

**ELIZABETH II**



**1981 CHAPTER xxii**

An Act to empower the Preston Borough Council to close the port and harbour of Preston, to repeal the Ribble Navigation Acts 1883 to 1964; and for other purposes.  
[27th July 1981]

**W**HEREAS—

(1) By the Ribble Navigation and Preston Dock Act 1883 the 1883 c. cxv. undertaking of the Ribble Navigation Company was transferred to the mayor, aldermen and burgesses of the borough of Preston (hereinafter referred to as “the Corporation”):

(2) The Preston Borough Council (hereinafter referred to as “the Council”) as successors to the Corporation are the port and harbour authority of the port and harbour of Preston (hereinafter referred to as “the port”):

(3) The port presently includes a dock, its associated entrance basin and lock, storage areas, transit sheds and ancillary works and equipment, together with some 16 miles of the dredged, trained, marked and lit channel of the river Ribble leading thereto:

(4) Except during the period between 1955 and 1972 the port undertaking has been subsidised annually from the general rate fund of the Corporation or the Council:

(5) The annual level of losses of the port undertaking increased from less than £200,000 in the year ended 31st March 1973 to more than £1,400,000 in the year ended 31st March 1976 and in October 1976 the Council decided that the only reasonable course of action to adopt was the phased closure of the port:

1972 c. 63.

(6) Subsequent thereto and after further consideration the Council decided to apply for and received from Her Majesty's Government a grant under section 7 of the Industry Act 1972 of not more than £2,000,000 and to continue to operate the port under Government nominated management for a test period of two years from 1st October 1977 to 30th September 1979, to try to establish whether the port undertaking had real prospects of achieving financial viability within a reasonable time.

(7) The Council have been and are advised that on the basis of the results of the test period, there is no reasonable prospect of maintaining and managing the port otherwise than at a continuing loss, which would have to continue to be subsidised from the general rate fund of the Council.

(8) It is expedient that the Council be authorised to discontinue the port undertaking and to close the port:

(9) It is expedient that the other powers contained in this Act should be conferred on the Council:

(10) It is expedient that the other provisions in this Act should be enacted:

(11) The purposes of this Act cannot be effected without the authority of Parliament:

(12) A plan showing the lands in respect of which certain user rights may be affected by the closure of the port under the powers of this Act and also a book of reference to such plan containing the names of the owners and lessees, or reputed owners or lessees and of the occupiers of those lands, were duly deposited in the office of the Clerk of the Parliaments and the Private Bill Office, House of Commons, and with the proper officer of the Lancashire County Council:

1972 c. 70.

(13) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

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

Short title.

1. This Act may be cited as the Preston Borough Council Act 1981.

2. In this Act, unless the context otherwise requires— Interpretation.

“ the Act of 1964 ” means the Preston Corporation Act 1964 c. xviii.  
1964;

“ the borough ” means the borough of Preston;

“ the Council ” means the council of the borough;

“ the date of closure ” means the date determined by the  
Council under section 3 (Power to close port) below;

“ the port ” means the port and harbour of Preston the  
area of which is described in subsection (1) of section 5  
of the Act of 1964;

“ the port undertaking ” means the Ribble Navigation  
undertaking as defined in section 3 of the Act of 1964  
and includes all powers, duties and obligations attaching  
thereto, but does not include the railway undertaking;

“ the railway undertaking ” means the part vested in the  
Council of the undertaking that was authorised by the  
North Union and Ribble Navigation Branch Railway  
Act 1845 to carry goods and passengers by railway; 1845 c. cxvi.

“ the training walls ” means the training walls constructed  
or provided by the Council or their predecessors under  
the Acts relating to the Ribble Navigation;

“ the training walls plan ” means the plan marked “ Training  
Walls ” and prepared in triplicate, one copy of which  
has been deposited in the office of the Clerk of the  
Parliaments, one in the Private Bill Office, House of  
Commons and one in the office of the proper officer of  
the Council;

“ Trinity House ” means the Corporation of Trinity House  
of Deptford Strond.

3.—(1) Subject to the provisions of this section, the Council Power to  
may discontinue the port undertaking and otherwise close the close port.  
port on a date to be previously determined by them and on and  
from that date they shall cease to maintain and manage the port,  
and shall cease to be a port and harbour authority.

(2) Subject to the provisions of this Act, on and from the date  
of closure the Council shall cease to be under any obligation  
inconsistent with the closure of the port and to which they were  
subject whether as port and harbour authority or as lessor or  
otherwise.

(3) After the date of closure, the Council may dismantle,  
demolish and remove from the port and may sell or otherwise  
realise all property owned by them as former port and harbour  
authority and may appropriate any such property or the proceeds



of sale or realisation thereof for the purposes of any of their functions.

