ELIZABETH II



1967 CHAPTER vi

An Act to amend and extend the financial provisions relating to the Mersey Docks and Harbour Board; and for other purposes. [10th May 1967]

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 enactments relating to the Board various powers have from time to time been conferred on the Board: 1857 c. clxii.

And whereas it is expedient that the Board should be authorised to alter the period of its financial year and that, as a consequence, financial provisions relating to the Board should be amended as by 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:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Mersey Docks and Harbour Board Act 1967.

Interpretation.

2.—(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of terms in this Act) of the Act of 1858, other than words and expressions of which the meanings have been repealed by subsequent Acts, shall have the same respective meanings and—

1857 c. clxii.

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

1858 c. xcii.

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

1936 c. xxvii.
1945 c. vii.
1958 c. vii.

" the Act of 1936", " the Act of 1945", " the Act of 1958 " and " the Act of 1963 " mean the Mersey Docks and Harbour Board Acts of those respective years;

1963 c. xvi.

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

" the existing Acts " means the Act of 1857 and the subsequent Acts and Orders obtained by the Board other than the

1920 c. ciii.

Pilotage Orders Confirmation (No. 1) Act, 1920;

" the Minister " means the Minister of Transport.

(2) 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.

Power to adopt period as financial year.

3. The Board may adopt as its financial year such period of twelve consecutive months as it thinks fit or such other period whether shorter or longer than a year as may be necessary solely for changing its financial year.

Amendment of certain financial provisions.

4. As from the 1st July, 1967, the enactments specified in columns (1), (2) and (3) of the Schedule to this Act shall be amended to the extent specified in column (4) thereof.

Fines for offences against byelaws.

5.—(1) Byelaws made by the Board under the existing Acts, other than under section 12 (Byelaws relating to certain dangerous goods) of the Act of 1963, may contain provision for imposing on persons offending against the byelaws a fine not exceeding £50 and in the case of a continuing offence a further sum not exceeding £5 for each day during which the offence continues after conviction therefor.

(2) Section 222 (Byelaws may be enforced by infliction of penalties) of the Act of 1858 is hereby repealed.

Power to remove pallets.

6.—(1) For the purpose of facilitating the working of the docks, the Board may remove from any quay, transit shed or other land of the Board to a place of storage any pallet designed or used for conveying or handling goods:

Provided that this subsection shall not apply to a pallet owned by a person licensed by the Board under Part I of the Docks and Harbours Act 1966 and used by him in connection with the work for which he is licensed, if the pallet is so marked as to be readily identifiable by the Board as his property. 1966 c. 28.

(2) (*a*) Where the Board has removed a pallet under subsection (1) of this section, it may as it thinks fit, subject to paragraph (*b*) of this subsection, after the expiration of twenty-eight days from the date of removal, destroy, appropriate, sell or otherwise dispose of the pallet so removed and may retain for its own use and benefit any proceeds arising from any such sale or disposal.

(*b*) If a pallet so removed is so marked as to be readily identifiable by the Board as the property of any person the Board shall, before destroying, appropriating, selling or otherwise disposing of the pallet give to the owner not less than fourteen days' notice of its intention so to do, and the owner may, within the said period of fourteen days, retake possession of the pallet on payment to the Board of the reasonable expenses incurred by it under this section in relation to the pallet.

(3) A notice given by the Board under subsection (2) of this section may be given by sending it by registered post or recorded delivery service addressed to the person to be notified at his last known place of business or abode in the United Kingdom.

Costs of Act.

7. 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.

Section 4.

SCHEDULE

AMENDMENTS

Enactment (1)	Section (2)	Marginal note (3)	Amendment (4)
Liverpool Pilotage Order, 1920	16	Application of surplus from pilot boat account	The words " in or as soon as may be after the month of August in every year " shall be omitted.
	20	Annuity fund to be continued	In subsection (3) the words from and including " in the month of August " to the end of the subsection shall be omitted and the words " as soon as practicable " shall be substituted.
Act of 1936	2	Interpretation	The definition of " year " shall be omitted and the following definition shall be inserted:— " ' financial year ' means the period of twelve months applied by any enactment to, or from time to time adopted in lieu thereof by, the Board as the accounting period of the Board and any intermediate accounting period (whether shorter or longer than a year) adopted by the Board solely for the purpose of changing the financial year;".
	11	Interest chargeable against conservancy revenue account	In subsection (1) before the word " year " wherever it occurs, the word " financial " shall be inserted.
	13	Application of revenue	In subsection (1) before the word " year " wherever it occurs, the word " financial " shall be inserted.
	17	Formation of and payments into sinking fund	(i) Subsection (1) shall be omitted and the following subsection shall be substituted:— " (1) (*a*) The Board shall in respect of the amount of thirty-eight million seventy-five thousand six hundred and fifty-one pounds one shilling and four pence (being the amount obtained by deducting from the total expenditure of the Board on capital account prior to the appointed day the total amount of surplus revenue applied by the Board prior to the appointed day to the repayment of money borrowed by the Board

