Grayson Rollo and Clover Docks Act, 1956

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CHAPTER xciii

An Act to empower Grayson Rollo and Clover Docks Limited to construct new works on the river Mersey and for other purposes. [2nd August 1956.]

WHEREAS by a memorandum and articles of association certain persons described in the memorandum and thereto subscribing formed themselves into a company which was incorporated under the Companies Acts 1908 to 1917 and was registered on the sixth day of July nineteen hundred and twenty under the name of H. & C. Grayson Limited which name was changed on the thirteenth day of January nineteen hundred and twenty-eight to Grayson Rollo & Clover Docks Limited (hereinafter called " the Company "):

And whereas among the objects for which the Company was established were the following:—

To carry on the business of shipbuilders ship repairers brass and iron founders engineers and boiler makers in all their branches;

To construct build maintain and alter any buildings yards docks ships wharves warehouses sheds or other works necessary or convenient for the purposes of the Company:

And whereas the Company now carry on business on the west shore of the river Mersey in the county borough of Birkenhead as ship repairers and engineers and operate extensive works in the county borough including a dockyard containing six graving docks:

And whereas the present facilities on the river Mersey for the dry docking and repair of vessels are insufficient to meet the anticipated requirements of shipping and it would be of great public and local advantage if improved and additional facilities were provided:

And whereas it is expedient to empower the Company to enlarge and improve four of the Company's existing graving docks and to construct a new wet basin on the west shore of the river Mersey as in this Act provided:

And whereas it is expedient that the other provisions of this Act be enacted:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

And whereas a plan and sections showing the situations lines and levels of the works by this Act authorised have been deposited with the town clerk of the county borough of Birkenhead and such plan and sections are respectively referred to in this Act as the deposited plan and sections:

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 Grayson Rollo and Clover Docks Act 1956.

Incorporation of Acts.

2. The provisions of the Harbours Clauses Act except sections 6 to 13 16 to 23 25 to 27 29 to 50 56 60 66 to 68 77 79 to 82 and 84 to 94 so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act:

Provided that in construing the Harbours Clauses Act the expression " the harbour dock or pier " shall mean the dockyard the expressions " harbour master " " dock master " or " pier master " shall mean the dock master the expression " the undertakers " shall mean the Company and the expression " vessel " shall have the meaning assigned to it by the following section of this Act.

Interpretation.

3.—(1) In this Act unless there be something in the subject or context repugnant to such construction—

" the authorised works " means the works described in and authorised by section 4 (Power to make works) of this Act;

" the board " means the Mersey Docks and Harbour Board;

" the borough " means the county borough of Birkenhead;

" the Company " means Grayson Rollo & Clover Docks Limited and except for the purposes of section 4

(Power to make works) section 6 (Period for completion of works) and section 30 (Costs of Act) of this Act shall after the date of a conveyance by the Company of the authorised works to any authority company body or person (pursuant to the provisions of section 22 (Power to sell or lease works) of this Act) mean the authority company body or person in whom the said works are for the time being vested ;

" the corporation " means the mayor aldermen and burgesses of the borough ;

" the dock master " means the dock master for the time being appointed by the Company at the dockyard ;

" the dockyard " means the lands docks works and buildings belonging to or for the time being held by the Company in the borough on the west shore of the river Mersey above Woodside Landing Stage ;

" the existing docks of the Company " means the existing six graving docks of the Company at the dockyard ;

" the Harbours Clauses Act " means the Harbours Docks and Piers Clauses Act 1847 ;

" the Minister " means the Minister of Transport and Civil Aviation ;

" the slip " means Monks Ferry Slip situated in the borough on the west side of the river Mersey at a point 540 feet or thereabouts to the south of the south-east corner of the entrance to the Company's existing graving dock No. 6 ;

" the Trinity House " means the Corporation of Trinity House of Deptford Strond ;

" vessel " includes any vessel ship lighter keel barge boat raft pontoon and craft of any kind however navigated propelled or moved.

(2) This Act is to be read as if the words " or thereabouts " were inserted after each distance mentioned in section 4 (Power to make works) of this Act.

