

2c 197

10 & 11 GEORGE 5.—SESSION 1920.

THE MANCHESTER SHIP CANAL ACT 1920.

ARRANGEMENT OF SECTIONS.

es Due
ble
CANAL

1919

1919

Preamble.

SECT.

PART I.—PRELIMINARY.

Short title	1
Act divided into Parts	2
Interpretation	3

PART II.—FINANCIAL PROVISIONS.

Powers of application of money authorised to be raised	4
Power to obtain advances for expenditure on capital account	5
Power to issue bonds	6
Company not bound to recognise any trust	7
Persons not bound to inquire as to application of money borrowed	8
As to ranking of charges created under this Act	9
As to temporary borrowing	10
For protection of lenders	11
Borrowing powers not to be reduced in respect of granting of rent-charges	12
As to shares of the Company held by trustees for the Company	13

PART III.—MISCELLANEOUS PROVISIONS.

Power to grant pensions &c.	14
Increase of maximum rates on Bridgewater Canals Undertaking	15
Repeal of Section 4 of Act of 1919	16
For protection of the Earl of Ellesmere the Trustees of the Ellesmere Settlement and others	17
Receipt in case of persons not sui juris	18
Deposits for future bills not to be paid out of capital	19
Provision for Merchant Shipping Acts and General Acts	20
Provision as to general Railway Acts	21
Costs of Act	22
Schedule.	

G

A

ND CO.,

T.
ilorn.



AN
A C T

To confer further powers upon the Manchester
Ship Canal Company; and for other
purposes.

[ROYAL ASSENT 16TH AUGUST 1920.]

WHEREAS the Manchester Ship Canal Company (in this Preamble.
Act 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
5 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 County Borough of
Salford and elsewhere and certain Railways in connection with
the said canals docks lands and premises :

10 And whereas the issued capital of the Company consists
of four hundred thousand Perpetual Five Pounds per centum
Preference Shares of ten pounds each four hundred thousand
Ordinary Shares of ten poundseach and one million and sixty-one
thousand two hundred and thirty pounds Manchester Ship Canal
15 Corporation three and a half per centum Preference Stock :

And whereas the Company are empowered to raise by borrow-
ing on mortgage of their undertaking or by the creation and issue
of debenture stock sums amounting in the aggregate to ten

million four hundred and twelve thousand pounds and in exercise of those powers have raised the sum of seven million four hundred and seven thousand pounds by borrowing on mortgage of their undertaking and have created and issued debenture stock to the nominal amount of five hundred and fifty thousand pounds. 5

And whereas the Company have unexercised powers of raising money by borrowing on mortgage of their undertaking or by the creation and issue of debenture stock to the extent of the further sum of two million four hundred and fifty thousand pounds (less a sum equal to the capitalised value of certain 10 rent-charges payable by the Company as hereinafter mentioned by way of consideration for the purchase of lands) but of that amount the sum of one million five hundred thousand pounds can only be borrowed with the consent of the Lord Mayor Aldermen and Citizens of the City of Manchester : 15

And whereas pursuant to the Manchester Ship Canal (Finance) Act 1904 the sum of nine hundred and fifty thousand pounds (being the remainder of the said sum of two million four hundred and fifty thousand pounds) is applicable primarily for the purposes of determining or procuring the surrender of certain 20 leases or agreements for leases granted or entered into by the Company and so far as not required for these purposes then for the execution of works or other purposes of the Company to which capital is properly applicable but the Company have not raised the said sum or determined or procured the surrender 25 of the said leases :

And whereas owing to various circumstances it may be found unnecessary to acquire the said leasehold interests and it is expedient that the Company should be authorised to apply as they may think fit for any of the purposes of their under- 30 taking to which capital is properly applicable the whole of the said sum of nine hundred and fifty thousand pounds when raised by them :

And whereas with a view to facilitating the exercise by the Company of the powers of raising money for the time being exer- 35 ciseable by them and the convenient and economical conduct of

their business it is expedient that the powers of raising money temporarily or otherwise by the various methods referred to in this Act should be conferred upon them :

