

Mersey Docks and Harbour Board Act, 1956

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CHAPTER xcii

An Act to authorise the Mersey Docks and Harbour Board to construct further works and for other purposes. [2nd August 1956.]

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 in order to meet the requirements of the trade of the port of Liverpool it is expedient that the Board be authorised to construct the works in this Act described and to use part of the bed banks and shores of the river Mersey as by this Act provided:

And whereas it is expedient that the annual sum payable by the Board towards the payment of the salary and expenses of the acting conservator of the river Mersey and of other persons performing duties under an Act passed in the sixth year of the reign of Her Majesty Queen Victoria intituled "An Act for better preserving the navigation of the river Mersey" be increased:

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:

And whereas a plan and sections showing the situations lines and levels of the works by this Act authorised and the lands which may be taken or used compulsorily for the purposes thereof and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the town clerk of the county borough of Birkenhead and are in this Act respectively referred to as the deposited plan sections and book of reference:

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 1956.

Incorporation
of Acts.

2.—(1) The Lands Clauses Acts (except sections 16 and 17 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845) are subject to the provisions of this Act incorporated with and form part of this Act:

Provided that the bond required by section 85 of that Act shall be sufficient without the addition of the sureties mentioned in that section.

(2) In construing the Lands Clauses Acts as so incorporated the expression "the promoters of the undertaking" shall mean the Board.

Definitions.

3.—(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 1936" means the Mersey Docks and Harbour Board Act 1936;

"the authorised works" means the works authorised by section 5 (Power to construct works) of this Act;

"the borough" means the county borough of Birkenhead;

“ 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 Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Lands (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 and by the Town and Country Planning Act 1954 ;

“ the Mersey Conservancy Act ” means the Act passed in the sixth year of the reign of Her Majesty Queen Victoria intituled “ An Act for better preserving the navigation of the river Mersey ” ;

“ the Minister ” means the Minister of Transport and Civil Aviation ;

“ ordnance reference ” means the national grid reference of the ordnance survey 1954 ;

“ the Trinity House ” means the Corporation of Trinity House of Deptford Strond.

(2) This Act is to be read as if the words “ or thereabouts ” were inserted after each distance or ordnance reference mentioned in section 5 (Power to construct works) of this Act.

4. Subject to the provisions of this Act the Board may enter upon take hold and use the bed banks and shores of the river Mersey and the lands in the borough shown on the deposited plan and described in the deposited book of reference as may be required for the purpose of the authorised works.

5. Subject to the provisions of this Act the Board may construct and place in the river Mersey and on the bed banks and shores thereof and on the lands to be acquired under section 4 (Lands) of this Act in the situations and lines within the limits of deviation and according to the levels shown on the deposited plan and sections the works hereinafter described with all necessary and proper approaches moorings mooring-chains anchorages lights pumping arrangements pipes tanks works and conveniences connected therewith The works hereinbefore referred to and by this Act authorised are—

Work No.1 A main approach jetty 25 feet wide commencing at the east end of St. Paul's Road extending therefrom a distance of 1,850 feet and terminating at an anchorage dolphin (constituting part of Work No. 2 hereinafter described) the ordnance reference of the centre of which is Easting 333597.9 Northing 387299.0 together with a branch approach jetty 25 feet wide extending from a point on the aforesaid main

approach jetty 400 feet from the aforesaid dolphin and terminating at an anchorage dolphin (constituting part of Work No. 2 hereinafter described) the centre of which is situated 550 feet from the centre of the first-mentioned dolphin ;

Work No. 2 Seven anchorage dolphins each 50 feet long and 50 feet wide the centre of the northernmost thereof being situated at a point of which the ordnance reference is Easting 333436.4 Northing 387593.0 the centres of the remainder being spaced in a straight line at successive intervals therefrom of 275 feet ;

Work No. 3 A floating stage (supported on pontoons) 2,000 feet long and 80 feet wide the berthing face thereof being parallel to the line of the anchorage dolphins constituting Work No. 2 and at a distance therefrom in an easterly direction of 195 feet together with access bridges thereto and booms to anchor the said floating stage to the said anchorage dolphins.

