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STATUTORY INSTRUMENTS

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**2008 No. 1261**

**The London Gateway Port Harbour Empowerment Order 2008**

**PART 7**

**MISCELLANEOUS AND GENERAL**

**No double recovery**

**65.** Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

**Arbitration**

**66.** Unless otherwise agreed between the parties, any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed by the London Court of International Arbitration on the application of either party after giving notice in writing to the other.

**Defence of due diligence**

**67.—(1)** In proceedings for an offence under any provision of this Order it is a defence for the Harbour Authority to prove that it took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) If in any case the defence provided by paragraph (1) involves allegations that the commission of the offence was due to the act or default of another person, the Harbour Authority shall not, without leave of the court, be entitled to rely on that defence unless, within a period of seven clear days before the hearing, it has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in its possession.

**Local inquiries**

**68.** The Secretary of State may cause to be held such inquiries as she may consider necessary in connection with the exercise of any powers or duties conferred or imposed upon her and the giving of any consent or approval under this Order, and subsections (2) to (5) of section 250 of the Local Government Act 1972(1) shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Harbour Authority were a local authority.

**Certification of plans, etc.**

**69.** The Company shall, as soon as practicable after the making of this Order, submit copies of the deposited plans and the deposited sections to the Secretary of State for certification that they are true copies of, respectively, the deposited plans and the deposited sections referred to in this Order,

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(1) 1972 c. 70.

and a document so certified shall be admissible in any proceedings, as evidence of the contents of the document of which it is a copy.