under the last foregoing subsection to the owner of any vessel may be served by the Board either by delivering it to him or by sending it to him by post in a registered letter 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 Board, by displaying the notice at the offices of the Board for the period of its duration.

(7) 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 abandoning thereof.

Protection of
Crown
interests in
wrecks.

7.—(1) Without prejudice to section seven hundred and forty-one 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 eighty of the Merchant Shipping Act, 1906, the powers conferred on the Board by sections five hundred and thirty and five hundred and thirty-two 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 Admiralty, which may be given with or without such a direction as is referred to in paragraph (b) of the next following subsection, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which, at 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 Admiralty, of Her Majesty's ships of war.

(2) The Board shall give notice in writing to the Admiralty and to the Minister of any decision of the Board to exercise in relation to any vessel any of the powers aforesaid other than the power of lighting and buoys and, except in a case which is in the opinion of the Board a case of emergency, shall not proceed with the exercise thereof—

(a) except with the consent of the Admiralty and the Minister, 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 Board a direction by the Admiralty or the Minister that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid,

and where in any such case as aforesaid the Board proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) 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 five hundred and thirty or the power conferred by subsection (3) of the last foregoing section :

Provided that—

- (i) the Board shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of the foregoing subsection, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this and the next following subsection and of subsection (5) of the last foregoing section 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 Minister for the purposes of this proviso.

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

(4) Without prejudice to the power of sale conferred on the Board by the said section five hundred and thirty, the Board 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 wreck ; and on exercising the said power of sale in the case of any property the Board shall discharge any sums payable in respect of that property by way of duties of customs or excise, purchase tax, or surcharge in respect of sugar or molasses, and any sums so discharged shall be deemed to be expenses incurred by the Board under that section.

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

of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on the Trinity House by section five hundred and thirty-one of the said Act of 1894.

Lighting and
buoying.

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

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

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

Power to make
byelaws.

9.—(1) The Board may from time to time by byelaws confirmed by the Minister make provision for any matter falling within their duty under section one of this Act and in particular, but without prejudice to the generality of their power, provision—

- (a) for regulating the use of the haven, including the movement of vessels therein and the time, manner and condition in which vessels shall enter or leave the haven or any installation therein, the speed of vessels within the haven, and the laying down of moorings and the anchoring, mooring, unmooring and placing of vessels in the haven ;
- (b) with respect to the lights and signals to be carried, or the steps for avoiding collision to be taken, by vessels navigating in the haven ;
- (c) for regulating—
 - (i) the loading and unloading of goods ;
 - (ii) the embarkation and disembarkation of passengers ; or
 - (iii) the loading, removal and disposal of ballast, within the haven otherwise than at a dock or pier ;
- (d) for preventing and removing obstructions or impediments within the haven not authorised by or under any enactment ;
- (e) for the removal, placing and disposal of vessels laid by or neglected within the haven as unseaworthy ;
- (f) for the protection of vessels in the haven from the dangers of fire ;
- (g) for regulating the conduct of boatmen, ferrymen and others plying in the haven and of persons resorting to any works constructed by the Board under section four of this Act ;

- (h) subject to subsection (4) of this section, for prohibiting vessels, or any class of vessels, not being vessels authorised so to do by or under any enactment, from plying for hire in the haven except under a licence granted by the Board and in accordance with any terms and conditions upon which the licence is granted ;
- (i) for empowering the Board's harbourmaster to give directions with respect to such matters dealt with by the byelaws or otherwise falling within the duty of the Board under section one of this Act as may be specified in the byelaws and to take any necessary action in default of compliance with any such directions ;
- (j) for imposing upon persons offending against the byelaws fines recoverable on summary conviction not exceeding fifty pounds and, in the case of a continuing offence, a further fine so recoverable not exceeding twenty pounds for each day during which the offence continues after conviction thereof.

(2) Any expenses incurred by the Board in respect of any obstruction, impediment or vessel under byelaws made by virtue of paragraph (d) or (e) of the foregoing subsection shall be recoverable by the Board as a simple contract debt from the owner or other person having the control of that obstruction, impediment or vessel.

(3) Without prejudice to any liability of any person for an offence against any byelaws of the Board, any person who fails to comply with any direction lawfully given by the Board's harbourmaster under those byelaws shall be liable on summary conviction to a fine not exceeding ten pounds.

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

(5) Subsections (2) to (7) and (10) of section two hundred and fifty and section two hundred and fifty-two of the Local Government Act, 1933 (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Board under this section as if the Board were a local authority and the secretary to the Board were the clerk to a local authority.

(6) In section eighty-five of the South Wales Railway Consolidation Act, 1855, the words from "and with" onwards (which

relate to the making of byelaws, rules and regulations with reference to the navigation, anchorage and mooring of vessels) are hereby repealed.

Power to
appoint special
constables.

