CHAPTER xii.

An Act to authorise the Mersey Docks and Harbour Board to borrow moneys in connection with the improvement of the port of Liverpool and the navigation of the River Mersey and for other purposes. A.D. 1912.

[25th June 1912.]

WHEREAS by the Mersey Docks and Harbour Act 1857 being an Act for consolidating the docks at Liverpool and Birkenhead into one estate and for vesting the control and management of them in one public trust and for other purposes (in this Act called "the Act of 1857") the Mersey Docks and Harbour Board (in this Act called "the Board") were incorporated for the purposes therein mentioned:

And whereas by the Act of 1857 (inter alia) all powers of exercising jurisdiction over the navigation or in respect of the conservancy of the River Mersey as were vested in or exerciseable by the corporation of Liverpool and all obligations and liabilities of the said corporation in relation thereto were transferred to the Board:

And whereas by section 54 of the Act of 1857 it was (inter alia) enacted that a separate account should be kept by the Board of all sums received and disbursed by the Board in respect of certain matters more particularly referred to in sub-section (1) of such section and therein and hereinafter referred to as "conservancy receipts and conservancy expenditure" and which account includes expenses to be incurred with the consent of the Commissioners for the Conservancy of the River Mersey (hereinafter called "the Conservancy Commissioners") in improving the port of Liverpool or the navigation of the River

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Mersey and such account of conservancy receipts and conservancy expenditure is by section 6 of the Mersey Docks Act 1874 directed to be called and is in this Act hereinafter referred to as "the conservancy account":

And whereas by section 55 of the Act of 1857 it was enacted that the Board might with the consent of the Conservancy Commissioners apply any portion of their general receipts after providing for the expenses and charges incidental to the Mersey Dock Estate in improving the port of Liverpool or the navigation of the River Mersey:

And whereas by section 100 of the Mersey Dock Acts Consolidation Act 1858 further powers were conferred on the Board of executing various works for the better maintaining and preserving the navigation of the channels within the port of Liverpool or leading into the same from the sea:

And whereas in order to meet the constantly increasing requirements of the trade of the port of Liverpool and the increasing size and depth of vessels trading to such port the Board have from time to time in exercise of the powers hereinbefore in this Act referred to with the consent of the Conservancy Commissioners and the Admiralty executed various works for the purpose of improving and the better maintaining and preserving the port of Liverpool and the sea channels leading thereto and the navigation of the River Mersey and have expended large sums of money in connection with such works and such expenditure for the two years ending 1st July 1911 amounted to a sum of £203,572 19*s.* 9*d.*:

And whereas such works are in the nature of improvements and the cost thereof has been debited to the conservancy account and was up to the 1st July 1909 provided for out of conservancy receipts supplemented by grants out of the general receipts of the Board applied under section 55 of the Act of 1857 and for the two years ending 1st July 1911 the cost of such works has been provided for partly out of conservancy receipts and the remainder being the deficit on the conservancy account for those two years out of moneys temporarily advanced by the Board which advances on the 1st July 1911 amounted to the sum of £117,548 3*s.* 0*d.*:

And whereas further works for the purpose of improving and the better maintaining and preserving the port of Liverpool

and the sea channels leading thereto and the navigation of the River Mersey will in the future be necessary for the purpose of meeting the requirements of the trade of the said port and the still increasing size and depth of vessels trading thereto:

And whereas it is expedient that provision should be made as in this Act contained for the purpose of enabling the Board to borrow moneys for the purpose of meeting and providing for the deficit due on the conservancy account as aforesaid and refunding to the Board the amount of such deficit and in addition for meeting any future expenditure which may be desirable in connection with the improvement and the better maintaining and preserving of the port of Liverpool and the sea channels leading thereto and the navigation of the River Mersey and that provision should be made as in this Act contained with reference to the accounts to be kept by the Board in connection with conservancy receipts and conservancy expenditure:

And whereas by section 11 of the Mersey Docks Act 1874 (in this Act called "the Act of 1874") as amended by section 29 of the Mersey Docks and Harbour Board Act 1889 (in this Act called "the Act of 1889") provision was made in reference to the removal by the Board of wrecks or other obstructions to navigation from any dock or elsewhere within the port of Liverpool or any of the sea channels leading thereto:

And whereas it is expedient that further powers be conferred on the Board in reference to the removal of such wrecks or other obstructions and that section 11 of the Act of 1874 and section 29 of the Act of 1889 be repealed and that the provisions thereof be re-enacted with amendments:

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 King'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:—

1. This Act may be cited as the Mersey Docks and Harbour Board Act 1912. Short title.

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Further borrowing powers.

2. Subject to the provisions of this Act the Board may from time to time borrow at interest on the security of the rates for the time being belonging to them—

(A) For the purpose of refunding to the Board sums temporarily advanced by them and expended in the improvement and the better maintaining and preserving of the port of Liverpool and the sea channels leading thereto and the navigation of the River Mersey the sum of one hundred and seventeen thousand five hundred and forty-eight pounds three shillings :

(B) For the purposes of carrying out works or exercising the powers vested in the Board in connection with the improvement and the better maintaining and preserving of the port of Liverpool and the sea channels leading thereto and the navigation of the River Mersey any further sum or sums not exceeding in the whole five hundred thousand pounds.

Application of moneys borrowed under this Act.

