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Manchester Ship Canal Act 1950.

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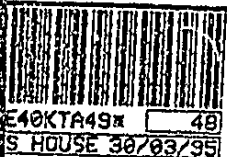
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AN

ACT

To empower the Manchester Ship Canal Company to acquire lands; to increase the maximum dues tolls rates and charges leviable by the Company; to make further provisions with regard to the finances of the Company; and for other purposes.

[ROYAL ASSENT 28TH JULY 1950]

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 cities of Manchester and Salford and elsewhere and certain railways in connection with the said canals docks lands and premises :

Preamble.
48 & 49
Vict.
c. clxxxviii.

And whereas it is expedient that the Company should be authorised to acquire certain lands in the city of Salford for the purposes of or in connection with their said undertaking :

And whereas under or by virtue of the said Acts or some or one 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 said Manchester Ship Canal and on vessels navigating the said Bridgewater Canals and the merchandise carried thereon and to levy charge or make certain rates dues tolls and charges for the use of or in connection with the said docks railways lands and premises :

And whereas the dues tolls rates and charges which the Company may levy charge and make as aforesaid are for the most part limited by the said Acts or some or one of them to certain specified maxima and it is expedient that the said maxima should be increased as by this Act provided :

And whereas by virtue of the deeds referred to in the Second Schedule to this Act the Company may be required by the persons entitled to the benefit of the said deeds in certain cases to haul merchandise by rail at certain rates specified in the said deeds and it is expedient that the said rates should be varied as by this Act provided :

And whereas the issued capital of the Company consists of four million perpetual five pounds per centum preference shares of

one pound each four million ordinary shares of one pound each and one million sixty-one thousand two hundred and thirty pounds Manchester Ship Canal Corporation three and a half per centum preference stock :

And whereas the Company are empowered to raise by borrowing 5
on mortgage of their undertaking or by the creation and issue of
debenture stock or the issue of bonds sums amounting in the aggregate
to fifteen million two hundred and ninety-two thousand pounds (in
addition to powers of borrowing on mortgage of certain lands) and
in exercise of those powers have raised by borrowing on mortgage 10
sums of which an amount of nine million one hundred and eighty-
seven thousand pounds was outstanding on the thirty-first day of
December one thousand nine hundred and forty-nine and have
created and issued debenture stock to the nominal amount of five
hundred and fifty thousand pounds ; 15

And whereas the Company had on the said thirty-first day of
December one thousand nine hundred and forty-nine unexercised
powers of raising money by borrowing on mortgage of their under-
taking or by the creation and issue of debenture stock or the issue of
bonds to the extent of the further sum of five million five hundred 20
and fifty-five thousand pounds but of that amount the sum of three
million six hundred and fifty thousand pounds can only be borrowed
with the consent of the lord mayor aldermen and citizens of the city
of Manchester :

And whereas with a view of making provision for the redemption 25
of mortgages debentures redeemable debenture stock or bonds of
the Company and of facilitating the exercise by the Company of the
powers of raising money for the time being exerciseable by them it is
expedient that the provisions contained in this Act relating to the
finances of the Company should be enacted : 30

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 :

And whereas a plan showing the lands which the Company may 35
acquire or use under the powers of this Act together with a book of
reference to the said plan containing the names of the owners and
lessees or reputed owners or lessees and of the occupiers of such lands
has been deposited with the town clerk of the city of Salford and
such plan and book of reference are hereinafter respectively referred 40
to as the deposited plan and book of reference :.

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 Parliament assembled and by the 45
authority of the same as follows (that is to say) :—

PART I.—PRELIMINARY.

1. This Act may be cited as the Manchester Ship Canal Act 1950. Short title.

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

5 Part I.—Preliminary ;
 Part II.—Lands ;
 Part III.—Dues Tolls Rates &c. ;
 Part IV.—Financial ;
 Part V.—Miscellaneous.

10 3. The following Acts and parts of Acts (that is to say):— Incorporation of Acts.

 The provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage or bond and the giving of notices and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts; and 8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.

 The Lands Clauses Acts except section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860 23 & 24 Vict. c. 106.

so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act or any former Act of or relating to the Company are incorporated with and form part of this Act:

25 Provided that the Company being a railway company within the meaning of the Railway Companies Act 1867 section 36 of that Act shall apply with reference to section 85 of the Lands Clauses Consolidation Act 1845. 30 & 31 Vict. c. 127.

