
Status: Point in time view as at 26/11/2016.

Changes to legislation: Harbours, Docks and Piers Clauses Act 1847, Cross Heading: Construction of harbour, dock, or pier is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Harbours, Docks and Piers Clauses Act 1847

1847 CHAPTER 27 10 and 11 Vict

Construction of harbour, dock, or pier

And with respect to the construction of the harbour, dock, or pier, be it enacted as follows:

6 Construction of harbour, dock, or pier, to be subject to the provisions of this Act and one of the Lands Clauses Consolidation Acts.

Where by the special Act the undertakers shall be empowered, for the purpose of constructing the harbour, dock, or pier, to take or use any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject, if the harbour, dock, or pier be situate in England or Ireland, to the provisions and restrictions contained in this Act and in the ^{M1}Lands Clauses Consolidation Act 1845, and, if the harbour, dock or pier be situated in Scotland, to the provisions and restrictions contained in this and in the ^{M2}Lands Clauses Consolidation (Scotland) Act 1845; and the undertakers shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of this or the special Act, or injuriously affected by the construction of the works thereby authorized, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties by reason of the exercise as regards such lands of the powers vested in the undertakers by this or the special Act, or any Act incorporated therewith; . . . ^{F1} the said Lands Clauses Consolidation Acts . . . ^{F1} shall be applicable to determining the amount of any such compensation, . . . ^{F1}

Textual Amendments

F1 Words repealed by [Compulsory Purchase Act 1965 \(c. 56\)](#), [Sch. 8 Pt. III](#)

Marginal Citations

M1 [1845 c. 18](#).

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M2 1845 c. 19.

7 Errors and omissions in plans, &c. may be corrected by justices, &c. who shall certify the same. E+W+N.I.

If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans or books of reference relating to the harbour, dock, or pier deposited in compliance with the standing orders of either House of Parliament or in the schedule to the special Act, the undertakers, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply in England or Ireland to two justices, and in Scotland to the sheriff, for the correction thereof; and if it appear to such justices or sheriff that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall, along with the other documents to which it relates, [^{F2}be deposited in England and Ireland with the clerk of the peace of the several counties in which the lands affected by such alteration are situate][^{F2}be deposited with the chief clerk], and in Scotland with the sheriff clerk of such counties, and with the [^{F3}proper officer of the regional or islands council within whose area the lands are situated]; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and the undertakers may make the works in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

Extent Information

E1 This version has been created for England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

F2 Words in s. 7 substituted (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 14\(1\)](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)](#) (with [art. 3](#))

F3 Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 2](#)

7 Errors and omissions in plans, &c. may be corrected by justices, &c. who shall certify the same. S

If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans or books of reference relating to the harbour, dock, or pier deposited in compliance with the standing orders of either House of Parliament or in the schedule to the special Act, the undertakers, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply in England or Ireland to two justices, and in Scotland to the sheriff, for the correction thereof; and if it appear to such justices or sheriff that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall, along with the other documents to which it relates, be deposited in England and Ireland with the clerk of the peace of the several counties in which the lands affected by such alteration are situate, and in Scotland

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with the sheriff clerk of such counties, and with the ^{F10}proper officer of the ^{F11}council (being a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994)] within whose area the lands are situated]; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and the undertakers may make the works in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only

Textual Amendments

- F10** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 2](#)
- F11** Words in s. 7 substituted (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 2\(2\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)

8 Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited. **E+W+N.I.**

The undertakers shall not commence the execution of the harbour, dock, or pier, unless they shall have previously ^{F4}deposited with the said clerks of the peace in England and Ireland, and with the sheriff clerk in Scotland, of every county in which the harbour, dock or pier is situate]^{F4}deposited with the chief clerk], a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section, and shall also have deposited with the parish clerks of the several parishes in England, and the clerks of the unions of the parishes in Ireland, and the ^{F5}proper officer of the council of any region or islands area] in Scotland, in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes and ^{F5}areas of such councils] respectively.

Extent Information

- E2** This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

- F4** Words in s. 8 substituted (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 14\(2\)](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)](#) (with [art. 3](#))
- F5** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 3](#)

8 Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited. **S**

The undertakers shall not commence the execution of the harbour, dock, or pier, unless they shall have previously deposited with the said clerks of the peace in England and Ireland, and with the sheriff clerk in Scotland, of every county in which the harbour, dock or pier is situate, a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and

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containing the same particulars as the original plan and section, and shall also have deposited with the parish clerks of the several parishes in England, and the clerks of the unions of the parishes in Ireland, and the ^{F12}proper officer of the council ^{F13}for any local government area (within the meaning of the Local Government etc. (Scotland) Act 1994)] in Scotland, in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes and ^{F12}areas of such councils] respectively.

Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only

Textual Amendments

- F12** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 3](#)
- F13** Words substituted in S. 8 substituted (1.4.1996) by [1994 c.39, s. 180\(1\), Sch.13 para.2\(3\); S.I.1996/323, art. 4\(1\)\(c\)](#)

9 Clerks of the peace, &c. to receive plans of alterations, and allow inspection.

The said clerks of the peace, sheriff clerks, parish clerks, clerks of unions, ^{F6}and proper officers] shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall retain the same, as well as the said original plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by the ^{M3}Parliamentary Documents Deposit Act 1837.

