CHAPTER clxix.

An Act to confer further powers on the Manchester Ship Canal Company. [17th August 1894.] A.D. 1894.

WHEREAS it is expedient that the Manchester Ship Canal Company (in this Act called "the Company") should be empowered—

To make and maintain the pier or jetty and works herein-after described; and

To maintain the jetties already constructed and herein-after described:

And whereas by the Manchester Ship Canal Act 1885 (in this Act called "the Act of 1885") the Company were authorised to make and maintain in the township and parish of Warrington in Lancashire a Branch Railway Number 1 commencing by a junction with a branch railway of the London and North Western Railway Company and terminating in the Arpley Meadows and the Company have acquired the greater portion of the lands necessary for the purpose but the powers for constructing the said railway have expired and it is expedient that they should be revived and extended: 48 & 49 Vict. c. clxxxviii.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Lancaster and Chester and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that the Company should be authorised to license persons who alone should be permitted to act as pilots in the canal docks and basins of the Company:

And whereas it is expedient that the Company should be authorised to make byelaws with respect to the entry into and transit along the harbour and port of Manchester of vessels carrying

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foreign animals and with respect to the persons navigating or employed on such vessels:

21 & 22 Vict. c. xcii.

And whereas under the provisions of section 245 of the Mersey Dock Acts Consolidation Act 1858 the Mersey Docks and Harbour Board (in this Act called "the dock board") claim that if any goods stores or passengers coming or brought from or going or taken to any vessel liable to the payment of harbour rates should be landed upon or embarked from any of the piers landing stages or quays of the dock board such vessels should be liable to a rate (in that Act and herein-after called "the wharf rate") not exceeding one fourth of the tonnage rates to which such vessel would have been liable had she entered the docks of the dock board and it is expedient that special provision be made as to rates to be taken in respect of goods landed on or embarked from such pier landing stages or quays upon or from vessels loading or discharging in the harbour and port of Manchester:

And whereas a doubt has been expressed whether as the harbour and port of Manchester includes the Manchester Ship Canal that canal and the Company in respect thereof are subject to the provisions of the Railway and Canal Traffic Act 1888 and it is expedient that it should be declared that the said harbour and port and the Company in respect thereof should be exempt from certain of those provisions:

And whereas it is expedient that the other provisions herein-after contained should be made:

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 (that is to say):—

Short title.

1. This Act may be cited as the Manchester Ship Canal Act 1894.

Incorporation of Acts.

2. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845;

Part I. (construction of a railway) and Part II. (extension of time) of the Railways Clauses Act 1863; and

The provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the collection and recovery of rates;

so far as the same are respectively applicable for the purposes and not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act.

Interpretation.

3. In this Act unless the subject or context otherwise requires terms to which meanings are assigned by the Act of 1885 or which have therein special meanings have in this Act the same respective meanings.

Power to make works.

4. Subject to the provisions of this Act the Company may in accordance with the centre line shown on the deposited plans and according to the level shown on the deposited sections make and maintain the pier or jetty herein-after described and may enter upon take and use such of the lands shown on the said plans and described in the deposited book of reference as may be required for those purposes:

The following is the work herein-before referred to:—

(1) A pier or jetty commencing on the seaward side and at the north-western end of the shortest of the entrance locks at Eastham in the county of Chester and extending in a north-westerly direction for about six hundred yards:

Such pier or jetty shall be constructed of open piling and in accordance with plans and sections to be approved of and signed by the acting conservator for the time being appointed by the Mersey Commissioners under the Mersey Conservancy Act 1842.

Revival of power to make branch railway at Warrington.

5. All the rights powers and authorities conferred upon the Company by the Act of 1885 for the construction completion and maintenance of the said Branch Railway Number 1 including the power to enter upon take and use the lands required for those purposes and the right to levy tolls rates and charges thereon are hereby revived but if the said branch railway be not completed within the period of three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same and of taking lands for the purpose thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

For the protection of the London and North Western Railway Company.

6. The provisions of section 122 of the Act of 1885 "For the "protection of the London and North Western Railway Company" in relation to the construction of the said Branch Railway Number 1 shall remain in force and have full effect as if the same had been expressly re-enacted in this Act.

