ELIZABETH II



1966 CHAPTER xi

An Act to authorise the Mersey Docks and Harbour Board to construct further works; and for other purposes.

[3rd August 1966]

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), the Mersey Docks and Harbour Board (hereinafter called "the Board") was incorporated for the purposes therein mentioned and by that Act and subsequent Acts relating to the Board various powers have from time to time been conferred on the Board: **1857 c. clxii.**

And whereas in order to meet the requirements of the trade of the port of Liverpool it is expedient that the Board be authorised to acquire the lands and to construct the works in this Act described and to use part of the bed, banks and shores of the river Mersey as by this Act provided:

And whereas it is expedient that the borrowing powers of the Board be increased as in this Act provided:

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

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas a plan and sections showing the situations, lines and levels of the works authorised by this Act and the lands which may be taken or used compulsorily for the purposes thereof, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands, and describing the same, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, and with the town clerk of the city of Liverpool, which plan, sections and book of reference are in this Act respectively referred to as the deposited plan, the deposited sections, and the deposited book of reference:

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:—

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Mersey Docks and Harbour Board Act 1966.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands and works.

Part III.—General powers, finance and miscellaneous.

Incorporation of Acts.

1845 c. 18.

3.—(1) The Lands Clauses Acts (except sections 127 to 133 and sections 150 and 151 of the Lands Clauses Consolidation Act, 1845) are subject to the provisions of this Act incorporated with and form part of this Act:

Provided that the bond required by section 85 of that Act shall be sufficient without the addition of the sureties mentioned in that section.

(2) In construing the Lands Clauses Acts as so incorporated, the expression " the promoters of the undertaking " shall mean the Board.

PART I —*cont.*

4.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by section 3 (Interpretation of terms in this Act) of the Act of 1858, other than words and expressions of which the meanings have been repealed by subsequent Acts, shall have the same respective meanings and— Definitions.

" the Act of 1857 " means the Mersey Docks and Harbour Act, 1857; 1857 c. clxii.

" the Act of 1858 " means the Mersey Dock Acts Consolidation Act, 1858; 1858 c. xcii.

" the Act of 1860 " means the Mersey Docks (Ferry Accommodation) Act, 1860; 1860 c. cl.

" the Act of 1861 " means the Mersey Docks (Corporation Purchase) Act, 1861; 1861 c. clxxxviii.

" the Act of 1884 " means the Mersey Docks Act, 1884; 1884 c. xxix.

" the Act of 1893 " means the Mersey Dock (Various Powers) Act, 1893; 1893 c. clxii.

" the Act of 1899 " means the Mersey Docks (Finance) Act, 1899; 1899 c. cxcviii.

" the Act of 1900 " means the Mersey Docks and Harbour Act, 1900; 1900 c. lxviii.

" the Act of 1903 ", " the Act of 1919 ", " the Act of 1923 ", " the Act of 1936 ", " the Act of 1945 ", " the Act of 1950 ", " the Act of 1954 ", " the Act of 1958 " and " the Act of 1963 " mean the Mersey Docks and Harbour Board Acts of those respective years; 1903 c. cxxi. 1919 c. xiv. 1923 c. xxiii. 1936 c. xxvii. 1945 c. vii. 1950 c. xxi. 1954 c. xlv. 1958 c. vii. 1963 c. xvi.

" the authorised works " means the works authorised by section 7 (Power to construct works) of this Act;

" the city " means the city of Liverpool;

" conservancy purposes " means the purposes of carrying out works or exercising the powers vested in the Board in connection with the protecting, improving, maintaining or preserving of the port of Liverpool and the sea channels leading thereto or with the aiding of the navigation thereof;

" the existing Acts " means the Act of 1857 and the subsequent Acts and Order obtained by the Board other than the Pilotage Orders Confirmation (No. 1) Act, 1920; 1920 c. ciii.

" land " includes any estate or interest in or right or privilege over land;

" the Lands Clauses Acts " means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961; 1949 c. 42. 1961 c. 33,

PART I —*cont.*

" the level of high water " means the level of mean high-water springs;

" the limits of deviation " means the limits of deviation as shown on the deposited plan;

" the Minister " means the Minister of Transport;

" tidal work " means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of high water;

" the Trinity House " means the corporation of Trinity House of Deptford Strond.

