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Manchester Ship Canal Act 1949.

ARRANGEMENT OF SECTIONS.

Preamble.

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PRELIMINARY.

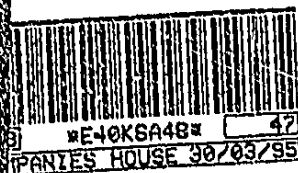
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AN
ACT

To empower the Manchester Ship Canal Company to execute works and acquire lands; to amend the provisions relating to the superannuation fund established for salaried officers and servants of the Company; to empower the Company to borrow additional moneys; to confer further powers upon the Company; and for other purposes.

[ROYAL ASSENT 30TH JULY 1949.]

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
5 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:

48 & 49
Vict.
c. clxxxviii.

And whereas an extensive programme for establishing oil
10 refineries in the United Kingdom has been approved in principle by His Majesty's Government:

And whereas in pursuance of the said programme oil refining works of considerable size are being or are about to be erected on the southerly side of the Manchester Ship Canal at Stanlow in the
15 county of Chester:

And whereas it is intended to refine at the said works crude petroleum imported in large bulk cargoes and it is expedient that convenient facilities should be provided for the unloading and landing of such cargoes and for other purposes:

20 And whereas it is expedient for the purpose of enabling the Company to provide such facilities as aforesaid for vessels of larger size than can now be navigated in the Manchester Ship Canal or in the access thereto known as the Eastham Channel and for other purposes that they should be empowered to construct the dock and other
25 works authorised by this Act and to exercise the powers hereby conferred in regard to the dredging of the said access:

And whereas it is expedient that the Company should be authorised to acquire lands for the purposes of the said works and for certain other purposes of their undertaking:

16 & 17
Geo. 5
c. xc.
23 & 24
Geo. 5
c. lvi.
26 Geo. 5
& 1 Edw. 8
c. cxxiv.
8 & 9 Geo. 6
c. xi.

And whereas it is expedient that the provisions relating to the establishment of a superannuation fund for the salaried officers and servants of the Company of the Manchester Ship Canal (Staff Superannuation) Act 1926 as amended by the Manchester Ship Canal Act 1933 the Manchester Ship Canal Act 1936 and the Manchester Ship Canal Act 1945 should be further amended as by this Act provided : 5

And whereas it is expedient that the Company should be empowered to borrow additional moneys for the purposes of this Act and for the general purposes of their undertaking :

And whereas it is expedient that the other provisions contained in this Act should be enacted : 10

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

And whereas plans and sections showing the lines or situations and levels of the works authorised by this Act such plans also showing the lands which the Company may acquire or use under the powers of this Act together with a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of all such lands have been deposited with the clerk of the county council of the administrative county of Chester and are hereinafter referred to as the deposited plans sections and book of reference : 15 20

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 authority of the same as follows :— 25

PART I.—PRELIMINARY.

Short
title.

1. This Act may be cited as the Manchester Ship Canal Act 1949. 30

Act
divided
into Parts.

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

Part I—Preliminary ;

Part II—Works and Lands ;

Part III—Superannuation ;

Part IV—Finance and Miscellaneous. 35

Incor-
poration
of Acts.
8 & 9 Vict.
c. 16.
26 & 27
Vict. c. 118

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

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 ; 40

- The Lands Clauses Acts except section 92 of the Lands Clauses Consolidation Act 1845 and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860; PART I
—cont.
8 & 9 Vict.
c. 18.
23 & 24
Vict. c. 106.
8 & 9 Vict.
c. 20.
- 5 The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof;
- 10 The provisions of the Harbours Docks and Piers Clauses Act 1847 except sections 6 to 13 sections 16 to 19 (unless and to such extent as the Minister of Transport may otherwise require) and sections 25 26 and 50 10 & 11
Vict. c. 27.

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
15 this Act:

Provided that—

- (a) 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.
- 20
- (b) for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act 1845 the works authorised by this Act shall be deemed to be the railway and the centre lines of those works as shown on the deposited plans shall be deemed to be the centre of the railway.
- 25

4. 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):— Interpre-
tation.

30

"The Company" means the Manchester Ship Canal Company;

"The Canal" means the Manchester Ship Canal authorised by the Manchester Ship Canal Act 1885 as amended by subsequent Acts; 48 & 49
Vict. c.
clxxxviii.

35 "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;

40 "The county" means the administrative county of Chester;

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

"The Act of 1924" means the Manchester Ship Canal Act 1924. 14 & 15
Geo. 5
c. lviii.

PART II.—WORKS AND LANDS.

Power to
make
works.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works in the borough of Bebington in the county of Chester hereinafter described (that is to say):— 5

Work No. 1.—A river wall or jetty partly of solid construction and partly of open work on the west side of the estuary of the River Mersey commencing in the bed or foreshore of the said estuary at a point five hundred and eighty-six yards or thereabouts measured on a true bearing of three hundred and twenty-seven degrees from the mitre posts of the storm gates of the eighty foot lock at Eastham and terminating at a point on the west bank of the said estuary three hundred and thirty-five yards or thereabouts measured on a true bearing of three hundred and fifteen degrees from the said mitre posts; 10 15

Work No. 2.—An entrance channel and lock (with gates caissons sluices and other works necessary or expedient for affording access for vessels and for regulating the passage of tidal flood and other waters to and from the dock (Work No. 3) by this Act authorised from and to the said estuary) commencing in the bed or foreshore of the said estuary at a point four hundred and sixty-four yards or thereabouts measured on a true bearing of three hundred and twenty-six degrees from the said mitre posts and terminating in the dock (Work No. 3) by this Act authorised; 20 25

Work No. 3.—A dock comprising an area of seventy-five thousand square yards or thereabouts. 30

Further
works in
connection
with
Works
Nos. 2
and 3.