3. All moneys borrowed for the purposes referred to in paragraph (B) of the section of this Act the marginal note whereof is "Further borrowing powers" shall be applied by the Board for those purposes and not otherwise.

Power to apply funds.

4. The Board within the limit aforesaid may apply for any of the purposes hereinbefore mentioned any moneys which by any Act or Acts they are authorised to borrow and which are not by the Act or Acts under which they are authorised to be borrowed made applicable to any special purposes or which if so made applicable are not required for such special purposes.

Separate account of moneys borrowed—Payment of interest.

5. The Board shall in and as part of the conservancy account keep a separate account of all moneys borrowed under the powers of this Act and shall debit to such account the amount of moneys borrowed for the purpose of refunding to the Board the expenditure of one hundred and seventeen thousand five hundred and forty-eight pounds three shillings already incurred for the purposes hereinbefore mentioned The Board may and shall debit yearly to the conservancy revenue account interest on any moneys borrowed by them under the powers of this Act at the average rate at which they have borrowed money during the previous twelve months.

Board may apply credit balance on conservancy account to repayment of moneys borrowed.

6. The Board may apply any balance from time to time standing to the credit of the revenue account of the conservancy account in repayment to the Board of any moneys borrowed for the purposes hereinbefore mentioned under the powers of this Act.

Power to remove wrecks or other obstructions.

7.—(1) The Board may raise destroy or remove the wreck of any vessel or any vessel which may have been or shall hereafter be sunk or stranded in any dock or elsewhere within the port of Liverpool or any of the sea channels leading thereto and which shall be in the judgment of the marine surveyor for the time being of the Board or in case of his absence or disability then of the assistant marine surveyor for the time being of the Board such judgment being recorded in writing signed by him and deposited with the secretary of the Board an obstruction or impediment or danger or is likely in such judgment as aforesaid to become an obstruction impediment or danger to the safe and convenient navigation or use thereof and may also raise destroy or remove any cargo or part of any cargo of any such vessel or wreck and also any stone timber anchor chain or other matter article or thing being in the judgment of the said marine surveyor or in case of his absence or disability then of the said assistant marine surveyor recorded and deposited as aforesaid an obstruction or impediment or danger or which is likely in such judgment as aforesaid to become an obstruction impediment or danger to such use or navigation in any dock sea-channel or elsewhere as aforesaid and the Board may first paying the customs duties and excise duties if any payable thereon sell in such manner as they may think proper the said vessel or wreck and cargo or other matter or thing so raised or removed or any article or thing which may be saved from any wreck which may be destroyed and out of the proceeds of such sale which when arising from any vessel wreck or property saved therefrom and from the cargo of such vessel or wreck shall be regarded as a common fund for that purpose may retain the expenses of raising destroying or removing such vessel or wreck and the cargo or any part of the cargo thereof or of raising destroying or removing any stone timber anchor chain or other obstruction or impediment or danger together with the expenses of detainer and sale and the duties if any paid as aforesaid rendering the overplus (if any) to the person or persons entitled

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to the same Provided that except in the case of property which is of a perishable nature or which would deteriorate in value by delay no sale shall be made under the provisions of this section until notice of such intended sale shall have been given for at least seven clear days by advertisement in two Liverpool newspapers and at any time before any property shall be sold the owner thereof shall be entitled to have the same delivered to him on payment to the Board of the fair market value thereof to be ascertained by agreement between the Board and such owner or failing such agreement by some person to be named for that purpose by the lord mayor of Liverpool for the time being and the sum paid to the Board as the value of any property under this provision shall be deemed to be proceeds of sale for the purposes of this section.

(2) The provisions of subsection (1) of this section shall not extend to or within any canal dock or works the property of the Manchester Ship Canal Company nor to any part of the River Weaver nor to or within that part of the River Mersey or the estuary thereof which lies between Bromborough Pool and the entrance locks at Eastham of the canal authorised by the Manchester Ship Canal Act 1885 and which is coloured red on a plan signed in triplicate by the Right Honourable Hugh C. E. Childers the Chairman of the Committee of the House of Commons to whom the Bill for the Act of 1889 was referred nor to or within any access in any part of the Upper Mersey as defined in the Upper Mersey Navigation Act 1876 made and maintained by the said Company under the provisions of the Manchester Ship Canal Act 1885 to or from the low-water channels in any part of the said Upper Mersey from or to the works numbered respectively in section 28 of that Act Number 1 G (A) Number 1 G (C) and Number 1 H (A).

(3) No explosive substance shall be used in destroying or removing the wreck of any vessel or any sunken vessel or any such cargo or part of cargo or any such stone timber anchor chain or other article matter or thing within six hundred and fifty yards of the Mersey Railway or any of the works connected therewith until the expiration of forty-eight hours after service of a notice in writing marked "urgent" of the intention to use such explosive substance shall have been given by such marine surveyor or assistant marine surveyor addressed to the resident engineer for the time being of the Mersey Railway Company by leaving the same at his office in Birkenhead.

Nothing in this subsection contained shall limit extend or affect the legal rights or liabilities of the Board or of the Mersey Railway Company in any respect.

(4) Section 11 of the Act of 1874 and section 29 of the Act of 1889 are hereby repealed.

Expenses of Act.

8. The Board out of any moneys for the time being in their hands shall pay and discharge all the costs charges and expenses of and incident to the applying for obtaining and passing of this Act.

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