4.—(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):— Interpretation.

 “the Act of 1885” means the Manchester Ship Canal Act 1885 ; 48 & 49 Vict. c. clxxxviii.

 “the Act of 1919” means the Manchester Ship Canal Act 1919 ; 9 & 10 Geo. 5 c. xli.

 “the Act of 1920” means the Manchester Ship Canal Act 1920 ; 10 & 11 Geo. 5 c. cxlix.

35 “the Act of 1933” means the Manchester Ship Canal Act 1933 ; 23 & 24 Geo. 5 c. lxvi.

 “the Act of 1949” means the Manchester Ship Canal Act 1949 ; 12 & 13 Geo. 6 c. xxxvi.

 “the appointed day” means the first day of January next occurring after the date on which the Corporation under the powers of any Act passed or to be passed in the present Session of Parliament execute any deed or covenant whereby they guarantee the payment of interest on mortgages granted or debentures or redeemable debenture stock or bonds issued by the Company after the date of the passing of this Act ;

45 “the available net revenue” means such part of the net revenue of the Company as shown in their annual accounts as after deducting any tax due on the first day of January next following the closing of the accounts and making provision for the payment of interest on any outstanding

PART I
—cont.

mortgages debentures debenture stock bonds or other loans of the Company and other prior charges is or would but for the operation of section 23 (Company to issue bonds to Corporation in discharge of payments made under guarantee) of this Act be available for appropriation to 5 reserve for contingencies or the payment of dividends;

"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 Limited and the Company of Proprietors of 10 the Mersey and Irwell Navigation under the provisions of the Act of 1885 and for the use of which the Company were immediately before the passing of this Act entitled to charge tolls but does not include any part of the harbour;

"the Canal" means the Manchester Ship Canal authorised by 15 the Act of 1885 as amended by subsequent Acts;

"the Company" means the Manchester Ship Canal Company;

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

"the directors" means the directors for the time being of the 20 Company;

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

10 & 11
Vict. c. 27.

"the Harbours Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"the maximum Bridgewater rates" means the dues tolls rates 25 and charges which the Company were immediately before the date of the passing of this Act authorised to levy or charge in connection with the Bridgewater undertaking by virtue of the Act of 1919 as amended by the Act of 1920 and the Act of 1933; 30

"the maximum railway rates" means the rates and charges which the Company were immediately before the date of the passing of this Act authorised to charge and make in respect of merchandise traffic on their railways by virtue of the Act of 1919 as amended by the Act of 1933; 35

"the maximum Ship Canal rates" means the dues tolls rates and charges which the Company were immediately before the date of the passing of this Act authorised to levy or charge in connection with the undertaking by virtue of the Act of 1919 as amended by the Act of 1920 and the 40 Act of 1933 (other than the maximum Bridgewater rates and the maximum railway rates) and the rates and tolls which the Company are authorised to levy or charge by virtue of section 14 (Amendment of Fourth Schedule to Act of 1885) of this Act; 45

"the Minister" means the Minister of Transport;

"the Order of 1894" means the Canal Rates Tolls and Charges No. 2 (Bridgewater &c. Canals) Order 1894 scheduled to and confirmed by the Canal Rates Tolls and Charges No. 2 (Bridgewater &c. Canals) Order Confirmation Act 1894; 50

57 & 58
Vict.
c. cxvii.

"the redeemable loan capital" means—

PART I
—cont.

- (a) the mortgages redeemable debentures and bonds of the Company which are outstanding at the date of the passing of this Act; and
- 5 (b) any debenture stock issued to the Corporation by the Company under the powers of section 22 (Cancellation of Manchester Ship Canal Corporation preference stock and issue of debenture stock in lieu thereof) of this Act; and
- 10 (c) any mortgages granted and any debentures redeemable debenture stock and bonds issued by the Company after the date of the passing of this Act the payment of the interest on which is guaranteed by the Corporation under the powers of any Act
- 15 passed or to be passed in the present Session of Parliament

and includes any mortgages granted and any debentures redeemable debenture stock and bonds issued by the Company for the purpose of replacing any of the said mortgages debentures redeemable debenture stock or bonds;

"the tribunal" means the arbitrator or other person to whom any question of disputed purchase money or compensation under this Act is referred;

25 "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.

