



# Medway Ports Authority Act 1973

## 1973 CHAPTER xxi

### PART VII

#### MISCELLANEOUS AND GENERAL

#### 82 Traffic offences on dock roads

- (1) The sections of the Acts of 1967 and 1972 mentioned in Schedule 2 to this Act shall have effect as if—
- the expression " road " and the expression " highway " included a dock road;
  - references therein to " highway authority " were construed, in relation to dock roads, as references to the Authority; and
  - in the sections thereof mentioned in Part II of Schedule 2 to this Act the expression " constable " included an officer of the Authority authorised in that behalf;

and any person who commits an offence under any of those sections, as extended by this section, shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 196 of the Act of 1972, and, subject to the provisions; of this section, all the provisions of the said Acts, so far, as, applicable (including, without prejudice to the generality of the foregoing, sections 12, 144, 164, 167, 168, 179, 188 and 196 of the Act of 1972 and section 79 of the Act of 1967) shall apply accordingly.

- (2) If no duty is chargeable under the Vehicles (Excise) Act, 1971, in respect of a motor vehicle—
- by virtue of the provisions of subsection (1) of section 7 of that Act; or
  - by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

sections 4, 84, 99, 143, 161 and 166 of the Act of 1972 shall not apply in respect of that vehicle while it is being driven, or to any person while driving it, on a dock road.

- (3) Regulations or orders made under section 20 of the Act of 1967 or under section 40 or 66 of the Act of 1972, and from time to time in force, shall extend and apply to dock

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roads as they apply to roads as defined by section 104 of the Act of 1967 or section 196 of the Act of 1972, and section 87 of the Act of 1967, subsection (5) of section 40 and section 177 of the Act of 1972 shall apply accordingly:

Provided that, if no duty is chargeable under the Vehicles (Excise) Act, 1971, in respect of a motor vehicle—

- (a) by virtue of the provisions of subsection (1) of section 7 of that Act; or
- (b) by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act;

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

(4) In this section—

" the Act of 1967 " means the Road Traffic Regulation Act, 1967;

" the Act of 1972 " means the Road Traffic Act, 1972;

" dock road " means any road, pier, wharf, quay, bridge or other work which, or any land which, is vested in or is the property of the Authority and is accessible to motor vehicles, not being a road to which the Act of 1972 applies;

" motor vehicle " has the same meaning as in the Act of 1972.

### **83 Authentication of Authority's documents**

- (1) Any notice, licence or other document given or issued by the Authority under any enactment shall, unless the contrary intention is expressed in the enactment in question, be sufficiently authenticated if signed by the secretary of the Authority or by one of his deputies, and need not be sealed by the Authority.
- (2) Without prejudice to the generality of subsection (1) of this section all documents relating to goods at the docks or to the management of the business at the docks shall be sufficiently authenticated if signed by a duly authorised officer of the Authority and need not be sealed by the Authority.

### **84 Service of documents**

- (1) Any document required or authorised by or under this Act to be given to or served on a person—
  - (a) being a corporation, society or association, shall be duly given or served if it is given to or served on the secretary or clerk of the corporation, society or association;
  - (b) being a partnership, shall be duly given or served if it is addressed to the partnership identifying it by the name or style under which its business is carried on.
- (2) Subject to the provisions of this section, any notice, consent, approval, demand or other document required or authorised by or under this Act to be given to or served on any person may be given or served either—
  - (a) by delivering it to that person; or
  - (b) by leaving it at his proper address; or
  - (c) by post;

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so however that, where such a document is sent by post otherwise than in a letter sent by the recorded delivery service, it shall be deemed not to have been given or served if it is proved that it was not received by the person to whom it was addressed.