Power to deviate.

6. In executing the authorised works the Board may deviate to any extent within the limits of deviation shown on the deposited plan and may also deviate vertically upwards or downwards from the levels shown on the deposited sections to any extent not exceeding ten feet :

Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Minister which shall be signified under the hand of the acting conservator of the river Mersey.

Period for completion of works.

7. If the authorised works are not completed before the first day of January nineteen hundred and sixty-seven or such extended time as the Minister may on the application of the Board allow then on that day or such extended time (as the case may be) the powers by this Act granted to the Board for making and completing those works shall cease except as to so much thereof as is then completed.

Alteration and improvement of works.

8. Subject to the provisions of this Act the Board may from time to time maintain renew alter or extend temporarily or permanently the authorised works or any part thereof :

Provided that nothing in this section shall authorise the Board to deviate laterally or vertically beyond the limits of deviation authorised by section 6 (Power to deviate) of this Act.

Correction of errors in deposited plan and book of reference.

9. (1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Board 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 borough for the correction thereof.

(2) If on any such application it appears to the justices that the omission, misstatement or wrong description arose from a 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.

(3) Any such certificate shall be deposited with the town clerk of the borough and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

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

10. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of August nineteen hundred and fifty-eight.

Period for compulsory purchase of lands.

11.—(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 Board any easement or right required for the purpose of this Act in or 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).

Persons under disability may grant easements.

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

12. The authorised works and the bed banks shores and land acquired under the powers of this Act and each and every of them and any works connected therewith respectively shall for the purposes of tolls rates and charges and for all other purposes be deemed to be docks and lands of the Board within the meaning of the existing Acts or any of them.

Works to be deemed docks within meaning of existing Acts.

13. The authorised works and the bed banks shores and land acquired under the powers of this Act and each and every of them and any works connected therewith respectively shall be deemed to be works authorised to be erected established and maintained by the Board within the meaning of section 284 (Application of moneys as herein stated) of the Act of 1858 and section 13 (Application of revenue) of the Act of 1936.

Applying sections of Acts of 1858 and 1936.

Works below
high-water
mark to be
subject to
approval of
Minister.

14.—(1) Subject to the provisions of this Act the authorised works shall be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any part of the authorised works shall be subject to the like approval.

(3) Any such approval shall be signified and any such conditions or restrictions shall be prescribed under the hand of the acting conservator of the river Mersey.

(4) If any part of the authorised works be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Board and the amount of such cost shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Survey of
works by
Minister.

15. If at any time the Minister or the acting conservator of the river Mersey on his behalf deems it expedient for the purposes of this Act to order a survey and examination of the authorised works on in over through or across tidal lands or tidal waters or of the intended site of the authorised works within the jurisdiction of the Minister the Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Abatement
of work
abandoned
or decayed.

16. If any part of the authorised works on in over through or across tidal lands or tidal waters within the jurisdiction of the Minister is abandoned or suffered to fall into decay the Minister may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Board and the amount of such expense shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Lights on
works during
construction.

17.—(1) The Board shall at or near any part of the authorised works below high-water mark of ordinary spring tides during the whole time of the construction renewal alteration or extension thereof exhibit and keep burning every night from

sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister may from time to time require or approve.

(2) If the Board fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

18.—(1) After the completion of the authorised works the Board shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Trinity House may from time to time direct. Permanent lights on works.

(2) If the Board fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

19. Nothing in this Act shall exempt the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them arising out of the constructing maintaining renewing altering or extending or the user of the authorised works. Board not to commit nuisance.

20. The Board may from time to time for the purposes of the authorised works borrow at interest on the security of the rates for the time being belonging to them in addition to the sums which they are at the passing of this Act authorised to borrow by the existing Acts any further sum or sums not exceeding in the whole three million pounds. Further borrowing powers for works.