6. In connection with the entrance channel and lock and the dock (Works Nos. 2 and 3) authorised by this Act the Company may in upon under or over the lands in the borough of Bebington shown within the limits of deviation for the said works delineated on the deposited plans or in upon under or over the lands shown on the deposited plans and thereon numbered 40 41 and 42 in the said borough construct and maintain all such berths quays power-houses pumping stations oil tanks conduits and pipes for conveying transmitting or delivering oil or petroleum and other buildings structures or erections as may be necessary or convenient for the user or maintenance of the said works or the loading or unloading and landing of cargoes at the said dock (Work No. 3). 35 40

Subsidiary
works.

7. Subject to the provisions of this Act the Company may in addition to the works authorised by section 5 (Power to make works) and section 6 (Further works in connection with Works Nos. 2 and 3) of this Act and in upon under or over any lands for the time being belonging to them construct or place and maintain all such cuts channels locks gates weirs dams basins reservoirs ponds trenches 45

pounds graving docks lay-byes sluices culverts syphons by-passes
arches bridges (fixed or opening) ferries sewers drains mains pipes
cables tanks embankments towing-paths banks walls jetties landing
places dolphins moorings buoys beacons lights signals groynes
5 quays wharves warehouses sheds buildings engines pumps machinery
lifts cranes drops winches capstans gantries conveyors staithes tips
railways tramways junctions sidings turntables roads approaches
works and appliances as may be necessary or convenient for or in
connection with or subsidiary to the said authorised works.

PART II
—cont.

- 10 8.—(1) In the construction of the works by this Act authorised the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of those works shown on the deposited
15 sections to any extent not exceeding five feet upwards or downwards.

Power to deviate.

(2) Notwithstanding anything shown on the deposited plans the Company may construct the dock (Work No. 3) authorised by this Act in any position within the limits of deviation for that work delineated on the said plans.

- 20 9. For the purpose of marking the approach to the river wall or jetty and the entrance channel and lock (Works Nos. 1 and 2) authorised by this Act the Company may from time to time within a distance of two hundred and twenty yards from the commencement of the said Work No. 1 provide place maintain remove and
25 renew such perches marks beacons and lights and perform and do all such other acts and things as may be necessary for that purpose.

Marking of approach to Works Nos. 1 and 2.

10. The Company may from time to time divert into and impound in the entrance channel and lock and the dock (Works Nos. 2 and 3) authorised by this Act and the works constructed or
30 provided in connection therewith the waters of the River Mersey and the estuary thereof.

Power to divert waters.

11. Subject to the other provisions of this Act the Company may in upon under or over any lands acquired by them under the powers of this Act or appropriated by them for the purposes of this
35 Act divert raise sink or otherwise alter the position of or remove any sewer drain syphon culvert or electric line or any main or pipe for carrying oil petroleum gas water or other commodity or any other apparatus of a like nature making in case of alterations proper substituted works in the meantime and causing as little detriment
40 and inconvenience as circumstances admit and making compensation to any person who suffers damage by reason of any such alteration or removal :

Alteration of position of mains &c.

Provided that—

- 45 (i) the powers of this section so far as they relate to works of a local authority (including a county council) shall not be exercised unless such exercise is reasonably necessary and any question as to whether or not the same is reasonably necessary shall be referred to arbitration ;

PART II

—cont.

10 & 11

Geo. 6

c. 54.

45 & 46

Vict. c. 56.

62 & 63

Vict. c. 19.

(ii) nothing in this section shall extend to authorise any interference with any works of any Electricity Board within the meaning of the Electricity Act 1947 otherwise than in accordance with the provisions of section 15 of the Electric Lighting Act 1882 and sections 17 and 18 of the Schedule to the Electric Lighting (Clauses) Act 1899 and those provisions shall apply to works over or on any street or place as they apply to works under a street or place; 5

41 & 42

Vict. c. 76.

(iii) the Company shall not raise sink or otherwise alter the position of any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and in accordance with the provisions of the said Act of 1878;

11 & 12

Geo. 6

c. 17.

(iv) nothing in this section shall extend to authorise any interference with any government oil pipe line as defined by subsection (3) of section 12 of the Requisitioned Land and War Works Act 1948 or any works accessory thereto except with the consent of the Minister of Fuel and Power. 15

20

Power to
divert
streams
&c.

12.—(1) It shall be lawful for the Company to divert and alter the course of any stream watercourse or ditch on any lands acquired by them under the powers of this Act or appropriated by them for the purposes of this Act and the existing bed banks and channel of the diverted portion of any such stream watercourse and ditch shall by virtue of this Act vest in the Company and may be appropriated and used by the Company for the purposes of or in connection with the works authorised by this Act or for other purposes of the undertaking. 25

(2) Nothing in this section or done by the Company thereunder shall in any way alter or affect the boundary between any local areas formed by any such stream watercourse or ditch as aforesaid but such boundary shall continue as if the stream watercourse or ditch forming the same had not been diverted and this Act had not been passed. 30

35

(3) In the exercise of the powers conferred by this section the Company shall do as little damage as may be and shall pay compensation to all persons for damage sustained by them or any liability to which they may become subject by reason of the exercise of those powers. Any difference as to the amount of the compensation to be paid shall be referred to and determined by an arbitrator. 40

(4) The provisions of this section shall be in addition to and not in substitution for or in derogation of any other enactment (including any enactment in this Act) relating to the diversion of streams watercourses or ditches. 45

45

As to
diversion
of oil
pipe-lines
&c.

13.—(1) In this section—

“the Minister” means the Minister of Fuel and Power;

"the signed plan" means the plan in duplicate signed by an Assistant Secretary to the Ministry of Fuel and Power on behalf of the Minister and by Charles Ernest Lucette on behalf of the Company of which plan one copy has been deposited with the Minister and one copy at the offices of the Company;

PART II
—cont.

"the oil pipe-lines" means the underground government oil pipe-lines and works accessory thereto shown by black dotted lines on the signed plan.

