# CHAPTER vii

An Act to amend certain financial and other provisions of the Mersey Tunnel Acts 1925 to 1949 and to confer further powers on the Mersey Tunnel Joint Committee and for other purposes. [6th May 1955.]

WHEREAS by the Mersey Tunnel Act 1925 the lord mayor aldermen and citizens of the city of Liverpool and the mayor aldermen and burgesses of the borough of Birkenhead were authorised to construct a tunnel for vehicular and pedestrian traffic under the river Mersey between the city of Liverpool and the county borough of Birkenhead:

And whereas it is expedient that certain of the financial and other provisions of the Mersey Tunnel Acts 1925 to 1949 should be amended as by this Act provided:

And whereas it is expedient that further powers be conferred on the Mersey Tunnel Joint Committee as in this Act contained and that the other provisions of this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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.**—This Act may be cited as the Mersey Tunnel Act 1955 and the Mersey Tunnel Acts 1925 to 1949 and this Act may be together cited as the Mersey Tunnel Acts 1925 to 1955.

Interpretation.

**2.**—(1) In this Act unless the subject or context otherwise requires the following expressions have the following meanings:—

"Act of 1925" means the Mersey Tunnel Act 1925;

"Act of 1933" means the Mersey Tunnel Act 1933;

"Act of 1949" means the Mersey Tunnel Act 1949;

"borough" means the county borough of Birkenhead;

"Birkenhead Corporation" means the mayor aldermen and burgesses of the borough acting by the council of the borough;

"city" means the city of Liverpool;

"Liverpool Corporation" means the lord mayor aldermen and citizens of the city acting by the council of the city;

"corporations" means the Liverpool Corporation and the Birkenhead Corporation;

"Joint Committee" means the Mersey Tunnel Joint Committee incorporated by the Act of 1925;

"tunnel" means the tunnel and works authorised by the Mersey Tunnel Acts 1925 to 1933.

(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.

Amendment of section 83 of Act of 1925.

**3.**—(1) The Mersey Tunnel Acts 1925 to 1955 shall have effect as if in section 83 of the Act of 1925 as set out in section 9 of the Act of 1933 the following subsections were substituted for subsection (1) of the said section 83:—

"(1) At the end of each half-year of the period during which the tolls by this Act authorised to be collected shall continue to be collected there shall subject to the provisions of the next following subsection be transferred from the revenue account of the Joint Committee and carried to an account to be called the 'loans equalization fund'—

(*a*) a sum equal to the amount by which the said tolls received in such half-year shall exceed the aggregate of—

(i) the cost of collecting the said tolls in that half-year; and

(ii) the amount of the charges payable in that half-year in respect of interest on and repayment of principal of the loans raised by the Liverpool Corporation for and on behalf of the corporations and for and on behalf of the Joint Committee for the purposes of the Mersey Tunnel Acts 1925 to 1955; and

(iii) the appropriate amount of the income tax (if any) paid or payable (by deduction or otherwise) by the Joint Committee; and

(iv) any sums set aside in that half-year and paid into any renewals fund or reserve fund which the Joint Committee may be required or authorised to provide; and

(v) any excess of expenditure over income in that half-year in respect of the ferries undertaking of the Birkenhead Corporation as from time to time existing; and

(vi) the cost to the Joint Committee in that half-year of policing the tunnel; and

(*b*) a further sum equal to one and a half per centum (or such other percentage as from time to time may be approved by the Minister of Housing and Local Government) of the amount standing to the credit of the loans equalization fund on the first day of such half-year.

(1A) In any half-year in which the sum referred to in paragraph (*a*) of subsection (1) of this section shall exceed twenty-five thousand pounds—

(*a*) out of such excess there shall be paid to the Liverpool Corporation and to the Birkenhead Corporation for the credit of the general rate fund of the city and of the general rate fund of the borough respectively sums equal to one-half of the respective amounts provided by the corporations in the year comprising such half-year pursuant to section 81 of this Act and if in any half-year such excess shall be insufficient for the payment of sums calculated as aforesaid such sums shall be abated and reduced proportionately; and

(*b*) if after the sums calculated in manner provided by the foregoing sub-paragraph of this subsection have been paid in full there shall remain any balance of such excess there may be paid out of the said balance to the Liverpool Corporation and to the Birkenhead Corporation for the credit of the general rate fund of the city and of the general rate fund of the borough respectively sums bearing to each other the same proportion as the amount which would be produced by a general rate of one penny in the pound in the city bears to the amount which would be produced by a general rate of one penny in the pound in the borough:

Provided that no payment shall be made under the foregoing provisions of this subsection in any

half-year unless the amount then standing to the credit of the loans equalization fund shall be not less than the amount which would have been provided by the transfer to the said fund of the sum of twenty-five thousand pounds at the end of each half-year during which such tolls shall have been collected together with the accumulation of compound interest on the said sums at the rate of three per centum per annum or such other rate as may be approved by the Minister of Housing and Local Government."

(2) Section 7 (Amendment of section 83 of Act of 1925) of the Act of 1949 is hereby repealed.

Amendment of section 63 of Act of 1925.

**4.**—(1) The Mersey Tunnel Acts 1925 to 1955 shall have effect as if for the references to a period of twenty-one years from and after the opening of the tunnel for public traffic in section 63 (Birkenhead ferry undertaking to be worked under direction of Joint Committee) of the Act of 1925 there were substituted references to a period of forty years from and after the opening of the tunnel for public traffic or the period during which the Joint Committee are authorised to demand take and recover tolls in accordance with the provisions of section 65 (Tolls) of the Act of 1925 as amended from time to time whichever is the shorter..