(3) Any references in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

Power to make works

4. The Company may subject to the provisions of this Act in the situations and lines within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited sections make the following works in the borough (that is to say):—

Work No. 1 A graving dock being an enlargement and improvement of the Company's existing graving dock

No. 1 situate at the north end of the dockyard (including the making of new river walls and a new entrance from the river Mersey) commencing at a point 92 feet to the west of the head of the existing graving dock No. 1 and terminating at a point 713 feet riverwards from the point of commencement:

Work No. 2 A graving dock adjoining and to the south of Work No. 1 being an enlargement and improvement of the Company's existing graving dock No. 3 (including the filling in of the Company's existing graving dock No. 2 the making of new river walls and a new entrance to the river Mersey) commencing at a point 132 feet to the east of the head of the existing graving dock No. 3 and terminating at a point 313 feet riverwards from the point of commencement:

Work No. 3 A graving dock adjoining and to the south of Work No. 2 being an enlargement and improvement of the Company's existing graving dock No. 4 (including the making of new river walls and a new entrance from the river Mersey) commencing at the head of the existing graving dock No. 4 and terminating 520 feet riverwards from the point of commencement:

Work No. 4 A graving dock adjoining and to the south of Work No. 3 being an enlargement and improvement of the Company's existing graving dock No. 5 (including the making of new river walls and a new entrance from the river Mersey) commencing at a point 82 feet to the east of the head of the existing graving dock No. 5 and terminating 303 feet riverwards from the point of commencement:

Work No. 5 A wet basin on the south side of the Company's existing graving dock No. 6 (including the making of new river walls and a new entrance from the river Mersey) commencing at a point 83 feet from the south-west corner of the junction of Church Street and Ivy Street and terminating in a north-easterly direction at a point 770 feet riverwards from the point of commencement:

Provided that nothing in this section shall authorise the construction of—

(*a*) so much of the authorised works as comprises Work No. 5 hereinbefore described or any part thereof on any lands at the time of construction forming part of a public highway; or

(*b*) so much of the authorised works as comprises Work No. 1 or Work No. 5 hereinbefore described or any

part of the said works respectively otherwise than on lands belonging to the Company or on lands in which they possess or shall acquire a sufficient interest for the purposes of such construction.

Power to remove slip.

5. As from the date upon which the slip is conveyed to the Company all public rights (if any) over the slip and all rights of ferry attaching to the slip shall be extinguished and as from the same date the Company may subject to the provisions of this Act remove the slip.

Period for completion of works.

6. If the authorised works are not completed within ten years from the passing of this Act or such extended time as the Minister may on the application of the Company allow then on the expiration of that period or such extended time (as the case may be) the powers granted by section 4 (Power to make works) of this Act for the making thereof shall cease except as to so much thereof as is then completed.

Subsidiary works.

7. Subject to the provisions of this Act the Company may make provide and maintain on or in connection with the authorised works within the limits of deviation shown on the deposited plan all such signalling equipment approaches roads rails sidings junctions gates sheds buildings tanks yards walls river walls embankments protection works pipes wires mains cables conduits sewers drains culverts sluices caissons shipping places landing places quays stairs stages gantries cranes dolphins moorings buoys beacons lights and other works buildings machinery and appliances as may be necessary or convenient for the purposes of or in connection with or subsidiary to the said works or any of them:

Provided that any electric wires mains cables or other works made provided and maintained under the provisions of this section shall be so constructed used and maintained as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Alteration and improvement of works.

8. The Company may from time to time maintain renew enlarge and alter temporarily or permanently the authorised works or any part thereof:

Provided that nothing in this section shall authorise the Company to deviate laterally or vertically beyond the limits of deviation authorised by section 10 (Power to deviate) of this Act.

Works affecting river Mersey.

9. Subject to the provisions of this Act—

(1) the Company may construct place and maintain in the river Mersey and the bed banks shores and channels

thereof such parts of the authorised works as the Company may deem expedient or necessary;

(2) in making maintaining renewing enlarging or altering the authorised works or any part thereof the Company may within a distance of twenty feet to the east of the eastern limits of deviation of the authorised works shown on the deposited plan erect such temporary accommodation works as the Company may deem expedient or necessary:

Provided that such accommodation works shall be removed as soon as may be after they are no longer required for the making maintenance renewal enlargement or alteration of the authorised works as the case may be.

Power to deviate.

10. The Company may in constructing the authorised works deviate from the lines thereof to the extent of the limits of deviation shown on the deposited plan and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding ten feet upwards or downwards:

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.