- 10 (2) The Company may with the consent of the Minister and in accordance with plans sections and particulars to be previously submitted to and approved by the Minister and to the reasonable satisfaction of and under the superintendence of the Minister (if after reasonable notice such superintendence shall be given) divert the oil
- 15 pipe-lines to the lines shown by red lines on the signed plan or to such other lines as may be agreed between the Company and the Minister: Provided that the Company shall give to the Minister not less than one month's notice of their intention to commence such diversion and if before the expiration of one month after the receipt
- 20 of such notice the Minister gives notice in writing of his intention himself to carry out the work of diverting the oil pipe-lines such work shall not be carried out by the Company and the Minister to the exclusion of the Company shall be solely entitled to carry out the same and shall do so with all reasonable despatch.
- 25 (3) The Company shall not under the powers of this Act deposit or spread any earth spoil or other material over or within a distance of fifteen feet from the site of the oil pipe-lines unless and until the oil pipe lines shall have been diverted in accordance with the provisions of subsection (2) of this section.
- 30 (4) Upon the completion of the diversion of the oil pipe-lines in accordance with subsection (2) of this section the provisions of section 28 of the Requisitioned Land and War Works Act 1945 and the Requisitioned Land and War Works Act 1948 shall apply to the oil pipe-lines as so diverted as if they had been diverted in pursuance
- 35 of an agreement with a Minister and in particular the Company shall not under the powers of those Acts or of this Act (except with the consent of the Minister) deposit or spread any earth spoil or other material over or within a distance of fifteen feet from or otherwise interfere with the use or maintenance of or access to the oil pipe-lines
- 40 as so diverted.
14. If the works by this Act authorised are not completed on or before the first day of October one thousand nine hundred and fifty-nine then as from that date the powers by this Act granted to the Company for the making of the said works or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed: Provided that the Company may at any time and from time to time enlarge alter reconstruct renew or remove the said works within the limits of deviation therefor as shown on the deposited plans as and when the occasion may require.

8 & 9
Geo. 6
c. 43.

Period
for
com-
pletion.

PART II
—cont.
Deposit of
spoil &c.
on lands at
Bebington.

15. The Company may upon all or any of the lands in the borough of Bebington which are shown within the limits of deviation for the works by this Act authorised or within the limits of land to be acquired respectively delineated on the deposited plans and which are acquired by the Company under the powers of this Act or appropriated by them for the purposes of this Act deposit or spread any earth spoil or other material excavated by them in the course of or for the purposes of the construction of the said works: 5

Provided that nothing in this section shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them in the exercise of the powers of this section upon any of the said lands: 10

Provided also that the Company shall not in the exercise of the powers of this section deposit or spread any earth spoil or material excavated as aforesaid on the bed of the estuary of the River Mersey: 15

Provided further that the Company shall not deposit or spread any such earth spoil or other material in such manner that the ground level after consolidation at any point along an imaginary line drawn horizontally from west to east is raised above the level of the surface of Eastham Ferry Road at the point at which the said imaginary line if continued would cross that road. 20

New
works to
form
part of
under-
taking &c.

16.—(1) The works authorised by this Act shall for the purposes of any Act or Order relating to the Company or the undertaking or the harbour and port of Manchester form part of the Canal and of the undertaking and of the harbour and port of Manchester and the Company may exercise and enjoy for the purposes of constructing maintaining and using and generally in relation to the said works all such powers authorities rights and privileges (including the power to demand and take tolls rates dues and charges) as immediately before the date of the passing of this Act they had or might exercise or enjoy in relation to the Canal or the undertaking or the harbour and port of Manchester as existing immediately before that date and all the provisions of all enactments affecting the Company in relation to the Canal or the undertaking or the harbour and port of Manchester as so existing shall mutatis mutandis and subject to the provisions of this Act attach to and affect the Company in respect of the said works and without prejudice to the generality of the foregoing provisions of this section all vessels passengers and cargo going to or from or entering or leaving the dock (Work No. 3) authorised by this Act shall be deemed to go to or from or to enter or leave the Canal (as the case may be) at its commencement near Eastham. 25 30 35 40

(2) The limits of the harbour and port of Liverpool shall be deemed to be reduced so as to exclude from that harbour and port all works forming part of the harbour and port of Manchester. 45

(3) Nothing in this Act shall be deemed to affect the limits of any port as set out for customs purposes or to abridge or affect the powers of the Lords Commissioners of His Majesty's Treasury to appoint and set out any port.

17.—(1) The Company may abandon and discontinue the use as a lock of the easternmost of the existing locks at Eastham 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 undertaking.

PART II
—cont.

Abandonment of
locks &c.

(2) (a) The Company may abandon and discontinue the maintenance and use of the following works in the urban district of Runcorn forming part of the Bridgewater Canals—

- 10 (i) the locks respectively known as the Runcorn Old Locks Nos. 3 4 5 6 7 and 8 and any arms basins or other works forming part of or used in connection with those locks or any of them; and
- 15 (ii) the locks respectively known as the Runcorn Old Locks Nos. 9 and 10

and may remove the gates of those locks or any of them or all or any of the remainder of the structures thereof but shall not discontinue the maintenance of all or any of such locks arms basins and other works until they have filled in or caused to be filled in the sites or site thereof.

(b) Notwithstanding anything in the Lands Clauses Acts the Company may—

- 25 (i) retain use and appropriate for the general purposes of the undertaking the whole or so much as they may think fit of any lands forming the site of all or any of the locks arms basins and other works referred to in paragraph (a) of this subsection; or
- (ii) exercise with reference to the said lands the powers exercisable by them with reference to surplus lands.

30 18.—(1) The area within which the Company may from time to time under the powers of section 29 (Power to make subsidiary works) of the Manchester Ship Canal Act 1885 as extended and amended by section 7 (Enlargement of area for dredging estuary of River Mersey) of the Act of 1924 dredge the bed banks shores and channels of the River Mersey or the estuary thereof for the purpose of making and maintaining an access to the Canal at Eastham is hereby further extended and enlarged so as to comprise the area described in the First Schedule to this Act.

Enlargement of
powers of
dredging
estuary of
River
Mersey.

40 (2) (a) As from the date of the passing of this Act paragraph (1) of subsection (1) of the said section 29 shall be read and have effect as if in lieu of the words "twenty-feet" and "twenty-two feet" respectively there had been inserted therein the words "twenty-nine feet";

45 (b) Section 8 (Variation of depth of dredging of estuary of River Mersey) of the Act of 1924 is hereby repealed.

