CHAPTER xxi.

An Act to authorise the Mersey Docks and Harbour Board to construct an additional branch dock in connection with their Canada Dock and for other purposes. [2nd July 1901.]

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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 (in this Act called "the Board") were incorporated for the purposes therein mentioned:

And whereas by the Mersey Dock (Liverpool Dock Extension) Act 1873 the Board were for the purpose of affording additional accommodation to the trade of the port of Liverpool authorised to construct amongst other works various docks and works in extension northwards of their then existing docks upon the Liverpool side of the River Mersey and to alter the entrance to their Canada Basin which forms the approach to such new docks and works from the river:

And whereas by the Mersey Dock (Canada Entrances) Act 1876 the Board were authorised to construct certain piers or jetties for the purpose of improving the entrance to the Canada Basin and the approaches to the said new docks:

And whereas by the Mersey Dock Act 1891 and the Mersey Dock (New Works) Act 1898 in order to meet the requirements of the trade of the port and having regard to the increased and increasing size of vessels frequenting the port the Board were authorised to alter deepen and improve some of their existing works and construct other works in the northern portion of their Liverpool Dock estate including new entrances from the River Mersey and to deepen the navigable waterway of that river at or

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near such new entrances the works so authorised including amongst other things the deepening of part of Canada Basin and the lengthening and deepening of Canada Lock (which basin and lock formed the approach to Canada Dock from the River Mersey):

And whereas in order to meet the constantly increasing requirements of the trade of the port it is expedient that further accommodation should be provided in connection with the Canada Dock and that the Board be empowered to construct on lands already belonging to them the additional branch dock by this Act authorised and to raise further money for that purpose:

And whereas plans and sections of the dock by this Act authorised showing the lines or situation and levels thereof and the lands on which the same is intended to be made and a book of reference to the plans have been deposited with the clerk of the peace for the county palatine of Lancaster and are in this Act referred to as "the deposited plans and sections and book of reference" respectively:

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:—

Short title.

1. This Act may be cited as the Mersey Docks (Canada Dock Works &c.) Act 1901.

Incorporation of Acts.

2. The Lands Clauses Acts (except the sections of the Lands Clauses Consolidation Act 1845 numbered 127 to 132) and so much of the Mersey Dock Acts Consolidation Act 1858 (in this Act called "the Act of 1858") as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act) except so far as those meanings may be inconsistent with this Act are respectively incorporated with and form part of this Act and in construing the Lands Clauses Acts the Board shall be deemed the promoters of the undertaking.

Power to make dock.

3. Subject to the provisions of this Act the Board may make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the dock herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose The dock herein-

before referred to and authorised by this Act will be situate in the county palatine of Lancaster and is—

A dock (the Canada Branch Dock No. 2) in the townships or parishes of Kirkdale and Walton-on-the-Hill or one of them in the county borough and city of Liverpool commencing in the east side of Canada Dock and extending thence eastward for a distance of 940 feet or thereabouts and being 300 feet or thereabouts in width from north to south the centre of the intended dock being opposite or nearly opposite Brunswick Place.

Power to make subsidiary works.

4. In connexion with or for the purposes of the dock by this Act authorised the Board may from time to time make and maintain all necessary and proper approaches roads warehouses sheds buildings yards shipping places wharves custom houses roofs watch-houses staiths jetties stairs landing-places stages quays fences gates entrances slips cranes hydraulic and other lifts dolphins buoys moorings mooring-chains sewers drains culverts sluicing apparatus railways tramways stations pumping arrangements and other works and conveniences and may so far as may be necessary cross alter stop up take up and divert highways pipes and sewers within the townships or parishes aforesaid and may dredge and deepen their existing docks and may take and impound water from the River Mersey.

Lateral and vertical deviations.

5. In executing the works by this Act authorised the Board may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding ten feet.

Applying section 5 of Mersey Dock Act 1891.

6. Section 5 (For protection of corporation of Liverpool) of the Mersey Dock Act 1891 shall extend and apply to and in the case of the works by this Act authorised and to the Board in respect thereof as if that section were expressly enacted in this Act.

For protection of corporation of Liverpool.

7. The following provisions shall have effect for the protection of the mayor aldermen and citizens of the city of Liverpool (hereinafter called "the corporation") unless otherwise agreed between the Board and the corporation :—

(1) Whenever any of the water mains or pipes of the corporation are severed or interfered with by the works authorised by this Act and whenever it is thereby necessary for maintaining the supply of water to lay additional water mains or pipes such

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additional water mains or pipes shall previous to the severance or interference be laid by the corporation at the expense of the Board:

(2) If by reason of the execution of any of the powers of this Act any increased length of water mains or pipes becomes necessary the same shall be laid down by the corporation at the expense of the Board upon such plan and in such manner as may be approved of by the corporation:

(3) Whenever by the appropriation or destruction of property by this Act authorised any water mains or pipes laid for the supply of such property (except pipes inside such property) are rendered unnecessary the Board shall pay the corporation the cost of laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary as estimated by the water engineer of the corporation and the water mains and pipes so rendered unnecessary shall be the property of the Board:

(4) The Board shall from time to time pay to the corporation all sanitary and other municipal rates leviable by or payable to the corporation upon the respective assessments of any lands or property acquired by the Board under the powers and for the purposes of this Act or a proportion of such rates respectively from the time such lands or property shall be acquired by the Board until the Board's works are completed or until the same have been sold as surplus lands and the amount of such rates payable by the Board shall be computed according to the assessments of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down.

Period for completion of dock.

8. If the dock by this Act authorised and shown on the deposited plans and sections is not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Works to be deemed docks within meaning of Act of 1858.

9. For the purposes of rates and for all other purposes the works by this Act authorised and each and every of them shall be deemed to be docks within the meaning of the Act of 1858 and any Act or Acts amending the same.

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Works to be deemed authorised works within meaning of Acts of 1858 and 1867.

10.—(1) The works by this Act authorised shall be deemed to be works authorised to be erected established and maintained by the Board within the meaning of section 284 of the Act of 1858 and shall also be deemed to be works for the improvement of the Mersey Dock estate on the Liverpool side of the River Mersey within the meaning of section 5 of the Mersey Docks (Various Powers) Act 1867.

(2) All works for or in connexion with the dock shown on the deposited plans and sections already constructed by the Board and the expenditure of money by the Board for or in connexion with the construction of such works are hereby sanctioned and confirmed and shall be deemed to have been constructed and made respectively under the powers of this Act.

Further borrowing powers.

11. Subject to the provisions of this Act the Board may from time to time for the purposes of this Act and for enlarging and extending their existing warehouses and sheds and other accommodation in connexion with the works by this Act authorised borrow at interest on the security of the rates for the time being belonging to them (exclusive of any sum or sums of money required for the completion of the Birkenhead Docks and works and for the purposes specially provided for by the Mersey Docks and Harbour Act 1857) any further sum or sums not exceeding in the whole three hundred and fifty thousand pounds.

Application of moneys borrowed under this Act.

12. All moneys borrowed by the Board under the authority of this Act shall be applied by them for purposes of this Act to which capital is properly applicable and not otherwise.

Restriction on taking houses of labouring class.

13.—(1) The Board shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Board acquire or appropriate any house or houses for the purpose of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

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(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Saving rights of duchy of Lancaster.

14. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said duchy.

Expenses of Act.

15. 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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