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

11.—(1) Subject to the provisions of this Act the authorised works shall be constructed and any temporary accommodation works shall be erected 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 which approval shall be signified under the hand of the acting conservator of the river Mersey and then only according to such plans and sections and subject to such restrictions and regulations (including restrictions as to the period of time during which any temporary accommodation works may be maintained) as the Minister may approve before such works are begun which approval may be signified in manner aforesaid.

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

(3) If any such works be commenced completed or maintained contrary to the provisions of this section the Minister may abate or remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such costs shall be a debt due from the Company 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.

Power to divert waters.

12. The Company may from time to time divert into and impound in the existing docks of the Company and in the authorised works and the works constructed or provided in connection therewith the waters of the river Mersey and the estuary thereof.

Power to lower and raise dock gates.

13. The Company may from time to time lower on to the bed of the river Mersey and raise therefrom the dock gates of the existing docks of the Company and the dock gates from time to time provided as part of or in connection with the authorised works.

Survey of works by Minister.

14. If at any time the Minister deems it expedient for the purpose of this Act to order a survey and examination of any work constructed or erected by the Company under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct or erect any such work the Company shall defray the expenses of the survey and examination and the amount thereof shall be a debt due from the Company 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 alterations and removal.

15.—(1) The Company shall at or near the works constructed or erected by them under the powers of this Act below high-water mark of ordinary spring tides during the whole time of the construction enlargement or alteration of the works 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) The Company shall at or near the slip below high-water mark of ordinary spring tides during the whole time of the removal of the slip 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.

(3) If the Company 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.

Permanent lights on works.

16.—(1) The Company shall at the outer extremity of the works constructed by them under the powers of this Act below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and

shall take such other steps for the prevention of danger to navigation as the Trinity House may from time to time direct.

(2) If the Company 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.

Provision against danger to navigation.

17.—(1) In case of injury to or destruction or decay of any works constructed or erected by the Company under the powers of this Act or any part thereof so far as the same shall be constructed or erected on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Trinity House and shall apply to the Trinity House for directions as to the means to be taken.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement of work abandoned or decayed.

18.—(1) Where any work constructed or erected by the Company under the powers of this Act situate wholly or partially on under or over the shore or bed of the river Mersey or the estuary thereof below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to such an extent and within such limits as the Minister may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply

with such notice the Minister may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company 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.

Power to dredge.

19. The Company may from time to time with the approval in writing of the board given on each such occasion deepen dredge scour and excavate the foreshore and bed of the river Mersey to the extent necessary to secure sufficient waterway and approach to any part of the existing docks of the Company or of the authorised works for vessels using the same:

Provided that no materials raised under the provisions of this section shall be deposited in any place below high-water mark of ordinary spring tides otherwise than in such position and under such restrictions and regulations as may be fixed by the Minister.

Removal of sunk stranded or abandoned vessels.

20.—(1) Whenever any vessel is sunk stranded or abandoned in any part of the existing docks of the Company or in any part of the authorised works or in or near any approach thereto the Company may take possession of and cause the vessel or any part thereof to be raised removed blown up or destroyed.

(2) The Company may recover from the owner of any such vessel all expenses incurred by the Company in respect of the taking possession of raising removal blowing up or destruction thereof or any part thereof or in raising removing saving or storing any furniture tackle and apparel thereof or any cargo goods chattels and effects raised removed or saved therefrom or in marking lighting watching buoying or otherwise controlling such vessel either summarily as a civil debt where the amount recoverable does not exceed twenty pounds or as a debt in any court of competent jurisdiction:

Provided always that the Company may if they think fit and shall if so required by the owner of the vessel cause such vessel and any furniture tackle apparel cargo goods chattels and effects or any part of the same respectively so raised removed saved or stored as aforesaid to be sold in such manner as they think fit and out of the proceeds of the sale may after paying any duties of customs or excise and purchase tax which may be payable in respect of the said cargo goods chattels and effects reimburse themselves for any such expenses duties and tax and shall hold the surplus if any of those proceeds in trust for the persons entitled thereto and in case such proceeds shall be insufficient to reimburse the Company such expenses duties and tax the deficiency may be recovered by the Company in manner aforesaid.