PART II
—cont.

(3) The provisions of subsection (2) of section 122 (For the protection of the London and North-Western Railway Company) of the Manchester Ship Canal Act 1885 shall apply to and in respect of the exercise of the powers conferred by section 29. (Power to make subsidiary works) of the said Act as extended and amended by the Act of 1924 and by this Act as if the British Transport Commission had been referred to in the said subsection (2) in lieu of the London and North-Western Railway Company. 5

Extension
of area
within
which
Company
may
remove
wrecks &c.
53 & 54
Vict.
c. lxxiv.

19. The area of that part of the River Mersey or the estuary thereof within which the Company may under the powers of section 20 (For protection of the accesses to the Canal) of the Manchester Ship Canal (Tidal Openings &c.) Act 1890 as extended by section 9 (Extension of area within which Company may remove wrecks &c.) of the Act of 1924 raise destroy or remove wrecks of vessels or sunk or stranded vessels and exercise the other powers conferred by that section is hereby further extended so as to include the additional area described in the First Schedule to this Act. 15

Applica-
tion of
certain pro-
visions of
Manchester
Ship Canal
Act 1885.

20. The provisions of section 36 (Provisions for the Mersey Commissioners) of the Manchester Ship Canal Act 1885 shall apply in relation to the works by this Act authorised with the substitution of references to the Minister of Transport for the references in the said section to the Mersey Commissioners. 20

For the
protection
of the
Mersey
Docks and
harbour
ard.

21.—The following provisions for the protection of the Mersey Docks and Harbour Board (in this section called "the Board") shall apply and have effect:— 25

- (1) If by reason or in consequence of the exercise of the powers conferred by section 12 (Power to divert streams &c.) or section 18 (Enlargement of powers of dredging estuary of River Mersey) of this Act or the construction of the works by this Act authorised the existing low water channels on the Lancashire side of the River Mersey shall be silted up or shifted or in any way affected so as to render the approaches or any of them to any docks piers jetties or other works of the Board less safe efficient or convenient than they were at the passing of this Act the Company shall pay to the Board the net cost reasonably incurred by the Board in carrying out so much of the dredging rendered necessary by the said silting up shifting or affecting (or by any continuance or recurrence thereof) as may be proved affirmatively by the Board to be attributable to the exercise of the said powers or to the construction of the said works and as would not have been required to be carried out by the Board if the said powers had not been exercised or if the said works had not been constructed: Provided that in ascertaining the said net cost due regard shall be had to any diminution of the cost of maintaining any of the said approaches which may be proved affirmatively by the Company to be attributable to the exercise of the said powers or to the construction of the said works: 50

12 & 13 GEO. 6. *Manchester Ship Canal Act 1949.*

11

Provided also that no claim shall be made under this section unless notice in writing thereof shall forthwith have been given by the Board to the Company after the silting up shifting or affecting in relation to which any claim is made shall have come to the knowledge of the Board.

PART II
—cont.

- 5 (2) Notwithstanding anything contained in the Merchant Shipping Act 1894 the Mersey Docks and Harbour Board Act 1912 or any Act amending the same the Board shall not be empowered or under any obligation to raise destroy or remove or light or buoy until raised destroyed or removed the wreck of any vessel or any sunk or stranded vessel or the cargo or part of any cargo of any such wreck or vessel or any stone timber anchor chain or other matter article or thing within the area within which the Company may exercise the powers of section 20 (For protection of the accesses to the Canal) of the Manchester Ship Canal (Tidal Openings &c.) Act 1890.
- 10
- 15
- 57 & 58
Vict. c.60.
2 & 3
Geo. 5
o. xii.

22.—(1) Subject to the provisions of this Act the Company may enter upon take appropriate and use—

Power to
acquire
lands.

- 20 (a) for the purposes of or in connection with the works authorised by this Act or for the purposes of reinstatement or exchange such of the lands in the borough of Bebington delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes or any of them;
- 25 (b) for the deposit or spreading of dredgings and the general purposes of the undertaking the lands in the rural district of Runcorn delineated on the deposited plans and herein-after described (that is to say):—
- 30 The lands numbered on the deposited plans 1 to 16 (both numbers inclusive) in the parish of Frodsham.

(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 thirty-four.

23.—(1) Notwithstanding anything contained in section 22 (Power to acquire lands) of this Act the Company shall not acquire the lands numbered on the deposited plans 28 and 28a in the borough of Bebington or any part thereof but they may for the purposes of this Act and of doing anything necessary in connection therewith acquire such easements and rights in the said lands or any part thereof as they may require for those purposes.

40

Power to
acquire
easements
only.

(2) Accordingly the Company may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

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Manchester Ship Canal Act 1949. 12 & 13 GEO. 6.

PART II
—cont.

(3) If the Company acquire under this section an easement or right only in the said lands or any part thereof—

(a) they shall not be required or (except by agreement) entitled to fence off or sever the said lands or any such part thereof as aforesaid from the adjoining land ;

5

(b) the owner or occupier for the time being of the said lands or any such part thereof as aforesaid shall subject to the easement or right have the same right to use and cultivate the said lands or such part thereof as if this Act had not been passed.

10

Power to appropriate lands.

24. The Company may appropriate and use for the purposes of the works by this Act authorised any lands for the time being vested in them and not required for any other purposes of the undertaking.

Correction of errors in deposited plans and book of reference.

25.—(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 plans 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 county for the correction thereof.

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(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.

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(3) Any such certificate shall be deposited with the clerk of the county council of the county and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the Standing Orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans 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.

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(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

Acquisition of part only of certain properties.

26.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

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(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he

12 & 13 GEO. 6. *Manchester Ship Canal Act 1949.*

13

is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines— PART II
—cont.

5 (a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

10 (3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Company that part of the house building factory park or garden.

15 27. 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 upon any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land: Power to enter for survey or valuation.

20 Provided that no land shall be entered upon 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.

25 28. 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— Disregard of recent improvements and interests.

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

(b) any interest in the land created after the said date

30 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.

