



CHAPTER xxviii.

An Act to authorise the Mersey Docks and Harbour Board to alter extend and improve their Docks Basins and Works on the Liverpool side of the River Mersey and for other purposes. A.D. 1898.
[23rd May 1898.]

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 (in this Act called "the Board") were incorporated for the purposes therein mentioned :

And whereas by various subsequent Acts the Board have been for the purpose of affording additional accommodation to the trade of the port of Liverpool authorised from time to time to construct additional docks and works upon the Liverpool side of the Mersey and to alter other of their works and to improve the entrances to their docks :

And whereas in order to meet the requirements of the trade of the port and especially having regard to the increased and increasing size of vessels frequenting the port it is expedient that the Board be authorised to alter deepen and improve some of their existing works and construct the other works in this Act mentioned on the Liverpool side of the River Mersey including a new entrance from the River Mersey into their Brunswick Dock and the construction of a river wall from the south side of the river entrance to the Eagle Basin to the North Pier Head at the river entrance to the Queen's Half Tide Dock :

And whereas it is expedient that for the purposes of this Act the Board be authorised to raise further money by bonds and by the granting of annuities :

And whereas plans and sections of the works by this Act authorised showing the lines or situation and levels thereof and the lands on which the same are intended to be made and a book of reference to the plans containing the names of the owners and

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A.D. 1898. lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county palatine of Lancaster and are in this Act referred to as "the deposited plans sections and book of reference" respectively:

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 (New Works) Act 1898,

Incorporation of Acts. 2. The Lands Clauses Acts (except the sections of the Lands Clauses Consolidation Act 1845 numbered 127 to 132 both inclusive) and so much of the Mersey Dock Acts Consolidation Act 1858 (in this Act called "the Act of 1858") as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act) except so far as those meanings may be inconsistent with this Act are respectively incorporated with and form part of this Act and in construing the Lands Clauses Acts the Board shall be deemed the promoters of the undertaking.

Power to make works. 3. Subject to the provisions of this Act the Board may make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the works herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are situate in the city of Liverpool and the county palatine of Lancaster and on the bed and shore of the River Mersey and are—

SOUTHERN WORKS.

(A) The enlargement and alteration of the Wapping Dock by the removal of the Western Quay thereof and of part of the Southern Quay thereof and the filling up of part of the said dock at its north-western corner and the deepening of the said dock:

(B) Two branch docks on the site of the northern and southern portions respectively of the King's Dock and of the King's Dock Tobacco Warehouses belonging to the Board and of the quay between the said dock and the said warehouses together

with the filling up of so much of King's Dock as will not form parts of the said branch docks : A.D. 1898.

- (C) A new and enlarged cut or passage between Wapping Dock and Queen's Dock partly on the site of the existing passage between those docks together with a swing bridge over the same :
- (D) The widening on its western side and the deepening of Queen's Dock :
- (E) A new graving dock partly on the site of the northern portion of Queen's Half-Tide Dock and the river entrances thereto and the bed and shore of the River Mersey together with the filling up of so much of the Queen's Half-Tide Dock and the river entrances thereto and of the bed and shore of the River Mersey between the north and south pierheads of those entrances as will not form part of the said new graving dock :
- (F) A branch dock on the sites of the northern portion of the Queen's Graving Docks and of portion of the South Quay of Queen's Half-Tide Dock and of the shipbuilding yards between the Queen's Graving Dock and the River Mersey and of the road known as Baffin Street :
- (G) A branch dock on the site of part of Trafford Dock and Eagle Basin and the quays thereof respectively and the lock or passage between the said dock and basin and of the shipbuilding yards above mentioned and of the road known as Ætna Street together with the filling up of so much of Trafford Dock and Eagle Basin and of the said lock or passage between the said dock and basin as will not form part of the new branch dock :
- (H) A new and enlarged cut or passage from Queen's Dock to Coburg Dock in substitution for and on the western side of the existing passage between those docks together with a swing bridge over the said new cut or passage :
- (I) The deepening of Coburg Dock between the intended new cut or passage lastly above described and the new cut or passage herein-after described between Coburg Dock and Brunswick Dock :
- (J) The alteration of Coburg Dock by filling up the embayment or recess on the north side thereof and by removing part of the pier on the north side of the river entrance to the said dock :
- (K) A new and enlarged cut or passage from Coburg Dock to Brunswick Dock partly on the site of the existing passage between those docks together with a swing bridge over the new cut or passage :
- (L) The deepening of Brunswick Dock :

