

ELIZABETH II



1963 CHAPTER xvi

An Act to increase the borrowing powers of the Mersey Docks and Harbour Board, to make further provision with respect to the rates and charges leviable by the Board; and for other purposes. [10th July 1963]

WHEREAS by the Mersey Docks and Harbour Act, 1857 (being an Act for consolidating the docks at Liverpool and Birkenhead into one estate and for vesting the control and management of them in one public trust and for other purposes), the Mersey Docks and Harbour Board (hereinafter called "the Board") were incorporated for the purposes therein mentioned and by that Act and subsequent Acts relating to the Board various powers have from time to time been conferred on the Board:

And whereas by the said Act of 1857 and subsequent Acts the Board have been authorised to raise money on the security of the rates leviable by them by borrowing on bond and by the grant of annuities and by the issue of stock and temporarily by the issue of bills and promissory notes and it is expedient that the powers of the Board of raising money for the purposes of the works authorised by the Mersey Docks and Harbour Board Act, 1945, should be increased as by this Act provided:

And whereas it is expedient that the increase in the amount of the rates set out in the First Schedule to the Mersey Docks and Harbour Board Act, 1958, should be further increased as by this Act provided and that the Board should be authorised to demand and take certain rates on passengers using the Mersey Dock Estate:

And whereas it is expedient that the borrowing powers of the Board be increased as in this Act provided:

And whereas it is expedient that the other provisions of this Act be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Mersey Docks and Harbour Board Act 1963.

Definitions.

2.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by section 3 (Interpretation of terms in this Act) of the Act of 1858, other than words and expressions of which the meanings have been repealed by subsequent Acts, shall have the same respective meanings and—

“ the Act of 1857 ” means the Mersey Docks and Harbour Act, 1857;

“ the Act of 1858 ” means the Mersey Dock Acts Consolidation Act, 1858;

“ the Act of 1919 ”, “ the Act of 1920 ”, “ the Act of 1936 ”, “ the Act of 1945 ”, “ the Act of 1950 ” and “ the Act of 1958 ” mean the Mersey Docks and Harbour Board Acts of those respective years;

“ the existing Acts ” means the Act of 1857 and the subsequent Acts obtained by the Board other than the Pilotage Orders Confirmation (No. 1) Act, 1920;

“ the Mersey Dock Estate ” has the meaning assigned to it by section 50 (Amalgamation of Birkenhead and Liverpool Docks) of the Act of 1857;

“ passenger ” means any person carried in a vessel, except—
(a) a person employed or engaged in any capacity on board the vessel on the business of the vessel;

11. The Second Schedule (Additional tonnage rates on vessels) to the Act of 1950 is hereby amended by the insertion after the words " the expiration of two months " wherever the same occur of the words " or such shorter period, not being less than fourteen days, as the Board may from time to time by resolution determine ".

Amendment of Second Schedule of Act of 1950.

12.—(1) The Board may make byelaws as to the loading and discharging by vessels within the port of Liverpool of dangerous goods (which expression in this section and in section 13 (Notice before entry of dangerous goods) does not include dangerous goods to which byelaws made by the Board under the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, for the time being apply), and as to the bringing, handling, transport or storage of such goods within the Mersey Dock Estate, and generally as to the precautions to be observed with respect to such goods while in the port of Liverpool or within the Mersey Dock Estate, and such byelaws may in particular provide—

Byelaws relating to certain dangerous goods.

- (a) for regulating the places at which vessels are to load or discharge dangerous goods and the time and mode of, and the precautions to be taken on, such loading and discharging; and
- (b) for regulating the places at which vessels carrying dangerous goods are to be moored; and
- (c) for the due enforcement of the byelaws.

(2) Byelaws made under subsection (1) of this section shall not come into force until confirmed by the Minister of Transport and sections 223 (Byelaws not to be enforced until confirmed) and 224 (Notice of Confirmation of certain Byelaws to be given) of the Act of 1858 shall apply in relation to such confirmation as if the said byelaws were made under the existing Acts.

(3) Where a person is charged with an offence against a byelaw in force under this section it shall be a defence for that person to prove that the offence was not caused or facilitated by any act or neglect on his part, or on the part of any person engaged or employed by him, and, if that person is charged as the owner or master of a vessel, that in addition, all reasonable means were taken by the master to prevent the commission of the offence.

(4) Byelaws made under subsection (1) of this section may contain provisions for the imposing on persons offending against any of the byelaws of fines not exceeding, on summary conviction, one hundred pounds, and, on conviction on indictment, one thousand pounds.