35 29.—(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. Extinction of private rights of way.

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

40 30.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Company any easement or right Grant of easements by persons under disability.

PART II
—cont.

required for the purpose of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rent-charges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid. 5

Costs of
arbitration
in certain
cases.

31. 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: 10 15

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: 20 25

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. 30

Provision
of sub-
stituted
sites.

32. The power of the Company of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Act. 35

Power to
reinstate
owners or
occupiers
of
property.

33. The Company may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement.

Applica-
tion to
lands
acquired
under this
Act of
enactments
relating to
surplus
lands.
56 & 57
...c.
c. lxxiii.

34. The provisions of the Manchester Ship Canal (Surplus Lands) Act 1893 as amended or extended by subsequent Acts shall extend and apply to the lands acquired or appropriated by the Company under the powers of this Act and the Company may on any portion of such lands which they may not require for the construction of the works authorised by this Act erect dwellings for their employees and sell let or lease the same or any of them. 40 45

12 & 13 GEO. 6. *Manchester Ship Canal Act 1949.*

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35.—(1) In so far as the lands shown on the deposited plans or described in the deposited book of reference include ecclesiastical property any sums agreed upon or awarded for the purchase of such lands or to be paid by way of compensation for damage sustained
5 by reason of severance or injury affecting such lands shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Church Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing
10 of the proceeds of such a sale.

PART II
—cont.
Ecclesiastical
property.

(2) In this section the expression "ecclesiastical property" has the same meaning as is assigned to that expression by subparagraph (3) of paragraph 3 of Part I of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946.

9 & 10
Geo. 6
c. 49.

15 36. The following provisions for the protection of Lever Brothers & Unilever Limited (in this section referred to as "Lever Brothers") shall unless otherwise agreed in writing between the Company and Lever Brothers apply and have effect (that is to say):—

For protection of
Lever Brothers &
Unilever Limited.

20 (1) In this section "the signed plan" means the plan signed by Charles Ernest Lucette on behalf of the Company and Hugh Saunders on behalf of Lever Brothers.

25 (2) The Company shall not without the written consent of Lever Brothers exercise to the westward of the line drawn in red on the signed plan the powers of dredging conferred upon the Company by Section 29 (Power to make subsidiary works) of the Manchester Ship Canal Act 1885 as amended by section 18 (Enlargement of powers of dredging estuary of River Mersey) of this Act.

30 (3) (a) If Lever Brothers shall prove affirmatively that by reason or in consequence of the exercise by the Company of the powers of this Act—

(i) Lever Brothers have been put to additional expense in exercising any of the powers conferred upon them by the Bromborough Dock Acts 1923 to 1946; or

35 (ii) damage has been caused to the land (other than the land referred to in section 37 (For further protection of Lever Brothers & Unilever Limited) of this Act) now belonging to Lever Brothers fronting the River Mersey or to any retaining walls or works now
40 existing and protecting such land

the Company shall repay to Lever Brothers the amount of such additional expense reasonably incurred by them or the reasonable cost of making good such damage as the case may be;

45 (b) The Company shall effectively indemnify and hold harmless Lever Brothers from all claims and demands made upon

35.—(1) In so far as the lands shown on the deposited plans or described in the deposited book of reference include ecclesiastical property any sums agreed upon or awarded for the purchase of such lands or to be paid by way of compensation for damage sustained
5 by reason of severance or injury affecting such lands shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Church Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing
10 of the proceeds of such a sale.

PART II
—cont.
Ecclesiastical
property.

(2) In this section the expression "ecclesiastical property" has the same meaning as is assigned to that expression by subparagraph (3) of paragraph 3 of Part I of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946.

9 & 10
Geo. 6
c. 49.

15 36. The following provisions for the protection of Lever Brothers & Unilever Limited (in this section referred to as "Lever Brothers") shall unless otherwise agreed in writing between the Company and Lever Brothers apply and have effect (that is to say):—

For protection of
Lever
Brothers &
Unilever
Limited.

20 (1) In this section "the signed plan" means the plan signed by Charles Ernest Lucette on behalf of the Company and Hugh Saunders on behalf of Lever Brothers.

25 (2) The Company shall not without the written consent of Lever Brothers exercise to the westward of the line drawn in red on the signed plan the powers of dredging conferred upon the Company by Section 29 (Power to make subsidiary works) of the Manchester Ship Canal Act 1885 as amended by section 18 (Enlargement of powers of dredging estuary of River Mersey) of this Act.

30 (3) (a) If Lever Brothers shall prove affirmatively that by reason or in consequence of the exercise by the Company of the powers of this Act—

(i) Lever Brothers have been put to additional expense in exercising any of the powers conferred upon them by the Bromborough Dock Acts 1923 to 1946; or

35 (ii) damage has been caused to the land (other than the land referred to in section 37 (For further protection of Lever Brothers & Unilever Limited) of this Act) now belonging to Lever Brothers fronting the River Mersey or to any retaining walls or works now
40 existing and protecting such land

the Company shall repay to Lever Brothers the amount of such additional expense reasonably incurred by them or the reasonable cost of making good such damage as the case may be;

45 (b) The Company shall effectively indemnify and hold harmless Lever Brothers from all claims and demands made upon

PART II
—cont.

or against them by reason or in consequence of circumstances which have been occasioned by the exercise by the Company of the powers of this Act except to such extent as such claims or demands relate to damage or loss attributable to the negligence of Lever Brothers their contractors agents workmen or servants: Provided that Lever Brothers shall not without the consent in writing of the Company compromise or settle any such claim or demand and if so required by the Company shall allow the Company at their own cost in the name of Lever Brothers to defend any action or proceedings which may be taken or brought in respect of such claim or demand;

(c) Notice in writing shall be given by Lever Brothers to the Company as soon as the occurrence of circumstances which in the opinion of Lever Brothers is likely to give rise to any such claim or demand as aforesaid shall have come to the knowledge of Lever Brothers.

(4) The Company shall not under the powers of this Act acquire compulsorily any land belonging to Lever Brothers.

For further
protection
of Lever
Brothers &
Unilever
Limited.