SCH. —*cont.*

Enactment (1)	Section (2)	Marginal note (3)	Amendment (4)
Act of 1936 —*cont.*			or the payment of part of such expenditure pursuant to sections 4 and 5 of the Act of 1859) pay out of their revenue into a sinking fund in every year commencing on the anniversary of the appointed day in the period of ninety years commencing on the appointed day such sum as would if accumulated with compound interest calculated at the rate of three per centum per annum (or other the prescribed rate for the time being) with annual rests amount at the end of that period to the said amount of thirty-eight million seventy-five thousand six hundred and fifty-one pounds one shilling and four pence; and (*b*) If in the financial year which commenced on the appointed day or in any subsequent financial year money is expended by the Board on capital account the Board shall in respect of the total amount of the moneys so expended in that financial year or (if the Board divide the same pursuant to subsection (8) of this section in respect of a financial year subsequent to the first day of July nineteen hundred and fifty-seven) each divided part thereof pay out of their revenue into the sinking fund in every year during a period of ninety years commencing on the day following the end of the financial year in which the moneys were so expended such sum as would if accumulated with compound interest calculated at the rate of three per centum per annum (or other the prescribed rate for the time being) with annual rests amount at the end of that period to the total amount of moneys so expended; or as the case may be of the several divided parts thereof: Provided that where pursuant to paragraph (*a*) or paragraph (*b*) of this subsection the Board are required to make a payment into the sinking fund in a year which comprises parts of two financial years a proportionate part of the said payment (calculated to the nearest twelfth part) shall be made in each of the two financial years." (ii) In subsection (2) for the words from the beginning of the subsection to and including the words

SCH. —*cont.*	Enactment	Section	Marginal note	Amendment
	(1)	(2)	(3)	(4)
	Act of 1936 —*cont.*			"shall constitute" the following words shall be substituted:— "For the purposes of this Act— (*a*) the said amount of thirty-eight million seventy-five thousand six hundred and fifty-one pounds one shilling and four pence; and (*b*) the total amount of the moneys expended by the Board on capital account in each financial year subsequent to the first day of July nineteen hundred and thirty-five or (if the Board divide the same pursuant to subsection (8) of this section) in respect of a financial year subsequent to the first day of July nineteen hundred and fifty-seven each divided part thereof; shall constitute".
				(iii) At the end of subsection (4) the following proviso shall be inserted:— "Provided that where the Board are required to make a payment into the sinking fund in a year which comprises parts of two financial years a proportionate part of the said payment (calculated to the nearest twelfth part) shall be made in each of the two financial years."
		21	Payments into sinking fund of proceeds of sale	Before the word "year" the word "financial" shall be inserted.
		25	Adjustments on purchase of Board's securities	Before the word "year" wherever it occurs the word "financial" shall be inserted.
		28	Annual return to Minister	For the words "and including the last preceding first day of July" the words "the end of the last preceding financial year" shall be substituted.
	The Act of 1945	4	Definitions	The definition of "year" shall be omitted and the following definition shall be inserted:— "'financial year' means the period of twelve months applied by any enactment to, or from time to time adopted in lieu thereof by, the Board as the accounting period of the Board and any

SCH. —*cont.*

Enactment (1)	Section (2)	Marginal note (3)	Amendment (4)
The Act of 1945—*cont.*			intermediate accounting period (whether shorter or longer than a year) adopted by the Board solely for the purpose of changing the financial year;".
	51	Accounts and audit	In subsections (1) to (4) before the word "year" wherever it occurs the word "financial" shall be inserted.
The Act of 1958	10	Amendment of section 17 of Act of 1936	Paragraphs (i) and (ii) shall be omitted.

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Mersey Docks and Harbour Board Act 1967

CHAPTER vi

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