(2) In the existing Acts and in this Act unless there be something in the subject or context repugnant to such construction—

" vessel " and " ship " mean every description of vessel or craft of any kind, however propelled or moved, and includes anything (whether in, on, under, or supported by a cushion of air over, water) constructed or used to carry persons or goods by water, and a seaplane on or in the water; and for the purposes only of the Act of 1954 includes any aircraft;

" seaplane " includes a flying boat and any other aircraft designed to manoeuvre on water.

(3) This Act is to be read as if the words " or thereabouts " were inserted after each distance mentioned in section 7 (Power to construct works) of this Act.

(4) Any reference 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.

PART II

LANDS AND WORKS

Lands.

5. Subject to the provisions of this Act, the Board may enter upon, take and use such parts of the bed, banks and shores of the river Mersey and such of the lands in the city as are delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of the authorised works.

Power to remove South Dingle Jetty.

6. Subject to the provisions of this Act, the Board may abandon and, if it does so, shall remove the whole of the South Dingle Jetty together with all pipes, pipelines, cables, telephone lines and other apparatus, equipment and conveniences situate thereon or connected therewith.

PART II —*cont.*

Power to construct works.

7. Subject to the provisions of this Act, the Board may construct and place in the river Mersey, and on the bed, banks and shores thereof and in the city, 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, the works hereinafter described, that is to say:—

Work No. 1 A jetty of open construction 80 feet wide commencing at the top of the existing river embankment, the centre line at the commencement of the work being situated 905 feet measured in a south-easterly direction from the centre line of the present approach to the South Dingle Jetty, and extending for 150 feet in a south-westerly direction, together with eight breasting dolphins situate in a straight line parallel to and 5 feet to the south-west of the line of the termination of Work No. 1;

Work No. 2 A jetty of open construction 80 feet wide commencing at the top of the existing river embankment, the centre line at the commencement of the work being situated 110 feet measured in a south-easterly direction from the centre line of the present approach to the South Dingle Jetty, and extending for 150 feet in a south-westerly direction, together with eight breasting dolphins situate in a straight line parallel to and 5 feet to the south-west of the line of the termination of Work No. 2.

Power to deviate.

8. In executing the authorised works, the Board may deviate laterally to any extent within the limits of deviation shown on the deposited plan, and may also deviate vertically upwards or downwards from the levels shown on the deposited sections to any extent not exceeding 10 feet.

Period for completion of works.

9. If the authorised works are not completed before 1st January, 1977, then on that day the powers by this Act granted to the Board for making and completing those works shall cease, except as to so much thereof as is then substantially commenced.

Maintenance, alteration and extension of works.

10. Subject to the provisions of this Act, the Board may from time to time maintain, renew, enlarge or alter temporarily or permanently the authorised works or any part thereof:

Provided that nothing in this section shall authorise the Board to deviate laterally or vertically beyond the limits of deviation authorised by section 8 (Power to deviate) of this Act.

Power to make subsidiary works.

11. The Board may from time to time in connection with and for the purposes of the works authorised by this Act or any of them make or place and maintain and use all proper approaches,

PART II —*cont.*

fenders, moorings, mooring chains, anchorages, dolphins, lights, pumping arrangements, pipes, cables, mains, tanks, buildings, offices, machinery and other works and conveniences:

Provided that any electric mains, cables or other works made and maintained under the provisions of this section shall be so constructed, maintained and used 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 such line.

1878 c. 76.

Correction of errors in deposited plan and book of reference.

12.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Board, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the city for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the town clerk of the city; and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

Period for compulsory purchase of lands.

13. The powers of the Board for the compulsory purchase of lands for the purposes of this Part of this Act shall cease on 31st August, 1969.

Grant of easements by persons under disability.

14.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may, if he thinks fit, subject to the provisions of those Acts, grant to the Board any easement or right required for the purposes of this Act over or in the lands not being an easement or right of water in which some person other than the grantor has an interest.

(2) The provisions of the said Acts with respect to lands and rentcharges, so far as they are applicable, shall extend and apply to any such grant and to any such easement or right as aforesaid.

PART II —*cont.*

Works to be deemed docks within meaning of existing Acts.

15. The authorised works and the bed, banks, shores and land acquired under the powers of this Act, and each and every of them, and any works connected therewith respectively, shall for all purposes be deemed to be docks and lands of the Board within the meaning of the existing Acts, or any of them.

Applying sections of Acts of 1858 and 1936.