30 (2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II.—LANDS.

PART II.

35 5.—(1) Subject to the provisions of this Act the Company may enter upon take and use the lands delineated on the deposited plan and described in the deposited book of reference for the purposes of or in connection with the undertaking. Power to acquire lands.

(2) The powers of the Company for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October one thousand nine hundred and fifty.

45 6.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Company after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the city of Salford for the correction thereof. Correction of errors in deposited plan and book of reference.

50 (2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

PART II
—cont.

(3) Any such certificate shall be deposited with the town clerk of the city of Salford and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Company to take the land in accordance with the certificate. 5

(4) Any certificate deposited under this section with the town clerk of the city of Salford shall be kept by him with the other documents to which it relates.

Power to expedite entry.

7. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act but not less than one month after giving to the owner and occupier of the land notice in writing of their intention to exercise the powers of this section the Company may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 15 to 90 of the Lands Clauses Consolidation Act 1845 :

Provided that the Company shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with. 20

Power to enter for survey or valuation.

8. Any person acting on behalf of the Company and duly authorised in writing by the secretary of the Company may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land : 25

Provided that no land shall be entered under this section unless the Company not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice in writing to the owner and occupier of the land in manner provided by the Lands Clauses Acts. 30

Disregard of recent improvements and interests.

9. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred 35 and forty-nine ; or

(b) any interest in the land created after the said date which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money. 40

Extinction of private rights of way.

10.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Company 45 compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

Application to lands acquired under this Act of enactments relating to surplus

11. The provisions of the Manchester Ship Canal (Surplus Lands) Act 1893 as amended or extended by subsequent Acts shall extend and apply to land acquired by the Company under the 50 powers of this Act.

12. The tribunal shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

PART II
—cont.
Costs of arbitration in certain cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause (such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment) and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

PART III.—DUES TOLLS RATES &c.

PART III.

13. The maximum Ship Canal rates are hereby respectively increased by an amount equal to twenty-five per centum of the respective amounts thereof and the Company may levy or charge such increased rates accordingly.

Increase of Ship Canal rates.

14.—(1) The Fourth Schedule to the Act of 1885 shall be read and have effect as if in addition to the articles wharfage rates and canal tolls specified in the said Fourth Schedule there had been included therein the articles wharfage rates and canal tolls respectively set out in the First Schedule to this Act.

Amendment of Fourth Schedule to Act of 1885.

(2) For the purposes of section 3 (Increase of Maximum Rates) of the Act of 1919 as amended by the Act of 1933 this section shall be deemed to have been in force immediately before the passing of the Act of 1919.

15.—(1) As from the date of the passing of this Act section 129 (Tolls on cargo &c. carried on Canal) of the Act of 1885 shall be read and have effect as if for the words in the said section beginning "and as to all such cargo as is not specified in the said Schedule" down to and including the words "similar nature package and quality" there were substituted the following words (that is to say)—

Amendment of sections 129 and 132 of Act of 1885.

"and as to all such cargo as is not specified in the said Schedule the Company may demand and take a toll equal to the toll for the time being payable in respect of cargo of a similar nature package quality or value."

(2) As from the date of the passing of this Act section 132 (Wharfage rates) of the Act of 1885 shall be read and have effect

PART III
—cont.

as if for the words in the said section beginning "and as to all such cargo as is not specified in the said Schedule" down to and including the words "similar quantity and weight" there were substituted the following words (that is to say)—

"and as to all such cargo as is not specified in the said Schedule the Company may demand and take a rate equal to the rate for the time being payable in respect of cargo of a similar quantity weight or value."

Increase of
railway
rates.

16. The maximum railway rates are hereby respectively increased by an amount equal to one hundred per centum of the respective amounts thereof and the Company may charge and make such increased rates accordingly.

Increase of
certain
railway
haulage
charges.

17.—(1) The charges which by virtue of the deeds referred to in the Second Schedule to this Act the Company are entitled to charge in respect of the haulage by railway from the Manchester Docks to the premises of any trader entitled to the benefit of any of the said deeds or from the premises of any such trader to the Manchester Docks of merchandise paying Ship Canal tolls are hereby increased to amounts not exceeding—

(a) one shilling and threepence per ton if the merchandise is carried in a wagon provided by the Company; and

(b) one shilling per ton if the merchandise is carried in a wagon provided by the trader.

