



# Medway Ports Authority Act 1973

1973 CHAPTER xxi

## PART I

### PRELIMINARY

#### 1 Short and collective titles

- (1) This Act may be cited as the Medway Ports Authority Act 1973.
- (2) The Medway Ports Reorganisation Scheme, 1968, and this Act may be cited together as the Medway Ports Authority Scheme and Act 1968 and 1973.

#### 2 Division of Act into Parts

This Act is divided into Parts as follows:—

Part I.—Preliminary. Part II.—Duties and general powers of the Authority. Part III.—Financial. Part IV.—Charges. Part V.—Goods. Part VI.—Byelaws. Part VII.—Miscellaneous and general.

#### 3 Interpretation

- (1) In this Act, unless the subject or context otherwise requires—
  - " the Authority " means the Medway Ports Authority;
  - " charges " includes charges, rates, tolls and dues of every description for the time being payable to the Authority under any enactment;
  - " daily fine " means a fine for each day on which an offence is continued after conviction;
  - " dangerous goods " means any goods declared by rules for the time being made under section 23 of the Merchant Shipping (Safety Convention) Act, 1949, to be dangerous in their nature;
  - " docks " means the docks, piers, wharves, quays, berths, roads, railways, bridges, sheds and other works and conveniences, and the lands, buildings and property of every description and of whatever nature which are for the time

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being vested in or occupied by the Authority, and " dock " shall be construed accordingly;

" drainage authority " means any drainage authority for an internal drainage district constituted under the Land Drainage Act, 1930;

" dredging licence" means a licence granted under subsection (1) of section 38 (Licence to dredge) of this Act;

" duties of customs and excise" includes any tax, levy, surcharge or other sum to the collection of which the general provisions of the Customs and Excise Act, 1952, relating to customs or excise have been applied by statute;

" the electricity undertakers " means the Central Electricity Generating Board and the South Eastern Electricity Board, or either of them, as the case may be;

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

" enactment" includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation made under an Act;

" fish " includes shell-fish and also the spawn, brood and fry of fish and shell-fish;

" functions " includes powers and duties; " the gas undertakers " means the British Gas Corporation;

" gas work " means any main, pipe, apparatus, building, structure or other work of any nature belonging to or maintained by the gas undertakers;

" general direction" means a direction authorised by section 20 (General directions to vessels in the port and the Medway approach area) of this Act or by subsection (1) of section 22 (Directions to vessels at the docks) of this Act;

" goods" includes fish, livestock and animals of all descriptions;

" the harbour master " means the harbour master appointed by the Authority and includes his authorised deputies and assistants and any person authorised by the Authority to act in that capacity;

" the Harbours Clauses Act, 1847," means the Harbours, Docks and Piers Clauses Act, 1847;

" hovercraft " has the same meaning as in the Hovercraft Act, 1968;

" hydrofoil vessel" means a vessel, however propelled, designed to be supported on foils;

" land " includes land covered by water, any interest in land and any easement or right in, to or over land;

" landing places" means wharves and other waterside landing places, piers, jetties and similar installations and includes approaches from land to such installations;

" the level of high water " means the level of mean high-water springs;

" magistrates' court" has the same meaning as in the Magistrates' Courts Act, 1952;

" the Medway approach area " means the area described in Schedule 1 to this Act;

" owner " when used with reference to any vessel includes the owner, agent, master, charterer or other person in charge of the vessel, and when used with reference to goods includes the owner, agent, consignor, shipper, consignee

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or other person in charge of the goods and their respective agents in relation thereto;

" the port " means the areas shown within the red line delineated on the map marked " plan defining the limits of the port" annexed to the Scheme and, so far as not included in any of those areas, includes the docks;

" port facilities" means services and facilities for or in connection with the berthing, moving or dry-docking of vessels, the loading or unloading of goods or the embarking or disembarking of passengers in or from vessels, the lighterage, sorting, weighing, warehousing or handling of goods, and the movement of goods and passengers;

" the river " has the meaning assigned thereto by section 4 (Application of Act to part of River Medway) of the Medway Conservancy Act, 1881;

" the river authority " means the Kent River Authority;

" the Scheme " means the Medway Ports Reorganisation Scheme, 1968;

" seaplane " includes a flying boat and any other aircraft designed to manoeuvre on the water but does not include a hovercraft or hydrofoil vessel;

" the Secretary of State " means the Secretary of State for Trade and Industry;

" the sewerage board " means the Rochester, Chatham and Gillingham Joint Sewerage Board;

" sewerage work " means a sewer outfall, subaqueous pipe or sewer vested in the sewerage board;

" special direction " means a direction authorised by section 21 (Special directions to vessels in the port and the Medway approach area) of this Act or by subsections (2) or (3) of section 22 (Directions to vessels at the docks) of this Act;

" statutory securities " means any securities in which trustees are for the time being authorised to invest trust moneys;

" tidal work " means so much of any work vested in the Authority at the commencement of this Act as is on, under or over tidal waters or tidal lands below the level of high water;

" Trinity House " means the Corporation of Trinity House of Deptford Strond;

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

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

" works licence " means a licence granted under subsection (1) of section 37 (Licensing of works) of this Act.

- (2) In this Act and the enactments incorporated therewith "vessel" means every description of vessel, however propelled or moved, and includes a hovercraft, a hydrofoil vessel, any thing constructed or used to carry persons or goods by water and, except for the purpose of levying rates, a seaplane on or in the water.
- (3) Except where the context otherwise requires, references in this Act to any other enactment shall be construed as references to that enactment as applied, extended, varied or amended by, or by virtue of, any subsequent enactment, including this Act.

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#### **4 Incorporation of Harbours Clauses Act, 1847**

The provisions of the Harbours Clauses Act, 1847 (except sections 6 to 13, 16 to 19, 22, 23, 25, 26, 42, 43, 48, 49, 50, 77, 83 to 90, 97, 98, 101 and 102) so far as they are applicable for the purposes of, and are not inconsistent with, the provisions of this Act are hereby incorporated with and form part of this Act:

Provided that in construing the provisions so incorporated—

- (i) the expression " the special Act" shall mean this Act, the expressions " the Promoters of the undertaking " and " the undertakers " shall mean the Authority, and the expression " the harbour, dock or pier " shall mean the port;
- (ii) section 15 shall have effect as if for the words from " shall forfeit" to the end of the section there were substituted the words  
"shall be liable on summary conviction to a fine not exceeding £100";
- (iii) section 63 shall have effect as if for the words from " penalty " to the end of the section there were substituted the words  
"fine not exceeding £20";
- (iv) section 69 shall have effect as if for the words from " sum " to the end of the section there were substituted the words  
"sum not exceeding £10".