37.—For the protection of Lever Brothers & Unilever Limited and Lever Brothers Port Sunlight Limited or other the owner or owners for the time being of the land as hereinafter defined (all of whom are in this section included in the expression "the owners") the following provisions shall unless otherwise agreed in writing between the Company and the owners apply and have effect (that is to say):—

(1) In this section "the land" means the land coloured red on the signed plan referred to in section 36 (For protection of Lever Brothers & Unilever Limited) of this Act but does not include any retaining wall or works hereafter constructed for the protection of the land.

(2) If the owners shall prove affirmatively that by reason or in consequence of the exercise by the Company of the powers of this Act damage has been caused to the land the Company shall repay to the owners the cost of making good such damage.

(3) The Company shall not under the powers of this Act acquire compulsorily any part of the land.

For pro-
tection of
Cheshire
Rivers
Catchment
Board.

38.—The following provisions for the protection of the Cheshire Rivers Catchment Board (in this section referred to as "the Board") shall unless otherwise agreed in writing between the Company and the Board apply and have effect:—

(1) In this section:—

"Authorised work" means the carrying out of any work in connection with the deposit or spreading of dredgings and the general purposes of the undertaking in pursuance of section 22 (Power to acquire lands) of this Act;

"Main river" includes the banks thereof and any structure or appliance for controlling or regulating the flow of water therein or thereout and any machinery under the control of the Board situate therein or in any part of the banks thereof.

PART II
—cont.

- 5 (2) The Company shall not discharge or permit to be discharged into the main river known as the Holpool Gutter any water from the lands numbered on the deposited plans 1 to 16 (both numbers inclusive) in the parish of Frodsham.
- 10 (3) The Company shall not interfere or take any action which would result in interference with the drainage into the main river known as the Marsh Lane Sluice of the lands situate to the southward of that main river.
- 15 (4) (a) The Company shall before commencing any authorised work likely to affect any main river under the jurisdiction of the Board submit to the Board plans and sections and (when reasonably required by the Board) working drawings thereof for their reasonable approval. If the Board do not within twenty-eight days after the submission to them of any such plans sections and drawings signify to the Company in writing their approval or disapproval thereof they shall be deemed to have approved thereof;
- 20 (b) The authorised work shall not be executed otherwise than in accordance with such plans and sections and drawings (if any) as may be approved by the Board or if such approval be withheld as may be settled by arbitration and shall be executed to the reasonable satisfaction of the Board and under the superintendence of the engineer to the Board if the engineer elect to superintend after receiving reasonable notice of the date when the work is to be commenced.
- 25 (5) The Company shall at all reasonable times afford to the engineer of the Board or his duly authorised representative access to the authorised work for the purpose of inspection.
- 30 (6) The construction of the authorised work shall be completed with all reasonable dispatch.
- 35 (7) The Company shall at all times keep the Board indemnified against all damages losses costs and expenses which they may sustain or be liable for or reasonably and properly incur by reason or in consequence of any injury or damage which may be caused or result to any main river or any obstruction which may be caused or result in any main river by or in consequence of and during the execution of the authorised work or by or in consequence of any lack of maintenance or failure of the authorised work.
- 40 (8) Nothing in this Act shall prejudice lessen or affect any right power or jurisdiction of the Board or any other drainage authority under the Land Drainage Act 1930.
- 45

20 & 21
Geo. 5 c. 44

PART II
—cont.

- (9) Any matter or thing by this section required to be settled by arbitration and any dispute or difference which may arise under this section between the Board and the Company save as to the construction of this section shall be referred to and determined by an engineer or other fit person to be agreed between the Board and the Company or (failing agreement) to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 and 1934 shall apply to the reference and determination.

PART III.—SUPERANNUATION.

Interpre-
tation of
terms in
Part III
of Act.
16 & 17
Geo. 5
c. xc.
8 & 9 Geo. 6
c. xi.

39. In this Part of this Act except where otherwise expressly provided or unless the subject or context otherwise requires—

“the Superannuation Act” means the Manchester Ship Canal 15
(Staff Superannuation) Act 1926;

“the Act of 1945” means the Manchester Ship Canal Act 1945;

“the Superannuation Scheme” means the superannuation scheme scheduled to and confirmed by the Superannuation Act as amended by or by virtue of any subsequent enact- 20
ment including this Act;

“the Fund” means the fund established pursuant to the Superannuation Act for the purposes of the Superannuation Scheme;

“contributing members” means the salaried officers or servants 25
from time to time contributing to the Fund and “a contributing member” means any one of such contributing members;

“the members” means the contributing members and all persons who having ceased to be contributing members are from time to time in receipt of superannuation allow- 30
ances from the Fund;

“the Secretary” means the Secretary of the Fund from time to time appointed as provided by the Superannuation Scheme; 35

“the Directors” means the Board of Directors from time to time of the Company;

“extraordinary meeting” means an extraordinary general meeting of the members duly called and constituted and any adjourned holding thereof; 40

"the Committee" means the Committee from time to time appointed under the Superannuation Scheme; PART III
—cont.

5 "service" means service as such a salaried officer or servant as aforesaid in the permanent employment of the Company after the first day of January one thousand nine hundred and twenty seven and after such salaried officer or servant has attained the age of eighteen years.

10 40. Section 20 (As to joint allowances) of the Act of 1945 which section confers upon the Company the power of amending or extending the Superannuation Scheme shall be read and have effect and shall be deemed always to have had effect, as if in that section as originally enacted there had been substituted for the words "of an annuity payable after the death of the member" the words "or any other payment payable out of the Fund on his death of an annuity which after his death (whether or not he shall after attaining the age of 15 60 years have retired from the service before he died) shall be payable."

Amend-
ment of
section 20
of Act of
1945.

Repeated:
Act 1966
S. 12 (2)

41. The Superannuation Scheme shall be amended in manner following (that is to say):—

Amend-
ment of
Super-
annuation
Scheme.