21. All moneys borrowed by the Board under the authority of this Act shall be applied by them for the purposes to which capital is properly applicable and not otherwise. Application of moneys.

22. For the protection of the mayor aldermen and burgesses of the borough (in this section referred to as "the corporation") the following provisions shall except as may be otherwise agreed in writing between the Board and the corporation apply and have effect:— For protection of Birkenhead Corporation.

(1) The Board shall not under the powers of section 4 (Lands) of this Act enter upon take or use any part of the lands numbered on the deposited plan 4 in the

borough or any property right or interest of the corporation therein or in the lands so numbered 1 in the borough but subject to the provisions of this section the Board may acquire and the corporation may to the extent of their interest in any such lands grant such easements or rights of using so much of the said lands as may be reasonably required by the Board for the construction and maintenance of the authorised works:

(2) Nothing in this Act shall prejudice or affect the provisions of paragraph (10) of section 12 (For protection of Corporation of Birkenhead) of the Mersey Docks and Harbour Board Act 1901 provided nevertheless that if for the purposes of the construction maintenance renewal alteration or extension or the user of the authorised works it is in the opinion of the Board necessary to interfere with the way or means of access for the public to the river Mersey by means of the lands numbered on the deposited plan 1 in the borough the Board shall before so interfering provide an alternative means of access to the river Mersey in such manner and position as may be reasonably approved by the corporation:

(3) The Board shall at all times after the passing of this Act—

(a) afford to the corporation free of cost such reasonable facilities and means of access as the corporation may require for maintaining repairing renewing enlarging and extending the sewer situated in or under the lands numbered on the deposited plan 1 2 and 4 in the borough and the grip or channel leading from the riverward end thereof (which sewer and channel are hereinafter referred to as “the main outfall sewer”) and for constructing such new connections with the said sewer as the corporation are at any time entitled to make; and

(b) pay to the corporation any additional costs and expenses reasonably incurred by them in such maintenance repair renewal enlargement or extension or in constructing any such connections by reason of the construction renewal alteration or extension and the use by the Board of the authorised works:

(4) If at any time during or after the construction renewal alteration or extension of the authorised works the free flow of sewage or other effluent from the main outfall sewer is impeded or obstructed or the grip or channel at the riverward end of the said sewer is rendered less efficient than it was at the passing of this Act and it is

agreed between the corporation and the Board or in default of agreement determined by arbitration as provided in paragraph (10) of this section that such impediment or obstruction or such effect on the said grip or channel is in consequence of the construction maintenance renewal alteration or extension (as the case may be) or the use of the said works the Board shall as soon as reasonably practicable after the receipt by them of notice in writing from the corporation in this behalf at their own expense execute such works as shall be reasonably required by the corporation to remove or remedy such impediment or obstruction or to restore the said grip or channel or if the corporation prefer they may themselves carry out such works as aforesaid and the Board shall repay to the corporation the costs and expenses reasonably incurred by the corporation in carrying out the same:

- (5) In executing and also (except in case of emergency) in effecting repairs to or in maintaining renewing altering or extending so much of any of the authorised works as may interfere with—
- (a) the main outfall sewer ; or
 - (b) the water mains or pipes of the corporation situated in or under the lands numbered on the deposited plan 1 in the borough ; or
 - (c) any other apparatus of the corporation connected with the main outfall sewer or with any such water main or pipe ;

the same shall be done by the Board under the superintendence and to the reasonable satisfaction of the corporation's borough engineer or water engineer as the case may be and (except in cases of repair and maintenance) according to plans sections specifications and particulars to be submitted to and reasonably approved by the corporation before such works are executed:

Provided that if the corporation shall not signify their approval or disapproval of the said plans sections specifications and particulars within two months after they have been submitted to them they shall be deemed to have approved them:

- (6) If in consequence of the exercise of the powers of this Act it is agreed between the corporation and the Board or in default of agreement determined by arbitration as provided in paragraph (10) of this section that it is necessary or desirable to alter the position of or to lengthen or to strengthen the main outfall sewer or any such water main pipe or other apparatus or to provide

works for the protection thereof such alteration lengthening strengthening or protection shall be carried out by the Board to the extent and in a manner reasonably approved by the corporation or if the corporation prefer shall be carried out by them and the Board shall repay to the corporation any expense reasonably incurred by the corporation in carrying out the same:

- (7) The Board shall make compensation to the corporation for any damage to the main outfall sewer or any such water main pipe or other apparatus which may be caused by or in consequence of any act or default of the Board their contractors servants or agents and whether such damage shall happen during the construction of the authorised works or at any time thereafter and for any increase in the costs and expenses reasonably incurred by the corporation from time to time in the maintenance of any such water main pipe or other apparatus connected therewith or in the alteration extension or improvement of the same by reason of the construction renewal alteration or extension of the authorised works:
- (8) If in consequence of the exercise of the powers of this Act it is agreed between the corporation and the Board or in default of agreement determined by arbitration as provided in paragraph (10) of this section that it is necessary or desirable to reconstruct or strengthen St. Paul's Road in the borough between its junction with New Chester Road and the authorised works in order to ensure that the said road shall be reasonably capable of carrying the traffic which will or may be required by the Board to use the road in connection with the construction maintenance renewal alteration or extension of the authorised works in addition to the ordinary traffic which the said road was required to carry before the passing of this Act the Board shall repay to the corporation the cost and expenses reasonably incurred by them in or in connection with such reconstruction or strengthening of the said road:
- (9) In addition to the payment of compensation as aforesaid the Board shall make compensation to the corporation for any other loss sustained by them by reason or in consequence of any damage to the main outfall sewer or any obstruction of the free flow of sewage or other effluent therefrom or any damage to any such water main pipe or other apparatus and shall indemnify the corporation against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the corporation in respect thereof:

debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

(2) Any sum so paid by the Board shall be debited to the account kept by the Board and known as "the conservancy revenue account".

(3) Section 5 (Conservancy fund) of the Mersey Conservancy Act is hereby repealed.

Costs of Act.

28. 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 incident to the applying for obtaining and passing of this Act.

Table of Statutes referred to in this Act

Title	Session and chapter
Mersey Conservancy Act	5 & 6 Vict. c. cx.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Mersey Docks and Harbour Act 1857	20 & 21 Vict. c. clxii.
Mersey Dock Acts (Consolidation) Act 1858	21 & 22 Vict. c. xcii.
Acquisition of Lands (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Mersey Docks and Harbour Board Act 1936	10 & 11 Geo. 5 c. ciii.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Public Utilities Street Works Act 1950	14 Geo. 6 c. 39.
Town and Country Planning Act 1954	2 & 3 Eliz. 2 c. 72.

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(10) Any difference which may arise between the corporation and the Board under this section shall be referred to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the President of the Institution of Civil Engineers.

23. For the protection of the North Western Gas Board (in this section referred to as "the gas board") the following provisions shall unless otherwise agreed in writing between the Board and the gas board apply and have effect:—

For protection of North Western Gas Board.

(1) Notwithstanding anything in this Act or shown on the deposited plans the Board shall not acquire otherwise than by agreement any apparatus belonging to the gas board or for the maintenance of which they are responsible:

(2) The provisions of Part II of the Public Utilities Street Works Act 1950 shall apply in relation to any such apparatus which is affected by the authorised works.

24. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

25. 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.

26. It shall not be lawful to exercise the powers of borrowing conferred upon the Board by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 (Treasury control of borrowing &c.) of the Borrowing (Control and Guarantees) Act 1946.

Saving for powers of Treasury.

27.—(1) The Board shall pay to the Minister towards the payment of the salary and expenses of the acting conservator of the river Mersey and other persons performing duties under the Mersey Conservancy Act such sums not exceeding in the whole two thousand pounds in any year as the Minister may in writing direct and any sum so directed to be paid shall be a

Payments towards salary of acting conservator.