- (3) For the purposes of this section, and of section 26 of the Interpretation Act, 1889, in its application to this section, the proper address of any person to or on whom such a document is to be given or served shall—
- (a) in the case of the secretary or clerk of a corporation, society or association, be that of the registered or principal office of the corporation, society or association;
  - (b) in the case of a partnership, be the principal place of business of the partnership; and
  - (c) in any other case, be the usual or last known place of abode of the person to whom the document is given:

Provided that, where the person to or on whom such a document is to be given or served has furnished an address for service in accordance with arrangements agreed to in that behalf, his proper address for the purpose of this subsection shall be the address so furnished.

- (4) If the name or address of any owner or occupier of any premises to or on whom any such document is to be given or served cannot after reasonable inquiry be ascertained by the person seeking to give or serve the document, the document may be given or served by addressing it to the person to whom it is to be given or on whom it is to be served by the description of "owner" or "occupier" of the premises (describing them) to which the document relates, and by delivering it to some responsible person at the premises, or, if there is no such person to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (5) The provisions of subsections (1) to (4) of this section shall not apply to the service of a summons.
- (6) For the purpose of enabling any document to be served on the owner of any premises, the Authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction to a fine not exceeding five pounds.

## **85 For mutual protection of Authority and Port of London Authority**

- (1) In this section "the Act of 1968" means the Port of London Act, 1968.
- (2) If any dispute or difference shall arise between the Authority and the Port of London Authority in connection with—
- (a) a refusal by the Port of London Authority to grant to the Authority on reasonable terms a licence to dredge within the Medway approach area under section 73 (Licensing of dredging, etc.) of the Act of 1968;
  - (b) the exercise by the Port of London Authority of their powers with respect to vessels sunk, stranded or abandoned within the Medway approach area under section 120 (Power to raise and remove vessels sunk, etc.) of the Act of 1968; or
  - (c) the construction of works by the Port of London Authority in the Medway approach area or the exercise by the Port of London Authority in that area

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of their powers under section 60 (Dredging and improvement) of the Act of 1968 or the exercise by the Port of London Authority of their powers under section 111 (General directions to vessels in the Thames) of the Act of 1968 or the granting by the Port of London Authority to any other person of permission within the Medway approach area—

- (i) to dredge or take up or remove material from the bed and banks of the river Thames under the said section 73; or
- (ii) to carry out, construct, place, alter, renew, maintain or retain works under section 66 (Licensing of works) of the Act of 1968;
- (d) the exercise by the Authority of the powers conferred upon them by section 20 (General directions to vessels in the port and the Medway approach area) or section 30 (Further powers within the Medway approach area) of this Act within the Medway approach area;
- (e) the exercise by the harbour master of the powers conferred upon him by section 21 (Special directions to vessels in the port and the Medway approach area) of this Act within the Medway approach area;

the dispute or difference may be referred by either party after notice in writing to the other of them—

- (i) in the case of a dispute or difference arising in relation to the construction of works by the Port of London Authority in the Medway approach area, under the said sections 66, 111 and 120, under the said sections 20 and 21 or under subsections (1) or (3) of the said section 30 to the Secretary of State; and
- (ii) in any other case, to the Secretary of State for the Environment;

and the decision of the Secretary of State or of the Secretary of State for the Environment, as the case may be, shall be final and binding on both parties:

Provided that where a dispute or difference in respect of any matter mentioned in subparagraph (ii) of paragraph (c) of this subsection is referred to the Secretary of State, the licensee or the applicant for a licence, as the case may be, under the said section 66 shall be given an opportunity of being heard and in such a case section 69 (Appeal to Board of Trade) of the Act of 1968 shall not apply.

- (3) Where the Port of London Authority propose to execute works in the Medway approach area in respect of which approval is required under section 76 (Works to be approved by Board of Trade) of the Act of 1968, they shall before making application for such approval give notice in writing to the Authority of their intention to do so and where the Port of London Authority propose to direct or give their licence, consent or permission to the execution by any other person of works in that area in respect of which approval is required under the said section 76, they shall before giving such direction, licence, consent or permission give the like notice to the Authority.

