ELIZABETH II



1966 CHAPTER xxvii

An Act to provide for the abandonment of certain works of the Manchester Ship Canal Company; to confer further powers upon the Company; and for other purposes. [9th August 1966]

HEREAS the Manchester Ship Canal Company (hereinafter referred to as "the Company") were incorporated by the Manchester Ship Canal Act, 1885, and by virtue 1885 of the powers conferred by that Act and subsequent Acts own c. clxxxviii. and carry on an undertaking which comprises the Manchester Ship Canal, the Bridgewater Canal and certain other canals as well as 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:

And whereas among the canals owned by the Company is the Runcorn and Weston Canal which was authorised by the Runcorn and Weston Canal Act, 1853, as a navigable canal between 1853 c. xxxvii. Francis Dock in the urban district of Runcorn and the Weston Canal or River Weaver Navigation:

And whereas the said Runcorn and Weston Canal and certain docks, basins and locks forming part of or adjacent to the Bridgewater Canal and the Runcorn Docks of the Company are little used and their continued existence is hampering proper development of parts of the Runcorn Docks and the lands of the Company adjacent thereto:

And whereas it is expedient that the Company should be empowered to abandon the said canal, docks, basins and locks, and that the powers and provisions with reference thereto which are contained in this Act should be conferred and enacted:

And whereas it is expedient that the other provisions contained in this Act should 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, that is to say:—

PART I

PRELIMINARY

Short and collective titles.

- 1.—(1) This Act may be cited as the Manchester Ship Canal Act 1966.
- (2) The Manchester Ship Canal Acts, 1885 to 1962, and this Act may be cited together as the Manchester Ship Canal Acts, 1885 to 1966.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Abandonment of works.

Part III.—Finance.

Part IV.—Superannuation.

Part V.—Administration.

Part VI.—Miscellaneous and general.

Interpretation.

- 3.—(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:—
 - "abandoned work" means any work abandoned under the provisions of section 4 (Abandonment of Runcorn and Weston Canal, etc.) of this Act;

"the Act of 1885", "the Act of 1900", "the Act of 1945", "the Act of 1949", "the Act of 1950", "the Act of 1956", "the Act of 1960" and "the Act of 1962" mean 1885 the Manchester Ship Canal Acts of those respective years and "the Act of 1926" means the Manchester Ship 1945 c. xi. Canal (General Powers) Act, 1926;

c. clxxxviii. 1900 c. xxxvi. 1949 c. xxxvi.

PART I

---cont.

"the Coal Basin" means the basin forming part of Runcorn 1956 c. 1xxx. Docks known as the Coal Basin:

1950 c. lvi. 1960 c. xlv.

- 1962 c. liii. "the Company" means the Manchester Ship Canal 1926 c. lxxxiii. Company;
- "the council" means the council of the urban district;
- "Francis Dock" means the dock forming part of Runcorn Docks known as Francis Dock;
- "the graving dock" means the graving dock forming part of Runcorn Docks between Bridgewater House and Old Coach Road;
- "the Old Basin" means the basin forming part of Runcorn Docks known as the Old Basin;
- "the Runcorn and Weston Canal" means the canal between Francis Dock in the urban district and the Weston Canal or River Weaver Navigation authorised by the Runcorn and Weston Canal Act, 1853, including all basins, 1853 c. xxxvii. bridges, locks and other works constructed in connection therewith:
- "the Runcorn Locks" means—
 - (a) the locks respectively known as the Runcorn Old Locks Nos. 1 and 2;
 - (b) the locks respectively known as the Runcorn New Locks Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10;
 - (c) the locks respectively known as locks Nos. 11 and 12;
 - and any arms, basins or other works forming part of or used in connection with those locks, or any of them;
- "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;
- "the urban district" means the urban district of Runcorn.
- (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

ABANDONMENT OF WORKS

Abandonment of Runcorn and Weston Canal, etc.

- 4.—(1) Subject to the provisions of this Act, the Company may abandon and discontinue the maintenance and use of—
 - (a) the Runcorn and Weston Canal;
 - (b) Francis Dock;
 - (c) the graving dock;
 - (d) the Coal Basin;
 - (e) the Old Basin; and
 - (f) the Runcorn Locks;

and, subject as aforesaid, all powers, rights, liabilities and obligations relating to any portion of the said canal, docks, basins and locks so abandoned (whether conferred or imposed under any enactment or otherwise) shall cease.

1845 c. 18.