20 (1) Clause 13 (Rate of Contributions) of the Superannuation Scheme as amended by section 36 (Amendment of scheme scheduled to Manchester Ship Canal (Staff Superannuation) Act 1926) of the Manchester Ship Canal Act 1936 shall in relation to any person who after the date of the passing of this Act becomes a contributing member be read and 25 have effect as if the following table were substituted for the table set forth in the said Clause 13 or in the said section 36 :—

26 Geo. 5
& 1 Edw. 8
c. cxxiv.

30	Age next birthday on admission to the Fund.				Percentage of Salary.
	20 or under	...	...	...	5
	21 to 25	...	...	...	5½
	26 to 30	...	...	...	5½
	31 to 35	...	...	...	6
35	36 to 40	...	...	...	6½
	41 to 45	...	...	...	7
	46 to 55	...	...	...	7½

See note to
the Superannuation
Scheme above
scheduled to
(SS) Act 1926

(2) There shall be deducted from any payment made under Clause 25 (Return of contributions with interest in certain cases) or Clause 26 (Dismissal for dishonesty) of the Superannuation Scheme an amount equal to any amount of income tax chargeable to the Fund in respect of that payment under or by virtue of section 32 of the Finance Act 1921 as amended by any subsequent enactment.

11 & 12
Geo. 5
c. 32.

PART III

—cont.

9 & 10

Geo. 6

c. 67.

(3) (a) In this paragraph—

“insured person” means a person insured under the National Insurance Act 1946;

“the material date” means—

(i) in the case of any such person as is referred to in sub-paragraph (b) (i) of this paragraph the date on which he becomes a contributing member; and 5

(ii) in the case of any such person as is referred to in sub-paragraph (b) (ii) of this paragraph the date on which any such notice as is referred to in that sub-paragraph is received by the Secretary; 10

(b) The provisions of this paragraph shall apply to—

(i) any insured person who on or after the date of the passing of this Act becomes a contributing member; and 15

(ii) any insured person who immediately before the date of the passing of this Act is a contributing member if he gives notice in writing to the Secretary that he desires that the provisions of this paragraph shall apply to him: 20

Provided that this paragraph shall not apply to any insured person who in pursuance of the provisions of section 71 (3) (a) of the National Insurance Act 1946 is deemed to attain pensionable age on the expiration of ten years from the appointed day for the purposes of that Act; 25

(c) The amount of the contributions payable under the Superannuation Scheme to the Fund by any insured person to whom this paragraph applies shall as on and from the material date be reduced if the person is a male at the rate of two pounds and twelve shillings per annum and if the person is a female at the rate of three pounds and eight pence per annum and the amount of the contributions payable in respect of any such person by the Company shall on and from the material date be reduced at the like rate; 30 35

(d) The amount of the superannuation allowance payable under the Superannuation Scheme from the Fund to any insured person to whom this paragraph applies or the amount of the superannuation allowance to which any such insured person who has made arrangements pursuant to section 20 of the Act of 1945 as amended by this Act would have been entitled if he had not made such arrangements shall be reduced— 40 45

(i) in the case of any such person as is referred to in sub-paragraph (b) (i) of this paragraph by an annual sum calculated at the rate of one pound and fourteen shillings for each year of service after the material date; and 50

- (ii) in the case of any such person as is referred to in sub-paragraph (b) (ii) of this paragraph by an annual sum calculated at the rate shown in the appropriate column of the table set out in the Second Schedule to this Act in relation to an age which corresponds with that of the person on the material date for each year of service after the material date:

Provided that—

- (i) if the service of any such person after the material date includes a fraction of a year the superannuation allowance shall be reduced by a proportionate sum in respect of that fraction of a year;
- (ii) no reduction shall take effect until the date on which an insured person to whom this paragraph applies has reached pensionable age within the meaning of the National Insurance Act 1946 or in the case of an insured person to whom this paragraph applies and who has made arrangements pursuant to section 20 of the Act of 1945 as amended by this Act until such date as aforesaid or until the date of his death whichever of those dates is the earlier; and
- (iii) the total amount of the reduction shall in no case exceed sixty-seven pounds and fifteen shillings per annum;
- (c) If an insured person to whom this paragraph applies becomes liable to pay contributions to the Fund under Clause 10 (Ante-dating of Membership) or Clause 11 (Added years of Membership in case of specially appointed Officers or Servants) of the Superannuation Scheme in respect of any period prior to the date of his becoming a contributing member or in respect of years added to his actual years of service (as the case may be) such contributions shall—
- (i) in respect of each year or part of a year of ante-dated service subsequent to the date of the passing of this Act; and
- (ii) in respect of each year of added service be reduced by an amount calculated at the rate provided in sub-paragraph (c) of this paragraph and the contributions payable in respect of such member by the Company under the said Clause 10 or the said Clause 11 shall be reduced in like manner. For the purpose of the application of the provisions of sub-paragraph (d) of this paragraph any year or part of a year in respect of which the contributions of an insured person are reduced in accordance with this sub-paragraph shall be deemed to be a year of service or part of a year of service after the material date.

PART III
—cont.Power to
alter
Super-
annuation
Scheme.

42. The Superannuation Scheme may from time to time be amended or extended by the Committee:

Provided that—

(a) no such amendment or extension shall have effect unless and until it is confirmed—

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(i) by a resolution of the Directors; and

(ii) by a resolution of the members passed at an extraordinary meeting duly convened for the purpose;

(b) no such amendment or extension shall be made as would be inconsistent with the provisions of the Superannuation Act (other than the Schedule to that Act) or Part II (Superannuation Fund) of the Act of 1945 or cause the main purpose of the Fund to cease to be that of the provision of superannuation allowances or annuities for salaried officers on retirement from the service; and

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(c) no amendment or extension shall be made of the last paragraph of Clause 23 (Return of contributions in case of death) of the Superannuation Scheme without the consent of the Commissioners of Inland Revenue.

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PART IV.—FINANCE AND MISCELLANEOUS.

Power to
Company
to borrow.

43. The Company in addition to any moneys which they are at the passing of this Act authorised to borrow may with the consent of the Lord Mayor, Aldermen and Citizens of the City of Manchester under their Common Seal at any time or times after the passing of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole two million five hundred thousand pounds.

repealed
25 1990 HRO
art 4 (1)

Deben-
ture
stock.