(3) The Company shall (except in any case which in their opinion is a case of emergency) before raising removing blowing up or destroying any vessel under the provisions of this section give to the owner of the vessel twenty-four hours' notice of their intention so to do and if within twelve hours after the expiration of such notice the owner gives to the Company notice in writing of his intention himself to raise and remove the vessel he shall be at liberty to do so in lieu of the Company:

Provided that if the owner gives any such notice as last aforesaid—

(*a*) he shall in raising or removing the vessel comply with any directions which may from time to time be given to him by or on behalf of the Company for the purpose of preventing interference with navigation; and

(*b*) he shall forthwith after giving such notice commence and shall with all diligent dispatch proceed with and complete the raising or removal of the vessel;

and if such raising or removal be not completed within seven days after the giving of such notice by the owner such notice shall be null and void and the Company shall be at liberty to cause the vessel to be raised or removed or blown up or otherwise destroyed in accordance with the provisions of this section as if the owner had not given such notice.

(4) The Company shall (except in any case which in their opinion is a case of emergency or when required by the owner to sell) before selling any vessel under the provisions of this section give to the owner seven days' notice of their intention so to do.

(5) Any notice given by the Company pursuant to subsection (3) or subsection (4) of this section shall be given by delivering the same to the owner or by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known to the Company then by exhibiting such notice at the registered office of the Company for twenty-four hours in the case of a notice given under the said subsection (3) or for seven days in the case of a notice given under the said subsection (4).

(6) In this section the expression—

" owner " in relation to any vessel sunk stranded or abandoned as aforesaid means the owner of that vessel at the time the said expenses were incurred by the Company or if there was then no owner of the vessel the owner of the vessel at the time of the sinking stranding or abandonment thereof;

" vessel " includes a seaplane and other aircraft.

(7) The powers conferred on the Company by this section shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks.

(8) For the removal of doubt it is expressly provided that nothing in this section shall apply to any vessel belonging to Her Majesty or held by any person on behalf of or for the benefit of the Crown nor shall any of the powers conferred by this section be exercised if by such exercise the Crown would become liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for any expenses incurred by the Company except where such consent is given as is provided for in section 21 (As to vessels in which the Crown have an interest) of this Act and the vessel was not such a vessel as aforesaid at the time of the sinking stranding or abandonment thereof:

Provided that in any case which in the opinion of the Company is a case of emergency the Company may without obtaining such consent as aforesaid exercise the powers conferred by this section other than the powers conferred by subsection (2) of this section.

As to vessels in which the Crown have an interest.

21.—(1) The Company shall before taking possession of raising removing blowing up or destroying any vessel sunk stranded or abandoned under the powers conferred upon them by this Act or by any other enactment give to the Admiralty and to the Minister notice in writing of their intention so to do and if within fourteen days after the receipt of such notice the Admiralty or the Minister gives the Company—

(*a*) a certificate that the vessel was sunk stranded or abandoned by a person acting on behalf of Her Majesty or otherwise by an officer or servant of the Crown acting in the course of his duty as such and that it is not in the national interest that the Company should take possession of the vessel or that the vessel should be raised removed or blown up or destroyed; or

(*b*) a notice that the exercise by the Company of the rights of recovery conferred by subsection (2) of section 20 (Removal of sunk stranded or abandoned vessels) of this Act would render the Crown liable directly or indirectly otherwise than as an insurer or reinsurer under a contract of insurance or reinsurance for all or a substantial proportion of the expenses incurred by the Company;

the Company shall not without the consent in writing of the authority by whom the certificate was issued or the notice given take possession of raise remove blow up or destroy such vessel:

Provided that in any case which in their opinion is a case of emergency the Company may take possession of raise remove

blow up or destroy any vessel without giving notice of their intention so to do to the Admiralty or to the Minister and in that event the Company shall not be entitled to recover from any person the expenses incurred by them in so doing if the effect of such recovery would be to render the Crown so liable.

(2) If the Company shall mark light watch buoy or control any vessel in respect of which the Admiralty or the Minister have refused their consent under subsection (1) of this section or give warning to shipping of the presence thereof the Company shall not be entitled to recover the expenses of so doing from the owner of the vessel.

Power to sell or lease works.

22. The Company may so far as they are not otherwise empowered so to do at any time sell or lease the authorised works and the lands buildings machinery apparatus works and conveniences connected therewith or any part thereof to any authority body company or person subject to any terms and conditions affecting the same in the hands of the Company and operating for the protection or benefit of other persons but otherwise in such manner and for such consideration and on such terms and conditions as may be agreed between the Company and such authority body company or person.

