

Mersey Docks and Harbour Board Act, 1958

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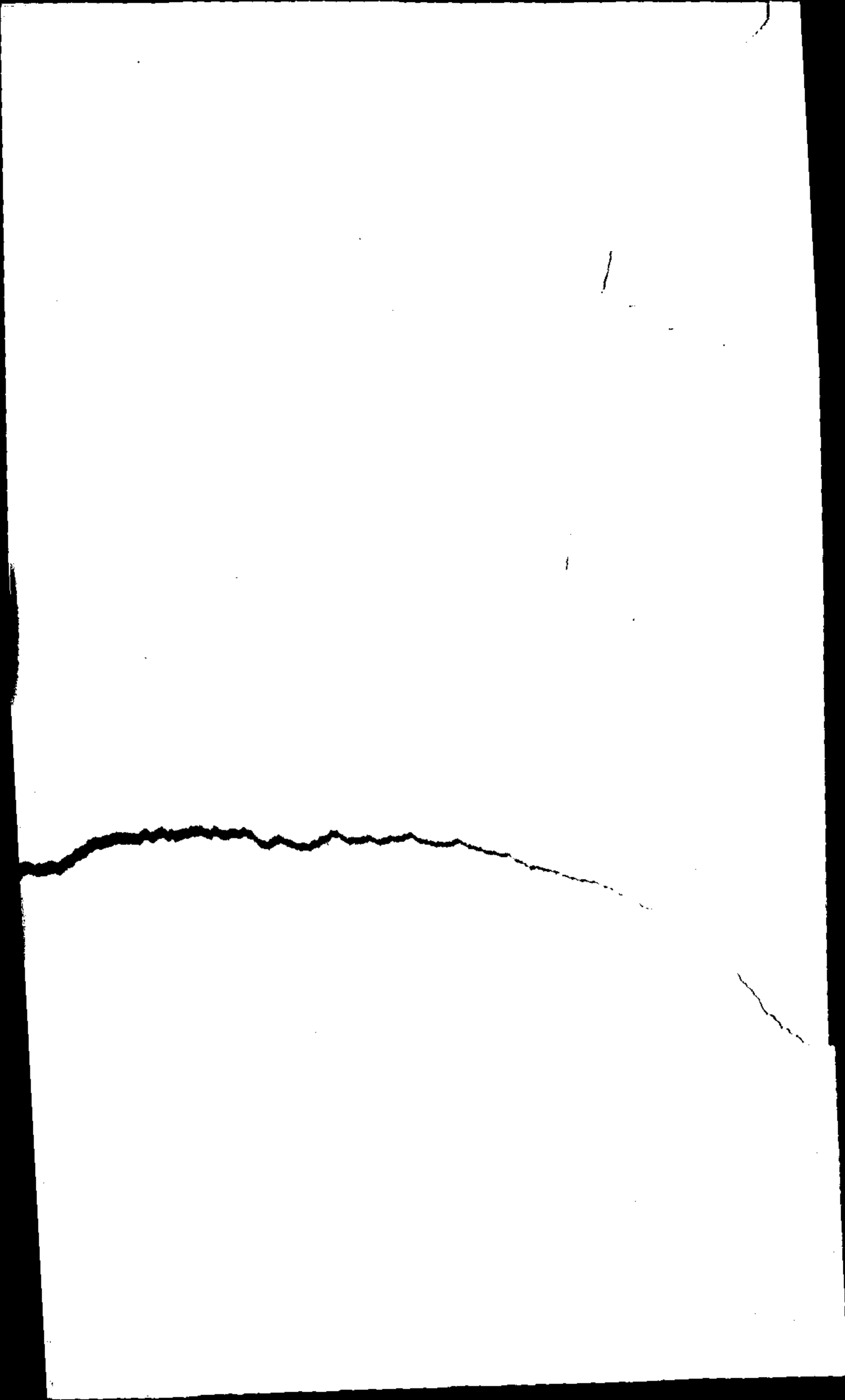
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CHAPTER vii

An Act to make further provision with respect to rates and charges leviable by the Mersey Docks and Harbour Board to increase the borrowing powers of the Board and for other purposes. [30th April 1958.]