And whereas the Company have from time to time purchased
5 or agreed to purchase lands in consideration of the payment of certain rent-charges and the amount which they are authorised to borrow as aforesaid is or will be consequently reduced by virtue of the provisions of Section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860 by the capitalised value
10 computed at twenty years' purchase of the said rent-charges :

And whereas it is expedient that notwithstanding the existence of the said rent-charges the borrowing powers of the Company should not be reduced as aforesaid but should be exercisable to the full extent thereof as provided by this Act :

15 And whereas there were issued to the contractor who originally undertook the construction of the Manchester Ship-Canal twenty-four thousand one hundred and fifty-nine fully paid up ordinary shares of ten pounds each in the capital of the Company on account and in part payment of the cost of such construction
20 but the said contractor died before the completion of his contract and in connection with the adjustment of accounts between his personal representatives and the Company the said shares were transferred to and have ever since been held by trustees on behalf of the Company :

25 And whereas doubts have arisen as to the rights of the Company with respect to the said shares and the disposal thereof and it is expedient that for the removal of such doubts the provisions contained in this Act with reference to the said shares should be made :

30 And whereas it is expedient that the Company should be empowered to grant pensions or retiring allowances to their officers and servants and to pay gratuities to them or to their dependants :

G

B

MAY 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
5 Parliament assembled and by the authority of the same as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as “ The Manchester Ship Canal Short title.
Act 1920.”

10 2. This Act is divided into Parts as follows :—

Act divided
into Parts.

Part I.—Preliminary.

Part II.—Financial Provisions.

Part III.—Miscellaneous Provisions.

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

Interpreta-
tion.

“ The Company ” means the Manchester Ship Canal Com-
pany ;

20 “ The Corporation ” means the Lord Mayor Aldermen and
Citizens of the City of Manchester ;

25 “ The Undertaking ” means and includes the und -taking
carried on by the Company upon or in connect 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.

PART II.—FINANCIAL PROVISIONS.

4. Notwithstanding anything contained in the Manchester
Ship Canal (Finance) Act 1904 the Company may apply to such
30 of the general purposes of the undertaking to which capital is
raised.

Powers of
application
of money
authorised
to be
raised.

properly applicable as they may think fit the whole or any part of the sum of nine hundred and fifty thousand pounds authorised by the said Act to be borrowed and referred to in Section 4 thereof.

Provided that except for the purposes of determining or procuring the surrender of leases or agreements referred to in Subsection (4) of the said Section 4 the Company shall not borrow the said sum of nine hundred and fifty thousand pounds or any part thereof except with the consent in writing of the Corporation under their common seal.

*Proviso
repealed 7:
1990 HRO Act 4 (1)*

Power to
obtain
advances
for ex-
penditure
on capital
account.

5. The Company may obtain advances of such sums of money as they may require for meeting their obligations in regard to expenditure on capital account provided that the total amount so advanced at any one time and outstanding shall not when added to the amount raised on capital account (otherwise than by the creation and issue of shares) by any other means exceed the aggregate amount which the Company are for the time being authorised to raise by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock and the sums so advanced together with the interest thereon shall form a charge on the funds properties rates and revenues of the Company.

Provided that (except where the Company propose to raise by the means authorised by this section any moneys which they shall have previously obtained the consent of the Corporation to raise) the powers conferred upon the Company by this section shall not be exercised except with the consent in writing of the Corporation under their common seal.

*Proviso
repealed
see above*

Power to
issue bonds.

