

The Order having ceased to be subject to Special Parliamentary Procedure, the Secretary of State has in pursuance of paragraph 4A(3) of Schedule 3 to the Harbours Act 1964 appointed 23rd March 1991 as the date for coming into force of this Order.

STATUTORY INSTRUMENTS

1991 No. 1063

HARBOUR, DOCKS, PIERS AND FERRIES

The Manchester Ship Canal Harbour Revision Order 1990

<i>Made</i>	- - - -	<i>26th February 1990</i>
<i>Laid before Parliament</i>		<i>18th April 1990</i>
<i>Coming into force</i>	- -	<i>23rd March 1991</i>

Whereas objections to the application for this Order have been duly made and not withdrawn and the Secretary of State for Transport is required, in accordance with the procedure prescribed in paragraph 4A of Schedule 3 to the Harbours Act 1964(1) to give notice of the making of this Order and its effect to the persons opposing the Order:

And whereas this Order shall come into force 28 days after giving of such notice unless such persons within that period give notice to the Secretary of State that they maintain their opposition to the Order, and their opposition is not withdrawn within that period, in which case it shall come into force at such time as is prescribed by the Statutory Orders (Special Procedure) Act 1945(2):

Now therefore the Secretary of State for Transport, in exercise of the powers conferred by section 14 of the Harbours Act 1964 and now vested in him(3), 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

1.—(1) This Order may be cited as the Manchester Ship Canal Harbour Revision Order 1990.

(2) The Manchester Ship Canal Acts and Orders 1885 to 1987 and this Order may be cited together as the Manchester Ship Canal Acts and Orders 1885 to 1990.

Interpretation

2. In this Order:—

(1) 1964 c. 40; section 14 and Schedule 3 were amended by the Transport Act 1981 (c. 56), section 18 and Schedule 6, paragraphs 2 to 4, 12 and 14.
(2) 1945 c. 18, as amended by the Statutory Orders (Special Procedure) Act 1965 (c. 43).
(3) See section 57(1) of the Harbours Act 1964 and S.I.1981/238.

“the Company” means the Manchester Ship Canal Company;

“Corporation debentures” means the new mortgage debentures issued by the Company to the former lord mayor aldermen and citizens of the city of Manchester under the Manchester Ship Canal Act 1891⁽⁴⁾, the Manchester Corporation (Ship Canal) Act 1893⁽⁵⁾ and the Manchester Ship Canal (Additional Capital, & c.) Act 1893⁽⁶⁾;

“the Council” means the Council of the City of Manchester;

“the date of redemption” means the date on which the Corporation debentures are redeemed by the Company in pursuance of an agreement under paragraph (1) of article 3 of this Order.

Redemption of Corporation debentures and amendment of provisions relating to directors

3.—(1) Notwithstanding the provisions of paragraph (2) of section 7 (Rate of interest on Corporation debentures to be reduced) of the Manchester Ship Canal (Finance) Act 1904⁽⁷⁾, the Company and the Council may agree that the Corporation debentures shall become redeemable and that they shall be redeemed by the Company on such date as may be so agreed.

(2) On the date of redemption the Council shall cease to be entitled to appoint directors of the Company and the enactments and instruments specified in Part I of the Schedule to this Order shall be repealed or, as the case may be, revoked to the extent specified in the third column of that Part.

(3) On the date of redemption the following amendments to the Manchester Ship Canal Act 1885⁽⁸⁾ shall have effect—

- (a) in section 18 (Number of directors), for the word “ten” there shall be substituted the word “five”; and
- (b) in section 20 (Quorum), for the word “five” there shall be substituted the word “three”.

Borrowing powers, etc.

4.—(1) On the date of redemption any enactment whereby the exercise of a power to borrow money conferred upon the Company is subject to the consent of the Council shall cease to have effect and accordingly on that date the enactments specified in Part II of the Schedule to this Order shall be repealed to the extent specified in the third column of that Part.

(2) In section 36 (Power to Company to borrow) of the Manchester Ship Canal Act 1956⁽⁹⁾, for the words “five million pounds” there shall be substituted the words “fifty million pounds”.

(3) The power to borrow money conferred upon the Company by the said Act of 1956 shall include power to borrow on an unsecured basis or upon the security of a guarantee given by a third party or by any other method the directors of the Company see fit.