44. The Company may in respect of the powers of borrowing conferred upon them by section 43 (Power to Company to borrow) of this Act create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by subsequent Acts but notwithstanding anything therein contained the interest on all debenture stock at any time after the passing of this Act created and issued by the Company under the powers of this section shall rank pari passu with the interest on all mortgages granted by the Company under the powers of the section first referred to in this section and shall have priority over all principal moneys secured by such mortgages.

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Saving for
powers of
Treasury.
9 & 10
Geo. 6
c. 58.

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

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As to
ranking of
mortgages
and
interest on
debenture
stock.

46.—(1) All mortgages granted by the Company under the powers of section 43 (Power to Company to borrow) of this Act shall rank pari passu with all mortgages granted by the Company under the powers of section 9 (Power to Company to borrow and to

45

- Corporation to lend further money) of the Manchester Ship Canal Act 1913 or section 4 (Additional borrowing powers on mortgage of Undertaking) of the Manchester Ship Canal Act 1925 and the interest on such first mentioned mortgages and on all debenture stock issued by the Company under the powers of section 44 (Debenture stock) of this Act shall rank *pari passu* with the interest on all mortgages granted under the powers of the said section 9 or the said section 4 and on all debenture stock issued by the Company under the powers of section 10 (Debenture stock) of the said Act of 1913 or of section 5 (Power to issue Debenture Stock in respect of power of borrowing on mortgage of Undertaking) of the said Act of 1925:-

PART IV
—cont.
3 & 4 Geo. 5
c. lix.
15 & 16
Geo. 5
c. cxx.

- (2) Except as by this section expressly provided nothing in this Act shall alter or affect any existing right or priority of any mortgages granted or to be granted or of the interest on any such mortgages or on any debenture stock issued or to be issued or of the mortgagees under any such mortgages or of the holders of any such debenture stock existing by virtue of any Act passed before the passing of this Act.

47. All mortgages and certificates of debenture stock issued under the powers of this Act shall be endorsed with notice of the provisions of section 44 (Debenture stock) and section 46 (As to ranking of mortgages and interest on debenture stock) of this Act.

Mortgages and debenture stock certificates to be endorsed with notice of certain enactments.

48. All moneys raised by the Company under the powers of this Act shall be applied only for the execution of works and the acquisition of lands or for other purposes of the Company to which capital is properly applicable.

Application of moneys.

49. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they have in hand or which they are empowered by this Act or any existing Act to raise and which they do not require for the purposes for which such moneys were authorised to be raised.

Power to apply funds to purposes of Act.

50. Where under this Act any question or dispute (other than a question or dispute for the determination of which provision is made by the Lands Clauses Acts) is to be referred to or determined by an arbitrator or arbitration the reference shall be subject to the provisions of the Arbitration Acts 1889 to 1934 and except where otherwise provided the arbitrator shall failing agreement be appointed by the President of the Institution of Civil Engineers on the application of either party to the question or dispute after notice in writing to the other.

Arbitration.

51. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for Town and Country Planning. 10 & 11 Geo. 6 c. 51.

PART IV
—cont.
Crown
rights.

52. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Transport as the case may be on behalf of His Majesty first had and obtained for that purpose. 5 10

Costs of
Act.

53. 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. 15

THE SCHEDULES REFERRED TO IN THE
FOREGOING ACT.

FIRST SCHEDULE.

Sections
18 and 19.

5 DESCRIPTION OF ADDITIONAL AREA IN WHICH THE COMPANY MAY DREDGE
THE ESTUARY OF THE RIVER MERSEY AND REMOVE WRECKS &c.

10 So much of the River Mersey or of the estuary thereof in the borough of
Bebington in the county of Chester as is bounded by an imaginary line
commencing at highwater mark at the western extremity of the northern
limits of the area described in the Schedule to the Act of 1924 and drawn
thence in a straight line in a north-easterly direction along the said northern
limits thence in a straight line in a north-westerly direction in continuation of
the line forming the eastern limits of the said area for a distance of three
hundred and thirty yards and thence in a straight line in a south-westerly
direction to the point of commencement hereinbefore described.

Section 41
(3) (d) (ii).

SECOND SCHEDULE.

TABLE.

Age.	RATE		5
	Males.	Females.	
	£ s. d.	£ s. d.	
Under 19	1 14 0	1 14 0	
19 and under 20	1 14 0	1 12 6	
20 and under 21	1 14 0	1 11 0	
21 and under 22	1 12 6	1 9 6	10
22 and under 23	1 11 6	1 7 0	
23 and under 24	1 10 6	1 5 6	
24 and under 25	1 9 6	1 4 6	
25 and under 26	1 9 0	1 3 6	
26 and under 27	1 8 6	1 2 6	15
27 and under 28	1 8 0	1 1 6	
28 and under 29	1 7 6	1 0 6	
29 and under 30	1 7 0	19 6	
30 and under 31	1 6 6	19 0	
31 and under 32	1 6 0	18 6	20
32 and under 33	1 5 6	18 0	
33 and under 34	1 5 0	17 6	
34 and under 35	1 4 6	17 0	
35 and under 36	1 4 0	16 6	
36 and under 37	1 3 6	16 0	25
37 and under 38	1 3 0	15 6	
38 and under 39	1 2 6	15 0	
39 and under 40	1 2 0	14 6	
40 and under 41	1 1 6	14 0	
41 and under 42	1 1 0	14 0	30
42 and under 43	1 0 6	13 6	
43 and under 44	1 0 0	13 6	
44 and under 45	19 6	13 0	
45 and under 46	19 6	13 0	
46 and under 47	19 0	13 0	35
47 and under 48	18 6	12 6	
48 and under 49	18 0	12 6	
49 and under 50	17 6	12 6	
50 and under 51	17 6	12 0	
51 and under 52	17 0	12 0	40
52 and under 53	16 6	12 0	
53 and under 54	16 0	12 0	
54 and under 55	16 0	12 0	
55 and over	15 6	12 0	