*See S. 8:28
S. 34:20
S. 37:5*

6. (1) For the purpose of raising any moneys which the Company are authorised to borrow on mortgage of the undertaking or for the purpose of securing any advances to be made to the Company under the section of this Act of which the marginal note is "Power to obtain advances for expenditure on capital account" the Company may instead of or in temporary substitution for their existing powers of granting mortgages or creating and issuing debentures or debenture stock issue and

*See Act 1928 S. 8
.. 1936 S. 34
.. 1950 S. 23*

renew bonds subject to and in accordance with the regulations contained in Part I. of the Schedule to this Act and in the form set forth in Part II. or Part III. of that Schedule or in such other form as the Company may prescribe;

5 (2) Bonds may be issued shortly before any other bonds fall due in order to pay off those bonds notwithstanding that the amount which the Company may for the time being be authorised to raise by borrowing on mortgage of their undertaking would thereby be temporarily exceeded;

10 (3) The total amount of any such bonds outstanding at any one time shall not in the aggregate exceed the sum of one million pounds except by the amount payable on bonds issued shortly before any other bonds fall due in order to pay off those bonds; *increased to £2M by Act 1924 s. 30 and to £4½M by Act 1925 s. 8*

*Inc under G
£2,000,000 by
Act 1924 s. 30.
and to £4,500,000
by Act 1925 s. 8.*

15 (4) Bonds shall be charged on the funds properties rates and revenues of the Company and shall be deemed to be a temporary loan;

(5) The Company may enter into any such arrangement as they may think proper with any banker firm of bankers
20 banking company or financial corporation or firm for carrying into effect the provisions of this Act with respect to the issue of bonds and to the payment of the principal sums named therein and for the proper remuneration for the services rendered with reference thereto;

25 (6) For the repayment of money raised by bonds the Company may raise money by the issue of further bonds or by any other method or methods by which the Company are authorised to raise money;

30 (7) No person claiming under a transfer of any bond shall be entitled to receive any principal money thereby assigned or the interest on such principal money until such transfer shall have been produced to the Secretary of the Company for registration.

Company
not bound
to recog-
nise any
trust.

7. The Company shall not be bound to see to the execution of any trust whether express implied or constructive to which any bond or the principal moneys or interest thereby secured may be subject and the receipt of the person or persons in whose names any bond shall stand in the books of the Company shall 5 from time to time be a sufficient discharge to the Company for any moneys payable in respect of such bond notwithstanding any trusts to which the same or the money thereby secured may then be subject and whether the Company shall or shall not have had notice of such trusts and the Company shall not 10 be bound to see to the application of the money paid upon such receipt.

Persons not
bound to
inquire as
to applica-
tion of
money
borrowed.

8. Notwithstanding anything contained in any Act relating to the Company or the undertaking it shall not be necessary for any person or corporation who may lend or pay any money 15 to the Company on any bond to inquire into the application thereof.

As to
ranking of
charges
created
under this
Act.

9. The charge upon the funds properties rates and revenues of the Company created by the raising of money by obtaining advances or by the issue of bonds under the powers of the 20 sections of this Act of which the marginal notes are respectively "Power to obtain advances for expenditure on capital account" and "Power to issue bonds" shall during the continuance of such charge rank in the same order of priority as a mortgage granted by the Company for raising the 25 particular moneys in respect of the power to borrow which such advances were obtained or such bonds were issued.

As to
temporary
borrowing.

10. (1) The directors of the Company may from time to time for the purpose of providing temporarily for any current expenses that may be incurred by the Company in connection 30 with the undertaking borrow on behalf and in the name of the Company by way of temporary loan or deposit receipt from any person and in either case at such rate of interest as they may determine such sum as they may from time to time resolve.

See Act 1950 s. 24

(2) All sums borrowed under this section in respect of the current expenses of any financial year shall be repaid out of the revenue received by the Company in respect of such year.

(3) The provisions of Subsection (2) of this section requiring the repayment out of the revenue referred to in that subsection of the sums borrowed under this section shall not affect any lender or his security for the loan or overdraft and the interest thereon respectively or his right to obtain payment thereof from the Company.

10 11. No person advancing to the Company any money under any of the provisions of this Act shall be obliged to see to the application thereof or to enquire whether the Corporation have consented to the raising thereof and the security of any mortgagee debenture holder or other lender shall not be invalidated or
15 otherwise affected by reason of the Corporation not having consented.