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") were 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:

And whereas the amounts of the rates numbered 1 to 9 in the First Schedule to this Act which the Board are authorised to demand and take are laid down in the respective Acts relating to the Board set out in the third column of that schedule:

And whereas the amounts of the rates numbered 10 to 13 in the First Schedule to this Act which the Board are authorised to demand and take were immediately prior to the twenty-fifth day of November nineteen hundred and fifty-four (the date when the Transport Charges &c. (Miscellaneous Provisions) Act 1954 received the Royal Assent) subject to alteration by the Board with the approval of the Minister of Transport and Civil Aviation (formerly the Board of Trade) and the Board have exercised these powers from time to time in relation to town dues anchorage dues Princes Landing Stage rates and river wall rates the last respective approvals of which are set out in the third column of the said schedule:

And whereas the said Act of 1954 has prescribed machinery for revision by the said Minister of rates and charges relating to harbour undertakings including the Board and has repealed the provisions of the Acts relating to the Board which formerly authorised the Minister to approve alterations in charges or to revise charges:

And whereas it is expedient that the amounts of the rates set out in the First Schedule to this Act as at present authorised should be increased as in this Act provided:

And whereas by the said Act of 1857 and subsequent Acts the Board have been authorised to raise money on the security of the rates leviable by them by borrowing on bond and by the grant of annuities and by the issue of stock and temporarily by the issue of bills and promissory notes and it is expedient that the powers of the Board of raising money should be increased for the purposes and to the extent by this Act provided:

And whereas it is expedient that further powers be conferred on the Board and that the Acts relating to the Board be amended in certain respects 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 1958.

Interpretation. 2. 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—

“ the Act of 1857 ” means the Mersey Docks and Harbour Act 1857;

“ the Act of 1858 ” means the Mersey Dock Acts Consolidation Act 1858;

- “ the Act of 1860 ” means the Mersey Docks (Ferry Accommodation) Act 1860;
- “ the Act of 1867 ” means the Mersey Docks (Various Powers) Act 1867;
- “ the Act of 1873 ” means the Mersey Dock (Liverpool Dock Extension) Act 1873;
- “ the Act of 1893 ” means the Mersey Dock (Various Powers) Act 1893;
- “ the Act of 1889 ” “ the Act of 1919 ” “ the Act of 1920 ” “ the Act of 1923 ” “ the Act of 1936 ” “ the Act of 1945 ” “ the Act of 1950 ” “ the Act of 1954 ” and “ the Act of 1956 ” mean the Mersey Docks and Harbour Board Acts of those respective years;
- “ 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 relating to the Board other than the Pilotage Orders Confirmation (No. 1) Act 1920;
- “ seaplane ” includes a flying boat and any other aircraft designed to manœuvre on water;
- “ the sinking fund ” means the sinking fund formed by the Board pursuant to the provisions of section 17 (Formation of and payments into sinking fund) of the Act of 1936;
- “ the undertaking ” means the undertaking of the Board as for the time being authorised;
- “ vessel ” includes any vessel ship lighter keel barge boat raft pontoon and craft of any kind however navigated propelled or moved and any seaplane when on the surface of water;
- “ the Works Act 1858 ” means the Mersey Docks and Harbour (Works) Act 1858;
- “ year ” means a period of twelve months commencing on the second day of July.

3. The rates specified in the second column of the First Schedule to this Act which the Board are authorised to demand and take in pursuance of the provisions set out in the third column of that schedule shall respectively be increased as follows:—

- (i) the rates numbered 1 to 12 inclusive in the first column of that schedule by twenty-five per centum;

(ii) the rates numbered 13 in that column by forty per centum;

and the existing Acts shall be read and have effect accordingly.

Power to Board to charge differential rates.

4. The Board may if they think fit from time to time charge on vessels or goods using the docks or any of them or any part thereof or in any particular trade or trades such rates lower than the rates which the Board are for the time being authorised to demand and take in pursuance of any existing or subsequent Act as they may think expedient without lowering the same on other vessels or goods and any of the rates so lowered may be afterwards from time to time advanced as the Board may see fit but so that the same shall not exceed the amount so authorised.

Amendment of section 13 of Act of 1950.

5. Section 13 (Power to lower and raise rates) of the Act of 1950 shall be read and have effect as if instead of the words "authorised by or under this Act" there were substituted the words "which the Board are for the time being authorised to demand and take in pursuance of any existing or subsequent Act".

Applying section 255 of Act of 1858 to town dues.