16. The authorised works and the bed, banks, shores and land acquired under the powers of this Act, and each and every of them, and any works connected therewith respectively, shall be deemed to be works authorised to be erected, established and maintained by the Board within the meaning of section 284 (Application of moneys as herein stated) of the Act of 1858, and section 13 (Application of revenue) of the Act of 1936.

Tidal works not to be constructed without approval of Board of Trade.

17.—(1) A tidal work shall not be constructed, enlarged or altered except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board of Trade before the work is begun.

(2) If a tidal work is constructed, enlarged or altered in contravention of this section or of any condition or restriction imposed under this section—

(*a*) the Board of Trade may by notice in writing require the Board at its own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Board, it has failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or

(*b*) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the Board as a simple contract debt.

Provision against danger to navigation.

18.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Board shall forthwith notify the Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Trinity House shall from time to time direct.

(2) If the Board fails to notify the Trinity House as required by this section or to comply in any respect with a direction given under this section, it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

PART II —*cont.*

Abatement of works abandoned or decayed.

19.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Board at its own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade think proper.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Board, it has failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Board as a simple contract debt.

Survey of tidal works.

20. The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work constructed by the Board or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the Board as a simple contract debt.

Lights on tidal works during construction.

21.—(1) The Board shall at or near a tidal work during the whole time of the construction, renewal, enlargement or alteration thereof and during the removal of South Dingle Jetty exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct.

(2) If the Board fails to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Permanent lights on tidal works.

22.—(1) After the completion of a tidal work the Board shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct.

(2) If the Board fails to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

PART II —*cont.*

Saving rights of Duchy of Lancaster.

23. Nothing in this Act shall extend or operate to authorise the Board to enter upon, take, use or in any manner interfere with any land, soil, water 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 for the time being of the said duchy first had and obtained for that purpose (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.

For protection of Postmaster General.

1878 c. 76.

24.—(1) The Board shall not under the powers conferred by this Act alter any telegraphic line belonging to or used by the Postmaster General, except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878.

(2) In this section the expression "telegraphic line" and "alter" shall have the same meanings as in the Telegraph Act, 1878.

As to exercise of powers by Board of Trade.

25.—(1) Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board of Trade, any Secretary, Under-Secretary or Assistant Secretary of the Board of Trade or any person authorised in that behalf by the President.

(2) Without prejudice to the provisions of subsection (1), anything authorised by or under section 17 (Tidal works not to be constructed without approval of Board of Trade), section 19 (Abatement of works abandoned or decayed), section 20 (Survey of tidal works) or section 21 (Lights on tidal works during construction) of this Act to be done by the Board of Trade may be done by the acting conservator of the river Mersey acting on their behalf.

Saving for Harbours Act, 1964.

1964 c. 40.

26. Nothing in this Act shall exempt the Board from the provisions of sections 9 and 10 of the Harbours Act, 1964, in relation to the works authorised by this Act.

Saving for town and country planning.

1962 c. 38.

27. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

PART III

GENERAL POWERS, FINANCE AND MISCELLANEOUS

General powers of Board.

28. The Board may take such steps from time to time as it may consider necessary for the maintenance or improvement of the port and the accommodation and facilities, including navigational facilities, afforded therein or in connection therewith and without prejudice to the generality of the foregoing the Board may—

(*a*) acquire, provide, maintain and operate either solely or with other persons depots and similar premises (whether or not the same be situate at or near the docks) for the reception, collection, handling, sorting, packing, unpacking or storing of goods (or the carrying out of other operations in connection therewith) which have been imported or are intended to be exported and may enter into and carry out agreements with other persons for all or any of those purposes;

(*b*) do all other things which in its opinion are expedient to facilitate the proper carrying on or development of the undertaking; and

(*c*) turn its resources to account so far as not required for the purposes of the undertaking.

Power to acquire and dispose of land.

29.—(1) The Board may for the purposes of the undertaking acquire land by agreement, whether by way of purchase, exchange, lease or otherwise.

(2) The Minister may authorise the Board to purchase compulsorily any land which it requires for the purposes of the undertaking and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if the Board were a local authority within the meaning of that Act and as if this Act had been in force immediately before that Act.

1946 c. 49.

(3) The Board may dispose of land belonging to it in such manner whether by way of sale, exchange, lease or otherwise, for such period, upon such conditions and for such consideration as it thinks fit.