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

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

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

Powers with respect to dues, charges and fees

Power to levy
dues, charges
and fees.

11.—(1) The Board may demand and take in respect of every vessel entering and in respect of every vessel departing from the haven dues at such rate not exceeding the appropriate rate specified in the Third Schedule to this Act as the Board may from time to time determine, being, subject to section eighty-five of the Merchant Shipping Act, 1894, dues calculated by reference to the vessel's tonnage:

Provided that no dues shall be demanded under this subsection in respect of—

- (a) any fishing boat within the meaning of Part IV of the said Act of 1894 ;
- (b) any vessel employed in the exercise of powers conferred by or under any enactment on any person other than the Board similar to the powers conferred on the Board by section five of this Act ;
- (c) any vessel of a tonnage of less than one hundred and fifty tons ; or
- (d) any vessel which, having left the haven, returns thereto only by reason of stress of weather or other sufficient emergency.

(2) In the exercise of their powers under the foregoing subsection, the Board may from time to time grant and revoke exemptions from, or compound with any person with respect to, the payment of dues authorised to be demanded by that subsection, but shall not give preference to any person over any other person in respect of like vessels in like circumstances.

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

(4) Lists showing the rates of the dues and the charges and fees for the time being payable to the Board under this section or under section seven of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954 (which relates to charges in respect of aircraft on the surface of the water) shall be open during reasonable hours for inspection by any person without charge at the offices of the Board, and copies of the various lists as revised from time to time shall be kept on sale at the said offices at a price not exceeding one shilling for each copy.

12.—(1) Any amount payable in respect of any vessel by way of dues under subsection (1) of the last foregoing section shall be paid by the master of the vessel to the collector of dues at such place and time and in such manner as the Board may from time to time direct, and the collector may, either alone or with any other person authorised in that behalf by the Board, enter into any vessel within the haven in order to ascertain whether any, and if so what, amount is payable by way of such dues in respect of that vessel. Collection of dues.

(2) The master of any vessel entering or departing from the haven shall, not later than twenty-four hours after the entry or, as the case may be, at an interval before the departure which is reasonable in the circumstances of the case, give notice thereof to the Board's harbourmaster, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding ten pounds:

Provided that this subsection shall not apply in relation to any vessel such as is mentioned in paragraph (a), (b) or (c) of the proviso to subsection (1) of the last foregoing section.

(3) If any amount payable in respect of any vessel by way of such dues is not paid on demand the Board may recover that amount from the master of the vessel as a simple contract debt, or the collector of dues, taking such assistance as he thinks necessary, may at any time and at any place within the haven seize and detain that vessel, whether laden or empty, and the tackle and furniture thereof until that amount and the reasonable expenses of the collector have been paid; and if payment is not made before the expiration of seven days from the date of the seizure, then, subject to the next following subsection, the collector may cause the property seized to be sold and apply the proceeds of sale thereof towards payment of the amount and expenses aforesaid and of the expenses of the sale, paying over the residue, if any, to the owner of the vessel.

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

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

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

(7) This section shall have effect in relation to any aircraft on the surface of the water as if any reference therein to dues under subsection (1) of the last foregoing section were a reference to charges under section seven of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954.

Financial provisions

Borrowing
powers.

13.—(1) Subject to any order made under section one of the Borrowing (Control and Guarantees) Act, 1946, the Board may from time to time borrow upon the security of all or any of the revenues and property of the Board or by the creation and issue of stock, or partly by one of those methods and partly by the other—

- (a) at any time before the expiration of the period of six years commencing with the date of the passing of this Act, any amounts not exceeding in the aggregate one hundred and fifty thousand pounds required for the payment of any expenses properly chargeable to revenue incurred by the Board during that period ;
- (b) any amounts required in the execution of the duty imposed upon the Board by section one of this Act for purposes to which capital money is properly applicable ;
- (c) any amounts for use within not more than twelve months of the date of borrowing for repayment before the expiration of the period fixed under subsection (4)

of this section of any sum for the time being outstanding by way of principal on any amount previously borrowed or for the purchase of any of the Board's 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 ;

- (d) any amounts required for replacing moneys expended by the Board during the twelve months preceding the borrowing, otherwise than out of such a sinking fund or by means of such an instalment as is mentioned in the said subsection (4) or out of moneys obtained by the sale of land, in making any such repayment or purchase as is mentioned in the last foregoing paragraph, being moneys intended at the time of the repayment or purchase to be replaced by borrowed money ;

and any amount borrowed under paragraph (c) or (d) of this subsection shall be deemed for the purposes of the said subsection (4) to form part of the amount originally borrowed under paragraph (a) or (b) of this subsection to which the borrowing under the said paragraph (c) or (d) is referable :

Provided that the aggregate amount outstanding by way of principal in respect of any amounts borrowed under, or referable to amounts borrowed under, the said paragraph (b), other than any amounts borrowed under the said paragraph (c) and not yet applied in such a repayment or purchase as is mentioned in that paragraph, shall not at any time exceed eight hundred and fifty thousand pounds.