13.—(1) Except in case of emergency, the owner or master of a vessel carrying any dangerous goods shall, when that vessel enters the port of Liverpool, give notice to the harbourmaster of the Board of the nature and quantity of

Notice before entry of dangerous goods.

dangerous goods carried in the vessel and, if such notice is not given, the owner or master of the vessel shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

(2) Where the owner or master of a vessel is charged with an offence under subsection (1) of this section, it shall be a defence to prove that he did not know and could not, with reasonable diligence, have ascertained the nature of the goods in respect of which the proceedings are taken.

Power to give directions as to loading or unloading of certain goods.

14.—(1) The Board may, by resolution, designate any quay or any portion of any quay for the loading and unloading of any goods to which this section applies.

(2) Where, pursuant to subsection (1) of this section, the Board have designated a quay or portion of a quay for the loading and unloading of goods of any description, any harbourmaster may direct that goods of that description intended to be loaded on board, or unloaded from a vessel, shall not be deposited or received upon any quay other than the quay or portion of quay so designated and in the event of any person disobeying any such direction the Board may remove the goods to the quay or portion of quay so designated, and any expense incurred by them in so doing may be recovered by them from that person as a simple contract debt in any court of competent jurisdiction.

(3) The goods to which this section applies are goods in bulk and goods the nature or character of which is such as, in the opinion of the Board, to give rise to special risk of contamination, taint, stain, injury or danger to other goods or to persons, or to necessitate the provision of special facilities for the handling thereof, or for the safety, protection, welfare or accommodation of persons employed in or in connection with such handling.

Amendment of section 17 of Act of 1919.

15. Section 17 (Byelaws as to speed of vessels) of the Act of 1919 is hereby amended by the insertion after the words “ property (including vessels or dredgers) of the Board ” of the words “ or to vessels lying alongside any jetty or stage belonging to the Board or to the moorings of such vessels ”.

Amendment of section 32 of Act of 1858.

16. Section 32 (Power to appoint Officers) of the Act of 1858 is hereby amended by the insertion after the words “ and from time to time remove ” of the words “ a chief executive officer under the style or title of general manager and ”.

Repeals.

17. The enactments specified in the schedule to this Act are hereby repealed to the extent specified in the fourth column to that schedule.

Costs of Act.

18. The Board out of any moneys for the time being in their hands shall pay and discharge all the costs, charges and expenses of and incidental to the applying for, obtaining and passing of this Act.

SCHEDULE

REPEALS

Section 17.

Act (1)	Section (2)	Marginal note (3)	Extent of repeal (4)
The Act of 1858	29	Revising Barrister to revise List of Dock Electors	The whole section.
	98	Board to leave a clear public Way on the West Side of the Wapping Basin	The whole section.
	99	Power to Owners, &c., of Property belonging to the Trustees of the late Duke of Bridge- water to form Branch Communications with certain Railways, &c.	The whole section.
The Mersey Docks and Harbour (Works) Act, 1858	21	Lines of Rails on the Quays of the Birken- head Docks	From the words "The Board shall also main- tain" to the end of the section.
The Act of 1919	17	Byelaws as to speed of vessels	In subsection (1) the words "or dredgers".
The Act of 1936	21	Payment into sinking fund of proceeds of sale	The word "aggregate" in both places where it occurs.
The Act of 1950	10	Revision of rates	The whole section.

Table of Statutes referred to in this Act

Title	Session and chapter
Mersey Docks and Harbour Act, 1857 ..	20 & 21 Vict. c. clxii.
Mersey Docks and Harbour (Works) Act, 1858	21 & 22 Vict. c. xc.
Mersey Dock Acts Consolidation Act, 1858	21 & 22 Vict. c. xcii.
Explosives Act, 1875	38 & 39 Vict. c. 17.
Mersey Docks and Harbour Board Act, 1919	9 & 10 Geo. 5 c. xiv.
Mersey Docks and Harbour Board Act, 1920	10 & 11 Geo. 5 c. lxxii.
Pilotage Orders Confirmation (No. 1) Act, 1920	10 & 11 Geo. 5 c. ciii.
Petroleum (Consolidation) Act, 1928 ..	18 & 19 Geo. 5 c. 32.
Mersey Docks and Harbour Board Act, 1936	26 Geo. 5 & 1 Edw. 8 c. xxvii.
Mersey Docks and Harbour Board Act, 1945	8 & 9 Geo. 6 c. vii.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Mersey Docks and Harbour Board Act, 1950	14 Geo. 6 c. xxi.
Mersey Docks and Harbour Board Act, 1958	6 & 7 Eliz. 2 c. vii.

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Mersey Docks and Harbour Board Act 1963

CHAPTER xvi

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SCHEDULE—Repeals.