(4) The Board—

(*a*) may for the purposes of the undertaking, manage, use or develop land belonging to it as it thinks fit; and

(*b*) in addition may with a view to selling or otherwise disposing of any land after the development is carried out—

(i) retain any part of land belonging to it which is not required for the purposes of the undertaking and develop it or procure its development for use by other persons; or

PART III —*cont.*

(ii) where the use of land belonging to it for the purposes of the undertaking can be combined with its use for other purposes, develop the land or procure its development for use wholly or partly by other persons.

(5) Where the Board intends to develop or procure the development of land belonging to it for purposes other than the purposes of the undertaking, and is of opinion that the land cannot by itself be developed satisfactorily, it may acquire adjacent land by agreement, whether by way of purchase, exchange, lease or otherwise for the purpose of developing it or of procuring its development together with the other land.

(6) The Board may from time to time borrow at interest on the security of the rates for the time being belonging to it such amounts as may be required for the acquisition or purchase of land under the powers of this section.

Power to consign goods on behalf of others.

30. The Board may—

(*a*) consign goods on behalf of any other person from, or on routes through, the port;

(*b*) subject to paragraph (*c*) of this section demand, take and recover through rates on goods passing through the port to any other place, inclusive of the charges payable to any other person for handling or part handling the goods or for carrying the goods to such other place or part way thereto; and

(*c*) enter into and carry out agreements with any other person in relation to the exercise of the powers conferred by paragraphs (*a*) and (*b*) of this section including any necessary apportionment of the through rate.

Power to invest in securities of bodies corporate.

31.—(1) In order to enable the Board to acquire an interest in, or to provide or facilitate the provision of funds for, any body corporate carrying on or intending to carry on or to establish or extend—

(*a*) warehouses, factories or works at or near the docks;

(*b*) an undertaking or business connected with or ancillary to the carrying on of the undertaking;

(*c*) an undertaking or business concerned with the transport or handling of goods;

(*d*) any other undertaking or business which appears to the Board to be advantageous or convenient for, or in connection with, the undertaking or to be for the benefit of the Board either directly or indirectly;

PART III —*cont.*

the Board may subscribe for, purchase, take up and hold any shares, stock, mortgages, debentures or debenture stock of such body corporate and may in respect of any such shares, stock, mortgages, debentures or debenture stock for the time being held by it exercise either by itself or through some person nominated by it for the purpose all or any of the rights exercisable by an individual holder of such shares, stock, mortgages, debentures or debenture stock.

(2) The Board may from time to time at its discretion dispose of any such shares, stock, mortgages, debentures or debenture stock for the time being held by it.

(3) The Board may apply for the purposes of this section any of its capital or funds for the time being available.

General powers of investment.

32. Without prejudice to the provisions of section 31 (Power to invest in securities of bodies corporate) of this Act the Board may from time to time invest any of its moneys which are not for the time being required for any other purpose in any manner authorised by section 1 of the Trustee Investments Act, 1961, as if those moneys were a trust fund:

1961 c. 62.

Provided that nothing in section 2 of the said Act of 1961 shall apply to the exercise of the powers conferred by this section.

Further borrowing powers for works and conservancy purposes.

33.—(1) The Board may from time to time borrow at interest on the security of the rates for the time being belonging to it, in addition to the sums which it is at the passing of this Act authorised to borrow by the existing Acts or any other Act, any further sum or sums not exceeding in the whole—

(*a*) for the purposes of the works authorised by this Act, and for any dredging of the river Mersey in connection therewith, two million pounds;

(*b*) for conservancy purposes, five hundred thousand pounds.

(2) The Board may pursuant to its powers to borrow under the existing Acts, this Act or any future enactment borrow money from the Minister under section 11 of the Harbours Act, 1964, notwithstanding that the manner of borrowing be not in conformity with that prescribed by the existing Acts.

1964 c. 40.

Application of moneys.

34. All moneys borrowed by the Board under this Act shall be applied by it for the purposes to which capital is properly applicable, and not otherwise.

Extension of purposes for which certain moneys may be raised.

35.—(1) The purposes for which moneys may be raised under section 39 (Power to borrow on bills or promissory notes) of the Act of 1899, by the issue and renewal of bills or promissory notes, shall be extended so as to include any purposes for which the revenues of the Board may properly be applied, and the said section 39 shall have effect accordingly.

PART III —*cont.*

(2) Paragraph (i) of subsection (1) of section 23 (Application and investment of sinking fund money) of the Act of 1936 shall not apply to any moneys raised under section 39 of the Act of 1899, as extended by subsection (1) of this section for any purposes for which the revenues of the Board may properly be applied.

