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Manchester Ship Canal Act, 1962

10 & 11 ELIZ. 2 Ch. lili

ARRANGEMENT OF SECTIONS

Section

1. Short and collective titles.
2. Interpretation.
3. Increase of ship canal rates.
4. Estuarial vessels not to use harbour unless registered.
5. Traffic offences on dock roads.
6. Further power to invest in securities of other companies.
7. Ordinary powers of investment.
8. Borrowing powers not to be reduced in respect of granting of rentcharges.
9. Costs of Act.



10 & 11 ELIZ. 2 *Manchester Ship Canal Act, 1962*

Ch. llii



CHAPTER llii

An Act to increase certain dues, tolls, rates and charges leviable by the Manchester Ship Canal Company, to confer further powers upon the Company; and for other purposes.
[1st August, 1962]

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 (hereinafter referred to as "the canal") the Bridgewater Canals and certain docks, lands and premises in the cities of Manchester and Salford and elsewhere and certain railways in connection with the said canals, docks, lands and premises:

And whereas, under or by virtue of the Acts relating to the Company, or some of them, the Company are empowered to levy or charge dues, tolls, rates and other charges on ships, passengers and cargo entering, leaving, passing or carried along the Manchester Ship Canal and it is expedient that the maxima of the said dues, tolls, rates and charges should be increased as by this Act provided:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by

Ch. liii *Manchester Ship Canal Act, 1962* 10 & 11 ELIZ. 2

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 and
collective
titles.

1.—(1) This Act may be cited as the Manchester Ship Canal Act, 1962.

(2) The Manchester Ship Canal Acts, 1885 to 1960, and this Act may be cited together as the Manchester Ship Canal Acts, 1885 to 1962.

Interpretation.

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

“the Act of 1885”, “the Act of 1928”, “the Act of 1956” and “the Act of 1960” mean the Manchester Ship Canal Acts of those respective years;

“the Company” means the Manchester Ship Canal Company;

“enactment” means any Act, whether public, general or local, or any order made thereunder, or any provision in any Act or in any such order;

“the harbour” means the harbour and port of Manchester;

“the undertaking” means and includes the undertaking carried on by the Company upon or in connection with their canals, docks and railways and the real and personal property, lands, works and appliances acquired or provided by or vested in them for the purposes thereof;

“vessel” includes any vessel, ship, lighter, keel, barge, boat, raft, pontoon and craft of any kind howsoever navigated, propelled or moved and, except for the purpose of levying dues, any seaplane when on the surface of the water.

(2) References in this Act to any other enactment shall be construed as references to that enactment as amended by any other enactment including this Act.

Increase of
ship canal
rates. . . .

3.—(1) The maximum ship canal rates are hereby respectively increased by an amount equal to twenty per centum of the respective amounts thereof; and the Manchester Ship Canal Acts, 1885 to 1962, shall be read and construed accordingly.

(2) In, and for the purposes of, this section “the maximum ship canal rates” means the dues, tolls, rates and charges which

the Company were immediately before the commencement of this Act authorised to levy or charge in connection with the undertaking by virtue of the Act of 1956.

4.—(1) On and after the first day of January, nineteen hundred and sixty-three, section 53 (Tugs and barges not to use harbour unless registered) of the Act of 1956 shall be amended as follows:—

Estuarial vessels not to use harbour unless registered.

- (a) in subsections (1) to (4) before the words " tug or barge " wherever they occur in those subsections there shall be inserted the words " estuarial vessel ";
- (b) in subsection (6) after the definition of " barge " there shall be inserted—

" 'estuarial vessel' means a vessel having a carrying capacity not exceeding one thousand two hundred and fifty tons which does not normally go to sea but does not include a pleasure craft as defined in section 2 (Interpretation) of the Act of 1960;".

(2) (a) The Company shall, as soon as practicable after the commencement of this Act, cause public notice to be given of the effect of the amendment of the said section 53 made by this section, including the date when the amendment comes into force, by advertisement in a newspaper circulating in the city of Manchester and otherwise in such manner as the Company think sufficient.

(b) Copies of the newspaper containing the advertisement shall be evidence of compliance with the provisions of this subsection.

(3) Subsection (7) of the said section 53 is hereby repealed.

5.—(1) In this section—

" dock road " means any road, pier, wharf, quay, bridge or other work which, or any land which, is vested in or the property of the Company and is accessible to motor vehicles, not being a road to which the Road Traffic Act, 1960, applies;

" motor vehicle " has the same meaning as in the Road Traffic Act, 1960.

(2) The Road Traffic Act, 1960, shall have effect as if, in the provisions thereof hereinafter mentioned, the expressions " road " and " highway " included a dock road; and any person who commits an offence under any of those provisions, 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

Traffic offences on dock roads.

Repealed
1984 HRO
Art 4

R/34/1

Ch. III *Manchester Ship Canal Act, 1962* 10 & 11 ELIZ. 2

road as defined by section 257 of that Act, and all the provisions of that Act, so far as applicable (including, without prejudice to the generality of the foregoing, sections 25 and 250 thereof), shall apply accordingly.

