**ELIZABETH II**




# 1972 CHAPTER xvi

An Act to amend certain financial provisions of the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965 and the Mersey Tunnel (Liverpool/Wallasey) Act 1968; to amend the maximum amount of the fine which may be imposed for breach or non-observance of byelaws made under the said Act of 1965; and for other purposes.

[29th June 1972]

WHEREAS by the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965 the lord mayor, aldermen and citizens of the city of Liverpool, the mayor, aldermen and burgesses of the county borough of Birkenhead and the mayor, aldermen and burgesses of the county borough of Wallasey (in this Act respectively referred to as "the Liverpool Corporation", "the Birkenhead Corporation" and "the Wallasey Corporation") were authorised to construct a tunnel for vehicular traffic under the river Mersey with approach roads at each end between the city of Liverpool and the county borough of Wallasey: 1965 c. xl.

1968 c. xii.

And whereas by the Mersey Tunnel (Liverpool/Wallasey) Act 1968 the Liverpool Corporation, the Birkenhead Corporation and the Wallasey Corporation were authorised to construct a tunnel for vehicular traffic under the river Mersey adjacent to the tunnel authorised by the said Act of 1965:

And whereas the Mersey Tunnel Joint Committee, a joint committee of representatives of the Liverpool Corporation, the Birkenhead Corporation and the Wallasey Corporation (in this Act referred to as " the joint committee ") is authorised to exercise for and on behalf of the said Corporations, the powers conferred on them by the said Acts of 1965 and 1968 in respect of the construction and operation of the said tunnels and approach roads:

And whereas the Liverpool Corporation, for and on behalf of the said Corporations, or for and on behalf of the joint committee, or the joint committee, are empowered to borrow moneys for defraying capital expenditure incurred for the purposes of the said Acts of 1965 and 1968 and for paying interest on such borrowed moneys:

And whereas provision is made in the said Acts of 1965 and 1968 for the sums to be provided for the redemption of such borrowed moneys to be suspended until the opening for public traffic of the said tunnels and approach roads and, during such suspension, for the payment of interest out of capital:

And whereas it is expected that after the opening for public traffic of the said tunnels and approach roads annual deficits will arise in the accounts of the joint committee until 1977:

And whereas it is expedient to amend the provisions of the said Acts of 1965 and 1968 so as to authorise the sums to be provided for the redemption of such borrowed moneys to be suspended until the toll income exceeds the expenditure of the joint committee and, during such suspension, to authorise the payment out of capital of interest on such moneys:

And whereas it is expedient to vary as in this Act provided the maximum amount of the fine which may be imposed for breach or non-observance of byelaws made under the said Act of 1965:

And whereas it is expedient that the other powers in this Act contained should be conferred and that the other provisions in this Act contained should be enacted:

And whereas the objects 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:

1933 c. 51.

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.**—(1) This Act may be cited as the Mersey Tunnel Act 1972.

(2) The Mersey Tunnel Acts 1925 to 1968 and this Act may be cited together as the Mersey Tunnel Acts 1925 to 1972.

Interpretation.

**2.**—(1) In this Act unless the subject or context otherwise requires—

"Act of 1965" means the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965; 1965 c. xl.

"Act of 1968" means the Mersey Tunnel (Liverpool/Wallasey) Act 1968. 1968 c. xii.

(2) Subject to the provisions of this section, in this Act the several words and expressions to which meanings are assigned by the Act of 1965, or the Acts wholly or partly incorporated with that Act, shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(3) Any reference in this Act to an 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 33 of Act of 1965 and section 14 of Act of 1968.

**3.**—(1) The Act of 1965 shall have effect as if the following section were substituted for section 33 of that Act, namely:—

"33. Notwithstanding anything in any Act it shall be lawful for the sums to be provided for the redemption of borrowed moneys for or in respect of the purposes (*b*), (*c*) and (*e*) referred to in subsection (1) of the last preceding section of this Act to be suspended until the 31st March, 1977, or until such later date, not beyond the 31st March 1980, as the Secretary of State may allow.".

(2) The Act of 1968 shall have effect as if the following section were substituted for section 14 of that Act, namely:—

"14. Notwithstanding anything in any Act it shall be lawful for the sums to be provided for the redemption of borrowed moneys for or in respect of the purposes (*b*), (*c*) and (*e*) referred to in subsection (1) of the last preceding section of this Act to be suspended until the 31st March 1977, or until such later date, not beyond the 31st March 1980, as the Secretary of State may allow.".

(3) The provisions of subsection (1) of this section shall be deemed to have had effect from the date of the opening for public traffic of the tunnel and approaches authorised by the Act of 1965.

Byelaws.

**4.**—(1) Subsection (3) of section 49 (Byelaws) of the Act of 1965 shall have effect as if for the words " ten pounds " there were substituted the words " the sum fixed by section 251 of the Local Government Act 1933 as amended by section 92 of, and Part II of Schedule 3 to, the Criminal Justice Act 1967 in respect of the contravention of byelaws made by a local authority under the provisions of the said Act of 1933, or such other sum as may from time to time be fixed in respect thereof by any subsequent enactment.".

1933 c. 51.
1967 c. 80.

(2) The byelaws made under the said section 49 and in force at the passing of this Act shall have effect as if the maximum amount of the fine which may be imposed on conviction of a breach or non-observance of such byelaws were instead of the amount of ten pounds the sum fixed by the said section 251 as so amended in respect of the contravention of byelaws made by a local authority under the provisions of the Local Government Act 1933 or such other sum as may from time to time be fixed in respect thereof by any subsequent enactment.

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

**5.** The Liverpool Corporation, 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 Corporation may determine not exceeding five years from the passing of this Act.

1921 c. lxxiv.

Costs of Act.

**6.** The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act, 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.

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