6. The provisions of section 255 (Regulations for charging Dock Rates on Goods and Payment secured as herein stated) of the Act of 1858 shall apply to the town dues in like manner as they apply to dock rates.

Power to compound for rates on goods.

7. The Board may from time to time compound for such period and on such terms including the basis of calculation as the Board think fit with any person liable to pay rates on goods with respect to the payment of any such rates:

Provided that the Board shall if so required by any person liable to pay rates on goods imported or exported in like circumstances from or to the same place compound with that person for the payment of such rates for the like period and on the like terms.

Recovery of rates.

8.—(1) Any charges payable to the Board in respect of a seaplane in pursuance of section 7 (Power to independent harbour undertakings to make charges in respect of seaplanes etc.) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 shall be paid to the Board by the owner or person in charge of the seaplane.

(2) Town dues payable on any goods and anchorage dues payable on any vessel shall respectively be paid to the Board by the owner of the goods and by the owner or master of the vessel.

9.—(1) In section 9 (Power to charge interest to capital) of the Act of 1936 for the words “four per centum per annum” there shall be substituted the words “six per centum per annum”.

Amendment
of section 9
of Act of
1936.

(2) Notwithstanding the proviso to section 9 of the Act of 1936 the Board may for the purposes of the completion of the works referred to in section 12 of the Act of 1954 charge in the case of each of those works interest to capital in accordance with the aforesaid section 9 for a period of ten years from the resumption of that work after the passing of this Act.

10. In section 17 (Formation of and payments into sinking fund) of the Act of 1936—

Amendment
of section 17
of Act of
1936.

(i) in paragraph (b) of subsection (1) of that section there shall be inserted before the word “pay” the words “or (if the Board divide the same pursuant to subsection (8) of this section) in respect of each divided part thereof” and there shall be inserted at the end of the paragraph the words “or (as the case may be) of the several divided parts thereof”;

(ii) in subsection (2) of that section for the words from the beginning of the subsection to and including the words “shall be deemed to constitute” there shall be substituted the words “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 fourpence; and

(b) the total amount of the moneys expended by the Board on capital account in each year between the first day of July nineteen hundred and thirty-five and the second day of July nineteen hundred and fifty-seven; and

(c) the total amount of the moneys expended by the Board on capital account in each year subsequent to the first day of July nineteen hundred and fifty-seven or if the Board determine to divide the same pursuant to subsection (8) of this section each divided part thereof;

shall constitute”; and

(iii) the following subsection shall be inserted at the end of that section:—

“(8) The Board may by resolution at any time prior to making any payment into the sinking fund in respect of the moneys expended by the Board on capital account in any year divide the total amount so expended into such parts as the Board may think fit.”

Mutual
insurance
of property.

11.—(1) In addition to any other powers vested in the Board the Board may if they think fit from time to time insure any property in which they have for the time being an insurable interest against such risks as the Board think proper by entering the same in a protection club or other association for mutual insurance.

(2) In the event of the Board exercising the powers of subsection (1) of this section they may out of the revenues of the Board pay and discharge any calls or other sums of money which they are required to pay under the rules and regulations of the club or association or the terms of the policy governing the said insurance.

Period for
completion
of works.

12. The period now limited by section 9 (Period for completion of works) of the Act of 1945 for the completion of the works described in and authorised by section 5 (Power to construct works) of that Act is hereby extended until the first day of January nineteen hundred and sixty-six.

Further
borrowing
powers for
works
conservancy
and general
purposes.

13. The Board may from time to time borrow at interest on the security of the rates which they are for the time being authorised to demand and take any further sum or sums not exceeding in the whole—

- (i) for the purposes of the works authorised by the Act of 1945 an additional one million pounds;
- (ii) for the purposes of the works authorised by the Act of 1956 an additional one million pounds;
- (iii) for conservancy purposes an additional one million pounds;
- (iv) for the general purposes of their undertaking an additional two million five hundred thousand pounds.

Application
of moneys.

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

Saving for
powers of
Treasury.

15. It shall not be lawful to exercise the powers of borrowing conferred 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 etc.) of the Borrowing (Control and Guarantees) Act 1946.

Repeal.

16. The enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the fourth column to that schedule.

Costs of Act.

17. The Board out of any moneys for the time being in their hands shall pay and discharge all costs charges and expenses of and incident to the applying for obtaining and passing of this Act.