(4) After the date of closure the Council may dispose of or appropriate, for any purpose or purposes for which they are authorised by any enactment to acquire land by agreement, all or any part of the land owned by them as former port and harbour authority.

(5) The date determined by the Council by resolution as the date for the closure of the port pursuant to the powers conferred by this section shall be a date not less than two months after the date of the resolution of the Council.

(6) As soon as may be after the passing of such resolution, the Council shall publish a notice thereof once in each of two successive weeks in Lloyd's List and Shipping Gazette newspaper and at least one local newspaper circulating in the borough.

(7) Either—

(a) a copy of Lloyd's List and Shipping Gazette newspaper and of a local newspaper containing the notice referred to in subsection (6) above; or

(b) a photostatic or other reproduction certified by the borough solicitor to be a true reproduction of a page or part of a page of Lloyd's List and Shipping Gazette newspaper and of a local newspaper bearing the date of its publication and containing the notice referred to in subsection (6) above;

shall be evidence of the publication of the notice and of the date of publication.

Repeals.

4. The enactments specified in the Schedule to this Act are hereby repealed on the date of closure to the extent specified in the Schedule.

Cessation of function as port health authority.

5.—(1) Subject to the provisions of this section, on the date of closure—

(a) the Council shall cease to be a port health authority; and

(b) the Preston Port Health District shall cease to exist.

(2) After the date of closure the Council may sell or otherwise realise all property owned by them as former port health authority and may appropriate any such property or the proceeds of sale or realisation thereof for the purposes of any of their functions.

Provisions affecting dock labour.

6.—(1) On and from the date of closure the Council shall cease to be a licensing authority for the purposes of Part 1 of the Act of 1966 and the references in Schedule 1 to that Act to "Preston"

in the column headed "Port" and to "The Borough Council of Preston" in the column headed "Licensing Authority" are accordingly repealed on that date.

(2) The Dock Workers Employment Scheme 1967 made under S.I. 1967/1252. powers conferred by the Dock Workers (Regulation of Employment) Act 1946 shall cease to have effect in relation to the port 1946 c. 22. on and from the date of closure and the reference in Appendix I of that Scheme to "The Port of Preston" shall be removed on and from that date and the Board shall thereupon be released from their duties under section 20 of the Act of 1966 in respect of the port.

(3) On and from the date of closure the welfare amenity scheme for the Port of Preston prepared by the Board under Part II of the Act of 1966 shall cease to operate and be of no effect.

(4) In this section "the Act of 1966" means the Docks and Harbours Act 1966 and "the Board" means the National Dock Labour Board 1966 c. 28.

7.—(1) Subject to the provisions of this section any person who— For protection of lessees.

(a) at the date of the commencement of this Act is in possession of an interest in land conferred by a lease granted by the Council or their predecessors which contains a right to use land that is incapable of being exercised as a consequence of the operation of section 3 (2) of this Act; and

(b) on 27th November 1980 was carrying on upon the premises demised by such lease a business involving his use of the facilities of the port for the shipping or unshipping of his goods;

shall be entitled to be paid compensation by the Council in respect of the loss suffered by him in consequence of the operation of that subsection.

(2) The compensation payable under subsection (1) of this section shall be assessed—

(a) on the basis that the remaining terms of the lease under which the relevant interest is held will continue to subsist; and

(b) in accordance with the provisions of the Land Compensation Act 1961: 1961 c. 33

Provided that the said compensation shall not exceed that which would have been payable on the total extinguishment of the business described in subsection (1) (b) above.



(3) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal and the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall, subject to any necessary modifications, apply to any such determination.

1961 c. 33.

(4) Any dispute as to whether a person is entitled to compensation under subsection (1) above shall be determined by a single arbitrator appointed by the parties or, in default of agreement, appointed by the President of the Law Society.

Lighting  
and marking  
of training  
walls.

8.—(1) The Council shall at or near the training walls exhibit every night from sunset to sunrise such lights, if any, and erect and maintain such marks, if any, as Trinity House shall from time to time direct for the prevention of danger to navigation.

(2) When it comes to the notice of the Council that there has been destruction or decay of the training walls, or any part thereof, the Council shall notify Trinity House.

(3) If the Council fail to notify Trinity House as required by this section or fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(4) In proceedings for an offence under this section it shall be a defence for the Council to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(5) In this section "the statutory maximum" means the prescribed sum as defined in section 32 (9) of the Magistrates' Courts Act 1980.

1980 c. 43.

Maintenance  
of training  
walls.

9.—(1) On and from the date of closure, the Water Authority may maintain and keep in reasonable repair the works to which this subsection applies.