(2) For the purposes of the foregoing subsection, there shall be treated as purposes to which capital money is properly applicable—

- (a) the payment of any interest falling due within the five years immediately following the date of the borrowing on any amount borrowed by the Board under paragraph (b) of that subsection before the expiration of the period referred to in paragraph (a) thereof ; and
- (b) the expenses of the creation and issue by the Board of any stock.

(3) Subject to the last foregoing subsection, any amount borrowed by the Board under this section shall be applied only for such purposes as are authorised in respect thereof by subsection (1) of this section :

Provided that the Board may, and if required by the Minister shall, from time to time invest temporarily in statutory securities

the whole or part of any such amount not for the time being required for the purposes for which it was borrowed.

(4) Any amount borrowed under paragraph (a) or (b) of subsection (1) of this section shall be finally paid off at the expiration of such period as the Board may in the case of that amount fix, being a period not exceeding, in the case of an amount borrowed under the said paragraph (a), twenty years or, in the case of an amount borrowed under the said paragraph (b), fifty years, and shall be so paid off, in the case of an amount borrowed by the creation and issue of stock, by means of a sinking fund and in any other case either by means of a sinking fund or by equal yearly or half-yearly instalments of principal or of principal and interest combined, or partly by one of those methods and partly by another or others of them; and—

(a) where the amount is to be paid off by means of a sinking fund, then, so long as it is so paid off at the expiration of the fixed period, the first payment to the fund may be made—

(i) in the case of an amount borrowed under paragraph (a) of the said subsection (1) or borrowed under paragraph (b) of that subsection within the first two years of the period referred to in the said paragraph (a), at any time before the expiration of twelve months from the date when the period so referred to expires;

(ii) in the case of an amount borrowed under the said paragraph (b) after the expiration of the two years aforesaid, at any time before the expiration of five years from the date of the borrowing;

(b) where the amount is to be paid off by means of instalments, the first instalment shall be paid within twelve or, in the case of a half-yearly instalment, six months from the date of the borrowing.

(5) The Board shall keep at their offices a register of all charges created by them under this section, specifying in each case the revenues or property charged, the amount of the charge and the name of the person entitled thereto, and the said register shall be kept available during reasonable hours for inspection without charge by any creditor of the Board under this section and for inspection by any other person on payment of such fee, not exceeding one shilling for each inspection, as the Board may determine.

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

(7) For the purposes of the making of any loan to the Board by any person and of any rights and liabilities with respect to that loan, a certificate signed at the time of the making of the loan by the secretary and any two members of the Board that the borrowing of that sum is authorised by this section shall be sufficient evidence of the validity of that loan.

14.—(1) Any sinking fund established by the Board for the ^{Sinking} purposes of the last foregoing section shall be formed and ^{funds.} maintained either—

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

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

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

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

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

Provided that—

- (a) where it is an accumulating fund the Board shall pay into the fund each year during the residue of the

fixed period, in addition to the equal annual payments, a sum equal to the interest which would have been produced by the fund or that part thereof if invested at the rate on which the equal annual payments to the fund are based ;

(b) where the fund is maintained in connection with any stock, in any year in which the fund or any part thereof has been applied in such a purchase as aforesaid at a price above par the Board shall pay into the fund, in addition to the annual payment, a sum equal to the difference between the price paid for that purchase and the par value of the stock purchased.

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

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

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

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

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

15.—(1) Not later than three months after the expiration of each financial year of the Board, the Board shall send to the Minister in such form as the Minister may approve a return certified by the person whose duty it is to keep the accounts of the Board showing the provision made during that year for the paying off of any amounts borrowed by the Board. Annual return with respect to borrowed moneys.

(2) If it appears to the Minister from any such return or otherwise that the Board have failed to make the provision required by section thirteen of this Act for the paying off of amounts borrowed by the Board or have applied any part of a sinking fund otherwise than as authorised by the last foregoing section, the Minister may direct that such sum as is specified in the direction not exceeding the sum in respect of which default has been made shall be paid or applied in such manner and by such date as may be so specified in making provision for the paying off of those amounts; and the Board shall comply with that direction and notify the Minister as soon as they have done so.

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

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

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

17. The Board shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any moneys payable by way of principal or interest in respect of any charge or stock created by the Board may be subject, Board not bound to recognise trusts.

and the receipt of the person or persons in whose name the charge or stock for the time being stands in the books of the Board shall be a sufficient discharge to the Board for any such moneys paid by them notwithstanding any trust to which those moneys may then be subject and whether or not the Board have had notice of that trust.

Application
of revenue.

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

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

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

Accounts of
the Board.