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- (M) The widening on its western side of Union Dock partly on the site of the Eastern Brunswick Graving Dock together with a new and enlarged cut or passage between Brunswick Dock and Union Dock partly on the site of the existing passage between those docks and a new and enlarged passage between Union Dock and Toxteth Dock partly on the site of the existing passage between the last-mentioned docks together with a swing bridge over the last-mentioned new cut or passage :
- (N) A new graving dock partly on the site of the western Brunswick Graving Dock :
- (O) A new entrance from the River Mersey into the Brunswick Dock (with two locks at the river end thereof) :
- (P) A river wall commencing at or near the south side of the river entrance to Eagle Basin and terminating at or near the North Pierhead at the river entrance to Queen's Half-Tide Dock including the reconstruction and raising of the existing river wall in front of the shipbuilding yards lying between Queen's Graving Docks and the River Mersey :

NORTHERN WORKS.

- (Q) The widening of Huskisson Dock by the removal of the quay on its eastern side between the south-eastern corner of the said dock and the south-western corner of the Huskisson Branch Dock No. 1 and the construction on the site of parts of the Sandon Graving Docks of a branch dock from Huskisson Dock as so widened :
- (R) The widening of the Half-Tide Dock between Huskisson Dock and Bramley-Moore Dock now in course of construction by the removal of the northern portion of the eastern wall of the said Half-Tide Dock and the construction on the site of parts of Sandon Graving Docks of a graving dock from the said Half-Tide Dock as so widened :
- (S) A branch dock on the site of the southern portion of Sandon Dock.

Power to
make subsi-
diary works.

4. In connexion with the aforesaid works or any of them the Board may from time to time make and maintain all necessary and proper bridges booms approaches roads warehouses sheds buildings yards shipping places wharves custom houses roofs watchhouses staiths jetties stairs landing places stages quays fences gates entrances slips cranes hydraulic and other lifts dolphins buoys moorings mooring chains sewers drains culverts sluicing apparatus railways tramways stations pumping arrangements and other works and conveniences.

5. The Board may from time to time deepen and dredge the bed and shore of the River Mersey adjoining or opposite to any of the works by this Act authorised. Provided that nothing herein contained shall authorise the Board to reduce or to execute works which will have the effect of reducing the natural thickness of substance between the tunnel and works of the Mersey Railway Company and the water in the River Mersey for the distance of one hundred yards on each side of the tunnel measured from the centre line of the tunnel.

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Power to
dredge &c.

6. In executing the works by this Act authorised the Board may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding ten feet. Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Commissioners for the Conservancy of the River Mersey in this Act called "the Mersey Conservancy Commissioners" or otherwise than in such manner as is expressly authorised by the Mersey Conservancy Commissioners.

Lateral and
vertical
deviations.

7. The following provisions shall have effect for the protection of the mayor aldermen and citizens of the city of Liverpool (hereinafter called "the corporation") unless otherwise agreed between the Board and the corporation:—

For pro-
tection of
corporation
of Liverpool.

- (1) Whenever any of the water mains or pipes of the corporation are severed or interfered with by the works authorised by this Act and whenever it is thereby necessary for maintaining the supply of water to lay additional water mains or pipes such additional water mains or pipes shall previous to the severance or interference be laid by the corporation at the expense of the Board:
- (2) If by reason of the execution of any of the powers of this Act any increased length of water mains or pipes becomes necessary the same shall be laid down by the corporation at the expense of the Board upon such plan and in such manner as may be approved of by the corporation:
- (3) Whenever by the appropriation or destruction of property by this Act authorised any water mains or pipes laid for the supply of such property (except pipes inside such property)

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are rendered unnecessary the Board shall pay the corporation the cost of laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary as estimated by the water engineer of the corporation and the water mains and pipes so rendered unnecessary shall be the property of the Board :

- (4) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain the Board shall before interrupting or interfering therewith construct at their own expense according to a plan to be previously approved by the corporation (by whom such approval shall not be unreasonably withheld) a sewer or drain in lieu of and of not less than equal capacity with the sewer or drain so proposed to be interrupted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Board with any existing sewers or drains which were connected with the sewer or drain so interrupted or interfered with :
- (5) If by reason of the construction of the said works any additional sewers or drains or any increased length or alterations of existing sewers or drains or any manholes or air-holes or other works and conveniences connected therewith shall become necessary the same shall be constructed by and at the expense of the Board according to such plan and in such manner as shall be reasonably approved by the corporation :
- (6) The corporation their officials and assistants shall at all reasonable times during the construction of the said works have full power to enter upon the Dock Estate to see that the provisions of this section are complied with :
- (7) The Board shall from time to time pay to the corporation all sanitary and other municipal rates leviable by or payable to the corporation upon the respective assessments of any lands or property acquired by the Board under the powers and for the purposes of this Act or a proportion of such rates respectively from the time such lands or property shall be acquired by the Board until the Board's works are completed or until the same have been sold as surplus lands and the amount of such rates payable by the Board shall be computed according to the assessments of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down.