## **86 Crown rights**

- (1) With the exception of the provisions of this Act relating to the removal of obstructions, nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown, and, in particular, nothing in this Act shall authorise the Authority to take, use or interfere with any land or rights—
  - (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners on behalf of Her Majesty; or
  - (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department;

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without the consent in writing of the Crown Estate Commissioners or the government department, as the case may be.

- (2) Paragraph (a) of subsection (1) of section 40 (Restriction on construction of works and dredging) of this Act shall not extend to works constructed by the Secretary of State for Defence on that part of the bed or soil or shores of the river referred to in the proviso to section 75 (On payment of 65,0001 by Conservators to corporation, estate, Sec., of corporation to vest in Conservators) of the Medway Conservancy Act, 1881.

## **87 Crown right of access**

Any person employed by the Secretary of State for the Environment or the Secretary of State and any officer as defined in the Customs and Excise Act, 1952, shall have free access to the port while in the execution of his duty.

## **88 For protection of electricity undertakers**

- (1) Nothing in section 40 (Restriction on construction of works and dredging) of this Act shall apply to the construction, alteration, renewal, extension or maintenance by the electricity undertakers of any electricity work from time to time authorised under or by virtue of any enactment or any consent, wayleave or other instrument given or made under any enactment or make it unlawful for the electricity undertakers to carry out any work not so authorised, or any dredging, necessary in case of emergency for the protection of or to ensure the efficient operation of any electricity work.
- (2) (a) Before granting a licence to any person for the construction, alteration, extension, renewal or maintenance of any works under section 37 (Licensing of works) or for dredging under section 38 (Licence to dredge) of this Act, the Authority shall, in any case where the proposed works or dredging would be at, over, under or near to any electricity work situated on or under tidal waters or tidal lands below the level of high water in the port, or in such a position as to be likely to affect or endanger any such work, or in any case where reasonably so requested by the electricity undertakers, submit to the electricity undertakers detailed particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the electricity undertakers may reasonably require, and such licence shall only be granted subject to such conditions as may be reasonably necessary to safeguard the electricity work including, without prejudice to the generality of the foregoing, conditions empowering the electricity undertakers from time to time to inspect the works or dredging to which the licence relates and to take any steps necessary to prevent damage to the electricity work or to ensure that the electricity work can operate efficiently and to recover from the holder of the licence the reasonable cost of any works carried out by the electricity undertakers for those purposes.
- (b) If in any case any difference arises between the Authority and the electricity undertakers with respect to the particulars required to be furnished to the electricity undertakers by the Authority or with respect to the conditions which the undertakers require to be attached to any licence granted under either of the said sections 37 or 38, such difference shall be determined by a single arbitrator to be agreed between the Authority and the electricity undertakers or in default of agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

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- (c) If within three weeks of the receipt by the electricity undertakers from the Authority of the particulars of any proposed works or dredging the electricity undertakers do not require any further particulars to be furnished or in any case where further particulars are required, within two weeks of the receipt thereof by the electricity undertakers, the electricity undertakers do not intimate that they require conditions to be attached to the licence for such works or dredging, the electricity undertakers shall be deemed to have acquiesced in the granting thereof.
  - (d) Upon the grant of any licence to which this subsection applies the Authority shall supply to the electricity undertakers a copy of the licence and any conditions subject to which it is granted.
- (3) Except in a case which is, in the opinion of the Authority a case of emergency, the Authority shall before raising, removing or destroying any vessel sunk, stranded or abandoned in the port and within a distance of 150 yards of any electricity work give the electricity undertakers as long notice as is practicable of their intention to do so.
- (4) In the exercise of the powers of section 34 (Reclaiming creeks, etc.) and section 35 (Works in the port) of this Act the Authority shall not damage or injuriously affect any electricity work or, without the consent of the electricity undertakers, interfere with or adversely affect the operation of any electricity work and the said powers shall be so exercised as not to render unreasonably inconvenient the access to any electricity work.