- (2) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act, 1845, or any Act relating to the Runcorn and Weston Canal or to the Company, the Company may—
 - (a) retain, use and appropriate for the general purposes of the undertaking the whole or such part as they may think fit of any lands, property or works forming the site of or acquired, constructed or used in connection with the said canal, docks, basins and locks and, if they think fit for any of those purposes, fill in the whole or so much as they may from time to time determine of the said canal, docks, basins and locks; or
 - (b) exercise with reference to the said canal, docks, basins, locks, lands, property and works the powers exercisable by them with reference to surplus lands.
- (3) (a) In the exercise of the powers of this section the Company shall ensure that the British Railways Board have all necessary access to the railway viaduct crossing the locks respectively known as the Runcorn Old Locks Nos. 1 and 2 and the Runcorn New Locks Nos. 1 and 2 for the purposes of the maintenance and repair of the said viaduct and will not do or permit to be done any works with reference to the said locks which may affect the stability of the said viaduct under or in the immediate vicinity of the said viaduct without first giving written notice to the British Railways Board and without their consent, such consent not to be unreasonably withheld.
- (b) Any question whether the consent of the British Railways Board under paragraph (a) of this subsection has been unreasonably withheld shall be settled by a single arbitrator to be agreed

between the Company and the British Railways Board or, failing such agreement, to be appointed on the application of either of the parties (after notice in writing to the other) by the President of the Institution of Civil Engineers.

PART II --cont.

- 5. Each abandoned work shall, until the use thereof is changed Prevention of after the passing of this Act pursuant to planning permission in nuisance, etc. that behalf granted under Part III of the Town and Country Planning Act, 1962— 1962 c. 38.
 - (a) be deemed to be a watercourse for the purposes of section 259 of the Public Health Act, 1936; and 1936 c. 49.
 - (b) be deemed to be a vacant site for the purposes of section 36 of the said Act of 1962:

Provided that—

- (i) the county council of the administrative county of the county palatine of Chester may, in addition to the council, enforce the provisions of Part III of the said Act of 1936 where they apply by virtue of this section; and
- (ii) the council shall, in addition to the local planning authority, be entitled to enforce the provisions of the said section 36.
- 6.—(1) Where, immediately before the passing of this Act, the As to council or any body or person being the owner, lessee or occupier discharges of of or otherwise interested in any land, building or works adjoining water or of or otherwise interested in any land, building of works adjoining effluent into or near to the Runcorn and Weston Canal are entitled, otherwise Runcorn and than under an agreement which the Company have power to Weston terminate, to discharge water or effluent into any part of the said Canal. canal, the Company, or other the owner for the time being of that part of the said canal, shall not (unless otherwise agreed with the council or any such body or person) fill in the same until provision has been made to the reasonable satisfaction of the council or any such body or person, as the case may be, for the conveyance of such water or effluent to an alternative channel instead of the said canal, and the cost of providing such alternative channel shall be borne by the Company or such owner for the time being, as the case may be.
- (2) Any difference which may arise under this section between the Company, or the owner for the time being of any part of the Runcorn and Weston Canal, and the council or any such body or person as aforesaid, or any two or more of such parties (other than a difference as to the construction of this section) shall be settled by a single arbitrator to be agreed between the parties to the difference or, failing such agreement, to be appointed

PART II — cont.

on the application of any of the parties thereto (after notice in writing to the others) by the President of the Institution of Civil Engineers.

As to certain bridges over Runcorn and Weston Canal.

7. Where, immediately before the passing of this Act, the Company were liable to maintain any bridge erected for carrying a road over any part of the Runcorn and Weston Canal, the Company, or other the owner for the time being of that part of the said canal, shall be liable to keep such bridge and, where the Company were immediately before the passing of this Act liable to maintain the road over such bridge, also that road, in good and sufficient repair:

Provided that—

- (a) nothing in this section shall preclude the substitution for any such bridge of a solid embankment or structure affording facilities of access across the said canal not less than those afforded by the bridge replaced thereby;
- (b) if a solid embankment or structure is substituted for any such bridge, the Company, or the said owner, as the case may be, shall provide such culvert or culverts (if any) as may be reasonably necessary to allow the free passage of water or effluent through the embankment or structure.

For protection of British Waterways Board.