(2) (a) During the term of ten years commencing on the date of closure the Council shall make contributions towards the reasonable expenses incurred by the Water Authority under subsection (1) above for such periods and in such proportions as set out in the following paragraphs:—

(i) for the first five-year period, two-thirds of the total sum; and

(ii) for the remaining five-year period, one-third of the total sum;

and any of the foregoing provisions of this subsection may be varied or modified by agreement between the Council and the Water Authority.

(b) The foregoing provisions of this subsection shall not apply to expenses incurred by the Water Authority unless they have given the Council notice of their intention to carry out works giving rise to such expenses and the Council shall have approved such works and expenses, such approval not to be unreasonably withheld.

(3) Any difference arising between the Council and the Water Authority under subsection (2) above shall be referred to and settled by a single arbitrator to be appointed by agreement between the Council and the Water Authority, or, in default of agreement, to be appointed on the application of either party by the President of the Institution of Civil Engineers.

(4) If a training wall falls into decay and if the Secretary of State is satisfied that a new hazard to navigation has been created by reason of the decay of the training wall, the Secretary of State may by notice in writing require the Council at their own expense either to repair and restore the training wall or any part thereof or to remove the training wall or part thereof, to such an extent and within such limits as is reasonably necessary to remove the new hazard.

(5) If, on the expiration of a reasonable period, specified in the notice, from the date when a notice under subsection (4) above is served upon the Council, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Council.

(6) The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a training wall and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Council.

(7) (a) The works to which subsection (1) applies are so much of the training walls as lie in the river Asland or Douglas and so much of the training walls as lie in the river Ribble upstream from the points marked respectively "A" and "B" on the training walls plan.

(b) In this section "the Water Authority" means the North West Water Authority.

10. The Council may enter into and carry into effect agreements with the British Railways Board for the transfer to that Board of all or any part of the railway undertaking on such terms as to payment, management and otherwise as may be specified in the agreements. Agreements as to railway undertaking.



## Section 4.

## SCHEDULE

## ENACTMENTS REPEALED

	Enactment	Extent of repeal
46 & 47 Vict. c. cxv.	Ribble Navigation and Preston Dock Act 1883.	The whole Act.
51 & 52 Vict. c. clxxiii.	Ribble Navigation &c. Act 1888.	The whole Act.
	The Order dated 5th June 1888 made by the Local Government Board constituting the Port Sanitary Authority for the Port of Preston.	The whole Order.
52 & 53 Vict. c. lxxxiii.	Ribble Navigation Act 1889.	The whole Act.
53 & 54 Vict. c. xlii.	Ribble Navigation Act 1890.	The whole Act.
55 & 56 Vict. c. xci.	Ribble Navigation Act 1892.	The whole Act.
59 & 60 Vict. c. cliv.	Ribble Navigation Act 1896.	The whole Act.
	The Order dated 11th December 1897 made by the Local Government Board amending the Order constituting the Port Sanitary Authority for the Port of Preston.	The whole Order.
	The Order dated 23rd July 1898 amending the Order constituting the Port Sanitary Authority for the Port of Preston.	The whole Order.
63 & 64 Vict. c. cxlv.	Preston Corporation Act 1900.	Section 82.
5 Edw. 7. c. cxcvii.	Ribble Navigation Act 1905.	The whole Act.
4 & 5 Geo. 5. c. lxxii.	Preston Corporation Act 1914.	In Section 2, the words "Part II.—Ribble Navigation:". In Section 4, in the definition of "The Corporation" the words "and so far as" to the end and in the definition of "The harbour revenue" the words "and so much of" to the end.
		Part II. In Section 121 (1), in the table, item (2).
11 & 12 Geo. 5. c. xxv.	Preston Corporation Act 1921.	In Section 2, the words "Part III.—Ribble Navigation:". In Section 4, in the definition of "The Corporation" the words "and so far as" to the end.
		Part III. Section 64.
S.R. & O. 1923/1194.	The Preston (Shellfish) Regulations 1923.	The whole Order.