For protection of lenders.

Repealed
1990 HRO
Am 4/11

12. Notwithstanding anything contained in the Lands Clauses Consolidation Acts Amendment Act 1860 the powers of the Company of raising money by borrowing shall not be
20 reduced in consequence or in respect of the existence of any rent charges which were payable at the date of the passing of this Act or which the Company had at that date contracted to pay.

Borrowing powers not to be reduced in respect of granting of rent-charges.

13. (1) It is hereby declared that the Company are
25 beneficially entitled to the twenty-four thousand one hundred and fifty-nine ordinary shares of ten pounds each in the capital of the Company now registered in the joint names of Frederick Tinker Woolley and William Henry Shaw as trustees on behalf of the Company and to the capital represented by the said shares and to any dividends payable on the
30 said shares at the rates of dividend from time to time declared on the ordinary shares of the Company and the Company may from time to time authorise and direct the said trustees or their successors in title as such trustees to sell and transfer the said
35 shares or any of them.

As to shares of the Company held by trustees for the Company.

See also Act 1928 s. 6

(2) The proceeds of any such sale (after deducting the expenses thereof) shall be paid by the said trustees or their successors in title as aforesaid to the Company and shall be applied to such of the general purposes of the undertaking to which capital is properly applicable as the directors of the Company may from time to time think fit.

(3) The net sums (if any) received from time to time by the said trustees or their successors in title as aforesaid by way of dividend on the said shares shall be paid by them to the Company who shall deal with and dispose of the same as receipts on 10 revenue account.

PART III.—MISCELLANEOUS PROVISIONS.

Power to
grant
pensions
&c.

14. (1) The directors of the Company may pay to any officer or servant who shall retire from the service of the Company by reason of his reaching the age of sixty-five years or 15 on account of ill-health or incapacity or for any other reason whatever a pension retiring allowance or gratuity of such amount and subject to such terms and conditions as the directors of the Company may think fit.

(2) The directors of the Company may also at their 20 discretion pay to the widow or other dependants of any deceased officer or servant a gratuity or annual allowance of such amount and on such terms and conditions as they may think fit.

(3) The directors of the Company may apply the funds and revenues of the Company for the purposes of this section. 25

Increase of
maximum
rates on
Bridge-
water
Canals
Undertaking.

15. As from the passing of this Act the Act of 1919 shall apply and have effect as if the Bridgewater Canals Undertaking had not been excluded from the definition of the Undertaking of the Company contained in Section 2 (Interpretation) of that Act. 30

Repeal of
Section 4
of Act of
1919.

16. As from the passing of this Act Section 4 (For protection of Railway Companies parties to through rates) of the Act of 1919 shall be and the same is hereby repealed.

17. Nothing contained in this Act shall alter vary or abridge the rights and interests of the Right Honourable John Francis Granville Scrope fourth Earl of Ellesmere the Trustees under the Settlement of the Ellesmere Estates of the said Earl of Ellesmere their successors heirs and assigns or any of his or their tenants or lessees under or by virtue of the Conveyance and Assignment dated the twenty-seventh day of June one thousand eight hundred and seventy-four and made between the Honourable Algernon Egerton The Right Honourable John Frederick Vaughan Campbell Earl Cawdor and The Right Honourable George Henry Charles Baron Strafford of the first part the said Algernon Egerton of the second part The Right Honourable Francis Charles Granville Egerton Earl of Ellesmere of the third part The Honourable Francis Egerton and the Honourable and Reverend John Thynne of the fourth part Sir Edward William Watkin and William Philip Price of the fifth part and the Bridgewater Navigation Company Limited of the sixth part and preserved by the Manchester Ship Canal Act 1885 and the Canal Rates Tolls and Charges No. 2 (Bridgewater &c. Canals) Order Confirmation Act 1894.

For protection of the Earl of Ellesmere the Trustees of the Ellesmere Settlement and others.

18. If any money is payable to a mortgagee or debenture stock holder of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris

19. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to execute any work or undertaking.