- 8. For the protection of the British Waterways Board (in this section referred to as "the board"), the following provisions shall, unless otherwise agreed in writing between the Company and the board, apply and have effect:—
 - (1) The Company shall, within two years after the passing of this Act, construct to the reasonable satisfaction of the board and in accordance with plans, sections and particulars approved by them or settled by arbitration, and shall thereafter maintain all such works as may be necessary to seal off the Runcorn and Weston Canal from the Weaver Navigation of the board, and to remove the towpath bridge at the junction between the said canal and the said navigation and, before removing the said towpath bridge, the Company shall reinstate the towpath of the said navigation at its former level:
 - (2) The Company may, if they think fit, construct and maintain through and as part of the works referred to in paragraph (1) of this section, a pipe or pipes for continuing the discharge of water from the Runcorn and Weston Canal into the Weaver Navigation:
 - (3) So long as water continues to be discharged from any part of the Runcorn and Weston Canal, or from any culvert or other channel provided in replacement

thereof, into the Weaver Navigation, the Company or other owner for the time being of that part of the said canal shall not, without the previous consent in writing of the board, cause or permit to enter the same any discharge of water or effluent not being a discharge to which subsection (1) of section 6 (As to discharges of water or effluent into Runcorn and Weston Canal) of this Act applies or a discharge permitted under an agreement in existence on the passing of this Act which the Company have power to terminate:

PART II --cont.

(4) Any difference which may arise under this section between the Company and the board (other than a difference as to the construction of this section) shall be settled by a single arbitrator to be agreed between the parties or. failing such agreement, to be appointed on the application of either of them (after notice in writing to the other) by the President of the Institution of Civil Engineers.

PART III

FINANCE

- 9.—(1) Subsection (1) of section 23 (Power to invest &c. in Amendment other companies) of the Act of 1945 shall have effect as if for of section 23 paragraph (d) thereof there were substituted the following of Act of 1945. paragraphs:—
 - " (d) an undertaking or business concerned with the transport or handling of goods; or
 - (e) a business or activity which appears to the Company to be advantageous or convenient for, or in connection with, the undertaking of the Company or to be directly or indirectly for the benefit of the Company."
- (2) Section 6 (Further power to invest in securities of other companies) of the Act of 1962 is hereby repealed.
- 10. Subsection (1) of section 23 (Company to issue bonds to Amendment Corporation in discharge of payments made under guarantee) of section 23 of the Act of 1950 shall have effect as if for the words "any Act of Act of 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" there were substituted the words "section 37 of the Manchester Corporation Act, 1950, as re-enacted by section 31 of the Manchester Corporation Act 1965 ".

PART III
—cont.

Amendment of section 24 of Act of 1950.

11. Subsection (1) of section 24 (Extension of powers to borrow temporarily) of the Act of 1950 shall have effect as if for the words "five hundred thousand pounds" there were substituted the words "two million pounds".

PART IV

SUPERANNUATION

Re-enactment of section 20 of Act of 1945.

- 12.—(1) The Act of 1945 shall have effect and shall be deemed always to have had effect as if for section 20 (As to joint allowances) of that Act there were substituted the following section:—
 - 20.—(1) The Company with the approval of "As to joint the committee (to be signified in writing signed allowances. by the secretary) and of a majority of the members (to be signified by a resolution passed at an extraordinary meeting) may if they think fit at any time and from time to time amend or extend the superannuation scheme so as to enable a member to make arrangements on or before retirement from the service of the Company for the payment, in lieu of a part of any superannuation allowance which he may be entitled to receive from the fund on such retirement 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 sixty years have retired from the service before he died) shall be payable—
 - (a) in the case of a married male member, to his widow during the lifetime of such widow or to a relative dependent upon him during the lifetime of such relative;
 - (b) in the case of an unmarried male member or a female member, to a relative dependent upon him or her during the lifetime of such relative.
 - (2) Any such amendment or extension of the superannuation scheme may provide that any question whether a person is a relative dependent upon a member for the purposes of this section shall be determined by the committee."
- (2) Section 40 (Amendment of section 20 of Act of 1945) of the Act of 1949 is hereby repealed.

Amendment of section 46 of Act of 1956.

13. Paragraph (iii) of the proviso to subsection (1) of section 46 (Investment of superannuation fund) of the Act of 1956 shall have effect as if for the words "one-quarter" there were substituted the words "one-half".

