Manchester Ship Canal Act, 1960

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CHAPTER xlv

An Act to confer further powers upon the Manchester Ship Canal Company and for other purposes.

[29th July 1960.]

WHEREAS the Manchester Ship Canal Company (hereinafter referred to as " the Company ") were incorporated by the Manchester Ship Canal Act 1885 and by virtue of the powers conferred by that Act and subsequent Acts own and carry on an undertaking which comprises the Manchester Ship Canal (hereinafter referred to as " the canal ") the Bridgewater canals and certain docks lands and premises in the cities of Manchester and Salford and elsewhere and certain railways in connection with the said canals docks lands and premises:

And whereas under and by virtue of one or more of the said Acts the Company are empowered to levy or charge tolls rates and other charges on cargo carried along the canal and it is expedient that the powers of the Company to levy or charge such tolls rates and other charges should be extended as by this Act provided:

And whereas by certain deeds referred to in the Second Schedule to the Manchester Ship Canal Act 1950 the Company may be required by the persons entitled to the benefit of the said deeds in certain cases to haul merchandise by rail at certain rates specified in the said deeds as varied by the said Act of 1950 and it is expedient that the said rates should be increased as by this Act provided:

And whereas doubt exists as to the powers of the Company under the Canal Rates, Tolls, and Charges, No. 2 (Bridgewater &c. Canals), Order Confirmation Act 1894 to make charges on vessels using their Runcorn Docks and it is expedient that the Company should be given express power to make certain charges:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be effected 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:—

Short and collective titles.

1.—(1) This Act may be cited as the Manchester Ship Canal Act 1960.

(2) The existing Acts and this Act may be cited together as the Manchester Ship Canal Acts 1885 to 1960.

Interpretation.

2.—(1) In this Act the following words and expressions have the several meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):—

" the Act of 1885 " " the Act of 1893 " " the Act of 1897 " " the Act of 1911 " " the Act of 1919 " " the Act of 1933 " " the Act of 1950 " and " the Act of 1956 " mean the Manchester Ship Canal Acts of those respective years;

" the Bridgewater undertaking " means and includes the Bridgewater canals and all canals and navigations which were purchased by the Company from the Bridgewater Navigation Company Limited and the Company of Proprietors of the Mersey and Irwell Navigation under the provisions of the Act of 1885 and for the use of which the Company were immediately before the passing of this Act entitled to charge tolls but does not include any part of the harbour;

" 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;

" enactment " means any Act whether public general or local or any order made thereunder or any provision in any Act or in any such order;

" the existing Acts " means the Acts listed in the First Schedule to this Act;

" the harbour " means the harbour and port of Manchester;

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

" the Order of 1894 " means the Canal Rates, Tolls, and Charges, No. 2 (Bridgewater &c. Canals), Order 1894 scheduled to and confirmed by the Canal Rates, Tolls, and Charges, No. 2 (Bridgewater &c. Canals), Order Confirmation Act 1894;

" pleasure craft " includes any vessel not used solely as a tug dredger pontoon or craft engaged in maintaining waterways or docks or wholly or mainly for the carriage of goods;

" the undertaking " means and includes the undertaking carried on by the Company upon or in connection with their canals docks and railways and the real and personal property lands works and appliances acquired or provided by or vested in them for the purposes thereof;

" vessel " includes any vessel ship lighter keel barge boat raft pontoon and craft of any kind howsoever navigated propelled or moved and except for the purpose of levying dues any seaplane when on the surface of the water.

(2) (*a*) For the definitions of " vessel " and " vessels " contained in the enactments to which this subsection applies there shall be substituted the definition contained in subsection (1) of this section.

(*b*) This subsection applies to the following enactments (namely):—

Section 6 (Interpretation) of the Act of 1885;
Section 3 (Interpretation) of the Act of 1893;
Section 2 (Interpretation) of the Act of 1897;
Section 4 (Interpretation) of the Act of 1911.

(3) References in this Act to any other enactment shall be construed as references to that enactment as amended by any other enactment including this Act.

As to application of Harbours Clauses Act 1847.

3.—(1) In construing the Harbours Clauses Act 1847 as incorporated with the Manchester Ship Canal Acts 1885 to 1960 the expression " the harbour dock or pier " shall mean the canal the harbour and all works connected therewith and forming part of the undertaking and the expression " vessel " shall have the meaning given to that expression by subsection (1) of section 2 (Interpretation) of this Act.