Period for
compulsory
purchase of
lands.

8. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of ten years from the passing of this Act.

9. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board may after ten days' notice to the owners lessees and occupiers of the lands affected apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county palatine of Lancaster and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Board may take the lands in accordance with such certificate.

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Errors and omissions in plans &c. to be corrected.

10. Section 5 (For protection of corporation of Liverpool) of the Mersey Dock Act 1891 shall extend and apply to and in the case of the works by this Act authorised and to the Board in respect thereof as if that section were expressly enacted in this Act.

Applying section 5 of Mersey Dock Act 1891.

11. The Board shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

12. If the works by this Act authorised and shown on the deposited plans and sections are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

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Works to be deemed docks within meaning of Act of 1858.

Power to make and enforce byelaws.

13. For the purposes of rates and for all other purposes the works by this Act authorised and each and every of them shall be deemed to be docks within the meaning of the Act of 1858.

14. The Board may make byelaws for regulating or managing the use of all or any of the works by this Act authorised and may from time to time affix and appoint such pecuniary and other penalties and forfeitures as they shall think fit for offences against such byelaws. Provided that no such pecuniary penalty shall exceed the sum of five pounds for one offence and the provisions of Part X. with respect to byelaws and Part XV. with respect to the recovery of damages and penalties of the Mersey Dock Acts Consolidation Act 1858 shall extend to and apply to such byelaws penalties and forfeitures.

Works to be deemed authorised works within the meaning of the Acts of 1858 and 1867.

15. The works by this Act authorised shall be deemed to be works authorised to be erected established and maintained by the Board within the meaning of section 284 of the Act of 1858 and shall also be deemed to be works for the improvement of the Mersey Dock Estate on the Liverpool side of the River Mersey within the meaning of section 5 of the Mersey Docks (Various Powers) Act 1867 and all moneys expended by the Board for or in connexion with the purchase of lands or for compensation for the injuriously affecting of lands or otherwise for the purposes of this Act shall be deemed to be part of the cost of the works by this Act authorised.

Further borrowing powers.

16. Subject to the provisions of this Act the Board may from time to time for the purposes of this Act and for enlarging and extending their existing warehouses and sheds and other accommodation in connexion with the works by this Act authorised borrow at interest on the security of the rates for the time being belonging to them (exclusive of any sum or sums of money required for the completion of the Birkenhead docks and works and for the purposes specially provided for by the Mersey Docks and Harbour Act 1857) any further sum or sums not exceeding in the whole three million five hundred and sixty-two thousand pounds.

Application of moneys borrowed under this Act.

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

Works below high-water mark not to be commenced without consent of Mersey

18. The Board shall not under the powers of this Act construct on the shore of the estuary of the Mersey within the jurisdiction of the Mersey Conservancy Commissioners any work without the previous consent of the commissioners to be signified in writing under the hand of the acting conservator of the Mersey and then

only according to such plan and under such restrictions and regulations as he may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Board shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Mersey Conservancy Commissioners may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Board and the amount of such cost and charge shall be a debt due from the Board to the Mersey Conservancy Commissioners and shall be recoverable accordingly as an ordinary debt or at the option of the Mersey Conservancy Commissioners summarily as a civil debt.

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Conservancy
Commis-
sioners.

19. If at any time the Mersey Conservancy Commissioners or the acting conservator of the Mersey on their behalf deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Board on in over through or across tidal lands or tidal waters or of the intended site of any such work within the jurisdiction of the Mersey Conservancy Commissioners 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 said Mersey Conservancy Commissioners and be recoverable accordingly as an ordinary debt or at the option of the Mersey Conservancy Commissioners summarily as a civil debt.

Survey of
works by
the Mersey
Conservancy
Commis-
sioners.

20. If a work constructed by the Board on in over through or across tidal lands or tidal waters in the estuary of the Mersey within the jurisdiction of the Mersey Conservancy Commissioners is abandoned or suffered to fall into decay the Mersey Conservancy Commissioners 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 said Mersey Conservancy Commissioners and be recoverable accordingly as an ordinary debt or at the option of the Mersey Conservancy Commissioners summarily as a civil debt.

Abatement
of work
abandoned or
decayed.

21. The Board shall on or near the works below high water mark within the jurisdiction of the Mersey Conservancy Commissioners hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Mersey Conservancy Commissioners from time to time require or approve. If the Board fail to comply

Lights on
works during
construction.