(2) The charge which the Company may make pursuant to subsection (1) of this section shall include the service of haulage by the Company and also in the case of a charge made under paragraph (a) of the said subsection (1) the provision of wagons by the Company but shall not include any other service.

Increase of
Bridge-
water
rates.

18.—(1) The maximum Bridgewater rates are hereby respectively increased by an amount equal to seventy-five per centum of the respective amounts thereof and the Company may levy or charge such increased rates accordingly.

(2) Notwithstanding anything contained in 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 or in section 84 of the Act of 1885 or in paragraph (v) of the Special Sections applicable only to the Bridgewater undertaking in the Schedule to the Order of 1894 or in section 17 of the Act of 1920 the maximum tolls which the Company may levy or charge on or to the National Coal Board in respect of minerals coke and cinders whereof the place of shipment or the place of unloading shall be on that portion of the Bridgewater Canal which is situate within the

amended by Act of
1966 S. 20

township of Worsley as existing immediately before the said twenty-seventh day of June one thousand eight hundred and seventy-four shall be increased by an amount equal to one hundred and twenty-five per centum of the respective maximum tolls specified in the Sixth Schedule to the said conveyance or by such other amount as may be agreed between the Company and the said Board.

PART III
—cont.

19.—(1) The provisions of section 146 (Company to have exclusive right to load &c. vessels) of the Act of 1885 relating to the charges which the Company may make in respect of the performance of such services as are mentioned in that section shall extend and apply to the performance by the Company of the like services with respect to cargo shipped or unshipped or warehoused or deposited from or at any premises belonging to the Company and forming part of the Bridgewater undertaking and the Company may charge for such services accordingly.

Extension of section 146 of Act of 1885 to Bridgewater undertaking.

(2) So much of Part I of Table A applicable only to the Bridgewater undertaking in the Schedule to the Order of 1894 as relates to maximum service terminals is hereby repealed.

20.—(1) In this section "authorised rates" means the dues tolls rates and charges which the Company are for the time being authorised to levy charge or make in pursuance of section 13 (Increase of Ship Canal rates) section 16 (Increase of railway rates) or sub-section (1) of section 18 (Increase of Bridgewater rates) of this Act or any order made under this section.

Revision of rates.

(2) If it is represented by application in writing to the Minister—

- (a) by any Chamber of commerce or shipping or any representative body of traders or shipowners; or
- (b) by any person who in the opinion of the Minister has a substantial interest in the trade of the harbour or of the Bridgewater undertaking and is a proper person to make an application; or
- (c) by the Company

Amended by

S. 5. 52

Amended by

Act 1 1952

S. 5.

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an Order revising all or any of the authorised rates referred to in the application and may fix the date as from which such Order shall take effect and thenceforth such Order shall remain in force until the same expires or is revoked or modified by a further Order of the Minister made in pursuance of this subsection.

(3) An application made to the Minister under subsection (2) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(4) Where upon an application under subsection (2) of this section an Order has been made or the Minister has decided not to make an Order no further application for a revision of any of the rates to which the application related shall be made within twelve months from the date of such Order or decision as the case may be.

(5) Before making an Order under subsection (2) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Company where they

PART III
—cont.

are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Company or by any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application. 5

(6) Subject to the proviso to this subsection the Minister shall not by an Order under subsection (2) of this section make any such revision of the authorised rates as in his opinion would so far as can be estimated be likely to result in the annual revenue of the Company being insufficient or more than sufficient to enable the Company with efficient management of the undertaking to make adequate provision for paying all proper expenses of and connected with the working management and maintenance of the undertaking including interest on loan capital (regard being had by him to any capital which the Company may reasonably be expected to expend) making good depreciation providing for any contributions which the Company may reasonably and properly carry to any reserve fund contingency fund or sinking fund and meeting all other costs charges and expenses if any properly chargeable to revenue together with a reasonable return upon the paid up share capital of the Company : 10 15 20

Provided that in any case in which the Minister is satisfied that there are special circumstances affecting the undertaking taking into account the financial condition of the Company during such period preceding the date on which an application is made under subsection (2) of this section as the Minister considers to be appropriate the Minister may revise the authorised rates in such manner as he thinks just and reasonable with due allowance for such special circumstances notwithstanding that such revision is likely to result in the revenue of the Company being insufficient to enable the Company to make adequate provision for all of the matters referred to in the foregoing provisions of this subsection. 25 30

(7) The authorised rates as revised by an Order under subsection (2) of this section shall not in any case be less than the maximum Ship Canal rates the maximum railway rates or the maximum Bridgewater rates (as the case may be). 35

23 & 24
Geo. 5
c. 51.