(2) Section 16 (As to working of Birkenhead ferry undertaking) of the Act of 1933 is hereby repealed and any notice given by the Birkenhead Corporation to the Joint Committee thereunder is hereby cancelled.

Power to Joint Committee to provide etc. alternative transport when night ferry service suspended.

**5.**—(1) So long as the ferries undertaking of the Birkenhead Corporation as from time to time existing or any part thereof is worked and managed by the Birkenhead Corporation for and on behalf of the Joint Committee pursuant to section 63 of the Act of 1925 the Joint Committee may—

(*a*) provide hire run and maintain ; or

(*b*) arrange for the provision running and maintenance of ;

such alternative means of transport between Kings Square in the borough and Kingsway in the city as may be reasonably required for the carriage of persons during the time when any part of the night ferry service provided by the Birkenhead Corporation is suspended in pursuance of section 23 (As to suspension of night ferry service) of the Birkenhead Corporation Act 1954 and the Joint Committee may do all things requisite and incidental thereto and may agree such terms and conditions as they may think fit in connection therewith.

(2) The Joint Committee may demand and take for passengers in such transport such fares and charges as the Joint Committee

may from time to time prescribe subject to the provisions of the Transport Charges &c. (Miscellaneous Provisions) Act 1954.

(3) Every passenger travelling on such transport may take with him personal luggage without extra charge.

(4) Nothing in this section shall be in derogation of the provisions of Parts IV and V of the Road Traffic Act 1930.

Amendment of section 10 of Act of 1933.

**6.**—Section 10 (Renewals fund) of the Act of 1933 as amended by section 8 (Amendment of section 10 of Act of 1933) of the Act of 1949 shall have effect as if the words " one million pounds " were substituted for the words " five hundred thousand pounds ".

Amendment of section 11 of Act of 1933.

**7.** Section 11 (Reserve fund) of the Act of 1933 as amended by section 9 (Amendment of section 11 of Act of 1933) of the Act of 1949 shall have effect as if the words " five hundred thousand pounds " were substituted for the words " two hundred thousand pounds ".

Custody of lost property.

**8.**—(1) The Joint Committee may make byelaws for securing the safe custody and redelivery or disposal of any property accidentally left in any premises used for the purposes of or in connection with the tunnel or in any vehicles (other than public service vehicles as defined in the Road Traffic Acts 1930 to 1947) of the Joint Committee and for fixing the charges to be made by the Joint Committee in respect thereof.

(2) (*a*) All byelaws from time to time made in pursuance of this section shall be made under and according to the provisions of sections 250 and 251 of the Local Government Act 1933 as if the Joint Committee were a local authority within the meaning of that Act and the provisions of section 252 of the said Act shall apply to such byelaws.

(*b*) For the purposes of the said sections 250 to 252 in their application to this section the Minister of Transport and Civil Aviation shall be the confirming authority.

Amendment of section 10 of Act of 1949.

**9.** Section 10 (Adjustment of liabilities of corporations) of the Act of 1949 shall have effect as if—

(i) after the word " corporations " there were inserted the words " or either or both of the corporations and the Joint Committee ";

(ii) for the words " either party " there were substituted the words " any of such parties ";

(iii) for the figures " 1949 " there were substituted the figures " 1955 "; and

(iv) for the words " of the other party " there were substituted the words " of any of the other parties ".

Power to Liverpool Corporation to borrow and repayment of borrowed moneys.

**10.** The Liverpool Corporation for and on behalf of the corporations or for and on behalf of the Joint Committee may (in addition to any moneys which they are now authorised to borrow or which they may hereafter be authorised to borrow) borrow at interest without the consent of any sanctioning authority the sum requisite for the payment of the costs charges and expenses of this Act and all moneys so borrowed shall be chargeable on the "revenues of the Corporation" as defined by the Liverpool Corporation Act 1921 and shall be repaid within such period as the corporations may determine not exceeding five years from the passing of this Act.

Costs of Act.

**11.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Joint Committee out of revenue or out of their reserve fund in such amounts as the Joint Committee shall determine or out of moneys to be borrowed by the Liverpool Corporation for the purposes of this Act.

*Table of Statutes referred to in this Act*

| Short title | Session and chapter |
|---|---|
| Liverpool Corporation Act 1921 ... ... ... | 11 & 12 Geo. 5 c. lxxiv. |
| Mersey Tunnel Act 1925 ... ... ... ... | 15 & 16 Geo. 5 c. cx. |
| Road Traffic Act 1930 ... ... ... ... | 20 & 21 Geo. 5 c. 43. |
| Local Government Act 1933 ... ... ... | 23 & 24 Geo. 5 c. 51. |
| Mersey Tunnel Act 1933 ... ... ... ... | 23 & 24 Geo. 5 c. xxxix. |
| Mersey Tunnel Act 1949 ... ... ... ... | 12 & 13 Geo. 6 c. xxxii. |
| Transport Charges &c. (Miscellaneous Provisions) Act 1954 ... ... ... ... ... ... | 2 & 3 Eliz. 2 c. 64. |
| Birkenhead Corporation Act 1954 ... ... | 2 & 3 Eliz. 2 c. xlvii. |

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 6*d*. net
PRINTED IN GREAT BRITAIN
(38274)

# Mersey Tunnel Act, 1955

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