Saving for powers of Treasury.

36. It shall not be lawful to exercise the powers of borrowing conferred upon the Board by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 (Treasury control of borrowing &c.) of the Borrowing (Control and Guarantees) Act, 1946. 1946 c. 58.

Re-enactment of section 25 of Act of 1950.

37. Section 25 (Docks or berths may be set apart for vessels to be loaded etc. by the Board) of the Act of 1950 is hereby repealed and the following section substituted therefor:—

"Docks or berths may be set apart for vessels to be loaded etc. by the Board.

25.—(1) The Board may, by resolution, from time to time set apart or appropriate any one or some of the docks or berths therein as docks or berths in or at which such operations in connection with the cargoes of vessels using the said docks or berths as may be prescribed in the resolution (in this section referred to as " the prescribed operations ") shall be carried out by persons employed (whether under a contract of service or otherwise) by the Board.

(2) Notwithstanding the provisions of section 35 (One set of porters to receive &c. the cargo of each vessel) of the Act of 1858 and section 17 (Penalty on persons acting as master stevedores or master lumpers without having given bond) of the Act of 1861 the Board may for the purposes of the prescribed operations ship, stow, unstow, unship, receive, weigh, load off and do any other act whatever in connection with any cargo of any vessel using such of the docks or berths as may be set apart or appropriated pursuant to subsection (1) of this section or in connection with any cargo for the time being deposited on any of the quays or in any of the sheds adjacent to any of such docks or berths and may make reasonable charges for the work so done.

(3) Notwithstanding the provisions of section 43 (Owner of the entire cargo may employ any master porter that he may think proper) of the Act of 1858 and section 18 (Owner or master of a vessel may employ the crew to discharge cargo) of the Act of 1861 a person who is not employed by the Board

PART III —*cont.*

shall not, in connection with any such cargo as is referred to in subsection (2) of this section, without the consent of the Board perform or employ any other person to perform the prescribed operations or any act whatever for the purposes of or incidental to those operations."

Allocation of berths for cargo operations.

38.—(1) The Board may from time to time by resolution allocate any one or more of the berths in the docks as a berth or berths in or at which such operations in connection with the cargoes of vessels using the same as may be prescribed in the resolution (in this section referred to as " the prescribed operations ") shall be carried out by such person lawfully qualified to perform such operations (in this section referred to as " the designated operator ") as may be designated in the resolution.

(2) The allocation of a berth pursuant to subsection (1) of this section may be for such period and subject to such reasonable terms and conditions as the Board thinks fit and the Board may demand, take and recover from the designated operator reasonable charges in respect of such allocation.

(3) Notwithstanding the provisions of section 43 (Owner of the entire cargo may employ any master porter that he may think proper) of the Act of 1858 and section 18 (Owner or master of a vessel may employ the crew to discharge cargo) of the Act of 1861 where a berth has been allocated pursuant to subsection (1) of this section a person who is not employed by the designated operator shall not, in connection with any cargo of a vessel using such berth or in connection with any cargo for the time being deposited on any of the quays or in any of the sheds at such berth, without the consent of the Board perform or employ any other person to perform the prescribed operations or any act whatever for the purposes of or incidental to those operations.

Offences against section 25 of Act of 1950 and section 38 of this Act.

39. A person who offends against the provisions of subsection (3) of section 25 (Docks or berths may be set apart for vessels to be loaded etc. by the Board) of the Act of 1950 or subsection (3) of section 38 (Allocation of berths for cargo operations) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

Charges on certain vessels.

1964 c. 40.

40. In addition to its power to demand, take and recover ship, passenger and goods dues under section 26 of the Harbours Act, 1964, the Board may take and recover in respect of any vessel which is not a ship, as defined by section 57 of that Act, entering, using or leaving the port of Liverpool or the docks such

charge as may be agreed between the Board and the owner thereof or, in default of agreement, as is determined by the National Ports Council. PART III —*cont.*

Charges for services and facilities.

41. The Board may demand, take and recover such reasonable charges for services and facilities provided by it as it may from time to time determine.

Liability for payment of rates on vessels.

42. All rates on vessels for the time being payable to the Board under any enactment shall be paid by the owner or master of the vessel and the provisions of Part XI (With respect to rates and duties) and of Part XII (With respect to graving docks) of the Act of 1858 relating to vessels shall apply thereto and shall so apply whether or not the same be payable according to the tonnage of the vessel.