(2) In section 2 (Incorporation of Acts) of the Act of 1911 the words from "The following expressions" to the end of the section (which words define expressions in section 28 of the Harbours Clauses Act 1847 as incorporated with that Act) are hereby repealed and the said section 28 as incorporated with the Manchester Ship Canal Acts 1885 to 1960 shall be read and have effect as amended by subsection (2) of section 31 of the Post Office Act 1953.

Amendment of Fourth Schedule to Act of 1885

4.—(1) The Fourth Schedule to the Act of 1885 as amended by section 14 (Amendment of Fourth Schedule to Act of 1885) of the Act of 1950 shall have effect as if in addition to the articles wharfage rates and canal tolls specified in the said Fourth Schedule there were included therein the articles wharfage rates and canal tolls respectively set out in the Second Schedule to this Act.

(2) For the purposes of section 3 (Increase of maximum rates) of the Act of 1919 as amended by section 8 (As to maximum rates) of the Act of 1933 section 13 (Increase of ship canal rates) of the Act of 1950 and section 35 (Increase of ship canal rates) of the Act of 1956 this section shall be deemed to have been in force immediately before the passing of the Act of 1919.

Amendment of section 17 of Act of 1950.

5. Subsection (1) of section 17 (Increase of certain railway haulage charges) of the Act of 1950 shall have effect as if—

(*a*) in paragraph (*a*) for the reference to one shilling and threepence there were substituted a reference to one shilling and eightpence; and

(*b*) in paragraph (*b*) for the reference to one shilling there were substituted a reference to one shilling and fourpence.

Charges in respect of Runcorn Docks.

6. In the schedule to the Order of 1894 the special sections applicable only to the Bridgewater undertaking shall have effect as if—

(*a*) the following paragraphs had been added after paragraph (iii) of those sections:—

"(iiiA) The Company may charge in respect of any vessel which shall remain in the Runcorn Docks of the Company for more than fourteen days a rent of one halfpenny per net registered ton for every day such vessel shall so remain.

(iiiB) The Company may charge in respect of the use and occupation by any vessel of any berth or laybye in the said Runcorn Docks for purposes which do not comprise the loading or discharging of cargo the sum of three shillings and sixpence for every day or part of a day during which such vessel shall so use and occupy such berth or laybye;" and

(*b*) the following definition was added at the end of paragraph (vi) of those sections:—

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

As to Moore Lane Swing Bridge.

7. Notwithstanding the provisions of section 33 (As to opening bridges) and of paragraph 3 of section 83 (For the protection of the highway board for the Daresbury division of the hundred of Bucklow) of the Act of 1885 the Company may each day close the bridge over the canal referred to in the said paragraph (now known as Moore Lane Swing Bridge) to traffic and pedestrians between the hours of midnight and six in the morning:

Provided that the Company may only exercise the powers of this section during such time as—

(i) Old Quay Swing Bridge in the urban district of Runcorn is in use for road traffic;

(ii) the road owned by the Company on the north side of the canal between Moore Lane and Walton Arches is in reasonable condition for use by road traffic; and

(iii) the road on the north side of the canal between Old Quay Swing Bridge and Moore Lane including the railway bridge at Randles Sluices is in reasonable condition and available for use by road traffic in the event of fire or other emergency.

Extension of powers of harbour master.

8.—(1) Section 52 of the Harbours Clauses Act 1847 as incorporated with the Manchester Ship Canal Acts 1885 to 1960 in its application to the Company and the harbour master shall notwithstanding the provisions of section 33 of the Harbours Clauses Act 1847 as also so incorporated extend so as to empower the harbour master to prohibit a pleasure craft from entering the harbour unless the following conditions have been or will be complied with:—

(*a*) notice in writing of the date and time on which it is proposed to enter the harbour and of the intended movement of the pleasure craft in the harbour has been given to the harbour master not less than forty-eight hours before the time of entry;

(*b*) on or before the giving of the said notice there has been produced to the harbour master—

(i) (A) a passenger steamer's certificate issued by the Ministry of Transport under Part III of the Merchant Shipping Act 1894 or a certificate showing that the pleasure craft is for the time being classed by Lloyds Register of Shipping or some other classification society approved by the Company; or

(B) a certificate given within the previous twelve months by a surveyor of shipping who is either a

member or an associate member of the Institute of Naval Architects or is approved by the Company or by a boat builder who is either a member of the Ship and Boat Builders' National Federation or is approved by the Company that the pleasure craft is seaworthy and suitable for navigation on the canal; and

(ii) a certificate that the owner is insured in respect of the pleasure craft with an insurer approved by the Company against third party liability in a sum of not less than fifty thousand pounds;

(*c*) during such time as the pleasure craft is in the harbour it is—

(i) equipped with the articles specified in the Third Schedule to this Act; and

(ii) in charge of a person over twenty-one years of age who has such experience of navigation as will enable him to navigate in the harbour with reasonable competence.