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

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

- (a) the Institute of Chartered Accountants in England and Wales ;
- (b) the Society of Incorporated Accountants ;
- (c) the Institute of Chartered Accountants of Scotland ;
- (d) the Association of Certified and Corporate Accountants ;
- (e) the Institute of Chartered Accountants in Ireland ;
- (f) any other 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 one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(3) As soon as the accounts of the Board for any financial year of the Board have been audited, the Board shall transmit to the Minister three copies of their statements of account and the auditors' report for that year, and the Minister shall cause one of those copies to be laid before each House of Parliament ;

and further copies shall be made and kept available at the offices of the Board for inspection by the public without charge during reasonable hours and for supply on demand—

- (a) free of charge to any person who is a creditor of the Board under section thirteen of this Act ; or
- (b) upon payment of such reasonable charge in respect of each copy as the Board may determine, to any other person.

(4) Where the auditors' report includes any recommendation with respect to the keeping of the Board's accounts or records or the preparation of their annual statements of account, the Minister may direct the Board to give effect to that recommendation subject to such modifications, if any, as the Minister may specify in his direction, and the Board shall comply with that direction.

General

20. The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act, and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply to any such inquiry as if it were held by the Minister under subsection (1) of that section: Local inquiries.

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

21.—(1) Any expenses of the Admiralty or the Minister attributable to the provisions of this Act shall be defrayed out of moneys provided by Parliament. Expenses.

(2) Any sums recovered by the Minister under this Act shall be paid into the Exchequer.

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

“the Board” means the Milford Haven Conservancy Board ;

“collector of dues” means any person authorised by the Board to demand and take on their behalf any dues authorised by subsection (1) of section eleven of this Act or any charges authorised under section seven of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954 ;

“the haven” has the meaning assigned by subsection (1) of section one of this Act;

“high water mark” means the high water mark of ordinary spring tides;

“land” means any corporeal hereditament and includes any interest in land and any easement or right in, to or over land;

“master” in relation to any vessel includes the owner and agent or broker for the vessel and any charterer to whom the vessel is demised, and in the case of an aircraft includes the pilot and any other person having or taking the charge or command of the aircraft;

“the Minister” means the Minister of Transport and Civil Aviation;

“statutory securities” means any securities in which trustees are for the time being authorised by law to invest trust moneys and any mortgages, bonds, debentures, debenture stock, stock or other securities created by a local authority within the meaning of section thirty-four of the Local Loans Act, 1875, other than annuities, rentcharges or securities transferable by delivery;

“tonnage” in relation to a vessel, means the vessel’s tonnage as ascertained and registered according to the tonnage regulations of the Merchant Shipping Act, 1894, or, in the case of a vessel which is not registered under that Act, ascertained in like manner as if it were to be so registered;

“the Trinity House” means the master, wardens and assistants of the guild, fraternity or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond;

“vessel” includes—

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

(b) except in subsection (1) of section eleven of this Act, any aircraft on the surface of the water;

(c) in sections six and seven of this Act, any aircraft.

(2) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including any enactment contained in this Act.

(3) Without prejudice to any express provision of this Act, section two hundred and eighty-five of the Public Health Act, 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised by this Act to be given to or served on any person.

23.—(1) This Act may be cited as the Milford Haven Conservancy Act, 1958. Short title and savings.

(2) Nothing in the provisions of this Act or any instrument made thereunder shall prejudice any estate, right, power, privilege or exemption of the Crown, and in particular no such provision shall authorise the Board without the prior consent in writing of the Crown Estate Commissioners to take, use or in any manner interfere with any portion of the shore or bed of the sea or of the haven or any property or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the said Commissioners.

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

(4) Nothing in this Act shall prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of the Trinity House.

(5) For the purposes of subsection (1) of section one hundred and eighteen of the Town and Country Planning Act, 1947 (which relates to the application of that Act to land regulated by special enactments) this Act shall be deemed to be an enactment in force at the passing of the said Act of 1947.

SCHEDULES

Section 1.