Limits of dock master's authority.

23.—(1) The prescribed limits for the purposes of the Harbours Clauses Act (hereinafter referred to as "the prescribed limits") shall be the water area south of the Woodside Landing Stage of the Corporation within two hundred and fifty yards of any part of the dockyard The jurisdiction of the dock master conferred by this Act shall only be exercised with reference to vessels coming to or departing from the existing docks of the Company and the authorised works and vessels which shall obstruct the approaches to such docks and works and shall not be exercised beyond the prescribed limits or with reference to the ferry boats or other vessels of the corporation.

(2) Nothing in this section shall affect the rights powers authorities and privileges of the marine surveyor and water bailiff harbour master or any dock master of the board.

Application of Local Government Act 1933 to byelaws.

24.—(1) All byelaws made by the Company shall be subject to the provisions contained in subsections (2) (3) (4) (5) (6) and (7) of section 250 (Procedure &c. for making byelaws) and in sections 251 (Fines for offences against byelaws) and 252 (Evidence of byelaws) of the Local Government Act 1933 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties and those sections shall for the purposes of this section be construed as if the words "the Company" were inserted

instead of the words " the authority " wherever they occur and as if the reference to " the clerk of the authority " included a reference to " the secretary of the Company ".

(2) The confirming authority for the purposes of the said section 250 shall be the Minister.

Inquiries by Minister.

25. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him or the giving of any consent or approval under this Act and subsections (2) to (5) of section 290 (Powers of government departments to direct inquiries) of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Company were a local authority.

For protection of board.

26. The following provisions for the protection of the board shall unless otherwise agreed in writing between the Company and the board apply and have effect:—

(1) Notwithstanding anything contained in this Act or in the deposited plan the Company shall not enter upon or take or use or so construct or enlarge any of the authorised works so that they shall be situate upon or over any lands lying to the eastward of a line drawn in a curve of a radius of 4,200 feet from a point of which the national grid reference of the ordnance survey 1954 (hereinafter in this section referred to as " the ordnance reference ") is Easting 333021 Northing 389205 through a point of which the ordnance reference is Easting 333068 Northing 388958 to a point of which the ordnance reference is Easting 333073 Northing 388807 thence in a curve of a radius of 1,500 feet through a point of which the ordnance reference is Easting 333066 Northing 388760 to a point of which the ordnance reference is Easting 333058 Northing 388738 thence in a reverse curve of a radius of 250 feet to a point of which the ordnance reference is Easting 333052 Northing 388715:

(2) The works authorised by this Act shall not be used for the loading or unloading of cargoes or the embarking or disembarking of passengers from a vessel:

Provided that where in an emergency a disabled vessel is brought direct into the wet basin for repair by the Company nothing in this paragraph shall prevent the unloading of cargo or the landing of passengers in the basin from that vessel and in any such case the Company shall forthwith furnish to the board a true and correct account in detail of the cargo

so unloaded including the number of packages comprising the same and the gross and net weight or measurement thereof and shall on demand pay to the board the town dues if any chargeable in respect of such cargo:

(3) The Company shall not cause or permit a vessel to moor in the river Mersey against the river wall (part of Work No. 5) without first obtaining the consent of the board which may be signified under the hand of the general manager of the board:

(4) All works constructed or erected by the Company under the powers of this Act so far as they affect any part of the tidal area of the river Mersey shall be constructed or erected in accordance with plans sections and specifications to be submitted to and reasonably approved by the board:

(5) If the board do not within two months of the submission to them of any plans sections and specifications pursuant to paragraph (4) of this section intimate to the Company their approval or disapproval thereof they shall be deemed to have approved of the same:

(6) For the purposes of section 7 of the Petroleum (Consolidation) Act 1928 (which requires every harbour authority to make byelaws as to ships loading and carrying petroleum spirit in a harbour) the Company shall be deemed not to be a harbour authority:

(7) Any dispute which may arise between the Company and the board under paragraph (4) of this section shall be referred to an engineer to be agreed between the Company and the board or failing agreement appointed by the president for the time being of the Institution of Civil Engineers on the application of either party after notice in writing to the other of them and subject thereto the provisions of the Arbitration Act 1950 shall apply to any such reference.