## **89 For protection of gas undertakers**

- (1) Nothing in section 40 (Restriction on construction of works and dredging) of this Act shall apply to the construction, alteration, renewal, extension or maintenance by the gas undertakers of any gas work from time to time authorised under or by virtue of any enactment or any consent, wayleave or other instrument given or made under any enactment or make it unlawful for the gas undertakers to carry out any work not so authorised, or any dredging, necessary in case of emergency for the protection of or to ensure the efficient operation of any gas work.
- (2) (a) Before granting a licence to any person for the construction, alteration, extension, renewal or maintenance of any works under section 37 (Licensing of works) or for dredging under section 38 (Licence to dredge) of this Act, the Authority shall, in any case where the proposed works or dredging would be at, over, under or near to any gas work situated on or under tidal waters or tidal lands below the level of high water in the port, or in such a position as to be likely to affect or endanger any such work, or in any case where reasonably so requested by the gas undertakers, submit to the gas undertakers detailed particulars of the proposed works or dredging, as the case may be, and furnish them with such further particulars with respect thereto as the gas undertakers may reasonably require, and such licence shall only be granted subject to such conditions as may be reasonably necessary to safeguard the gas work including, without prejudice to the generality of the foregoing, conditions empowering the gas undertakers from time to time to inspect the works or dredging to which the licence relates and to take any steps necessary to prevent damage to the gas work or to ensure that the gas work can operate efficiently and to recover from the holder of the licence the reasonable cost of any works carried out by the gas undertakers for those purposes.
- (b) If in any case any difference arises between the Authority and the gas undertakers with respect to the particulars required to be furnished to the gas undertakers by the Authority or with respect to the conditions which the

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gas undertakers require to be attached to any licence granted under either of the said sections 37 or 38, such difference shall be determined by a single arbitrator to be agreed between the Authority and the gas undertakers or in default of agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

- (c) If within three weeks of the receipt by the gas undertakers from the Authority of the particulars of any proposed works or dredging the gas undertakers do not require any further particulars to be furnished or in any case where further particulars are required, within two weeks of the receipt thereof by the gas undertakers, the gas undertakers do not intimate that they require conditions to be attached to the licence for such works or dredging, the gas undertakers shall be deemed to have acquiesced in the granting thereof.
  - (d) Upon the grant of any licence to which this subsection applies the Authority shall supply to the gas undertakers a copy of the licence and any conditions subject to which it is granted.
- (3) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall before raising, removing or destroying any vessel sunk, stranded or abandoned in the port and within a distance of 150 yards of any gas work give the gas undertakers as long notice as is practicable of their intention to do so.

## **90 For protection of British Railways Board and Kent County Council**

For the protection of the board and the council the following provisions shall, unless otherwise agreed in writing between the Authority and the board and the council, apply and have effect:—

- (1) In this section—
  - " the board " means the British Railways Board;
  - " the bridge " means the bridge known as Kingsferry Bridge being the bridge comprised in Work No. 7 authorised by the British Transport Commission Act, 1957;
  - " the council" means the county council of the administrative county of Kent and on and after the 1st April, 1974, the Kent County Council:
- (2) (a) Before exercising their powers under section 36 (Power to dredge) of this Act of deepening, dredging, scouring or improving the bed and foreshore of the port within a distance of 75 yards of the centre line of the bridge, the Authority shall, except in a case which is, in the opinion of the Authority, a case of emergency (in which case the Authority shall give the board and the council notice thereof as soon as is practicable), submit to the board and the council for their reasonable approval plans and sections defining the nature, extent and manner of the operations to be carried out in the exercise of those powers; exceptions aforesaid the powers, shall not be exercised otherwise than in accordance with such plans and sections as may be reasonably approved by the board and the council or as may be settled by arbitration under paragraph (4) of this section and in such manner as may be reasonably approved by the board and the council;
- (b) If the board and the council do not signify their approval or disapproval of such plans and sections within twenty-eight days after their submission they shall be deemed to have approved the same;