FIRST SCHEDULE

MILFORD HAVEN CONSERVANCY BOARD

PART I

CONSTITUTION OF THE BOARD

1. The Board shall be a body corporate with a common seal and power to hold land without licence in mortmain, and shall consist of a chairman and seventeen other members.
2. The chairman and ten other members of the Board shall be appointed as follows, that is to say—
 - (a) the chairman and one other by the Minister ;
 - (b) one by the Admiralty ;
 - (c) one by the Trinity House ;
 - (d) one by the local fisheries committee for the sea fisheries district constituted under the Sea Fisheries Regulation Act, 1888, in which the haven is situated ;
 - (e) one by the Minister, after such consultations as he may consider appropriate, from among persons who are, or who are members of bodies corporate who are, owners of trawlers which trade regularly to the haven ;
 - (f) one by the National Parks Commission ;
 - (g) one by the Minister after consultation with such persons or bodies appearing to him to be representative of organised labour in Wales as he may consider appropriate ;
 - (h) three by the county council of Pembroke.
3. Four members of the Board—
 - (a) until the date appointed for the purposes of this paragraph under paragraph 16 of this Schedule, shall be appointed by the Minister, of whom three shall be appointed as follows, that is to say—
 - (i) one on the recommendation of the Milford Docks Company ;
 - (ii) one on the recommendation of Esso Petroleum Company Limited ;
 - (iii) one on the recommendation of BP Trading Limited ;
 - (b) on and after the said date shall be elected in accordance with the provisions of Parts III and IV of this Schedule by persons other than the Admiralty providing within, or fronting on, the haven facilities for vessels to load or unload goods or embark or disembark passengers or for the building or repair of vessels (hereafter in this Schedule referred to as "waterside frontagers").
4. Three members of the Board—
 - (a) until the date appointed for the purposes of this paragraph under paragraph 16 of this Schedule, shall be appointed by the Minister after consultation with such organisations as appear to him to be representative of owners of British ships registered in the United Kingdom ;

(b) on and after the said date, shall be elected in accordance with the provisions of Parts III and IV of this Schedule by persons, being British subjects resident in the United Kingdom or bodies incorporated in the United Kingdom, by whom or on whose behalf dues have been paid to the Board under subsection (1) of section eleven of this Act (hereafter in this Schedule referred to as "dues payers").

5. A person appointed as a member of the Board shall cease to hold office at the expiration of the following period commencing with the date of his appointment, that is to say—

(a) in the case of the first appointment to each of the eighteen places on the Board, five years ;

(b) in the case of any other appointment by the Minister under any of the three last foregoing paragraphs, such period not exceeding five years as the Minister may in making the appointment specify ;

(c) in any other case, three years,

and upon so ceasing to hold office shall be eligible for reappointment.

6. A person appointed as a member of the Board under paragraph 3 or paragraph 4 of this Schedule who is in office immediately before the date appointed for the purposes of that paragraph under paragraph 16 of this Schedule shall cease to hold office on that date.

7. A person elected as a member of the Board under paragraph 3 or paragraph 4 of this Schedule shall cease to hold office on the fixed election date within the meaning of paragraph 17 of this Schedule next following his election, but upon so ceasing to hold office shall, if qualified, be eligible for re-election.

8. A member of the Board may at any time while he is in office, by notice in writing to the Board and, in the case of an appointed member, to the person by whom he was appointed, resign his membership.

PART II

OFFICERS, PROCEDURE, ETC., OF BOARD

9. The Board shall appoint a secretary, a harbourmaster and such other officers or servants as they may think necessary or expedient on such terms and conditions as they think fit.

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

11. The Board may pay to any member thereof any travelling or other expenses reasonably incurred by him in attending meetings of the Board or otherwise in the execution of his duties as a member of the Board.

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

1st SCH.
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13. The Board may act notwithstanding a vacancy in the membership thereof, and no act of the Board shall be invalidated by reason of any irregularity in the appointment or election of any member thereof or by reason of any person irregularly acting as a member thereof.

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

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

PART III

VOTERS AND VOTES IN ELECTIONS TO BOARD

16.—(1) At any time after the expiration of seven years from the passing of this Act, the Minister may by order made by statutory instrument appoint a date for the purposes of either or both of paragraphs 3 and 4 of this Schedule, not being a date earlier than twelve months after the date of the making of the order, and the date so appointed shall be the date for the first election of members under the paragraph in question ; and different orders may be made at different times and appointing different dates in respect of the said paragraphs 3 and 4 respectively.

(2) Before making an order appointing a date for the purposes of paragraph 3 or paragraph 4 of this Schedule, the Minister shall consult with the Board and with the persons on whose recommendation, or with the organisations after consultation with whom, members fall to be appointed under the paragraph in question ; and he shall not make such an order unless—

(a) not less than three months before the making thereof, he has caused an advertisement to be published in such newspapers as appear to him appropriate and sufficient giving notice of his intention to make the order and specifying a period within which objections or other representations with respect thereto may be made to him ; and

(b) he has considered any such objections or representations received by him within the period so specified ;

and, before making any such order, he may, if he thinks fit, cause a local inquiry to be held.

17. In the following provisions of this Schedule—

(a) the expression “ fixed election date ” in relation to an election under paragraph 3 or 4 of this Schedule means the date

appointed under the last foregoing paragraph for the purposes of the said paragraph 3 or, as the case may be, paragraph 4 and the same day of the week occurring at the same place in sequence in the same month (as, for example, the second Tuesday in that month) in each third year thereafter ;

- (b) the expression " relevant period " means the period of twelve months ending with such last day of a month as falls not less than five nor more than six months before a fixed election date.

