

1976 No. 1084

CANALS AND INLAND WATERWAYS

The Manchester Ship Canal (Black Bear Canal)

(Local Enactments) Order 1976

<i>Made</i>	7th July 1976
<i>Laid before Parliament</i>	16th July 1976
<i>Coming into Operation</i>	6th August 1976

The Secretary of State for the Environment, on the application of the Manchester Ship Canal Company and after complying with the relevant requirements of Schedule 13 to the Transport Act 1968(a), hereby makes the following Order in exercise of powers conferred by section 112 of that Act and now vested in him(b) and of all other enabling powers:—

Citation and commencement

1.—(1) This Order may be cited as the Manchester Ship Canal (Black Bear Canal) (Local Enactments) Order 1976 and shall come into operation on 6th August 1976.

(2) This Order shall be included among the enactments which may be cited together as the Manchester Ship Canal Acts and Orders 1885 to 1976.

Interpretation

2.—(1) In this Order—

“the canal” means the portion of the Runcorn and Latchford Canal lying between Twenty Steps Lock and Manor Lock known as the Black Bear Canal, including those locks and all basins, cuts and other works constructed in connection therewith;

“the local enactments” means:—

- (a) the Act passed in the seventh year of the reign of King George I(c) intituled “An Act for making the Rivers Mercy and Irwell navigable from Liverpool to Manchester in the County Palatine of Lancaster”;
- (b) the Act passed in the thirty-fourth year of the reign of King George III(d) intituled “An Act for altering an Act passed in the seventh year of the reign of His Late Majesty King George the First, intituled ‘An Act for making the Rivers Mercy and Irwell navigable from Liverpool to Manchester in the County Palatine of Lancaster,’ by incorporating the proprietors of the said navigation; and to declare their respective shares therein to be personal estate”; and
- (c) the Manchester Ship Canal Act 1885(e).

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

(a) 1968 c. 73.
(d) 1794 c. xxxvii.

(b) S.I. 1970/1681 (1970 III, p. 5551).
(e) 1885 c. clxxxviii.

(c) 1720 c. xv.
(f) 1889 c. 63.

Extinguishment of statutory rights and obligations in respect of canal

3. The local enactments, in so far as they confer any public or private rights of navigation over the canal or impose any duty to maintain the canal for the purpose of navigation (including any duty to supply, or maintain a supply of, water for that purpose) shall cease to have effect with respect to the canal.

Compensation

4. Compensation for loss suffered by reason of the extinguishment of any private right by virtue of this Order shall be payable by the Manchester Ship Canal Company.

Prevention of nuisance, etc.

5. The canal shall be deemed to be:—

(a) a watercourse for the purposes of section 259 of the Public Health Act 1936(a); and

(b) a vacant site for the purposes of section 65 of the Town and Country Planning Act 1971(b),

and the provisions of Part III of the said Act of 1936, as they apply by virtue of this Order may be enforced by a County Council as well as by a local authority as defined in that Act, and any local authority within the meaning of the said Act of 1971 (and not only the local planning authority) shall be entitled to enforce the provisions of the said section 65 as it applies by virtue of this Order.

Signed by authority of
the Secretary of State
7th July 1976.

John Silkin,
Minister for Planning and Local Government,
Department of the Environment.

EXPLANATORY NOTE

(This note is not part of the Order.)

The effect of this Order will be to extinguish navigation rights and maintenance obligations on the portion of the Runcorn and Latchford Canal known as the Black Bear Canal.

(a) 1936 c. 49.

(b) 1971 c. 78.