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- (c) The approval of the board and the council under this paragraph shall not be unreasonably withheld:
- (3) Notwithstanding the provisions of section 40 (Restriction on construction of works and dredging) of this Act the board and the council may execute and maintain such works in the bed or on the shores of the Swale as may be necessary for the safety and protection of the bridge:  
 Provided that such works shall not unreasonably interfere with the channel or the maintenance or improvement thereof or with the free navigation and user of the Swale:
- (4) Any difference arising between the Authority and the board or the council under this section shall be determined by a single arbitrator to be agreed between the Authority and the board or the council, or in default of agreement, to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

## **91 For protection of river authority**

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

- (1) (a) In this section unless the subject or context otherwise requires—
  - " authorised work " means a work or equipment in, on, under or over the port (including an operation authorised by section 34 (Reclaiming creeks, etc.) of this Act) which may interfere with, or with the use of a protected work or a watercourse but does not include— (i) the carrying out of any works authorised by section 63 of the Land Drainage Act, 1930; or
    - (i) the erection of a structure or the carrying out of any work of alteration or repair of a structure in respect of which the consent of the river authority is required under section 31 of the Land Drainage Act, 1961;
  - " to construct" includes to carry out, place, lay down, alter, renew or remove and "constructed" and "construction" shall be construed accordingly;
  - " inland water " means any inland water as defined in subsection (1) of section 135 of the Water Resources Act, 1963, which is under the jurisdiction of the river authority for the purpose of any of their functions;
  - " plan " includes sections and particulars;
  - " protected work" means any work owned or maintained by, or under the control of, the river authority for the purpose of any of their functions;
- (b) References in this section to interference with or damage to an inland water include interference with or impairment of its efficiency for drainage purposes:
- (2) (a) Before exercising their powers under section 36 (Power to dredge) of this Act within a distance of 500 yards of any protected work the Authority shall, except in a case which is, in the opinion of the Authority one of emergency (in which case the Authority shall give the river authority notice thereof as soon as is practicable), submit to the river authority for their reasonable approval



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- plans defining the nature, extent and manner of the operations to be carried out in the exercise of those powers and except as aforesaid the powers shall not be exercised otherwise than in accordance with such plans as may be reasonably approved by the river authority or as may be settled by arbitration and in such manner as may be reasonably approved by the river authority;
- (b) If by reason of any dredging operations carried out by the Authority any protected work shall be injured or its efficiency impaired, the river authority may make good such injury and restore the protected work to a proper standard of efficiency, or may construct some other work in substitution therefor, and in any such case the Authority shall pay the river authority the costs reasonably incurred by the river authority (including a proper proportion of their overhead charges) in carrying out any such works:
- (3) (a) Before commencing to construct an authorised work the Authority shall submit a plan of the work to the river authority for their approval, which is not to be unreasonably withheld, and shall not commence to construct the authorised work until the plan has been approved by the river authority or, in the case of difference, until it has been settled by arbitration;
- (b) Not less than fourteen days before commencing a work of maintenance or repair of any authorised work which may interfere with a protected work or may interfere with an inland water the Authority shall, except in the case of emergency, submit to the river authority for their information a notice of intention to commence the work and a description of the work;
- (c) Sub-paragraph (a) of this paragraph shall not apply in any case to which sub-paragraph (b) thereof applies:
- (4) (a) If the river authority do not signify their approval or disapproval of a plan submitted under either paragraph (2) or (3) of this section within two months after the receipt thereof they shall be deemed to have approved the plan;
- (b) In giving their approval of a plan submitted under either paragraph (2) or (3) of this section the river authority may attach thereto such conditions (including conditions requiring the construction of protective works by and at the expense of the Authority during the construction of an authorised work or during the carrying out of a dredging operation by the Authority involving the cutting of a bank) as are reasonably necessary to safeguard the protected work or inland water against damage:
- (5) (a) If by reason of—
- (i) the construction, maintenance or repair of an authorised work; or
- (ii) the failure of that work or of the Authority to maintain it;
- a protected work or inland water is interfered with the river authority may—
- (a) make good the protected work or inland water so as to restore it to its former standard of efficiency; or
- (b) where necessary, construct some other work in substitution therefor;
- and may recover from the Authority the reasonable cost of so doing;
- (b) For the purposes of this paragraph the reasonable cost shall include a proper proportion of the overhead charges of the river authority and any cost of executing works needed for remedying any subsidence of the protected work or of the substituted work during such reasonable period as is agreed between the Authority and the river authority or, in default of agreement, as may be settled by arbitration:

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- (6) If the river authority have reasonable grounds for believing that a protected work or inland water is likely to be damaged in any of the circumstances mentioned in the last foregoing paragraph, they may carry out such protective works as may be agreed between the river authority and the Authority or as, in default of agreement, may be settled by arbitration:
- (7) The Authority shall not without the consent of the river authority construct an authorised work so as to obstruct to an unreasonable extent access to a protected work or inland water by the river authority and their officers, servants, workmen, contractors and agents together with any vehicles, plant and machinery as may be reasonably necessary but such consent shall not be unreasonably withheld and may be given subject to reasonable terms and conditions:
- (8) Any difference which may arise between the Authority and the river authority under this section (save a difference as to the meaning thereof) shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers :
- (9) Except in a case which is, in the opinion of the Authority, a case of emergency, the Authority shall, before raising, removing or destroying under the powers conferred upon them by section 530 of the Merchant Shipping Act, 1894, any vessel sunk, stranded or abandoned in the port or in or near any approach thereto and within a distance of 500 yards of any protected work, give to the river authority in writing as long notice as is practicable of their intention to do so.

## **92 For protection of drainage authorities**

The provisions of section 91 (For protection of river authority) of this Act shall extend and apply to and enure for the protection of a drainage authority (other than the river authority) in the same manner and to the same extent as if the said provisions were re-enacted in this section with the necessary modifications including the substitution of—

- (1) references to the drainage authority for references to the river authority;
- (2) the following for sub-paragraphs (i) and (ii) of the definition of " authorised work " in paragraph (1):—" the carrying out of any works authorised by section 63 of the Land Drainage Act, 1930 ";
- (3) the following definition for the definition of " inland water " in the said paragraph (1):  
 —  
 " ' inland water ' means a watercourse, as defined in the Land Drainage Act, 1936, subject to the control of the drainage authority.

## **93 For protection of Nature Conservancy**

Before beginning any development authorised by this Act which is likely to have an adverse effect on any flora or fauna and which is development for the time being permitted by any general order made under section 24 of the Town and Country Planning Act, 1971, the Authority shall consult the Nature Conservancy.

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**94 Saving for powers of Treasury**

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

**95 Saving for Trinity House**

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

**96 Saving for Rochester Bridge**

Nothing in this Act shall affect the provisions of the Rochester Bridge Act, 1846, or the Rochester Bridge Act, 1965.

**97 Saving for labour scheme**

Nothing in this Act or in any byelaw made thereunder or in any licence granted by the Authority shall affect the operation of any labour scheme for the time being in force under the Dock Workers (Regulation of Employment) Act, 1946, or any licence granted under the Docks and Harbours Act, 1966.

**98 Saving for Wireless Telegraphy Act, 1949**

Nothing in this Act shall entitle or oblige the Authority to install or use apparatus for wireless telegraphy as defined in the Wireless Telegraphy Act, 1949, in contravention of the provisions of that Act.

**99 Saving for river authority, etc.**

Nothing in this Act, the Scheme or any enactment referred to in section 105 (Saving for certain enactments) of this Act shall prejudice or derogate from or in any wise alter or affect or interfere with the rights, powers and privileges of the river authority or any drainage authority under any enactment.

**100 Saving for port health authority**

Nothing in this Act shall prejudice or affect the rights, powers and duties of the corporation of the city of London as port health authority under section 41 of the London Government Act, 1963.