SCHEDULES

FIRST SCHEDULE

Section 3.

Serial	Description of rates	Authority for rates
1	Dock tonnage rates	Section 5 of the Act of 1950.
2	Harbour rates	Section 6 of the Act of 1950.
3	Additional tonnage rates	Section 7 of the Act of 1950.
4	Graving dock rates	Section 8 of the Act of 1950.
5	Dock rates on goods	Section 9 of the Act of 1950.
6	Wharf rates	Section 245 of the Act of 1858.
7	Leeds and Liverpool canal rates	Section 236 of the Act of 1858 as amended by section 3 of the Act of 1919.
8	Toll for use of Duke Street bridge	Section 52 of the Works Act 1858 as amended by section 3 of the Act of 1919.
9	Toll for use of floating bridges ...	Section 14 of the Act of 1860 as amended by section 3 of the Act of 1919.
10	Princes Landing Stage rates ...	Section 14 of the Act of 1893 section 23 of the Act of 1920 and approval of Minister of Transport dated 25th June 1953.
11	River wall rates	Section 33 of the Act of 1889 and approvals of Board of Trade dated 21st October 1889 and 22nd June 1892.
12	Anchorage dues	Section 32 of the Act of 1857 and approval of Board of Trade dated 20th December 1860.
13	Town dues	Section 32 of the Act of 1857 and approval of Minister of Transport dated 21st October 1953 as modified by approval of Minister of Transport and Civil Aviation dated 30th April 1954.

SECOND SCHEDULE

Section 16.

REPEALS

Act	Section	Marginal note	Extent of repeal
The Act of 1858	50	Provision as to Construction of Bridges over the Wapping Basin	The whole section
	255	Regulations for charging Dock Rates on Goods and Payment secured as herein stated	The words "specified in Schedule (C)".

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2ND SCH.
—cont.

Act	Section	Marginal note	Extent of repeal
The Act of 1858 —continued	271	Board may vary Town Dues &c.	The whole section so far as it is not already repealed.
The Act of 1867	12	Power for the Board to charge differential rates	The whole section.
The Act of 1873	14	Power to Board to charge differential rates	The whole section.
The Act of 1923	4	Power to charge differential rates	The whole section.
The Act of 1936	8	Rates on seaplanes goods and passengers	The whole section so far as it is not already repealed.
The Act of 1950	9	Dock rates on goods	The words "otherwise than in a seaplane" in both places where they occur.

Table of Statutes referred to in this Act

Title	Session and chapter
Mersey Docks and Harbour Act 1857	20 & 21 Vict. c. clxii.
Mersey Docks and Harbour (Works) Act 1858	21 & 22 Vict. c. xc.
Mersey Dock Acts (Consolidation) Act 1858	21 & 22 Vict. c. xcii.
Mersey Docks (Ferry Accommodation) Act 1860	23 & 24 Vict. c. cl.
Mersey Docks (Various Powers) Act 1867	30 & 31 Vict. c. ccvi.
Mersey Dock (Liverpool Dock Extension) Act 1873	36 & 37 Vict. c. cxliii.
Mersey Docks and Harbour Board Act 1889	52 & 53 Vict. c. cxl.
Mersey Dock (Various Powers) Act 1893	56 & 57 Vict. c. clxii.
Mersey Docks and Harbour Board Act 1919	9 & 10 Geo. 5 c. xiv.
Mersey Docks and Harbour Board Act 1920	10 & 11 Geo. 5 c. lxxii.
Pilotage Orders Confirmation (No. 1) Act 1920	10 & 11 Geo. 5 c. ciii.
Mersey Docks and Harbour Board Act 1923	13 & 14 Geo. 5 c. xxiii.
Mersey Docks and Harbour Board Act 1936	26 Geo. 5 & 1 Edw. 8 c. xxvii.
Mersey Docks and Harbour Board Act 1945	8 & 9 Geo. 6 c. vii.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Mersey Docks and Harbour Board Act 1950	14 Geo. 6 c. xxi.
Mersey Docks and Harbour Board Act 1954	2 & 3 Eliz. 2 c. xlv.
Transport Charges &c. (Miscellaneous Provisions) Act 1954	2 & 3 Eliz. 2 c. 64.
Mersey Docks and Harbour Board Act 1956	4 & 5 Eliz. 2 c. xcii.

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