18. Subject to sub-paragraph (2) of paragraph 22 of this Schedule, a waterside frontager shall be qualified to vote at an election under paragraph 3 of this Schedule if the facilities provided by him or by any predecessor in title of his were used during the last relevant period by vessels in respect of whose arrival in the haven last before those facilities were so used by them dues have been paid to the Board under subsection (1) of section eleven of this Act and the aggregate of the tonnage by reference to which those dues were paid is not less than 100,000 tons, and shall be entitled to a number of votes in respect of each place to be filled determined by reference to the aggregate aforesaid in accordance with the following table :—

		Aggregate tonnage		Number of votes
Not less than	100,000	but less than	200,000	... one
" "	200,000	" "	300,000	... two
" "	300,000	" "	400,000	... three
" "	400,000	" "	500,000	... four
" "	500,000	" "	600,000	... five
" "	600,000	" "	700,000	... six
" "	700,000	" "	800,000	... seven
" "	800,000	" "	900,000	... eight
" "	900,000	" "	1,000,000	... nine
" "	1,000,000	" "	1,100,000	... ten
" "	1,100,000	" "	1,200,000	... eleven
" "	1,200,000	" "	1,300,000	... twelve
" "	1,300,000	" "	1,400,000	... thirteen
" "	1,400,000	" "	1,500,000	... fourteen
" "	1,500,000	" "	1,600,000	... fifteen
" "	1,600,000	" "	1,700,000	... sixteen
" "	1,700,000	" "	1,800,000	... seventeen
" "	1,800,000	" "	1,900,000	... eighteen
" "	1,900,000	" "	2,000,000	... nineteen
	2,000,000	or more twenty

19. Subject to sub-paragraph (2) of paragraph 22 of this Schedule, a dues payer shall be qualified to vote at an election under paragraph 4 of this Schedule if the aggregate amount of the dues paid to the Board by him or on his behalf under subsection (1) of section eleven of this Act in respect of the last relevant period was not less than £100, and shall be entitled to a number of votes in

- (e) give notice by advertisement in one or more newspapers circulating in the area in which the haven is situated of the completion of the list aforesaid and of the arrangements made for the inspection and purchase of copies thereof.

21.—(1) Not later than twelve weeks before each fixed election date, the Board shall appoint two of their members to examine and, if necessary, correct the list of waterside frontagers or, as the case may be, dues payers prepared under the last foregoing paragraph, and the two members of the Board so appointed shall, within seven days of being appointed, further appoint a third person to act with them in the examination of the list and to be their chairman for that purpose, being a person who is, or who is nominated for the purpose by a body corporate who are, included in that list, and the three persons so appointed are hereafter referred to as “the examiners”.

(2) The examiners shall carry out their examination of the list at the offices of the Board not later than eight weeks before the fixed election date after giving not less than seven days’ notice of their intention to do so by advertisement in one or more newspapers circulating in the area in which the haven is situated; and the Board shall make available to the examiners the relevant register and list and such accounts, books and other documents in the possession of the Board as the examiners may reasonably require, and shall afford the examiners all reasonable and proper facilities.

(3) At any such examination, any person may, either in person or by his agent, object—

(a) to the exclusion from or inclusion in the list of the name of that or any other person; or

(b) to the number of the votes shown in the list as attributable to that or any other person;

and the examiners shall make such, if any, corrections in the list, whether by way of additions or amendments thereto or deletions therefrom, as may be shown to the satisfaction of the examiners or a majority of them to be necessary.

(4) On the completion of their examination of the list, the examiners shall not later than seven weeks before the fixed election date sign and send to the secretary of the Board a copy of that list incorporating such corrections, if any, as they may have made therein; and the copy of the list so signed and sent is hereafter referred to as “the certified list”.

(5) In the event of the death or failure to act or to continue to act of any of the examiners, the remaining examiners or, if there is none remaining, a person appointed for the purpose by the Minister shall perform or complete the performance of the functions of the examiners under this paragraph.

22.—(1) The Board shall cause any certified list of waterside frontagers or, as the case may be, dues payers received by their secretary to be printed and, not later than six weeks before the fixed election date, shall send a copy thereof to each person included in the list and make further copies available for purchase by any person at the offices of the Board at such price not exceeding sixpence for each copy as the Board may deem reasonable.

1ST SCH.
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(2) The latest certified list of waterside frontagers or, as the case may be, dues payers shall be conclusive evidence of the persons for the time being qualified to vote at any election for the purposes of paragraph 3 or, as the case may be, paragraph 4 of this Schedule and of the number of votes to which each of those persons is entitled in respect of each place to be filled, and shall remain in force until the next such certified list is received by the secretary of the Board.

(3) Any document purporting to be a true copy of a certified list for the time being in force and to be signed by the secretary of the Board shall be received in evidence and be deemed to be such a true copy without further proof unless the contrary is shown.