(3) The provisions of the Road Traffic Act, 1960, referred to in subsection (2) of this section are—

- Section 1 (Causing death by reckless or dangerous driving);
- Section 2 (Reckless, and dangerous, driving generally);
- Section 3 (Careless, and inconsiderate, driving);
- Section 4 (Speeding);
- Section 5 (Driving under age);
- Section 6 (Driving, or being in charge, when under influence of drink or drugs);
- Section 9 (Reckless and dangerous cycling);
- Section 10 (Careless and inconsiderate cycling);
- Section 11 (Cycling when under influence of drink or drugs);
- Section 13 (Restriction on carriage of persons on bicycles);
- Section 14 (Drivers to comply with traffic directions);
- Section 15 (Pedestrians to comply with directions to stop given by constable regulating vehicular traffic);
- Section 16 (Leaving vehicles in dangerous positions);
- Section 24 (Speed limits for vehicles of different classes or descriptions);
- Section 51 (Traffic signs);
- Section 52 (Powers and duties of highway authorities as to placing of traffic signs);
- Section 54 (Emergency traffic signs);
- Section 77 (Duty to stop, and furnish particulars, in case of accident);
- Section 97 (Minimum age for driving);
- Section 98 (Drivers of motor vehicles to have driving licences);
- Section 110 (Offence of applying for or obtaining a licence, or driving, while disqualified);
- Section 201 (Users of motor vehicles to be insured or secured against third-party risks);
- Section 202 (Exceptions from requirement of third-party insurance or security);

- Section 218 (Penalisation of tampering with motor vehicles);
- Section 219 (Penalisation of holding or getting on to vehicles in order to be towed or carried);
- Section 223 (Power of police to stop vehicles);
- Section 225 (Power of police constables to require production of driving licences);
- Section 226 (Power of police constables to obtain names and addresses of drivers, and others);
- Section 228 (Penalisation of failure to give name and address, and power of arrest, in case of reckless or careless driving or cycling);
- Section 229 (Pedestrians to give names and addresses in certain cases);
- Section 230 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident);
- Section 231 (Duty of owner of motor vehicle to give information for verifying compliance with requirement of compulsory insurance or security);
- Section 241 (Restrictions on prosecutions for certain offences);

Provided that, if no duty is chargeable under the Vehicles (Excise) Act, 1962, in respect of a motor vehicle—

- (a) by virtue of the provisions of subsection (6) of section 6 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 sections 97, 98, 201, 225, 230 and 231 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) Notwithstanding that no maximum speed limit or a maximum speed limit in excess of fifteen miles per hour has for the time being been fixed by or under section 24 of the Road Traffic Act, 1960, in relation to a motor vehicle of any class or description that section, except subsection (2) thereof, shall for the purposes of this section have effect, so far as applicable, as if a maximum speed limit of fifteen miles per hour had been fixed thereby or thereunder in relation to a motor vehicle of that class or description.

(5) Regulations or orders made under sections 64 and 70 of the Road Traffic Act, 1960, and from time to time in force,

shall extend and apply to dock roads as they apply to roads as defined by section 257 of that Act, and subsection (2) of section 64 and section 239 of that Act shall apply accordingly:

Provided that, if no duty is chargeable under the Vehicles (Excise) Act, 1962, in respect of a motor vehicle—

- (a) by virtue of the provisions of subsection (6) of section 6 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.

(6) For the purposes of the Road Traffic Act, 1960, as extended and applied by this section, the expressions "chief officer of police" and "police station" where used in that Act shall respectively include the chief police officer of, and any police office maintained by, the Company, and the expression "highway authority" shall mean the Company in relation to any dock road for the maintenance of which the Company are responsible.

(7) Section 11 (Driving offences on dock roads) of the Act of 1960 is hereby repealed.

6. Subsection (1) of section 7 (Power to invest in securities of other companies) of the Act of 1928 is hereby amended by the insertion after paragraph (b) of the following paragraphs:—

- " or
- (c) the establishment or carrying on by any other company of an undertaking or business concerned with the transport or handling of goods; or
- (d) the carrying on by any other company of any other activity or business which appears to the Company to be advantageous or convenient for, or in connection with, their undertaking or to be for the benefit of the Company either directly or indirectly."

Repealed
Act 1966
s. 9 (2)

Further
power to
invest in
securities of
other
companies.

Ordinary
powers of
investment.

Borrowing
powers not to
be reduced in
respect of
granting of
rentcharges.

7. Any moneys in the hands of the Company which are not immediately required by them for the purposes of their undertaking may be invested by them in such manner as they think proper.

8. Notwithstanding anything contained in the Lands Clauses Consolidation Acts Amendment Act, 1860, the power of the Company of raising money by borrowing shall not be reduced in consequence of, or in respect of, the existence of any rentcharges which were payable at the date of the commencement of this Act or which the Company had at that date contracted to pay.

10 & 11 ELIZ. 2 *Manchester Ship Canal Act, 1962*

Ch. liii

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

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Acts Amend- ment Act, 1860	23 & 24 Vict. c. 106.
Manchester Ship Canal Act, 1885	... 48 & 49 Vict. c. clxxxviii.
Manchester Ship Canal Act, 1928	... 18 & 19 Geo. 5 c. lxxxv.
Manchester Ship Canal Act, 1956	... 4 & 5 Eliz. 2 c. lxxx.
Road Traffic Act, 1960	... 8 & 9 Eliz. 2 c. 16.
Manchester Ship Canal Act, 1960	... 8 & 9 Eliz. 2 c. xlv.
Vehicles (Excise) Act, 1962	... 10 & 11 Eliz. 2 c. 13.

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Ch. liii *Manchester Ship Canal Act, 1962* 10 & 11 ELIZ. 2

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