**101 Saving for Queenborough Fishery**

Nothing in this Act shall affect prejudicially any estate, right, power or privilege of the Queenborough-in-Sheppey Corporation as trustees of the Queenborough Fishery.

**102 Saving for Rochester Oyster Fishery**

Nothing in this Act shall affect the provisions of the Rochester Oyster Fishery Act, 1865.

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**103 Saving for Faversham Oyster Fishery**

Nothing in this Act shall affect the provisions of the Faversham Oyster Fishery Act, 1930.

**104 Saving for Chatham Sun Pier**

Nothing in this Act shall affect the provisions of the Chatham Pier Orders, 1863 to 1902.

**105 Saving for certain enactments**

- (1) The following enactments shall continue to apply to the Authority as if for references therein to the Medway Lower Navigation Company there were substituted references to the Authority:—
- (a) sections 3, 7, 66, 67, 70 and 72 of the Medway Lower Navigation Act, 1802;
  - (b) sections 1, 3, 8, 9, 43, 61, 62 and 63 of the Medway Lower Navigation Act, 1824;
  - (c) the Medway Lower Navigation Act, 1907, except subsection (2) of section 1 and section 7;
  - (d) subsections (1), (2) and (3) of section 1, sections 4, 40, 41, 52 and 54 of and the First Schedule to the Medway Lower Navigation Act, 1935.
- (2) Sections 86 and 136 of the Medway Conservancy Act, 1881, and sections 109 and 110 of the Milton Creek Conservancy Act, 1899, shall continue to apply to the Authority as if for references therein to the Conservators of the River Medway or the Conservators of Milton Creek, as the case may be, there were substituted references to the Authority.

**106 Saving for Coast Protection Act, 1949**

Nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act, 1949.

**107 Saving for Town and Country Planning Act, 1971**

Section 289 of the Town and Country Planning Act, 1971 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that Session; and accordingly the Town and Country Planning Act, 1971, and orders, regulations, rules, schemes, and directions made or given thereunder shall apply to development authorised by this Act.

**108 Amendment of Port of London Act, 1968**

The Port of London Act, 1968, shall have effect as if—

- (a) in sub-paragraph (iv) of paragraph (b) of subsection (3) of section 168 (Confirmation of byelaws) for the words " clerk of the; Conservators of the River Medway " there were substituted the words

“secretary of the Medway Ports Authority”;

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (b) in paragraph (b) of subsection (1) of section 187 (Certain powers not exercisable in Medway approach area and areas off Southend-on-Sea and Sheerness) for the words " Conservators of the River Medway" there were substituted the words  
"Medway Ports Authority";
- (c) in paragraph 2 of Schedule 1 for sub-paragraphs (a) and (b) there were substituted the following sub-paragraph :—
  - "(a) any part of the port as defined in the Medway Ports Reorganisation Scheme, 1968;"

## **109 Repeals**

- (1) The enactments referred to in the first, second and third columns of Schedule 3 to this Act are hereby repealed to the extent specified in the fourth column of that Schedule.
- (2) Notwithstanding the repeals effected by subsection (1) of this section—
  - (a) all property vested in the Authority immediately before the commencement of this Act shall continue vested in them;
  - (b) all byelaws made by the Authority or their predecessors and all licences, certificates and consents issued by the Authority in force immediately before the commencement of this Act shall continue in force and shall be deemed to have been made or issued under the appropriate provisions of this Act;
  - (c) all charges and other sums immediately before the commencement of this Act due or accruing due to the Authority may be collected and recovered;
  - (d) any deed or agreement or other instrument which refers to the provisions of any enactment which is re-enacted, with or without modifications, in this Act shall be deemed to refer to the re-enacted provision contained in this Act;
  - (e) any instrument entered into by the Authority under the provisions of any enactment which is re-enacted, with or without modifications, in this Act shall be deemed to have been entered into under the appropriate provisions of this Act.

## **110 Costs of Act**

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