Company may maintain jetties constructed at Runcorn.

7. The construction by the Company wholly in the parish of Runcorn of—

(1) A jetty commencing at the western end of the south wall of the Weston Marsh Lock and extending in a south-westerly direction for a distance of about eighty-five yards;

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(2) A jetty commencing at the western end of the north wall of the said lock and extending in a north-westerly direction for about one hundred and thirty yards;

is hereby authorised and confirmed and the Company may with the sanction of the acting conservator maintain the same accordingly.

Subsidiary works.

8. The Company may construct and maintain on any land shown on the deposited plans and acquired by them under the powers of this Act all such stations sidings walls arches bridges (fixed or opening) abutments piers embankments piling jetties approaches sewers drains mooring posts works and conveniences as may be necessary or expedient for the before-mentioned works or any of them.

Officers of customs &c. to have access to works.

9. The provisions of section 154 (Officers of customs and of the Board of Trade to have free access to dock without payment of toll &c.) of the Act of 1885 shall apply to the works constructed under the powers of this Act.

Works within the jurisdiction of Mersey Commissioners.

10. The Company shall not execute any works or conduct any operations under the powers of this Act within the jurisdiction of the Mersey Commissioners except in accordance with plans first submitted to and approved of in writing by the acting conservator.

Incorporating sections 36 and 37 of Act of 1885.

11. Sections 36 and 37 of the Act of 1885 shall so far as the same are applicable extend to the piers or jetties by this Act authorised and the works connected therewith as fully and effectually as if the same had been re-enacted in this Act.

Saving rights of Mersey Commissioners.

12. Nothing in this Act shall impair abridge or prejudicially affect any powers rights or privileges of the commissioners under the Mersey Conservancy Act 1842 or any other Act of Parliament for the time being in force.

Lands for extraordinary purposes.

13. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two hundred acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land so taken.

Power to take easements &c. by agreement.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have

an interest) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

15.—(1) The Company shall not under the powers of this Act take in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district 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.

(2) For the purposes of this section the expression "labouring class" includes 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 such persons who may be residing with them.

Period for compulsory purchase of lands.

16. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

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

Railway deposit fund not to be repaid except so far as railway is opened.

18. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand four hundred and eighty-one pounds whereof a part namely one thousand four hundred and ninety-three pounds represents five pounds per centum upon the amount of the estimate for the railway originally proposed to be authorised by the Bill for this Act as introduced into Parliament and for the Branch Railway Number 1 the powers to construct which are revived by this Act and the balance whereof namely nine hundred and eighty-eight pounds represents four pounds per centum on the amount of the estimate for the pier and jetties by this Act authorised (in this Act called "the jetty deposit fund") has been deposited with the Pay-

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master General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas three hundred and eighty-four pounds of the said sum of one thousand four hundred and ninety-three pounds is attributable to the railway originally proposed to be authorised by this Act And whereas one thousand one hundred and nine pounds is equal in value to five per centum on the amount of the estimate for the said Branch Railway Number 1 and is in this Act referred to as "the railway deposit fund" Be it enacted that notwithstanding anything contained in the said Act the railway deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of traffic and if the Company shall make default in so opening the railway the railway deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the railway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

19. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of traffic then and in every such case the railway deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the

compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the railway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the railway deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the railway deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Providing for release of portion of deposit.

20. On the application of the Company at any time after the passing of this Act the Court may order that the sum of three hundred and eighty-four pounds being the balance of the before-mentioned sum of one thousand four hundred and ninety-three pounds after deducting therefrom the said sum of one thousand one hundred and nine pounds shall be paid to the Company or to any other person or persons whom the Company may appoint in that behalf.

Release of jetty deposit fund.

21. On the application of the Company at any time after the passing of this Act the Court may order that the jetty deposit fund and the interest and dividends thereon shall be paid to the Company or to any other person or persons whom the Company may appoint in that behalf.

Company may license pilots.

22. The Company may subject to the provisions of Part V. (Pilotage) of the Merchant Shipping Act 1854 appoint and license such number of persons as they deem necessary to act as pilots for the navigating conducting and moving of vessels within the canal docks and basins of the Company.

Byelaws as to importation of foreign animals.