Deposits for future Bills not to be paid out of capital.

20. Nothing in this Act contained shall exempt the Company or their Canals or Docks from the provisions of "The Merchant Shipping Act 1894" or any general Acts relating to Docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future Session of Parliament or from any future revision or alteration under the authority of Parliament of the Dock rates or duties authorised to be charged by the Company.

Provision for Merchant Shipping Acts and General Acts.

Provision
as to
general
Railway
Acts.

21. Nothing in this Act contained shall exempt the Company or their Railways from the provisions of any General Act relating to Railways or to the better and more impartial audit of the accounts of Railway Companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by the Manchester Ship Canal Act 1885. 5

Costs of
Act.

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

[SCHEDULE.]

THE SCHEDULE REFERRED TO IN THE FOREGOING ACT.

PART I.

1. Bonds issued by the Company shall be called "Manchester Ship Canal Bonds."

2. Manchester Ship Canal Bonds with or without coupons attached thereto may provide that the money thereby secured shall be paid to the bearer or to the registered holder thereof.

3. Manchester Ship Canal Bonds shall be issued under the Common Seal of the Company.

4. The principal money secured by a Manchester Ship Canal Bond shall be repayable at such date not being less than five ~~not more than ten~~ years from the date of the Bond as shall be specified in the Bond.

See S. 35/36.
Repealed Act
1936 S. 35

5. Where Bonds are issued to bearer with coupons for interest attached such interest shall be payable half-yearly at the dates and at the places specified in such coupons.

6. In the case of Bonds issued to a registered holder or holders thereof :—

(A) The interest thereon shall be paid half-yearly on the dates to be specified in the Bonds.

(B) Where more persons than one are registered as joint holders of a Bond any interest shall unless otherwise specially directed by all of such registered holders be paid to that one of them whose name stands first on the register in respect of such Bond.

(C) Interest shall be paid by means of warrants sent through the post to the registered holders of Bonds at their registered addresses or in the case of joint registered holders to the registered address of that one of them whose name stands first on the register in respect of the Bonds in question or who has been specially designated as aforesaid as the person to whom such interest is to be paid. Provided that the registered holder or (if more than one) all the registered holders may by writing under his or their hands direct that the interest on his or their Bond or Bonds shall be sent to some other person or to some other address and thereupon the warrant shall be sent accordingly.

(D) The posting by the Secretary or other officer of the Company of a warrant or cheque for interest in a prepaid letter directed to such address as hereinbefore mentioned shall be a good discharge to the Company for such interest.

(E) Every warrant so sent by post shall be deemed to be a cheque and the Company and the Secretary of the Company shall in relation thereto be Bankers within the Bills of Exchange Act 1882.

(F) Where two or more registered holders of a Bond have given direction as to the payment of interest thereon and one of them becomes of unsound mind such direction shall not thereby become void.

7. Unpaid interest on a Manchester Ship Canal Bond shall not under any circumstances bear interest against the Company.

8. The minimum amount of principal money secured by any one Bond shall be £20.

9. A Manchester Ship Canal Bond shall entitle the holder to payment at maturity of the sum secured by such bond together with the interest thereon.

10. Whenever the holder of a Bond issued to a registered holder shall die the executors and administrators of such deceased holder shall not become entitled to such Bond or to the principal or interest secured thereby until in the case of the death of such holder the Probate of his Will or if he dies intestate Letters of Administration shall have been produced to the Secretary of the Company and a memorandum thereof shall have been entered in the proper register of transfers and the Secretary shall endorse on each such Bond and also on such Probate or Letters of Administration a memorandum or note in writing signed by him specifying the date and purport of the facts entered in the Register of Transfers so required including the necessary endorsements. The Secretary may demand a registration fee of not exceeding 2s. 6d. for each Bond.

11. Every transfer of a registered Bond shall (except when transferred by Will or by operation of law) be by deed duly stamped wherein the consideration for the same shall be fully and truly stated. Provided always that an erroneous statement of such consideration shall not so far as the Company are concerned vitiate the transfer or affect the same.