For protection of Birkenhead and Wallasey ferries.

43.—(1) The following provisions shall not apply to or in relation to the berths for the time being provided, appropriated or used for the purpose of the ferries undertaking:—

Section 25 (Docks or berths may be set apart for vessels to be loaded etc. by the Board) of the Act of 1950 as re-enacted in section 37 of this Act;

Section 38 (Allocation of berths for cargo operations) of this Act.

(2) Nothing in Part III of this Act shall prejudice or affect the provisions of section 39 (Part of landing stage to be appropriated to the Woodside Ferry traffic) of the Mersey Docks and Harbour (Works) Act, 1858, section 69 (Landing stages to be maintained) of the Act of 1858 and section 21 (As to landing stages) of the Mersey Docks and Harbour Board Act, 1950, or shall otherwise prejudice, alter or affect the existing rights, powers and privileges of the owners for the time being of the ferries undertaking. 1858 c. xc. 1950 c. xxi.

(3) In this section the expression "the ferries undertaking" means the ferries undertaking of the mayor, aldermen and burgesses of the county borough of Birkenhead and the ferries undertaking of the mayor, aldermen and burgesses of the county borough of Wallasey or either of those undertakings.

Crown exemptions from rates.

44.—(1) Except in so far as may be agreed between the Board and the Government Department concerned or as may be specifically laid down by statute nothing in any statutory provision authorising the Board to charge rates shall extend to authorise the Board to charge rates on or to regulate or subject to control—

(*a*) a vessel—

(i) belonging to or in the service of Her Majesty or any member of the Royal Family; or

PART III —*cont.*

(ii) in the service of the Commissioners of Customs and Excise not being a vessel carrying goods for reward; or

(iii) employed by or under the authority of the Postmaster General or the Secretary of State for Defence for the conveyance under contract of postal packets as defined by the Post Office Act, 1953, not being a vessel also conveying passengers or goods for reward; or

1953 c. 36.

(iv) in the service of Trinity House and not carrying goods for reward;

(*b*) the Commissioners of Customs and Excise in respect of a vessel or goods under customs seizure;

(*c*) a mail bag as defined by the Post Office Act, 1953, conveyed by a vessel;

(*d*) troops landed at the docks or a person employed by the Secretary of State for Defence while in the execution of his duty;

(*e*) goods or stores belonging to the Secretary of State for Defence.

(2) A person who takes the benefit of an exception under subsection (1) of this section but is not entitled thereto shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(3) A person employed by the Minister or the Board of Trade and an officer of the Commissioners of Customs and Excise shall have free access to the docks while in the execution of his duty.

Amendments.

45. The enactments specified in columns (1), (2) and (3) of Part I of Schedule 1 to this Act are hereby amended as specified in column (4) of the said Part.

Amendment of Liverpool Pilotage Order, 1920, and transitional provisions.

46.—(1) The provisions of the Liverpool Pilotage Order, 1920, specified in columns (1) and (2) of Part II of Schedule 1 to this Act are hereby amended as specified in column (3) of the said Part.

(2) Each person who immediately before the passing of this Act holds office as a member of the Pilotage Committee constituted under the Liverpool Pilotage Order, 1920, shall (unless he shall previously die or resign or retire from that committee or, if the person is a member of the Board, from the Board) continue in office as a member of that committee until the first meeting of the Board held on or after 2nd July, 1967.

PART III —*cont.*

As to references in byelaws to general manager.

47. References in any byelaws for the time being in force made by the Board to the general manager of the Board shall be read and construed as references to the chief executive officer for the time being of the Board by whatsoever style or title he may be designated.

Application of Town and Country Planning Acts.

48.—(1) It is hereby declared that for the purposes of the Town and Country Planning Acts, 1962 and 1963, anything done by the Board in the exercise of the powers conferred by section 29 (Power to acquire and dispose of land) of this Act, so far as that section relates to development of land for use otherwise than for the purposes of the undertaking, does not constitute the carrying on by the Board of its statutory undertaking and, in particular, that land which is used, or in which an interest is held, by the Board exclusively for the purpose of exercising those powers does not constitute operational land.

(2) Without prejudice to subsection (1) of this section and subject to subsection (3) of this section, any development of operational land by the Board in the exercise of the said powers shall not for the purposes of the said Acts constitute development of operational land.