23.—(1) In addition to the powers of making byelaws contained in any other enactment the Company may make byelaws with respect to—

The entry into and the transit in and along the harbour and port of vessels carrying animals imported from any country or place beyond the United Kingdom of Great Britain and Ireland;

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The conduct of persons navigating such vessels or superintending such entry or transit;

The prevention of persons leaving such vessels during such entry or transit;

The flying of a distinguishing flag by all vessels having any such animals on board until such animals have been disembarked.

(2) Such byelaws shall be subject to the provisions with respect to byelaws of the Harbours Docks and Piers Clauses Act 1847 (except section 85 of that Act) but no such byelaw shall have any force or effect unless and until the same be confirmed by the Board of Trade.

(3) Any person who offends against any such byelaw shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds for every day the offence shall continue after conviction thereof.

As to charge for customs officers on board ships conveying foreign animals.

24.—(1) Whenever the Commissioners of Customs direct that an officer or officers of customs shall be boarded on a vessel conveying animals imported into the port of Manchester and proceeding along the canal to any place authorised as a foreign animals wharf or as a landing place for foreign animals the Company shall in respect of each such officer not exceeding two in number pay to the said commissioners a sum not exceeding twenty shillings for each day or part of a day during which the officer is employed either on board such vessel or in returning from the place of landing to his official station at Liverpool.

(2) Every sum so paid by the Company shall be repaid to them by the owner or consignee of such animals on demand and in default of such payment may be recovered summarily.

As to payment of wharf rate to the Mersey Docks and Harbour Board.

25. Notwithstanding anything in section 245 of the Mersey Dock Acts Consolidation Act 1858 no vessel loading or discharging in the harbour and port of Manchester any part of its cargo which shall be landed upon or embarked from any of the piers landing stages or quays belonging to the dock board shall be liable to the wharf rate payable under that section but all vessels bringing any such cargo from the harbour and port of Manchester to the piers landing stages or quays belonging to the dock board or taking cargo therefrom to vessels in the harbour and port of Manchester shall notwithstanding the provision contained in section 268 of the Mersey Dock Acts Consolidation Act 1858 be subject to pay to the dock board dock tonnage rates of the same amount payable and recoverable in the same manner as would be the case in respect of similar vessels if coming from or going to any other coastwise

port between St. David's Head and Carlisle and every vessel in which such cargo shall be brought to or taken from the piers landing stages or quays of the said board shall be chargeable as being of the registered tonnage burthen of not less than twenty tons:

Provided that nothing in this section shall be deemed to exempt from wharf rate under section 245 of the Mersey Dock Acts Consolidation Act 1858 any such first-mentioned vessel if any part of its cargo landed upon or embarked from any of the piers landing stages or quays belonging to the dock board shall be discharged therefrom or loaded thereinto elsewhere than in the harbour and port of Manchester.

Harbour and port not subject to section 24 of Railway and Canal Traffic Act 1888.

26. Unless Parliament shall hereafter otherwise determine the provisions of section 24 of the Railway and Canal Traffic Act 1888 shall not extend or apply in relation to merchandise traffic conveyed on or along the harbour and port of Manchester.

Company may supply water to vessels.

27. The Company may supply water to vessels in the said harbour and port and may make a reasonable charge therefor The charge for a supply of water under this section shall be deemed to be a rate imposed by the special Act within the meaning of section 48 of the Harbours Docks and Piers Clauses Act 1847:

Provided that the Company shall not under the powers of this Act supply water to any vessel in that portion of the said harbour and port which is situate and included within the borough of Salford except with the previous consent in writing of the mayor aldermen and burgesses of the said borough under the hand of the town clerk of the said borough.

For the protection of the Runcorn Improvement Commissioners.

28. For the protection of the Improvement Commissioners of Runcorn acting as the urban sanitary authority for the district of Runcorn in the county of Chester (in this section called "the commissioners") the following provision shall have effect unless otherwise agreed on in writing between the commissioners and the Company (that is to say):—

Nothing in this Act shall authorise or empower the Company to supply water to vessels in any part of the said harbour and port which is within the district of the water supply of the commissioners as defined by the Runcorn Weston and Halton Waterworks Act 1865 the Runcorn Weston and Halton Waterworks (Capital) Act 1870 and the Runcorn Commissioners Act 1893.