(8) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any inquiry which the Minister may cause to be held under this section as if it were an inquiry held in pursuance of subsection (1) of that section and the Company were a local authority. 40

(9) The power of the Minister to make an Order under subsection (2) of this section shall be exercisable by Statutory Instrument.

PART IV.

PART IV.—FINANCIAL.

Sinking
fund.

21.—(1) For the purpose of making provision for the redemption of any mortgages debentures redeemable debenture stock or bonds which the Company from time to time may grant or issue or have granted or issued the Company may in manner hereinafter provided form a fund to be called "the sinking fund." 45

(2) The sinking fund may be formed by setting aside from time to time out of the available net revenue such sums as the Company may consider proper. PART IV
—cont.

(3) The Company shall in respect of the year ending on the thirty-first day of December one thousand nine hundred and fifty-five and in respect of each succeeding year thereafter until the redeemable loan capital shall have been repaid or extinguished or otherwise redeemed set aside and pay into the sinking fund out of the available net revenue for such year the sum of forty thousand pounds or the amount of the available net revenue for that year whichever is the less.

(4) Any sums so set aside and the net income therefrom may from time to time unless and until required for the purposes of subsection (5) of this section be invested in any investments in which trustees are for the time being by law authorised to invest trust funds or any other securities (not being except as hereinafter provided securities of the Company).

(5) All sums so set aside and the net income therefrom shall be applied in or towards the redemption of any mortgages debentures redeemable debenture stock or bonds of the Company or if the directors think fit be applied at any time in the exercise of the powers of the Company under section 22 (Power to purchase debentures &c.) of the Manchester Ship Canal Act 1945 in the purchase of any debentures or debenture stock or bonds of the Company. 8 & 9
Geo. 6
c. xi.

(6) If any moneys for the time being standing to the credit of the sinking fund are applied after the appointed day in the purchase or redemption of any mortgages debentures redeemable debenture stock or bonds of the Company the Company shall at the end of each half-year after such application and until the redeemable loan capital shall have been repaid or extinguished or otherwise redeemed pay into the sinking fund an amount equal to the net interest which was payable in respect of those mortgages debentures redeemable debenture stock or bonds immediately before they were so purchased or redeemed.

(7) Section 5 (Redemption fund) of the Manchester Ship Canal Act 1928 is hereby repealed. 18 & 19
Geo. 5
c. lxxxv.

22.—(1) On the appointed day the Manchester Ship Canal Corporation three and a half per centum preference stock which at the date of the passing of this Act has been issued by the Company to the Corporation under the powers of section 10 (Company to issue preference shares or stock to Corporation) of the Manchester Ship Canal (Finance) Act 1904 to the nominal amount of one million sixty-one thousand two hundred and thirty pounds shall be cancelled and in lieu thereof and in satisfaction of such cancellation the Company shall issue to the Corporation debenture stock to the like nominal amount. Cancellat-
ion of
Manchester
Ship Canal
Corpor-
ation
preference
stock and
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debenture
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thereof.
4 Edw. 7
c. lxxiv.

(2) For the purposes of subsection (1) of this section there shall on the appointed day be created by virtue of this Act and without any other requisite debenture stock of the Company to the nominal amount of one million sixty-one thousand two hundred and thirty pounds.

PART IV
—cont.

(3) Such debenture stock shall bear interest as from the appointed day at the rate of three and a half per centum per annum and such interest shall rank in the same order of priority as the interest on the debenture stock which the Company are empowered to issue under section 44 (Debenture stock) of the Act of 1949.

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(4) Notwithstanding the cancellation of the said preference stock the Company shall be entitled to declare and pay and the Corporation shall be entitled to receive dividends on the said preference stock in respect of any period before the appointed day as if this section had not been enacted.

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(5) The Company may redeem at par the debenture stock created and issued under this section in whole or in part at any time upon giving to the Corporation not less than six months' notice in writing.