(4) Notwithstanding anything in any enactment for the time being relating to the Company, the directors of the Company may by virtue of this article and without further or other sanction or authority exercise any powers for the time being vested in the Company of borrowing or borrowing.

(5) In subsection (1) of section 23 (Power to invest & c. in other companies) of the Manchester Ship Canal Act 1945⁽¹⁰⁾ there shall be inserted after the words “lend money to” the words “or give guarantees for”.

(4) 1891 c.clxxxi.

(5) 1893 c.xix.

(6) 1893 c.xxiii.

(7) 1904 c.lxxiv.

(8) 1885 c.clxxxviii.

(9) 1956 c.lxxx.

(10) 1945 c.xi (9 & 10 Geo. 6).

Costs of Order

5. The costs, charges and expenses of and incidental to the preparing and obtaining of this Order and otherwise in relation thereto shall be paid by the Company and may in whole or in part be defrayed out of revenue.

Signed by authority of the Secretary of State for Transport

26th February 1990

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Transport

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SCHEDULE

Articles 3 and 4

REPEALS

PART I

REPEALS IN CONSEQUENCE OF ARTICLE 3

Chapter or number	Short title	Extent of repeal or revocation
1891 c.clxxxi.	Manchester Ship Canal Act 1891.	Section 13 and 74.
1893 c.xix.	Manchester Corporation (Ship Canal) Act 1893.	In section 6, the words“and section 13 of the Act of 1891 shall be applicable accordingly.”.
1893 c.xxiii.	Manchester Ship Canal (Additional Capital, & c.) Act 1893.	In section 5, the words“and section 13 of the Act of 1891 shall be applicable accordingly.”. Section 15.
1904 c.lxxiv.	Manchester Ship Canal (Finance) Act 1904.	In section 3, the definition of“Corporation debentures”. In section 5, the second paragraph. Section 7. Section 11.
1945 c.xi (9 & 10 Geo. 6).	Manchester Ship Canal Act 1945.	Section 22(6).
1966 c.xxvii.	Manchester Ship Canal Act 1966.	In section 14(1), the words“(other than a director appointed by the lord mayor, aldermen and citizens of the city of Manchester)”.
S.I.1983/179.	Manchester Ship Canal Revision Order 1983.	In article 3, the words“(not being a director appointed by the Council of the City of Manchester)”.

PART II

REPEALS IN CONSEQUENCE OF ARTICLE 4

Chapter	Short title	Extent of repeal
1897 c.cviii.	Manchester Ship Canal Act 1897.	In section 3(1), the words“With the previous consent in writing of the

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Chapter	Short title	Extent of repeal
		corporation under the hand of their town clerk”.
		Section 4(5).
1904 c.lxxiv.	Manchester Ship Canal (Finance) Act 1904.	Section 4(6).
1912 c.xix.	Manchester Ship Canal Act 1912.	Section 3(3).
1913 c.lix. (3 & 4 Geo. 5).	Manchester Ship Canal Act 1913.	In section 9(1), the words“with the consent of the corporation under their common seal”.
1920 c.cxlx.	Manchester Ship Canal Act 1920.	In section 4, the proviso.
		In section 5, the proviso.
		Section 11.
1925 c.cxx.	Manchester Ship Canal Act 1925.	In section 4(3), the words from“but” to the end of the subsection.
		In section 4(4), the words from“or” where it first occurs, to the end of the subsection.
1949 c.xxxvi.	Manchester Ship Canal Act 1949.	In section 43, the words“with the consent of the lord mayor aldermen and citizens of the city of Manchester under their common seal”.
1956 c.lxxx.	Manchester Ship Canal Act 1956.	In section 36, the words“with the consent of the lord mayor aldermen and citizens of the city of Manchester under their common seal”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the Manchester Ship Canal Company and the Council of the City of Manchester to agree that certain mortgagedebentures issued by the Company to the Council are to be redeemed andthat on the date of redemption the Council is to cease to be entitled toappoint directors of the Company. The Order would also alter the minimumnumber of directors and their quorum. The Order also confers furtherborrowing powers on the Company, provides that any provision in theCompany’s

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enactments requiring the Council's or the shareholders' consent to the exercise of such powers is to cease to have effect and enables the Company to give guarantees.

The applicant for the Order is the Manchester Ship Canal Company, Dock Office, Trafford Road, Manchester, M5 2XB.