(2) Notwithstanding the provisions of subsection (1) of this section if the harbour master is of the opinion that the entry into or movement of the pleasure craft in the harbour at the date and time specified in a notice given under paragraph (*a*) of subsection (1) of this section would or would be likely to cause such interference with commercial traffic in the harbour as to make it necessary for such entry or movement not to take place at the date and time so specified he may postpone such entry or movement for such period as he considers to be necessary to avoid interference with commercial traffic and shall thereupon notify the master of the pleasure craft of a date and time as soon thereafter as is reasonably practicable when the pleasure craft may enter the harbour or move within it.

(3) Subsection (1) of this section shall not apply to a pleasure craft requiring to enter the harbour from the river Mersey owing to stress of weather or other emergency.

As to removal of certain vessels from Bridgewater undertaking.

9.—(1) (*a*) If any vessel is left in any river canal waterway navigable channel lock or dock forming part of the Bridgewater undertaking without the consent in writing of the Company for a period of one month or upwards the Company may after giving seven days' notice to the owner of the vessel at the time when such notice is given remove the vessel to a convenient place and such owner shall pay to the Company the cost of removal and a sum not exceeding five shillings for each day during which any part of the river canal waterway navigable channel lock or dock is occupied by the vessel after the giving of such notice and until such removal and any such cost and sum may be recovered by

the Company either summarily as a civil debt where the amount does not exceed twenty pounds or as a debt in any court of competent jurisdiction.

(*b*) If any sum payable to the Company under the provisions of this subsection is not paid within one month after it becomes due the Company may break up sell or otherwise dispose of the vessel and any expense incurred by them in so doing after deducting the proceeds of sale (if any) shall be repaid to them by such owner and any expenses incurred by the Company as aforesaid which are not defrayed out of the proceeds of sale shall be paid to the Company by such owner and may be recovered as aforesaid.

(2) Any notice given by the Company pursuant to subsection (1) 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 or is not in the United Kingdom then by exhibiting such notice at the principal office of the Company for seven days.

(3) 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 obstructions in any waterway or work to which this section applies.

Amendment of section 32 of Act of 1936.

10. Section 32 (Removal of sunk stranded or abandoned vessels) of the Act of 1936 shall have effect as if—

(*a*) in subsection (5) for the words from " then by exhibiting such notice " to the end of the subsection there were substituted the words " or is not in the United Kingdom then by exhibiting such notice at the principal office of the Company for twenty-four hours in the case of a notice given under subsection (3) of the said section or for seven days in the case of a notice given under subsection (4) of the said section "; and

(*b*) in subsection (6) of the said section the following words were added at the end " and the word ' vessel ' includes any vessel ship lighter keel barge boat raft pontoon and craft of any kind howsoever navigated propelled or moved and any aircraft ".

Driving offences on dock roads.

11.—(1) In this section—

" the Act of 1930 " means the Road Traffic Act 1930;

" the Act of 1934 " means the Road Traffic Act 1934;

" the Act of 1956 " means the Road Traffic Act 1956;

" dock road " means any road pier wharf quay bridge or other work or any land which is vested in or the property of the Company and is accessible to motor vehicles not being a road to which the Road Traffic Acts apply;

"motor vehicle" has the same meaning as in the Act of 1930;

"the Road Traffic Acts" means the Road Traffic Acts 1930 to 1956.

(2) The Road Traffic Acts shall have effect as if in the provisions thereof hereinafter mentioned the expression "road" included a dock road and any person who commits an offence under any of those provisions as extended by this section shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 121 of the Act of 1930 and all the provisions of the Road Traffic Acts so far as applicable shall apply accordingly.

(3) The provisions of the Road Traffic Acts referred to in subsection (2) of this section are—

the Act of 1930—

Section 4 (Licensing of drivers &c.);
Section 9 (Restriction on driving by young persons);
Section 11 (Reckless or dangerous driving);
Section 12 (Careless driving) as amended by the Act of 1934;
Section 15 (Punishment of persons driving motor vehicles when under influence of drink or drugs);
Section 20 (Duty to give name and address and to stop and power of arrest in certain cases);
Section 22 (Duty to stop in case of accident);
Section 29 (Restrictions on persons being towed by getting on to or tampering with motor vehicles);
Section 35 (Users of motor vehicles to be insured against third party risks) as amended by the Act of 1934;
Section 40 (Requirements as to production of certificate of insurance or of security);
Section 49 (Penalties for neglect of traffic directions) as amended and extended by the Act of 1934;
Section 50 (Leaving vehicles in dangerous positions);

the Act of 1934—

Section 20 (Restriction on carriage of persons on bicycles);

the Act of 1956—

Section 8 (Causing death by reckless or dangerous driving of motor vehicles);
Section 9 (Punishment of persons in charge of motor vehicles when under influence of drink or drugs);