(6) The creation and issue of debenture stock under this section shall be by way of addition to and not in derogation of the powers of the Company to borrow on mortgage or to raise money by the creation and issue of debentures or debenture stock or the issue of bonds.

15

Company
to issue
bonds to
Corporation in
discharge
of payments
made
under
guarantee.

23.—(1) If in respect of any year ending on the thirty-first day of December the Corporation shall pay to the Company or to any other person any sums of money in pursuance of any deed or covenant made or entered into by the Corporation under the powers of any Act passed or to be passed in the present Session of Parliament guaranteeing the payment of interest by the Company on any moneys raised by them after the passing of this Act on mortgage of the undertaking or by the creation and issue of debentures or redeemable debenture stock or bonds the Company shall issue to the Corporation bonds to the nominal amount of the said sums so paid by the Corporation in respect of that year.

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(2) Any bonds issued by the Company under subsection (1) of this section shall bear interest at rates equivalent to the amounts debited from time to time against the borrowing accounts of the Corporation as a result of the operation of Articles 21 (1) (b) and 27 of the Consolidated Loans Fund (Manchester) Scheme 1935 and shall be redeemed by the Company out of the available net revenue of the Company before any such revenue is set aside to the sinking fund or appropriated to reserve for contingencies or the payment of dividends.

35

(3) (a) Subject to the provisions of this section the provisions of subsection (4) of section 6 (Power to issue bonds) of the Act of 1920 and of Part I of the Schedule (except paragraph 7) to that Act shall so far as applicable extend and apply to bonds issued under subsection (1) of this section and to the issue thereof and subject to any necessary modifications such bonds shall be in the form set forth in Part II or Part III of that Schedule or in such other form as the Company may prescribe;

45

(b) The charge upon the funds properties rates and revenues of the Company created by the issue of bonds under subsection (1) of this section shall during the continuance of such charge rank in the same order of priority as the mortgages which the Company are empowered to grant by virtue of section 43 (Power to Company to borrow) of the Act of 1949.

50

(4) The issue of bonds under subsection (1) of this section shall be by way of addition to and not in derogation of the powers of the Company to borrow on mortgage or to raise money by the creation and issue of debentures or debenture stock or the issue of bonds.

PART IV
—cont.

5 **24.**—(1) The directors may from time to time for the purposes of meeting the obligations of the Company or carrying on the undertaking borrow or raise money temporarily by means of overdrafts from bankers or on short loans or by such other means as they may think fit:

Extension
of powers
to borrow
tem-
porarily.

10 Provided that the aggregate amount outstanding at any time of the money borrowed or raised under this subsection shall not exceed ~~five hundred thousand pounds~~ *two million pounds Act 1966*

(2) The powers conferred by this section shall be by way of addition to and not in derogation of any power for the time being of the directors to borrow by way of temporary loan or deposit receipt under section 10 (As to temporary borrowing) of the Act of 1920 or of the Company to borrow on mortgage or to raise money by the creation and issue of debentures or debenture stock or the issue of bonds.

20 (3) It shall not be lawful to exercise the powers of borrowing conferred by this section otherwise than in compliance with any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

9 & 10
Geo. 6
c. 58.

PART V.—MISCELLANEOUS.

PART V.

25 **25.**—(1) The Company may abandon and discontinue the maintenance and use of the lock or basin Work No. 1 G (c) (known as "Bridgewater Lock") in the urban district of Runcorn in the county of Chester authorised by the Act of 1885 and may remove the gates and all or any of the structures thereof and may fill in or dam or cause to be filled in or dammed the said lock or basin and may retain and use the site thereof for the general purposes of the undertaking and may if they think fit provide and maintain thereat suitable and convenient sluices.

Abandon-
ment of
Bridge-
water
Lock.

35 (2) Section 31 (Lock entrances to certain navigations to be under control of the Company) of the Act of 1885 shall be read and have effect as if the references to the said lock or basin and the approach thereto were omitted from the said section.

40 (3) The Company shall at all times keep navigable the lock or basin Work No. 1 G (a) authorised by the Act of 1885 and known as "Weston Mersey Lock" for the use free of toll and of ship dues of canal and river traffic entering or leaving the existing docks basins and navigation of the Company at Runcorn parts of the Bridgewater undertaking.