PART V

ADMINISTRATION

- 14.—(1) The qualification of a director (other than a director Qualification appointed by the lord mayor, aldermen and citizens of the city of directors. of Manchester) shall be the possession in his own right of share capital of the Company to the nominal amount of not less than five hundred pounds.
- (2) Section 31 (Qualification of directors) of the Act of 1926 and section 48 (Qualification of directors) of the Act of 1956 are hereby repealed.
- 15. Paragraph (a) of the proviso to subsection (1) of section 26 Amendment (Appointment of officers as directors) of the Act of 1945 shall of section 26 have effect as if for the words "one such person holding office of Act of 1945. as a director" there were substituted the words "two such persons holding office as directors".
- 16.—(1) Section 6 of the Companies Clauses Consolidation Numbering of Act, 1845, shall in its application to the Company have effect as shares. if at the end thereof there were added the following proviso:— 1845 c. 16.
 - "Provided that, if at any time all the issued shares of the Company, or all the issued shares of the Company of a particular class, are fully paid up and rank pari passu for all purposes, none of those shares need thereafter have a distinguishing number so long as it remains fully paid up and ranks pari passu for all purposes with all shares of the same class for the time being issued and fully paid up."
- (2) Section 9 of the said Act of 1845 shall have effect as if after the words "its number" there were inserted the words "(so long as the share has a number)".

PART VI

MISCELLANEOUS AND GENERAL

17.—(1) The agreement dated the 18th November, 1965, and Irlam Ferry. made between the Company of the one part and the urban district council of Irlam and the urban district council of Urmston of the other part, a copy of which is set forth in the schedule to this Act, is hereby confirmed and made binding on the parties thereto:

Provided that clauses 1 and 4 of the said agreement shall have effect in each case as if for the words "pedal bicycles" there were substituted the words "pedal cycles".

(2) Subsections (3) and (4) of section 112 (For the protection of the Surveyors of Highways of Higher Irlam) of the Act of 1885 are hereby repealed.

PART VI —cont.

Extension of time for completion of railways authorised by Act of 1926.

- 18.—(1) The time limited by the Act of 1926 for the completion of the railways authorised by that Act is hereby extended until 1st October, 1976.
- (2) Section 14 (Penalty imposed unless railways opened within time limited) of the Act of 1926 shall have effect as if the period for the completion of the said railways, as extended by this section, were the period limited by that Act for that purpose.

Increase of certain penalties.

19.—(1) Section 198 (Additional byelaws) of the Act of 1885 shall have effect as if for the words "five pounds" there were substituted the words "twenty pounds".

1847 c. 27.

(2) In its application to any byelaws for the time being made by the Company under section 83 of the Harbours, Docks and Piers Clauses Act, 1847, section 84 of the said Act of 1847 shall have effect as if for the words "five pounds" there were substituted the words "twenty pounds".

Amendment of section 17 of Act of 1950.

- 20.—(1) Subsection (1) of section 17 (Increase of certain railway haulage charges) of the Act of 1950 shall have effect as if—
 - (a) in paragraph (a) for the reference to one shilling and eightpence there were substituted a reference to two shillings; and
 - (b) in paragraph (b) for the reference to one shilling and fourpence there were substituted a reference to one shilling and eightpence.
- (2) The said subsection (1) shall have effect as if in Schedule 2 to the Act of 1950 there were included a reference to the lease dated the 22nd November, 1934, granted by the Company to Berry Wiggins and Company Limited.
- (3) Section 5 (Amendment of section 17 of Act of 1950) of the Act of 1960 is hereby repealed.

Repeal of section 28 of Act of 1900.

21. Section 28 (Company not to sell &c. any portion of the racecourse) of the Act of 1900 is hereby repealed.

Power to apply funds to purposes of Act.

22. 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 any existing Act to raise and which they do not require for the purposes for which such moneys were authorised to be raised.

Costs of Act.

23. 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.

SCHEDULE

AGREEMENT

Section 17.

THIS AGREEMENT is made the eighteenth day of November One thousand nine hundred and sixty-five between The Manchester Ship Canal Company (hereinafter called "the Company") of the one part and The Urban District Council of Irlam and The Urban District Council of Urmston (hereinafter together called "the Councils") of the other part

Whereas:-

- 1. The Company were incorporated by the Manchester Ship Canal Act 1885 (hereinafter referred to as "the Act of 1885") and are the 1885 c. clxxxviii. proprietors of an undertaking which includes the Manchester Ship Canal (hereinafter referred to as "the Canal") extending from Eastham Locks in the estuary of the river Mersey to Manchester.
- 2. By section 112 (3) of the Act of 1885 it was enacted that the Company should provide in such position at or near the point on the line of the Canal being twenty-nine miles and one furlong from its commencement as shown on the deposited plans as the Surveyors of Highways for the hamlet of Higher Irlam and the Flixton Urmston and South Barton Highway Board should reasonably approve and in accordance with plans previously submitted to and subject to the reasonable approval of the said Surveyors and the said Board and for ever maintain a ferry (hereinafter referred to as "the existing ferry") across the Canal suitable for the conveyance of vehicles horses and cattle and should at all times thereafter provide the necessary labour to work and should work the existing ferry by night and by day whenever required for the use of the public and in accordance with byelaws to be made and enforced under and in accordance with the provisions of Part VIII of the said Act with respect to byelaws.
- 3. By section 112 (4) of the Act of 1885 it was enacted that the Company should also make and maintain within the limits of deviation shown on the deposited plans proper and convenient approaches to the existing ferry on both sides of the Canal such approaches to be of not less width than thirty feet measured on the square with gradients of not less than one in thirty and to communicate with the existing roads in as direct a manner as should be reasonably practicable.
- 4. The Councils are the successors to the said Surveyors and the said Board.
- 5. The parties have agreed that (subject to the approval of Parliament) the provisions of section 112 (3) and (4) of the Act of 1885 shall be repealed and that the future provision and maintenance of a ferry across the Canal shall be governed by the provisions of this Agreement.