(3) Subsection (2) of this section shall not apply to development if—

(*a*) the development comprises development by the Board for the purpose of carrying on the undertaking or is development for a purpose which includes that purpose; and

(*b*) the development is such that so much of it as is exclusively referable to the exercise by the Board of the said powers cannot fairly be treated for the purposes of the said Acts as separate development.

(4) Any question under subsection (3) of this section, whether part of any development can fairly be treated as separate development shall be determined by the local planning authority to whom application is made for permission for the development in question, or, where an application for permission for the development in question is referred to the Minister of Housing and Local Government, by the Minister of Housing and Local Government and the Minister; and where part of any development is so treated this section and the said Acts shall apply to the parts of the development in all respects as if they were separate development.

(5) (*a*) If the Board is aggrieved by a determination of a local planning authority under subsection (4) of this section, it may appeal to the Minister of Housing and Local Government, and any such appeal shall be determined by the Minister of Housing and Local Government and the Minister.

PART III —*cont.*

(*b*) The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister of Housing and Local Government against planning decisions of local planning authorities shall apply, subject to any necessary modifications, to an appeal under this subsection.

(6) The provisions of the said Acts as to the validity, and proceedings for challenging the validity, of decisions of the Minister of Housing and Local Government on applications for planning permission referred to him under those Acts or on appeals to him under those Acts against planning decisions of local planning authorities shall apply to any determination of the Minister of Housing and Local Government and the Minister under this section as if a reference to this section were included in those provisions.

(7) Subject to this section, any expression in this section which is used in the Town and Country Planning Acts, 1962 and 1963, shall have the same meaning as in those Acts.

Repeals.

49. The enactments specified in columns (1), (2) and (3) of Schedule 2 to this Act are hereby repealed to the extent specified in column (4) of the said schedule.

Costs of Act.

50. The Board out of any moneys for the time being in its hands shall pay and discharge all the costs, charges and expenses of and incidental to the applying for, obtaining and passing of this Act.

SCHEDULES

SCHEDULE 1

AMENDMENTS

PART I

AMENDMENT OF ACTS

Section 45.

Act (1)	Section (2)	Marginal note (3)	Amendment (4)
Act of 1858 ...	3	Interpretation	After the definition of "Rates" the following definitions shall be inserted:— "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. "Undertaking" means the undertaking of the Board as for the time being authorised.
	32	Power to appoint officers	After the words "from time to time remove" the words "a chief executive officer under such style or title as the Board may from time to time think fit" shall be inserted.
	298	Transfer of Bonds &c. not to be complete until registered	(1) After the words "the Board shall direct" the words "or as may be authorised by law" shall be inserted. (2) For the words "the Solicitor of the Board" the words "such person as the Board may appoint for the purpose" shall be substituted. (3) For the words "such Solicitor, to be called 'The Register of Transfers of Bonds'; and such Solicitor" the words "him; and such person" shall be substituted. (4) The words "or Time" shall be omitted.

SCH. 1 —*cont.*

Act (1)	Section (2)	Marginal note (3)	Amendment (4)
Act of 1858— (*continued*)	299	Transfer of annuities not to be complete until registered	(1) After the words "the Board shall direct" the words "or as may be authorised by law" shall be inserted. (2) For the words "the Solicitor of the Board" the words "such person as the Board may appoint for the purpose" shall be substituted. (3) For the words "such Solicitor, to be called 'The Register of Transfer of Mersey Dock Annuities'; and such Solicitor" the words "him; and such person" shall be substituted. (4) The words "or Time" shall be omitted.
1876 c. civ. Upper Mersey Navigation Act, 1876	4	Limits of Act	For the words "the Eastham Ferry slip to a point on the north-east bank of that river distant twenty chains measured along that bank in a south-easterly direction from the lighthouse at Garston" the words "a point on the south-west bank of the river situate at latitude 53° 19′ 44.21″ north and longitude 2° 57′ 14.45″ west to a point on the north-east bank of the river situate at latitude 53° 20′ 40.00″ north and longitude 2° 54′ 04.80″ west" shall be substituted.
1896 c. cliv. Ribble Navigation Act, 1896	5	Defining the boundary between the ports of Liverpool and Preston	For the words "the inner north-west sea-mark on the beach at Formby Point shown on the Admiralty chart of the survey of the west coast of England from Formby Point to Kirkcudbright published the twenty-third day of October one thousand eight hundred and ninety-three" the words "a point on the beach at Formby Point situate at latitude 53° 34′ 00.55″ north and longitude 3° 05′ 57.75″ west" shall be substituted.