Enactment	Extent of repeal	
Preston Corporation Act 1931.	<p>In Section 2, the words " Part II.— Ribble Navigation."</p> <p>In Section 4, in the definition of " The Corporation " the words " and so far as " to the end and the definition of " The Act of 1896 ".</p> <p>Part II.</p> <p>In Section 71 (1), in the table, items (2) and (3).</p> <p>Section 71 (2).</p>	<p>21 &amp; 22 Geo. 5. c. xiii.</p>
Preston Corporation Act 1933.	<p>In Section 17 the words " but not exceeding " to the end.</p> <p>Section 20 (2).</p>	<p>23 &amp; 24 Geo. 5. c. ix.</p>
The Preston Port Amendment Order 1938.	<p>The whole Order.</p>	
Preston Corporation Act 1947.	<p>In Section 2, the words " Part II.— Ribble Navigation."</p> <p>In Section 4 (2), in the definition of " The Corporation " the words " and so far as " to the end and the definitions of " The Act of 1883 " and " The Act of 1888 ".</p> <p>Part II.</p> <p>Section 21.</p> <p>Section 28 (1) (a).</p> <p>Section 28 (3) (a).</p> <p>In Section 171 the words " Part II (Ribble Navigation) ".</p> <p>In Section 181 (1) the provision relating to the Act of 1888.</p>	<p>10 &amp; 11 Geo. 6. c. xlv.</p>
Preston Corporation Act 1952.	<p>Section 1 (3).</p> <p>Section 101.</p>	<p>15 &amp; 16 Geo. 6 &amp; 1 Eliz. 2. c. xlvii.</p>
Preston Corporation Act 1964.	<p>Section 1 (2).</p> <p>In Section 3 (2) the definitions of—</p> <p>    " the existing Acts ",</p> <p>    " the Harbours Clauses Act 1847 ",</p> <p>    " the Lytham St. Annes Corporation ",</p> <p>    " the Minister ",</p> <p>    " the signed plan ",</p> <p>    " telegraphic line ",</p> <p>    " Trinity House ".</p> <p>Section 3 (3) except the definition of " the Ribble Navigation undertaking ".</p> <p>Section 3 (4).</p> <p>Part II.</p> <p>Part IX except section 81.</p> <p>Section 90.</p> <p>Schedule 1, Part I.</p>	<p>1964 c. xviii.</p>
Docks and Harbours Act 1966.	<p>In Schedule 1, in the column headed " Port ", the word " Preston " and in the column headed " Licensing Authority " the words " The Borough Council of Preston ".</p>	<p>1966 c. 28.</p>

Enactment	Extent of repeal
S.I. 1967/1252. The Dock Workers (Regulation of Employment) (Amendment) Order 1967.	In Schedule 1, in clause 24, in the Appendix the words "P. The Port of Preston"; In Schedule 2, the words "P. The Port of Preston".
S.I. 1969/1296. The Statutory Harbour Undertakings (Form of Accounts, etc.) (Local Authorities) Regulations 1969.	In Schedule 1, the words "Preston Corporation".
S.I. 1977/1725. The National Ports Council Provision of Funds Scheme 1977 (Confirmation) Order 1977.	In the Schedule, the words "Preston Borough Council".

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# Preston

## Borough Council Act 1981

CHAPTER xxii

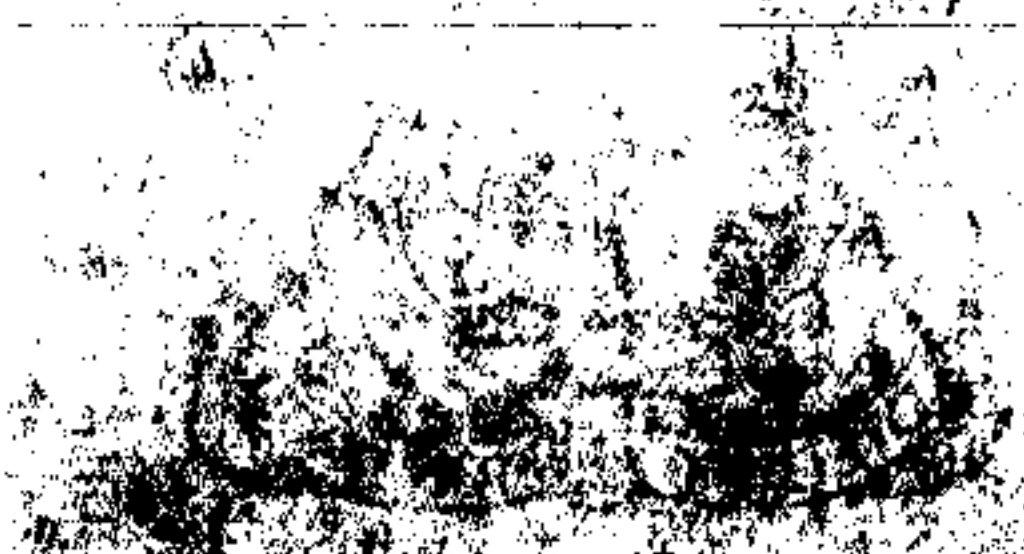
### ARRANGEMENT OF SECTIONS

**Section**

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SCHEDULE—Enactments repealed.





1891  
The Board of Directors

THE BOARD OF DIRECTORS

1891

THE BOARD OF DIRECTORS