Section 38 (Temporary signs for dealing with traffic congestion and danger):

Provided that if no duty is chargeable under the Vehicles (Excise) Act 1949 in respect of a motor vehicle by reason only that the vehicle is used exclusively on roads which are not public roads within the meaning of that Act the said sections 4 9 35 and 40 of the Act of 1930 shall not apply in respect of the vehicle while it is being driven or to any person while driving it on a dock road.

(4) For the purposes of the Road Traffic Acts as extended and applied by this section the expressions "chief officer of police" and " police station " where used in those Acts shall respectively include the chief police officer of and any police office maintained by the Company.

Repeals.

12. The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the fourth column to that schedule.

Costs of Act.

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

SCHEDULES

Section 2.

FIRST SCHEDULE

EXISTING ACTS OF THE COMPANY

Manchester Ship Canal Act 1885.
Manchester Ship Canal Act 1886.
Manchester Ship Canal Act 1887.
Manchester Ship Canal (Additional Lands) Act 1888.
Manchester Ship Canal (Alteration of Works) Act 1888.
Manchester Ship Canal (Tidal Openings, &c.) Act 1890.
Manchester Ship Canal (Various Powers) Act 1890.
Manchester Ship Canal Act 1891.
Manchester Ship Canal Act 1893.
Manchester Ship Canal (Additional Capital, &c.) Act 1893.
Manchester Corporation (Ship Canal) Act 1893.
Manchester Ship Canal (Surplus Lands) Act 1893.
Manchester Ship Canal Act 1894.
Manchester Ship Canal Act 1896.
Manchester Ship Canal Act 1897.
Manchester Ship Canal Act 1900.
Manchester Ship Canal (Finance) Act 1904.
Manchester Ship Canal Act 1904.
Manchester Ship Canal (Bridgewater Canal) Act 1907.
Manchester Ship Canal (Various Powers) Act 1907.
Manchester Ship Canal Act 1911.
Manchester Ship Canal Act 1912.
Manchester Ship Canal Act 1913.
Manchester Ship Canal Act 1919.
Manchester Ship Canal Act 1920.
Manchester Ship Canal Act 1924.
Manchester Ship Canal Act 1925.
Manchester Ship Canal (General Powers) Act 1926.
Manchester Ship Canal (Staff Superannuation) Act 1926.
Manchester Ship Canal Act 1928.
Manchester Ship Canal Act 1933.
Manchester Ship Canal Act 1936.
Manchester Ship Canal Act 1945.
Manchester Ship Canal Act 1949.
Manchester Ship Canal Act 1950.
Manchester Ship Canal Act 1952.
Manchester Ship Canal Act 1956.

SECOND SCHEDULE

Section 4.

ADDITIONS TO THE FOURTH SCHEDULE TO THE ACT OF 1885

Article	Wharfage rate per ton	Canal tolls		
		Section A	Section B	Section C
	s. d.	s. d.	s. d.	
Adhesives not otherwise described or rated	2 6	2 10	4 3	7 1
Bentonite	0 5	1 6	2 3	3 9
Chemicals of a hazardous or dangerous nature not otherwise described or rated ..	3 9	6 4	9 9	15 9
Coke metallurgical and petroleum	0 6	1 4	2 0	3 4
Fatty acids	2 6	2 4	3 6	5 10
Lithium and lithium compounds	5 0	5 8	8 6	14 2
Radioactive and fissile materials	3 9	6 4	9 9	15 9
Titanium and titanium compounds	4 6	4 8	9 1	13 6
Zirconium and zirconium compounds	4 6	4 8	9 1	13 6

THIRD SCHEDULE

Section 8.

ARTICLES TO BE CARRIED BY A PLEASURE CRAFT IN THE HARBOUR

1. An adequate anchor and cable.

2. At least two warps each being not less than fifty feet in length and of sufficient strength.

3. Such navigation lights and equipment for signalling by sound as will enable the pleasure craft to comply with the International Regulations for Preventing Collisions at Sea and with the Company's byelaws.

4. At least two fire extinguishers of a foam type approved by the Ministry of Transport and maintained in accordance with the Ministry's recommendations.

5. Sufficient life-saving apparatus for as many passengers and crew as the pleasure craft is designed to carry.

6. An Admiralty chart or other chart approved by the Company for the harbour and adjacent waters.

7. A copy of the Company's byelaws for the time being in force.

8. A current tidal almanac.

Section 12.

