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STATUTORY INSTRUMENTS

1971 No. 191

HARBOURS, DOCKS, PIERS AND FERRIES

The Manchester Ship Canal Revision Order 1970

Made	- - -	5th November 1970
Laid before Parliament		10th December 1970
Coming into Operation		2nd February 1971

The Minister of Transport in exercise of the powers conferred on him by section 14 of the Harbours Act 1964(a), and of all other powers enabling him in that behalf and on the application of the Manchester Ship Canal Company, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Manchester Ship Canal Revision Order 1970 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(b).

(2) The Manchester Ship Canal Acts 1885 to 1966 and this Order may be cited together as the Manchester Ship Canal Acts and Order 1885 to 1970.

Interpretation

2.—(1) In this Order, unless the subject or context otherwise requires:—

“the Act of 1885”(c), “the Act of 1904”(d), “the Act of 1960”(e) and “the Act of 1966”(f) mean the Manchester Ship Canal Acts of those respective years;

“the Bridgewater undertaking” means and includes the Bridgewater canals and all canals and navigations which were purchased by the Company from the Bridgewater Navigation Company and the Company of Proprietors of the Mersey and Irwell Navigation under the provisions of the Act of 1885 but does not include any part of the harbour;

“the canal” means the Manchester Ship Canal authorised by the Act of 1885 as amended by subsequent Acts;

“the Company” means the Manchester Ship Canal Company;

(a) 1964 c. 40.
(d) 1904 c. cxxii.

(b) 9 & 10 Geo. 6, c. 18; 1965 c. 43.
(e) 1960 c. xlv.

(c) 1885 c. clxxviii.
(f) 1966 c. xxvii.



"Eastham Locks" means the entrance locks at Eastham known as Eastham Locks, being part of Work No. 1 authorised by the Act of 1885;

"the harbour" means the harbour and port of Manchester;

"Old Quay Lock" means the lock or basin in the urban district of Runcorn known as Old Quay Lock, being Work No. 1H.(a) authorised by the Act of 1885;

"the Runcorn Docks" means the docks of the Company known as the Runcorn Docks and forming part of the Bridgewater undertaking;

"telegraphic line" has the same meaning as in the Telegraph Act 1878(a);

"Weston Mersey Lock" means the lock or basin in the urban district of Runcorn known as Weston Mersey Lock, being Work No. 1G.(a) authorised by the Act of 1885.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Abandonment of Old Quay Lock

3.—(1) Subject to the provisions of this article, the Company may, on such date as the directors of the Company may by resolution determine, abandon and discontinue the use of Old Quay Lock as a lock and may remove the gates thereof and in lieu of such gates or any of them construct such fixed dams, walls, sluices or other structures as they think fit and may use the said lock as so altered for the general purposes of the harbour.

(2) The Company shall at all times maintain Weston Mersey Lock as an entrance to and exit from the canal from or to the river Mersey or the estuary thereof free of toll in respect of the use of Weston Mersey Lock for traffic destined for or coming from any dock, basin or canal now in the borough of Widnes.

(3)(a) If at any time the condition of the access channel leading to Weston Mersey Lock be such that it is not reasonably practicable for a ship to which this paragraph applies to navigate the river Mersey between any dock, basin or canal now in the borough of Widnes and Weston Mersey Lock on the same tide, then that ship may enter or leave the canal at Eastham Locks and pass along the canal without payment of any additional tolls or ship dues and the Company shall indemnify the owner or master of that ship against any pilotage dues which he incurs and which he would not have incurred if the ship had navigated by way of Old Quay Lock.

(b) This paragraph applies to any ship (not exceeding 220 feet in length or 43 feet in width) navigating between any dock, basin or canal now in the borough of Widnes and any point on the canal.

(4) Subsections (11) and (12) of section 38 (For protection of Corporation and traders of Warrington) of the Act of 1904 shall have effect as if for the references to Old Quay Lock there were substituted references to Weston Mersey Lock.

(5) Section 32 (As to entrance &c. to Widnes Dock &c.) of the Act of 1885 shall cease to have effect on the date determined by the directors of the Company for the purposes of article 3(1) of this Order.

(a) 1878 c. 76.

(b) 1889 c. 63.

Repealed
1975 HRO
Art 3 (3)

(6) Where the exercise of the power contained in this article involves or is likely to involve the removal, alteration of or interference with any telegraphic line belonging to or used by the Post Office subsection (2) of section 209 (For the protection of the Postmaster General) of the Act of 1885 shall have effect in relation to that telegraphic line and any substituted telegraphic line provided that the Company shall pay to the Post Office an amount equal to the cost reasonably incurred by the Post Office in connection with any such removal, alteration or interference.

Extension of power to make byelaws

4. The provisions of the Harbours, Docks and Piers Clauses Act 1847 (a), as incorporated with the Manchester Ship Canal Acts 1885 to 1966 and as modified in their application to the Company by section 3 (As to application of Harbours Clauses Act 1847) of the Act of 1960 and subsection (2) of section 19 (Increase of certain penalties) of the Act of 1966, shall extend to empower the Company to make byelaws under section 83 of the said Act of 1847 with respect to Runcorn Docks and for the purpose of construing the said section 83, but not otherwise, the expression "the harbour dock or pier" as defined in the said section 3 shall include Runcorn Docks.

Given under the Official Seal of the Minister of Transport the 5th November 1970.

(L.S.)

K. T. Barnett,
An Under Secretary
of the Ministry of Transport.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order authorises the Manchester Ship Canal Company to abandon and discontinue the use of Old Quay Lock at Runcorn. The Order also authorises the Company to make byelaws under section 83 of the Harbours, Docks and Piers Clauses Act 1847 with respect to their Runcorn Docks.

(a) 1847 c. 27.

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