Textual Amendments

- F6** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 154\(1\), Sch. 19 para. 4](#)

Modifications etc. (not altering text)

- C1** Reference to [Parliamentary Documents Deposit Act 1837 \(c. 83\)](#) to be construed (E.W.) as reference to [Local Government Act 1972 \(c. 70\): Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

Marginal Citations

- M3** [1837 c. 83.](#)

10 Copies of plans, &c. to be evidence.

True copies of the said plans and books of reference, or of any alteration or correction thereof or extract therefrom, certified by any such clerk of the peace or sheriff clerk, which certificate such clerk shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

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11 No deviation beyond the limits defined upon plans.

The undertakers, in making the harbour, dock, or pier, shall not deviate from the line of the works laid down in the said plans more than the prescribed number of yards, and where no number of yards is prescribed not more than ten yards, nor in any case to any greater extent than the line of lateral deviation described in the said plans with respect to such harbour, dock, or pier, nor take or use for the purpose of such deviation the lands of any person not mentioned in the books of reference, without his previous consent in writing, unless the name of such person have been omitted by mistake, and the fact that such omission proceeded from mistake have been certified in manner herein-before provided.

12 †Works on the shore of the sea, &c. not to be constructed without the authority of the Commissioners of Woods, &c. and of the Admiralty.

The undertakers shall not construct the harbour, dock, or pier, or any part thereof, or any works connected therewith, on any part of the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, without the previous consent of her Majesty to be signified in writing under the hands of two of the [^{F7}Crown Estate Commissioners], and of the Admiralty, to be signified in writing . . . ^{F8}, and then only according to such plan and under such restrictions and regulations as the said [^{F7}Crown Estate Commissioners] and the Admiralty approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the undertakers shall not at any time alter or extend the same, without obtaining previously to making any such alteration or extension, the like consents or approvals; and if any such work shall be commenced or completed without such consent and approval, the said [^{F7}Crown Estate Commissioners], or the Admiralty, may abate and remove the same, and restore the site thereof to its former condition, at the costs of the undertakers, and the amount of such costs shall be a debt due to the crown, and recoverable against the undertakers accordingly: Provided always, that if the conservancy of the navigable river shall legally belong to any person, the like consent and approval of such person shall also be necessary, in addition to the consents and approvals herein-before required; and if the right of property of or in the shore shall legally belong to any person, such right shall not be prejudiced, except so far as power to purchase the same shall be given by the special Act.

Textual Amendments

- F7** Words substituted by virtue of [Crown Lands Act 1851 \(c. 42\), s. 1](#), [Crown Lands Act 1885 \(c. 79\), s. 2](#), [Forestry \(Transfer of Woods\) Act 1923 \(c. 21\), s. 4](#), S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), s. 2, [Crown Estate Act 1956 \(c. 73\), s. 1](#) and [Crown Estate Act 1961 \(c. 55\), s. 1](#)
- F8** Words repealed by [S.I. 1965/145, Sch. 2](#)

Modifications etc. (not altering text)

- C2** Unreliable marginal note
- C3** Functions of Admiralty under s.12 now exercisable by Secretary of State concurrently with Board of Trade: [Harbours Transfer Act 1862 \(c. 69\), s. 5](#), [Ministry of Transport Act 1919 \(c. 50\), s. 2\(1\)](#), [S.I. 1965/145, arts. 2,3, Sch. 1](#), and [1970/1537, art. 2\(1\)](#)

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13 †Before alterations in plans are executed, to be approved of by the Admiralty and the Commissioners of Woods, &c.

If the undertakers propose to make any deviations from or alterations in the plans of their works deposited as aforesaid, they shall, before adopting and carrying such deviations or alterations into execution, submit the plans thereof to the Admiralty, and also to the said [^{F9}Crown Estate Commissioners]; and no deviations from or alterations in the deposited plans shall be adopted by the undertakers unless approved by the Admiralty or the said Commissioners respectively, signified in manner aforesaid, or otherwise as they shall think proper.

Textual Amendments

F9 Words substituted by virtue of [Crown Lands Act 1851 \(c. 42\), s. 1](#), [Crown Lands Act 1885 \(c. 79\), s. 2](#), [Forestry \(Transfer of Woods\) Act 1923 \(c. 21\), s. 4](#), S.R. & O. 1924/1370 (Rev. V, p. 443: 1924, p. 228), s. 2, [Crown Estate Act 1956 \(c. 73\), s. 1](#) and [Crown Estate Act 1961 \(c. 55\), s. 1](#)

Modifications etc. (not altering text)

C4 Unreliable marginal note

C5 Functions of Admiralty under s. 13 now exercisable by Secretary of State concurrently with Board of trade: [Harbours Transfer Act 1862 \(c. 69\), s. 5](#), [Ministry of Transport Act 1919 \(c. 50\), s. 2\(1\)](#), S.I. 1965/145, arts. 2,3, Sch. 1, and 1970/1537, art. 2(1)

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