FOURTH SCHEDULE

ENACTMENTS REPEALED

(1) Act	(2) Section or schedule	(3) Marginal note of section	(4) Extent of repeal
The Act of 1897 ..	9	Limiting liability of shipowners for damage to canal	The whole section.
The Act of 1950 ..	Second Schedule	—	All reference to the agreement dated eighteenth November nineteen hundred and four made between the Company and the Hovis Bread Flour Company Limited.

Table of Statutes referred to in this Act

Short title	Session and chapter
Harbour Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Manchester Ship Canal Act 1885	48 & 49 Vict. c. clxxxviii.
Manchester Ship Canal Act 1886	49 & 50 Vict. c. cxi.
Manchester Ship Canal Act 1887	50 & 51 Vict. c. cix.
Manchester Ship Canal (Additional Lands) Act 1888	51 & 52 Vict. c. cxi.
Manchester Ship Canal (Alteration of Works) Act 1888	51 & 52 Vict. c. clxi.
Manchester Ship Canal (Tidal Openings, &c.) Act 1890	53 & 54 Vict. c. lxxiv.
Manchester Ship Canal (Various Powers) Act 1890	53 & 54 Vict. c. ccxxvii.
Manchester Ship Canal Act 1891	54 & 55 Vict. c. clxxxi.
Manchester Ship Canal Act 1893	56 Vict. c. iii.
Manchester Corporation (Ship Canal) Act 1893	56 Vict. c. xix.
Manchester Ship Canal (Additional Capital, &c.) Act 1893	56 Vict. c. xxiii.
Manchester Ship Canal (Surplus Lands) Act 1893	56 & 57 Vict. c. lxxiii.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Manchester Ship Canal Act 1894	57 & 58 Vict. c. clxix.

Short title	Session and chapter
Canal Rates, Tolls, and Charges, No. 2 (Bridgewater &c. Canals), Order Confirmation Act 1894	57 & 58 Vict. c. cxcvii.
Manchester Ship Canal Act 1896	59 & 60 Vict. c. clxxxii.
Manchester Ship Canal Act 1897	60 & 61 Vict. c. cviii.
Manchester Ship Canal Act 1900	63 & 64 Vict. c. xxxvi.
Manchester Ship Canal (Finance) Act 1904	4 Edw. 7 c. lxxiv.
Manchester Ship Canal Act 1904	4 Edw. 7 c. ccxii.
Manchester Ship Canal (Bridgewater Canal) Act 1907	7 Edw. 7 c. xv.
Manchester Ship Canal (Various Powers) Act 1907	7 Edw. 7 c. xxx.
Manchester Ship Canal Act 1911	1 & 2 Geo. 5 c. lvi.
Manchester Ship Canal Act 1912	2 & 3 Geo. 5 c. xix.
Manchester Ship Canal Act 1913	3 & 4 Geo. 5 c. lix.
Manchester Ship Canal Act 1919	9 & 10 Geo. 5 c. xlvi.
Manchester Ship Canal Act 1920	10 & 11 Geo. 5 c. cxlix.
Manchester Ship Canal Act 1924	14 & 15 Geo. 5 c. lviii.
Manchester Ship Canal Act 1925	15 & 16 Geo. 5 c. cxx.
Manchester Ship Canal (General Powers) Act 1926	16 & 17 Geo. 5 c. lxxxiii.
Manchester Ship Canal (Staff Superannuation) Act 1926	16 & 17 Geo. 5 c. xc.
Manchester Ship Canal Act 1928	18 & 19 Geo. 5 c. lxxxv.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Manchester Ship Canal Act 1933	23 & 24 Geo. 5 c. lxvi.
Road Traffic Act 1934	24 & 25 Geo. 5 c. 50.
Manchester Ship Canal Act 1936	26 Geo. 5 & 1 Edw. 8 c. cxxiv.
Manchester Ship Canal Act 1945	9 Geo. 6 c. xi.
Manchester Ship Canal Act 1949	12 & 13 Geo. 6 c. xxxvi.
Vehicles (Excise) Act 1949	12 13 & 14 Geo. 6 c. 89.
Manchester Ship Canal Act 1950	14 Geo. 6 c. lvi.
Manchester Ship Canal Act 1952.. ..	15 & 16 Geo. 6 & 1 Eliz. 2 c. xiii.
Post Office Act 1953	1 & 2 Eliz. 2 c. 36.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.
Manchester Ship Canal Act 1956	4 & 5 Eliz. 2 c. lxxx.

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