For the protection of the Warrington Corporation.

29. For the protection of the mayor aldermen and burgesses of the borough of Warrington (in this section called "the corporation") the following provision shall have effect unless otherwise agreed on

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in writing between the corporation and the Company (that is to say):—

Nothing in this Act shall authorise or empower the Company to supply water to vessels in any part of the said harbour and port which is within the limits of area within which the corporation is authorised to supply water for domestic or other purposes.

Company may demand rates for storage in harbour &c.

30. The Company may demand take and recover such reasonable rates and charges as they may appoint in respect of goods stored or laid up in or on any floating warehouse in the harbour and port of Manchester or in or on any vessel used therein as a floating warehouse or in or on any vessel remaining therein beyond the period such vessel may remain without extra dues as prescribed by the Third Schedule of the Act of 1885 or in any timber ponds or in or on any premises of the Company and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the collection and recovery of rates so far as they are applicable for the purpose shall extend and apply to the collection and recovery of such rates and charges:

Provided always that notwithstanding anything herein contained the Company shall not be entitled to demand take or recover any rates or charges in respect of goods stored or laid up in or on any vessel moored in or lying alongside of any existing or future docks quays wharves landing stages basins lay-byes or other works belonging to the Shropshire Union Railways and Canal Company at or near Ellesmere Port or in any timber pond belonging to that Company.

Solid matter or sludge not to be cast &c. into the canal &c.

31. If any person casts places or deposits or knowingly permits to be cast placed or deposited in any part of the canal docks or basins of the Company forming part of the harbour and port of Manchester any solid matter or sludge he shall be liable for every such offence to a penalty not exceeding in the case of sludge or of ballast or cinders discharged from vessels barges or boats fifty pounds and in the case of any other solid matter ten pounds and in addition thereto the Company may recover summarily from such person the cost of dredging or removing such solid matter or sludge.

Saving rights of the Runcorn Union Rural Sanitary Authority.

32. Nothing in this Act contained shall prejudice vary diminish or affect the rights powers privileges and remedies of the guardians of the poor of the Runcorn Union under or by virtue of an agreement dated the fifth day of May one thousand eight hundred and ninety-one and made between the said guardians of the one part and the Company of the other part or relieve the Company from any liabilities or obligations thereby imposed upon them or render the

said guardians liable to any penalty or cost for doing any act or thing in accordance with the provisions of the said agreement.

Company may apply capital to purposes of Act.

33. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys they are authorised to raise and which they do not require for the purposes for which such moneys were authorised to be raised and the purposes of this Act shall be deemed to be "authorised purposes" within the meaning of section 5 of the Manchester Ship Canal (Additional Capital &c.) Act 1893.

Saving rights of corporation of Manchester.

34. Nothing in this Act contained shall prejudice or affect any rights of the mayor aldermen and citizens of the city of Manchester under the Manchester Ship Canal Act 1891 or under the Manchester Corporation (Ship Canal) Act 1893 respectively or any prior Acts relating to the Manchester Ship Canal.

Nothing in this Act shall authorise or empower the Company to supply water to vessels in any part of the said harbour and port which is within the district of the water supply of the said mayor aldermen and citizens of the city of Manchester except with the previous consent in writing of the said mayor aldermen and citizens under the hand of the town clerk of the said city.

Saving rights of the Crown in the foreshore.

35. Nothing contained in this Act shall authorise the Company 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 exercisable by the Queen's Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act.

36. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty Her heirs or successors.

Saving rights of the Duchy of Lancaster.

37. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor 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

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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 exercisable by Her Majesty Her heirs or successors in right of Her said duchy.

Provision for Merchant Shipping Acts and general Acts.

38. Nothing in this Act contained shall exempt the canal or docks or the Company from the provisions of the Merchant Shipping Act 1854 or any general Act relating to docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the dock rates or duties authorised to be charged by the Company.

Provision as to general Railway Acts.

39. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by the Railway Rates and Charges (Cranbrook and Paddock Wood Railway &c.) Order Confirmation Act 1893.

Costs of Act.

40. All the 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.

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