12/7
Repealed
1975 HRO
Act 3 (3)

45 (4) The Company shall provide and work free of charge during each tide the necessary motive power for towing all barges and

PART V
—cont.

sailing vessels to and from the said existing docks basins and navigation of the Company at Runcorn parts of the Bridgewater undertaking from and into the River Mersey through the said Weston Mersey Lock and if through any act or default of the Company the said Weston Mersey Lock be at any time incapable of being so used as to afford reasonable facilities the traffic obstructed thereby may during such time enter or leave the Canal at Eastham and pass along the Canal free of toll and of ship dues. 5.

(5) If sluices are installed at the said Bridgewater Lock the Company shall not cause or permit sluicing operations to be carried out at or by means of such sluices so as to cause the said Weston Mersey Lock or the navigable access thereto from the estuary of the River Mersey to be blocked with silt. 10

Directions
of harbour
master.

26. Section 52 of the Harbours Act 1847 in its application to the Company and the harbour master— 15

- (a) shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour ;
- (b) shall not be construed to require the harbour master in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section but in pursuance of that section for all or any of the purposes thereof the harbour master shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels. 25.

Orders of
harbour
master
need not
be in
writing.

27. Section 53 of the Harbours Act 1847 in its application to the Company and the harbour master shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master but a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the Court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel. 30

Costs of
Act.

28. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. 35

[SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

Section 14.

ADDITIONS TO THE FOURTH SCHEDULE TO THE ACT OF 1885.

5	Article.	Wharfage Rate per ton.	Canal Tolls.		
			Section A	Section B	Section C
			Per ton s. d.	Per ton s. d.	Per ton s. d.
10	Aircraft, complete or in parts, and aircraft accessories	s. d. 1 6	6 4	9 9	15 9
	Aluminium, or Aluminium Alloy, not otherwise described or rated	1 6	3 6	5 3	8 9
	Aluminium or Aluminium Alloy ware ..	1 6	3 6	5 3	8 9
15	Asbestic (Asbestos-Cement) Goods, i.e. Pipes, Sheets, etc	1 3	2 6	3 9	6 3
	Asbestos, Crude	1 0	2 0	3 0	5 0
	Asbestos, Ground	1 6	3 0	4 6	7 0
	Asbestos Manufactures, not otherwise described or rated	2 0	3 6	5 3	8 9
20	Bauxite	0 5	1 6	2 3	3 9
	Belting, Leather, Hair, Cotton, Balata and Rubber	2 6	3 0	3 6	5 10
	Boards, Plaster, Wall and Hardboard ..	2 0	2 6	3 9	6 3
	Cables. Telegraphic, Telephonic and Electric	1 9	3 6	5 3	8 9
25	Cameras	4 6	4 8	9 1	13 6
	Carpet Sweepers, other than electric.. ..	1 6	2 9	4 1	6 10
	Celluloid and Celluloid Manufactures ..	3 0	3 10	7 2	10 6
	Cereal Breakfast Foods	1 4	2 0	3 0	5 0
	Composition, Antifouling	0 10	3 0	4 6	7 6

Article.	Wharfage Rate per ton.	Canal Tolls.			
		Section A	Section B	Section C	
	s. d.	Per ton s. d.	Per ton s. d.	Per ton s. d.	
Composition, for preventing incrustation and retaining heat	1 6	3 0	4 6	7 6	5
Cork Manufactures, not otherwise described or rated	2 0	3 6	5 3	8 9	10
Dextrine (British Gum)	1 6	2 0	3 0	5 0	
Electric Accumulators and Batteries ..	1 0	4 3	6 6	10 6	
Electric Apparatus, not otherwise described or rated	3 0	3 10	7 2	10 6	
Electric Lamps (Bulbs or Tubes of all types)	1 7	3 9	5 8	9 5	15
Fancy Goods, not otherwise described or rated	5 0	3 6	5 3	8 9	
Hose, Canvas, Leather and Rubber	3 4	3 0	4 6	7 6	
Insulating Material, not otherwise described or rated	3 0	3 0	4 4	7 4	
Leather Manufactures, not otherwise described or rated	5 0	3 6	5 3	8 9	20
Machines. Typewriting, Calculating and Accounting, Complete or in parts	1 6	2 9	4 1	6 10	
Magnesite. Calcined or Shrunk	0 6	2 0	3 0	5 0	
Magnesium Metal and Magnesium Alloys ..	1 6	3 6	5 3	8 9	25
Mantles, Incandescent	4 6	4 8	9 1	13 6	
Methylated Spirit, Industrial or Commercial Alcohol	2 6	2 10	4 3	7 1	
Motor Vehicles, complete or in parts including Motor Tractors, Motor Cycles and Sidecars and Self-propelled Agricultural etc. Appliances and Accessories thereof	1 0	4 3	6 6	10 6	30
Naphthalene, Crude (Creosote Salt) ..	1 9	1 6	2 3	3 9	
Naphthalene not otherwise described or rated	2 2	1 10	2 10	4 8	
Paper Felt, Roofing (Tarred)	1 0	2 0	3 0	5 0	35
Paper Ware, not otherwise described or rated	3 0	3 4	5 0	8 4	
Photographic Paper (sensitized)	3 9	3 6	5 3	8 9	

