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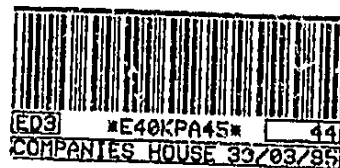
Manchester Ship Canal Act 1933.

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[23 & 24 GEO. 5.] *Manchester Ship Canal Act 1933.* 1

A N
A C T

To provide for the transfer to the Manchester Ship Canal Company of the undertaking of the De Trafford Light Railway Company ; to confer further powers on the Manchester Ship Canal Company ; and for other purposes. A.D. 1933.

[ROYAL ASSENT 28TH JULY, 1933.]

WHEREAS the Manchester Ship Canal Company (hereinafter referred to as "the Company") were incorporated by the Manchester Ship Canal Act 1885 and by virtue of the powers conferred by that Act and subsequent Acts own and carry on an undertaking which comprises the Manchester Ship Canal the Bridgewater Canals and certain docks lands and premises in the City of Manchester the City of Salford and elsewhere and certain railways in connection with the said canals docks lands and premises : Preamble.

And whereas by the De Trafford Light Railway Order 1919 (hereinafter referred to as "the Order of 1919") made by the Light Railway Commissioners and modified and confirmed by the Board of Trade under and by virtue of the Light Railways Acts 1896 and 1912 the De Trafford Light Railway Company (hereinafter referred to as "the De Trafford Company") were incorporated and were authorised to construct and maintain a light railway in the Parish of Davyhulme in the Rural District of Barton-upon-Irwell and in the Urban District of Stretford :

2 *Manchester Ship Canal Act 1933.* [23 & 24 Geo. 5.]

A.D. 1933. — And whereas the authorised capital of the De Trafford Company consists of sixty thousand pounds divided into six thousand shares of ten pounds each and the De Trafford Company were authorised to borrow on mortgage of their undertaking or to raise by 5 the creation and issue of debenture stock sums not exceeding in the whole twenty thousand pounds in respect of their said capital :

And whereas the De Trafford Company have issued fifty-four shares of ten pounds each in respect of each 10 of which the sum of two pounds has been paid up and all of such shares are vested in the Company or their nominees but the De Trafford Company have not raised any money by borrowing on mortgage of their undertaking or by the creation and issue of debenture stock : 15

And whereas part of the light railway authorised by the Order of 1919 has been constructed and the powers for the construction of the remainder thereof have ceased to be exercisable :

And whereas the whole of the portion of the said 20 authorised light railway which has been constructed is situate in the said Urban District of Stretford and the cost of such construction was defrayed out of moneys temporarily provided by the Company :

And whereas the said light railway as constructed 25 is worked by the Company and it is expedient that the undertaking of the De Trafford Company should be transferred to the Company and that the De Trafford Company should be dissolved as by this Act provided :

And whereas it is expedient that the provisions 30 contained in this Act relating to the taking by the Company of a supply of water from the Lord Mayor Aldermen and Citizens of the City of Manchester and the use by the Company of water so taken should be enacted : 35

And whereas by the Manchester Ship Canal Act 1919 and the Manchester Ship Canal Act 1920

[23 & 24 GEO. 5.] *Manchester Ship Canal Act 1933.* 3

the maximum dues tolls rates and charges which A.D. 1933.
the Company may levy and charge in connection with
their undertaking as limited by previously existing
Acts were increased by fifty per centum of the respective
5 amounts thereof but it was provided by the said Act
of 1919 that unless and except so far as Parliament
might thereafter otherwise allow the said increase should
cease to have effect on the expiration of fifteen years
from the passing of that Act :

10 And whereas in order to enable the Company to
levy and charge adequate dues tolls rates and charges
in respect of or in connection with their undertaking
it is expedient that the limitation imposed by the said
Act of 1919 as to the period of operation of the increased
15 charging powers conferred by that Act and the said
Act of 1920 should be repealed :

And whereas under and by virtue of the Manchester
Ship Canal (Staff Superannuation) Act 1926 the Company
have established a Superannuation Fund for the purpose
20 of providing superannuation allowances to officers and
servants in the permanent service of the Company and
it is expedient that the provisions of the Superannuation
Scheme relating to the said fund should be amended
as by this Act provided :

25 And whereas it is expedient that the other pro-
visions contained in this Act should be made :

And whereas the objects of this Act cannot be
attained without the authority of Parliament :

30 **M**AY it therefore please your Majesty that it may
be enacted and be it enacted by the King'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 :

35 1. This Act may be cited as the Manchester Ship Short title.
Canal Act 1933.

[3]

4 *Manchester Ship Canal Act 1933.* [23 & 24 GEO. 5.]

A.D. 1933.

Incorporation of Part V of Railways Clauses Act 1863.