For protection of Corporation.

27. For the protection of the corporation the following provisions shall except as may be otherwise agreed in writing between the Company and the corporation apply and have effect:—

(1) In executing and also (except in case of emergency) in effecting repairs to or in maintaining renewing enlarging or altering so much of any of the works authorised by this Act as may interfere with—

(*a*) any sewer or drain of the corporation or any sewer or drain connected therewith and used by the

corporation for the time being for the discharge of sewage or other effluent ; or

(*b*) any water mains or pipes of the corporation ; or

(*c*) any other apparatus of the corporation connected with any such sewers drains or water mains or pipes ; or

(*d*) any highway vested in the corporation ;

the same shall be done by the Company under the superintendence and to the reasonable satisfaction of the corporation 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 (which approval may be signified under the hand of their borough engineer or water engineer for the time being) 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 :

(2) If in consequence of the exercise of the powers of this Act it is necessary or desirable to alter the position of or to lengthen or to strengthen any such sewer drain water main pipe or other apparatus or to provide works for the protection thereof or to provide works for the protection of any such highway such alteration lengthening strengthening or protection shall be carried out by the Company in a manner reasonably approved by the corporation in manner aforesaid or if the corporation prefer shall be carried out by them and the company shall repay to the corporation any expense reasonably incurred by the corporation in carrying out the same :

(3) The Company shall make compensation to the corporation for any damage to any such sewer drain water main pipe or other apparatus which may be caused by or in consequence of any act or default of the Company their contractors servants or agents and whether such damage shall happen during the construction of the works authorised by this Act 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 sewer drain water main pipe or other apparatus or in the alteration

extension or improvement of the same which is attributable to the construction renewal enlargement or alteration of the works authorised by this Act:

(4) The Company shall make compensation to the corporation for any costs and expenses or any increase in the costs and expenses reasonably incurred by the corporation from time to time in the maintenance repair or reinstatement of the works referred to in paragraph (2) hereof for the protection of any such highway which are attributable to the construction renewal enlargement or alteration of the works authorised by this Act:

(5) To the extent to which the Company would have been liable to the corporation if the authorised works had been lawfully constructed maintained renewed enlarged or altered (as the case may be) otherwise than under the powers contained in this Act or similar powers but not further or otherwise the Company shall in addition to the payment of compensation as aforesaid make compensation to the corporation for any other loss sustained by them by reason or in consequence of the construction renewal enlargement or alteration of any of the works authorised by this Act affecting any such sewer drain water main pipe or other apparatus or any such highway or any property of or appropriated to the use of the corporation 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 For the purposes of this paragraph the corporation shall be deemed to have suffered loss notwithstanding the fact that they may be indemnified by the Mersey Tunnel Joint Committee in respect of that loss:

(6) (*a*) Before in exercise of the powers of subsection (2) of section 20 (Removal of sunk stranded or abandoned vessels) of this Act any explosive substance is used in or near any approach to the dockyard within five hundred yards of the Woodside Landing Stage the dock master shall (except in any case which in his opinion is a case of emergency) give at least seven days' notice to the corporation of the intention to use an explosive substance specifying the position of the vessel on which the explosive substance is to be used the type and maximum weight of the explosive charge to be used and the period within which it is to be used;

(*b*) Any such notice shall be in writing and shall be left at the office of the town clerk of Birkenhead and there shall be written clearly at the head of the notice and on any envelope or cover in which the notice is enclosed the word " urgent ";

(*c*) If before the expiration of a period of five days after the notice has been duly given in accordance with the foregoing paragraph of this section representations as to possible effects on or in relation to the Woodside Landing Stage of the use of the explosive substance in accordance with such notice are made by or on behalf of the corporation by notice given to the dock master and left at the office of the dock master the Company shall not proceed to use the explosive substance until the representations so made have been taken into consideration ;

(*d*) Nothing in this paragraph shall limit extend or affect the legal rights or liabilities of the Company or the corporation in any respect ;

(7) Any difference which may arise between the corporation and the Company 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.

Crown rights.

28. 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 Company 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.

Saving for town and country planning.

29. 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.

Costs of Act.

30. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Table of Statutes referred to in this Act

Title	Session and chapter
Harbours Docks and Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Arbitration Act 1950	14 Geo. 6 c. 27.

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