Article.	Wharfage Rate per ton.	Canal Tolls.		
		Section A	Section B	Section C
5		Per ton	Per ton	Per ton
	s. d.	s. d.	s. d.	s. d.
Photographic Plates and Films	4 8	4 4	6 7	10 11
Putty	2 3	1 8	2 6	4 2
Radar Apparatus	3 6	4 8	8 6	12 0
Radio and Television Sets and Apparatus ..	3 6	4 8	8 6	12 0
10 Resin Synthetic (Plastics)	2 6	3 4	6 0	8 10
Resin Ware, Synthetic (Plastics), not other- wise described or rated	3 0	3 10	7 2	10 6
Rubber Manufactures, not otherwise described or rated	3 0	3 0	4 4	7 4
15 Size	1 4	2 0	3 0	5 0
Telephone Instruments and Apparatus not otherwise described or rated	3 0	3 10	7 2	10 6
Vacuum Cleaners	3 0	3 10	7 2	10 6
Wax, Bees	1 8	3 4	5 0	8 4
20 Wax, Mineral	1 8	1 8	2 6	4 2
Wax, Vegetable	1 8	3 4	5 0	8 4
Wood Flour	2 0	2 0	3 0	5 0
Yarn, Silk	7 6	3 6	5 3	8 9
Yarn, Artificial Silk	3 9	1 9	2 7	4 4

Amended by Act 11960 S. 12
and Act 11966 S. 20 (2)

Section 17.

SECOND SCHEDULE.

Date.	Deed.	Parties.
20th November 1897	Agreement	The Company and The Anglo-Caucasian Oil Company Limited.
1st November 1898	Agreement	Trafford Park Estates Limited and their Debenture Trustees and the Company. 5
27th July 1899	Lease	The Company and The Colonial Consignment and Distributing Company Limited.
12/60 18th November 1904	Agreement	The Company and The Howis Bread Flour Company Limited. 10
14th February 1905	Conveyance	The Company and The Liverpool Storage Company Limited.
14th February 1905	Conveyance	The Company and The Liverpool Storage Company Limited.
8th September 1906	Agreement	The Company and Edward Pyke Cuthbert Pyke and John Hathersall. 15
22nd October 1909	Agreement	The Company and John Greenwood and Sons Limited.
16th August 1911	Agreement	The Company and Annexe Limited.
3rd June 1912	Agreement	The Company and Cuthbert Pyke John Hathersall and Ithiel Coulthurst. 20
20th December 1912	Agreement	The Company and John Jackson and Son Limited.
1st July 1914	Grant	Charles Cowan Goodwin and the Company.
15th July 1918	Conveyance	The Company and The Liverpool Storage Company Limited. 25
30th October 1924	Conveyance	The Company and Lloyds Packing Warehouses Limited.
31st December 1925	Conveyance	The Company and The Co-operative Wholesale Society Limited.
30th June 1930	Agreement	The Company Dumplington Estates Limited Trafford Park Estates Limited and The Trafford Park Company. 30
10th November 1932 (as extended by agreement dated 5th June 1942)	Agreement	The Company and Berry Wiggins and Company Limited. 35

MANCHESTER SHIP CANAL A

AN
ACT

To empower the Manchester Ship Company to acquire lands; to the maximum dues tolls rates and leviable by the Company; and further provisions with regard to the finances of the Company; and purposes.

[ROYAL ASSENT 28TH JULY 19.

14 GEO. 6.—SESSION 1950.

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