12. No transfer of a registered Bond shall be deemed complete nor shall the transferee of any such Bond be entitled to receive the moneys payable under or by virtue of such Bond or any interest in respect thereof until the transfer deed accompanied by the Bond shall have been produced to the Secretary of the Company for registration and such transfer deed shall be duly registered by the Secretary who shall endorse on every such Bond thereby transferred a memorandum or note in writing signed by him specifying the fact of such transfer and the date thereof and of such transfer having been registered. The Secretary may demand a transfer fee of not exceeding 2s. 6d. for each Bond.

13. The Company shall cause a notice to be written or printed on some conspicuous part of every Bond issued by them to a registered holder that every transfer of such Bond is required to be registered in manner aforesaid and also that no transfer of any such Bond will be recognised unless the Deed of Transfer shall be delivered up to the Company to be retained by them.

PART II.

(FORM OF REGISTERED BOND.)

MANCHESTER SHIP CANAL BOND.

No.		No.
	Per cent.	Bond.
	Due	19
£		

Issued under the powers of the Manchester Ship Canal Act 1920 and secured on the funds properties rates and revenues of the Manchester Ship Canal Company.

THIS BOND entitles

of £ to the principal sum of sterling on presentation at on the day of 19 and in the meantime to payment of interest thereon at the rate of £ per cent. per annum to be remitted by Warrant sent by post half-yearly on the day of and the day of in each year up to the date of maturity free from deduction except in respect of Income Tax.

Dated the day of 19

This Bond is one of a series of Bonds amounting to £ numbered as follows :—

Nos.	to	£	each.
Nos.	to	£	each.
Nos.	to	£	each.

Issued under the Common Seal of the Manchester Ship Canal Company.
Seal.

Directors.

Secretary.

NOTE.—Under the Manchester Ship Canal Act 1920 no person claiming under any transfer of this Bond will be entitled to receive any principal money thereby assigned or the interest on such principal money until such transfer shall have been produced to the Secretary of the Manchester Ship Canal Company for registration as provided by the said Act and no transfer of this Bond will be recognised unless the transfer shall have been delivered up to the said Company to be retained by them.

Notice will not be taken of any trust to which this Bond or the money thereby secured is or may become subject and all transfers thereof should therefore be absolute and not made on any trust and must be made by a separate instrument.

G

E

PART III.

(FORM OF BEARER BOND.)

Manchester Ship Canal.

No.	per cent.	No.	Bond
	Due		19
£		£	

Issued under the powers of the Manchester Ship Canal Act 1920 and secured upon the funds properties rates and revenues of the Manchester Ship Canal Company.

Transferable by Delivery.

THIS BOND entitles the Bearer to the Principal sum of £ sterling
on presentation at on the day of
19 .

Interest thereon at the rate of £ per cent. per annum being
payable at on the day of
and the day of in each year up to the
date of maturity, Coupons for which are annexed.

DATED the day of 19 .

This Bond is one of a series of Bonds amounting to £ numbered
as follows :—

Nos.	to	£	each
Nos.	to	£	each
Nos.	to	£	each

Issued under the Common Seal of the Manchester Ship Canal Company.
Seal

Directors.

Secretary.

FORM OF COUPON.

MANCHESTER SHIP CANAL.				No.
per cent.		Bond.		
Coupon for six months interest due		19 on Bond for £	No.	Due.
Payable at the		£	(Amount of Interest)	19 .
		£		£
Payable less Income Tax.				

THE MANCHESTER SHIP
CANAL ACT 1920.

AN

ACT

To confer further powers upon the Manchester Ship Canal Company; and for other purposes.

[ROYAL ASSENT 16TH AUGUST 1920.]

10 & 11 GEORGE 5.—SESSION 1920

GRUNDY, KERSHAW, SAMSON & CO.,
31, Booth Street, Manchester,
Solicitors

DYSON, BELL & CO.,
3A, Dean's Yard,