23. Any two or more persons who are in partnership for purposes in the carrying out of which they are waterside frontagers or dues payers shall be treated for the purposes of this Schedule as carrying out those purposes as a single person, and anything required or authorised by this Schedule to be done by or towards the partners by virtue of the carrying out by them of those purposes shall be done by or towards that one of the partners who is authorised in writing in that behalf by the other or others of them or, in the absence of such authorisation, whose name stands first among the partners.

24. Any expenses incurred under Part III or IV of this Schedule by the secretary of the Board or by any person acting as an examiner shall be paid by the Board.

PART IV

HOLDING OF ELECTIONS TO BOARD

25. An election under paragraph 3 or, as the case may be, paragraph 4 of this Schedule shall be held on each fixed election date.

26. If by reason of his death or resignation or for any other reason any person elected as a member of the Board under the said paragraph 3 or 4 ceases to be a member of the Board not less than six months before the next fixed election date, the Board shall forthwith fix a date for an election to fill his place to be held within not less than six nor more than eight weeks and give not less than six weeks' notice thereof to each person included in the relevant certified list for the time being in force.

27.—(1) A person shall not be qualified to be a candidate at an election under paragraph 3 or 4 of this Schedule unless he is a British subject resident in the United Kingdom and not later than four weeks before the day of the election the secretary of the Board receives a document in writing nominating him as a candidate for election, and intimating his willingness to be elected, signed by or on behalf of a person included in the relevant certified list for the time being in force and, where he is not the same person, by the person nominated.

(2) A person shall not be qualified for nomination as a candidate at an election under the said paragraph 3 or, as the case may be, paragraph 4 if he is for the time being a duly nominated candidate for election under the other of those paragraphs.

28.—(1) If, when the time for lodging nominations for an election under paragraph 3 or 4 of this Schedule expires, the number of

duly nominated candidates is greater than the number of places on the Board to be filled at the election, the secretary of the Board shall not later than fourteen days before the day of the election send to each person included in the relevant certified list for the time being in force a voting sheet showing the number of places to be filled, the name of each candidate duly nominated and the names of the persons by whom each such candidate was nominated.

(2) Every recipient of a voting sheet who desires to take part in the election shall fill in the voting sheet by placing one X against the name of each candidate for whom he wishes to vote, so, however, that he shall not vote for more candidates than there are places to be filled at the election, and shall sign the voting sheet so filled in and send it to the secretary of the Board.

(3) Between twelve noon and four o'clock in the afternoon on the day of the election the secretary of the Board shall count the votes on all voting sheets received by him before twelve noon of that day and duly filled in and signed, attributing to each X the number of votes attributed to the voter in question in the certified list aforesaid, and shall declare elected such of the candidates not exceeding in number the number of places to be filled as have received the most votes.

(4) Where, in the case of any one or more of the places to be filled, it is not possible under the last foregoing sub-paragraph by reason of an equality of votes to declare any person or persons as elected to fill the place or places in question, the person or persons to be declared elected shall be determined by lot from among the persons who received an equality of votes.

29.—(1) If, when the time for lodging nominations for an election under paragraph 3 or 4 of this Schedule expires, the number of duly nominated candidates is not more than the number of places to be filled, those candidates shall be declared elected.

(2) If the number of candidates declared elected under the foregoing sub-paragraph is insufficient to fill all the places to be filled, or if when the time aforesaid expires there are no duly nominated candidates, such of the persons retiring from the places to be filled not exceeding in number the number of places remaining unfilled as may be qualified and willing to be re-elected, determined if necessary by lot, shall be declared elected.

(3) If in any case to which the foregoing provisions of this paragraph apply the number of persons declared elected under those provisions is insufficient to fill all the places vacant, the Board shall forthwith proceed under paragraph 26 of this Schedule to fix a date for a further election to fill the remaining places in like manner as if those places had become vacant as mentioned in that paragraph.

30. As soon as may be after any person has been declared elected under this Part of this Schedule, the secretary of the Board shall give notice thereof to that person and to any unsuccessful candidate and shall also publish notice thereof by advertisement in one or more newspapers circulating in the area in which the haven is situated.

Section 1.