2. Part V (Amalgamation) of the Railways Clauses Act 1863 so far as the same is applicable to the purposes of this Act and is not varied by or inconsistent with this Act is incorporated with and forms part of this Act.

Provided that for the purposes of the said incorporated provisions of the Railways Clauses Act 1863 the Order of 1919 and the enactments incorporated thereby shall be deemed to be a special Act relating to or affecting the De Trafford Company. 5

Interpretation.

3. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):— 10

"The Company" means the Manchester Ship Canal Company; 15

"The Order of 1919" means the De Trafford Light Railway Order 1919;

"The De Trafford Company" means the De Trafford Light Railway Company incorporated by the Order of 1919; 20

"The Manchester Corporation" means the Lord Mayor Aldermen and Citizens of the City of Manchester;

"The Salford Corporation" means the Mayor Aldermen and Citizens of the City of Salford; 25

"The Act of 1926" means the Manchester Ship Canal (Staff Superannuation) Act 1926.

Transfer of undertaking of De Trafford Company.

4.—(1) Subject to the provisions of this Act the undertaking of the De Trafford Company shall by virtue of this Act and as from the date of the passing thereof be transferred to and vest in the Company and form part of the undertaking of the Company and as on and from the said date the De Trafford Company shall be and are hereby dissolved. 30

(2) The expenditure by the Company of money on capital account in the construction of a part of the light railway authorised by the Order of 1919 or otherwise for the purposes of that Order is hereby sanctioned and confirmed. 35

5. All shares at any time issued by the De Trafford Company are hereby cancelled

Cancellation of shares of De Trafford Company.

6. Notwithstanding the provisions of Section 55 of the Railways Clauses Act 1863 all the provisions of the Order of 1919 with reference to the incorporation and constitution of the De Trafford Company and the raising of money by that Company and the other provisions of that Order which are hereinafter specifically mentioned are hereby repealed. The said other provisions are the following:—

Repeal of certain provisions of Order of 1919.

Section 42 (Running powers to Cheshire Lines Committee);

Section 43 (Facilities for Lancashire and Yorkshire Railway Company);

15 Section 44 (Facilities for London and North Western Railway Company);

Section 66 (Deposit to be made by Company before exercising lands or construction powers);

20 Section 67 (Deposit fund not to be repaid until railway is opened);

Section 68 (Application of deposit);

Section 69 (As to warrant or certificate of Board of Trade relating to deposit or to the deposit fund);

25 Section 71 (Confirming scheduled agreement); and Second Schedule.

7. Notwithstanding anything contained in any other enactment the Company may at any point within the limits within which the Manchester Corporation are for the time being authorised to supply water (hereinafter referred to as "the Manchester limits") take a supply of water from that Corporation and may within the limits within which the Salford Corporation are for the time being authorised to supply water use any water so taken from the Manchester Corporation for all or any of the purposes of their undertaking or for supplying water to vessels in the Harbour and Port of Manchester and the Manchester Corporation may accordingly at any point within the Manchester limits supply water to the Company for use for all or any of those purposes.

As to water supplied by Manchester Corporation.

A.D. 1933.

Provided that the powers of this Section shall not be exercised if and so long as the Salford Corporation shall be able and willing to afford to the Company a full and sufficient supply of water for the said purposes on terms not less favourable than the terms on which the Salford Corporation are for the time being affording or able and willing to afford a supply of water by measure to any other person taking in any quarter of a year a similar quantity. 5

Provided also that nothing in this Section shall 10 authorise the Manchester Corporation to lay any mains or other pipes or interfere with any street beyond the Manchester limits or shall confer upon the Company any powers of laying mains or other pipes or interfering with streets which would not have been exercisable 15 by them if this Section had not been enacted.

As to
maximum
rates.

8. The proviso to Section 3 (Increase of Maximum Rates) of the Manchester Ship Canal Act 1919 is hereby repealed.

Amend-
ment of
Schedule
to Act of
1926.

9.—(1) In the case of a Contributing Member to 20 whom Clause 10 of the Schedule to the Act of 1926 applies the period between the earlier date referred to in that Clause and the time of his admission as a Contributing Member shall for the purposes of determining his right to a superannuation allowance and the amount 25 of his superannuation allowance under Clause 20 or Clause 21 of the said Schedule be deemed to be part of the period of his service and the said Clauses 20 and 21 shall be read and have effect and shall be deemed always to have had effect accordingly and 30 notwithstanding the meaning assigned to the word "service" by Clause 1 of the said Schedule.

(2) Subject as is hereinbefore in this Section provided words and expressions to which meanings are assigned in the Schedule to the Act of 1926 shall have in 35 this Section the same respective meanings.

Costs of
Act.

10. All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. 40

Manchester Ship Canal
Act 1933.

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[ROYAL ASSENT 28th JULY, 1933.]

23 & 24 GEORGE V.—SESSION 1932–33.

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