

1975 No. 2205

HARBOURS, DOCKS, PIERS AND FERRIES

The Manchester Ship Canal Revision Order 1975

Made - - - - - 12th August 1975

Laid before Parliament 6th November 1975

Coming into Operation 17th December 1975

The Secretary of State for the Environment in exercise of the powers conferred by section 14 of the Harbours Act 1964(a) and now vested in him(b) and of all other powers enabling him in that behalf and on the application of the Manchester Ship Canal Company, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Manchester Ship Canal Revision Order 1975 and shall come into operation on the date fixed in accordance with the provisions of the Statutory Orders (Special Procedure) Acts 1945 and 1965(c).

(2) The Manchester Ship Canal Acts and Order 1885 to 1970 and this Order may be cited together as the Manchester Ship Canal Acts and Orders 1885 to 1975.

Interpretation

2.—(1) In this Order, unless the subject or context otherwise requires:—

“the Act of 1885” means the Manchester Ship Canal Act 1885(d);

“the canal” means the Manchester Ship Canal authorised by the Act of 1885 as amended by subsequent Acts;

“the Company” means the Manchester Ship Canal Company;

“the directors” means the directors of the Company;

“Eastham Locks” means the entrance locks at Eastham known as Eastham Locks, being part of Work No. 1 authorised by the Act of 1885;

“the harbour” means the harbour and port of Manchester;

“Randles Sluices” means the sluices in the district of Halton known as Randles Sluices;

“the Runcorn Docks” means the docks of the Company known as the Runcorn Docks other than any berth or layby alongside the canal;

“Sutton Mills” means the premises on the River Weaver known as Sutton Mills near Frodsham Bridge in the district of Halton;

(a) 1964 c. 40.

(c) 9 & 10 Geo. 6 c. 18; 1965 c. 43.

(b) S.I. 1970/1681 (1970 III, p. 5551).

(d) 1885 c. clxxxviii.

“the Weaver Navigation” includes Weston Point Docks;

“Weston Mersey Lock” means the lock or basin in the district of Halton known as Weston Mersey Lock being Work No. 1G(a) authorised by the Act of 1885.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Abandonment of Weston Mersey Lock

3.—(1) Subject to the provisions of this article, the Company may, on such date as the directors may by resolution determine, abandon and discontinue the use of Weston Mersey Lock as a lock and may remove the gates thereof and in lieu of such gates or any of them construct such fixed dams, walls, sluices or other structures as they think fit and may use the said lock as so altered for the general purposes of the harbour.

(2) Where the exercise of the power contained in this article involves or is likely to involve the removal or alteration of or interference with any telegraphic line (as defined in the Telegraph Act 1878(b)) belonging to or used by the Post Office, subsection (2) of section 209 (For the protection of the Postmaster General) of the Act of 1885 shall have effect in relation to that telegraphic line and any substituted telegraphic line provided that the Company shall pay to the Post Office an amount equal to the cost incurred by the Post Office in connection with any such removal, alteration, or interference.

(3) On the date determined by the directors for the purposes of paragraph (1) of this article the enactments specified in the Schedule to this Order shall be repealed to the extent specified in that Schedule.

Abandonment of Randles Sluices

4.—(1) The Company may, on such date as the directors may by resolution determine, abandon Randles Sluices and may remove the said sluices and substitute a solid wall or embankment therefor.

(2) On the date determined by the directors for the purposes of paragraph (1) of this article subsection (2) of section 35 (Power to divert waters) of the Act of 1885 shall be repealed.

Publication of notices.

5. Within one month of the passing of a resolution of the directors under paragraph (1) of article 3 (Abandonment of Weston Mersey Lock) or paragraph (1) of article 4 (Abandonment of Randles Sluices) of this Order, the Company shall give notice of the effect of the resolution by advertisement in such local newspaper as they may deem expedient for causing the resolution to be made known to persons affected thereby.

Canal tolls

6.—(1) Cargo destined for or coming from the Weaver Navigation or the Runcorn Docks or Sutton Mills and passing over the canal shall be free of toll if:—

(a) the draught of the ship carrying the cargo does not exceed the difference between 4·6 metres and the predicted height above chart datum of the tide on which the ship passes through Eastham Locks; and

(a) 1889 c. 63.

(b) 1878 c. 76.

(b) in the case of inward cargo, the ship carrying the cargo completes her inward loaded voyage in the Weaver Navigation or the Runcorn Docks or at Sutton Mills without having loaded or unloaded any cargo alongside any berth on the canal; or

(c) in the case of outward cargo, the ship carrying the cargo commences her outward loaded voyage in either the Runcorn Docks or the Weaver Navigation or at Sutton Mills and leaves Eastham Locks without loading or unloading any cargo alongside any berth on the canal.

(2) In this article "chart datum" means chart datum at Liverpool, that is to say 4.93 metres below Ordnance Datum (Newlyn).

Signed by authority of
the Secretary of State
12th August 1975.

John Gilbert,
Minister for Transport,
Department of the Environment

SCHEDULE

REPEALS

Enactment (1)	Section or article (2)	Marginal note (3)	Extent of repeal (4)
The Act of 1885	31	Lock entrances to certain navigations to be under control of the Company	The whole section.
	71	For the protection of the Trustees of the River Weaver Navigation	In subsection (7), the words from "and between the Canal" to "Delamere Dock Sill" and subsections (16), (17), (18), (20) and (21).
	72	For protection of Messrs Rigby and Others	Subsections (3) and (4).
	74	For protection of manufacturers of and traders in North Staffordshire pottery ware &c. using the Trent and Mersey Canal.	The whole section.
	75	For the protection of the Port and Town of Runcorn and the Improvement Commissioners thereof &c.	Subsections (2), (6), (7) and (8).
	88	For the protection of Corporation and traders &c. of Warrington.	In subsection (2), the words from "when available" to "Old Quay Docks".
	38	For protection of Corporation and traders of Warrington	In subsection (11), the reference to Weston Mersey Lock, and subsection (12).
The Manchester Ship Canal Act 1904(a)	38	For protection of Corporation and traders of Warrington	In subsection (11), the reference to Weston Mersey Lock, and subsection (12).
The Manchester Ship Canal Act 1950(b)	25	Abandonment of Bridgewater Lock.	Subsections (2) to (5).
The Manchester Ship Canal Act 1952(c)	6	Exclusion of tidal waters from entering Canal at Eastham	Subsection (3).
The Manchester Ship Canal Revision Order 1970	3	Abandonment of Old Quay Lock	Paragraphs (2) to (4).

(a) 1904 c. ccxii.
(c) 1952 c.xiii.

(b) 1950 c. lvi.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order authorises the Manchester Ship Canal Company to abandon Weston Mersey Lock and Randles Sluices in the district of Halton. The Order also exempts cargo destined for or coming from the Weaver Navigation, the Runcorn Docks and Sutton Mills from the canal tolls of the Company in certain circumstances.