SECOND SCHEDULE

SUBSECTION TO BE SUBSTITUTED FOR S. 4 (1) OF
MILFORD DOCKS ACT, 1957

- (1) The limits of the Docks shall be those necessary to include—
- (a) the works of the Company authorised by the Milford Docks Acts, 1874 to 1957, and by any subsequent enactment; and
- (b) the area bounded—
- (i) on the east, by a straight line drawn from the point of intersection of longitude $5^{\circ} 01' 52''$ west with the high water mark of ordinary spring tides on the north shore of Milford Haven (hereinafter referred to as "Point A") in a south-easterly direction to the point of intersection of latitude $51^{\circ} 42' 08''$ north with longitude $5^{\circ} 01' 16''$ west (hereinafter referred to as "Point B");
- (ii) on the south, by a straight line drawn from Point B in a westerly direction to the point of intersection of latitude $51^{\circ} 42' 04''$ north with longitude $5^{\circ} 02' 17''$ west (hereinafter referred to as "Point C");
- (iii) on the west, by a straight line drawn from Point C in a north-westerly direction to the point of intersection of longitude $5^{\circ} 02' 38''$ west with the high water mark aforesaid (hereinafter referred to as "Point D");
- (iv) on the north, by the high water mark of ordinary spring tides on the north shore of Milford Haven, including the shores of Hakin Point, Haven's Head Pill and Hubberston or Priory Pill, between Point D and Point A; and
- (c) so much, if any, of the following area as falls within two hundred and fifty yards of any part of any of the Company's piers, that is to say, the area bounded—
- (i) on the east, by a straight line drawn from Point D to Point C;
- (ii) on the south, by a straight line drawn from Point C in a westerly direction to the point of intersection of latitude $51^{\circ} 42' 04''$ north with longitude $5^{\circ} 03' 00''$ west (hereinafter referred to as "Point E");
- (iii) on the west, by a straight line drawn from Point E due north to the point where that line intersects the high water mark of ordinary spring tides on the north shore of Milford Haven (hereinafter referred to as "Point F");
- (iv) on the north, by the high water mark aforesaid between Point F and Point D.

THIRD SCHEDULE

Section 11.

AUTHORISED RATES OF DUES

1. Subject to the two next following paragraphs, the maximum rate of the dues which may be demanded under subsection (1) of section eleven of this Act shall be—

- (a) in the case of a vessel entering the haven on arrival from or, as the case may be, departing from the haven for any place within the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, one penny per ton ;
- (b) in the case of a vessel entering the haven on arrival from or, as the case may be, departing from the haven for any place outside the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland, fourpence per ton.

2. In the case of a vessel departing from the haven, the appropriate rates specified in the foregoing paragraph shall be increased by twopence in respect of every seven days or part of seven days by which the period between the entry into and departure from the haven of that vessel, after deducting any part of that period during which the vessel was within any such limits as are mentioned in subsection (3) or subsection (4) of section one of this Act, exceeds thirty days.

3. In the case of a vessel entering the haven for repairs or by reason only of stress of weather or other sufficient emergency and not loading or unloading any goods or embarking or disembarking any passengers, and in the case of a vessel entering the haven solely for the purpose of using oil reception facilities within the meaning of the Oil in Navigable Waters Act, 1955, the maximum rate aforesaid shall be one third of what it would otherwise be by virtue of the two foregoing paragraphs.

FOURTH SCHEDULE

Section 13.

PROVISIONS WITH RESPECT TO STOCK OF THE BOARD

Terms of issue, etc.

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

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

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

3. All the stock and the interest thereon shall rank *pari passu* regardless of the date of the issue thereof or of the resolution by

4TH SCH.
—cont.

which the creation and issue thereof was authorised and without any preference or priority on any ground whatsoever, and notice of the effect of this paragraph shall be indorsed on every stock certificate issued under this Schedule.

4. Any sum payable by way of interest on, or for the redemption of, any stock which for any reason not due to the default of the Board is not paid at the due date shall be paid on demand at any time thereafter to any person showing his right thereto, but no interest shall be payable thereon in respect of the period between the due date and the date of payment.

5. 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 Board by any other of those persons.

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

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

Stock register and stock certificates

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

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

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

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

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

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

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

Transfer and transmission of stock

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

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

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

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

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

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

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

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

4TH SCH.
—cont.

12.—(1) Any person becoming entitled to any stock in consequence of the bankruptcy of the holder thereof or otherwise than by the death of the holder or the transfer of the stock shall produce such evidence of his title as may be reasonably required by the Board, and until such evidence has been produced the Board shall not be affected by the transmission and any person claiming by virtue thereof shall not be entitled to receive any interest on the stock.

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

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

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

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

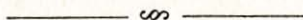


Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Harbours, Docks, and Piers Clauses Act, 1847	10 & 11 Vict. c. 27.
South Wales Railway Consolidation Act, 1855	18 & 19 Vict. c. xcvi.
Dockyard Ports Regulation Act, 1865	28 & 29 Vict. c. 125.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Sea Fisheries Regulation Act, 1888	51 & 52 Vict. c. 54.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Merchant Shipping Act, 1906	6 Edw. 7. c. 48.
Petroleum (Consolidation) Act, 1928	18 & 19 Geo. 5. c. 32.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Transport Charges &c. (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 64.
Oil in Navigable Waters Act, 1955	3 & 4 Eliz. 2. c. 25.
Milford Docks Act, 1957	5 & 6 Eliz. 2. c. xxxix.

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Year	Short Title
1958	Milford Haven Conservancy Act, 1958
1957	London County Council (Miscellaneous Provisions) Act, 1957
1956	London County Council (Miscellaneous Provisions) Act, 1956
1955	London County Council (Miscellaneous Provisions) Act, 1955
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