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Board to exhibit lights.

22. The Board shall at the outer extremity of the works referred to in this Act within the jurisdiction of the Mersey Conservancy Commissioners exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House Deptford Strond shall from time to time direct. If the Board fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Authorising dealings with property of the Duchy of Lancaster.

23. And whereas it is expedient that this Act should contain such provisions relative to lands hereditaments estates rights and interests belonging to the Queen's most Excellent Majesty in right of Her duchy of Lancaster (in the rest of this section called "the duchy") as are herein-after contained Be it therefore enacted that—

(1) With respect to any lands belonging to Her Majesty in right of the duchy which may be required for the purposes of this Act the following provisions shall have effect (that is to say) The chancellor and council for the time being (herein-after called "the chancellor and council") of the duchy may agree with the Board for the absolute sale in fee simple of all or any of the said last-mentioned lands or any part thereof in consideration of any such gross sum of money or of such annual rentcharge or in consideration partly of such gross sum and partly of such annual rentcharge payable by the Board and upon such terms and conditions in all respects as shall be settled between the chancellor and council and the Board and upon payment of such (if any) agreed gross sum and upon such (if any) agreed rentcharge being secured in manner herein-after provided the chancellor and council may grant and assure the same lands and the fee simple and inheritance thereof to the Board their successors and assigns for the purposes of this Act:

(2) With respect to any gross sum of money which under this section shall become payable in consideration of any sale enfranchisement or release thereby authorised the following provisions shall have effect (that is to say) :—

Each such sum shall be paid into the hands of the receiver-general of the revenues of the duchy or of his deputy or deputies and a receipt shall be given by him or them for the same;

And such sum shall be applicable and dealt with to all intents and purposes as if it were the purchase money of lands sold by the chancellor and council under the authority of the Duchy of Lancaster Lands Act 1855. And the chancellor and council shall for the purposes of this Act have and be entitled to the benefit of all such powers and provisions in reference to moneys invested in bank annuities under this present section as under the Duchy of Lancaster Lands Act 1855 they are entitled to concerning moneys invested in bank annuities under that Act: .

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(3) With respect to any annual rentcharge which under this section shall become payable in consideration of any sale enfranchisement or release by this section authorised the following provisions shall have effect (that is to say):—

Each such annual rentcharge shall be a perpetual rentcharge and shall be such charge on the tolls or rates payable under this Act and shall be recoverable in like manner as by the Lands Clauses Acts provided concerning the rentcharges thereby authorised to be granted and shall if the chancellor and council think fit be otherwise secured in such manner as may be settled between the chancellor and council and the Board ;

And the same shall be limited to the use of Her Majesty in right of the duchy and shall vest in Her in the same right as fully and effectually as the lands or hereditaments which shall be granted assured or released in consideration of the same annual rentcharge stood vested in Her immediately before such grant and assurance thereof ;

Provided that every such annual rentcharge shall be subject to the same application to all intents and purposes as the rents and profits of the said lands or hereditaments to be granted and assured in consideration thereof would be subject if the same lands or hereditaments had not been so granted and assured ;

Provided also that notwithstanding anything contained in the Railway Companies Act 1867 no money borrowed by the said Board on mortgage or bond or debenture stock under the provisions of any Act authorising the borrowing thereof shall have priority over or affect any claim of Her Majesty against the company their successors or assigns or against their property for the time being in respect of any such last-mentioned rentcharge :

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(4) Any lands hereditaments estate right or interest conveyed or assured or released by the chancellor and council by virtue of any of the foregoing provisions of this section shall be so conveyed assured or released in the name of Her Majesty in right of the duchy and by deed or writing under the seal of the duchy and every such deed or writing shall be enrolled in the court of the duchy of Lancaster within six calendar months from the date thereof.

As to future accretions.

24. If any land not required for the purposes of this Act shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed or by any other means cease to be subject to the flow and reflow of the ordinary tides or to be permanently covered with water (and that whether gradually or imperceptibly or otherwise) the Board shall not by virtue of the ownership of any lands which they are by virtue of this Act empowered to take or acquire have any estate right or interest in or to the land so raised in height or reclaimed or ceasing to be so subject or to be so covered as aforesaid by reason that such raising reclamation or cesser has been gradual or imperceptible or has been wholly or partially caused either by the works by this Act authorised or otherwise.

Saving rights of the duchy of Lancaster.

25. Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or hereditaments or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty in right of Her said duchy.

Saving rights of the Crown in the fore-shore.

26. Nothing contained in this Act shall authorise the Board 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 right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

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27. 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. A.D. 1898.
Expenses of
Act.

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