SCH. 1 —*cont.*

Act	Section	Marginal note	Amendment
(1)	(2)	(3)	(4)
Act of 1899 ...	39	Power to borrow on bills or promissory notes	(1) In subsection (1)— (*a*) for the words " the chairman of the Board or the chairman of the finance committee of the Board and by the secretary and by the treasurer of the Board " the words " such officer of the Board as the Board may appoint for the purpose " shall be substituted; (*b*) after the words " at any time exceed the sum of " the words " one million " shall be inserted. (2) In subsection (2) the words " the treasurer of " shall be omitted.
Act of 1936 ...	3	Meaning of " the port of Liverpool " " vessel " " steam vessel " &c.	In subsection (2) the definitions of " vessel " and " ship " shall be omitted.
Act of 1945	38	Evidence of title to be recorded	For the words " the solicitor to the Board " the words " such person as the Board may appoint for the purpose" shall be substituted.

SCH. 1 —*cont.*

Section 46.

PART II

AMENDMENT OF LIVERPOOL PILOTAGE ORDER, 1920

Section or schedule (1)	Marginal note (2)	Amendment (3)
2	Pilotage Authority	After the words "Mersey Docks and Harbour Act, 1857, and amending Acts" the words "and the Mersey Docks and Harbour Board Revision Order 1965" shall be inserted.
6	Pilotage Committee	(1) In paragraph (*a*) of subsection (1) for the words "shipowners or directors or managers of shipping companies" the words "members elected by shipowners as defined by Article 2 of the Mersey Docks and Harbour Board Revision Order 1965" shall be substituted. (2) Subsection (3) shall be omitted.
First Schedule	—	(1) For paragraph 1 the following paragraph shall be substituted:— "1. The persons to be appointed by the Authority (except a person appointed to fill a casual vacancy) shall be appointed annually at the first meeting of the Authority held on or after the second day of July in the year 1967 and each year thereafter and shall remain in office until the next annual appointment and shall then go out of office but may be re-appointed." (2) In paragraph 3 for the word "October" the word "May" shall be substituted. (3) For paragraph 6 the following paragraph shall be substituted:— "6. The pilots' representatives (except a person elected to fill a casual vacancy) shall in each year come into and shall hold office contemporaneously with the persons appointed by the Authority in that year pursuant to paragraph 1 of this schedule and shall then go out of office but may be re-elected."

SCHEDULE 2

REPEALS

Section 49.

Act (1)	Section (2)	Marginal note (3)	Extent of repeal (4)
Act of 1858 ...	185	Power to take rents for housing	The whole section.
	186	Amount of Rents and Charges how to be ascertained	The whole section.
	267	Exemption of vessels in Her Majesty's service etc. from rates	The whole section.
Act of 1860 ...	7	Exemption of certain vessels	The whole section.
Act of 1884 ...	9	Power to acquire lands by agreement	The whole section.
Act of 1893 ...	16	Acquisition of lands by agreement	The whole section.
	18	Further borrowing powers	The whole section.
Act of 1899 ...	3	Power to create capital stock	In paragraphs (C) and (D) the words "(to be specified in such resolution)".
	35	Application of moneys raised by stock and not for the time being required	The whole section.
Act of 1900 ...	6	Further borrowing powers	The whole section.
Act of 1903 ...	17	Power to acquire lands by agreement	The whole section.
	21	Further borrowing powers	The whole section.
Act of 1923 ...	5	Tribunal for revising warehouse rents and charges	The whole section.
Act of 1936 ...	23	Application and investment of sinking fund money	In subsection (1) the words "or with the consent of the Minister to all or any of the following purposes".
Act of 1950 ...	12	As to application of section 267 of the Act of 1858	The whole section.

SCH. 2 —*cont.*

Act (1)	Section (2)	Marginal note (3)	Extent of repeal (4)
Act of 1950— (*continued*)	28	Power to dispose of land	The whole section.
Act of 1954 ...	2	Interpretation	The definition of "vessel".
Act of 1958 ...	2	Interpretation	The definition of "vessel".
Act of 1963 ...	2	Definitions	In subsection (1) the definition of "vessel".
	16	Amendment of section 32 of Act of 1858	The whole section.

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Mersey Docks and Harbour Board Act 1966

CHAPTER xi

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