Now this deed witnesseth and it is hereby mutually agreed by and between the parties hereto as follows:—

1. The Company shall provide and operate across the Canal between Irlam and Urmston in approximately the same position as the existing

Sch. —cont.

ferry an adequate ferry (hereinafter referred to as "the New Ferry") for the purpose of carrying passengers pedal bicycles perambulators invalid carriages mopeds and such motor cycles as are of a size or capacity not for the time being permitted to use the special road known as the Stretford-Eccles By-pass and the Company shall also provide and maintain in connection with the New Ferry a landing stage with direct communication to the existing roads and a shelter on each side of the Canal.

- 2. The Company shall operate the New Ferry as frequently as may reasonably be required every day except between the hours of 00.30 and 05.30 or such other hours as may from time to time be agreed in writing between the Councils and the Company or in default of agreement as may be settled by arbitration as hereinafter provided.
- 3. The ferry boat to be provided and operated by the Company shall be mechanically propelled but the Company may provide and operate any other kind of boat from time to time for so long as it may be necessary to take the mechanically propelled boat out of service for the purpose of repairs.
- 4. The fare for use of the New Ferry shall be threepence for each single journey by each passenger and a further threepence for each pedal bicycle perambulator invalid carriage moped or motor cycle:

Provided that no fare shall be demanded or taken in respect of the use of the New Ferry by any children under three years of age.

- 5.—(i) The Councils shall each of them pay to the Company the annual sum of five hundred pounds by half-yearly instalments the first of such instalments to become due six months after the date on which the New Ferry comes into service.
- (ii) The Company or the Councils may at any time call for an increase or decrease in the said annual sums having regard to all the relevant circumstances including any material change in the purchasing power of the pound sterling or in the cost of running the New Ferry or in the revenue from the New Ferry and in default of agreement the amount (if any) of such increase or decrease in the said annual sums shall be settled by arbitration as hereinafter provided.
- 6. The Company may with the written consent of the Councils (which consent shall not be unreasonably withheld) close the New Ferry if having regard to the number of passengers and to the cost of providing and operating it a ferry service is no longer reasonably required.
- 7. Any dispute doubt or question which may arise under this Agreement between the parties except in relation to any revision of the fares specified in clause 4 shall be referred to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the Minister of Transport.
- 8. This Agreement is conditional on the repeal of subsections (3) and (4) of section 112 of the Act of 1885 and on the confirmation of

this Agreement by statute without material alteration and the Councils undertake to support that part of any Bill promoted by the Company which seeks to repeal the said subsections (3) and (4) and to confirm this Agreement:

Sch.
—cont.

Provided that in the event of Parliament not confirming this Agreement without material alteration or making any material alteration in the provisions of the Bill seeking to confirm the same either party may rescind this Agreement which shall thereupon become void and the provisions in the Bill seeking to confirm the same shall be withdrawn.

In witness whereof the parties hereto have caused their respective Common Seals to be hereunto affixed the day and year first before written.

THE COMMON SEAL of THE MANCHESTER SHIP CANAL COMPANY was hereunto affixed in the presence of:—

W. ONIONS
R. E. THOMAS

Directors.

D. K. Redford, Secretary.

THE COMMON SEAL of THE URBAN DISTRICT COUNCIL OF IRLAM was hereunto affixed in the presence of:—

Lucy Winskill, Chairman of the Council.

Frank Roberts,

Clerk of the Council.

THE COMMON SEAL of THE URBAN DISTRICT COUNCIL OF URMSTON was hereunto affixed in the presence of:—

W. WROE,

Chairman of the Council.

ALAN BANCROFT,

Clerk of the Council.

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Manchester Ship Canal Act 1966

CHAPTER xxvii

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- 3. Interpretation.

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SCHEDULE—Agreement.