



## CHAPTER X.

An Act to confer further powers on the Company of Proprietors of the Calder and Hebble Navigation and for other purposes. A.D. 1931.

[27th March 1931.]

**W**HEREAS by the local Act 9 Geo. III. c. 71 intituled “An Act for extending the navigation of the River Calder to Salterhebble Bridge and to Sowerby Bridge in the county of York and for repealing an Act for that purpose” the Company of Proprietors of the Calder and Hebble Navigation (hereinafter referred to as “the Company”) were incorporated for making completing and maintaining the Calder and Hebble Navigation and various powers were conferred on the Company :

And whereas by the local Act 6 Geo. IV. c. 17 intituled “An Act to enable the Company of Proprietors of the Calder and Hebble Navigation to make a navigable cut or canal from Salterhebble Bridge to Bailey Hall near to the town of Halifax in the west riding of the county of York and to amend the Act relating to the said navigation” the Company were authorised to make and maintain the canal therein mentioned and to exercise other powers :

And whereas further powers were conferred on the Company by the local Act 4 Will. IV. c. 12 intituled “An Act to enable the Company of Proprietors of the

A.D. 1931. “ Calder and Hebble Navigation to improve their  
— “ navigation and to amend the Acts relating thereto ” :

And whereas the Company were by the Canal Tolls and Charges No. 3 (Aberdare &c. Canals) Order 1894 confirmed by the Canal Tolls and Charges No. 3 (Aberdare &c. Canals) Order Confirmation Act 1894 empowered to charge the maximum tolls and wharfage charges and the minimum toll per boat and the empty boat toll specified in so much of Table A and of the special sections in the schedule to that Order as are applicable only to the Calder and Hebble Navigation and also certain exceptional and other charges as mentioned in the schedule :

And whereas by directions given by the Minister of Transport in pursuance of section 3 of the Ministry of Transport Act 1919 and dated the first day of September nineteen hundred and twenty the Company were empowered and directed during the period mentioned in that section to charge in respect of their undertaking the tolls dues and charges specified in the directions viz. the tolls dues and charges in operation on the thirty-first day of July nineteen hundred and twenty with an addition thereto of one hundred and fifty per centum :

And whereas by the Canals (Continuance of Charging Powers) Acts 1922 and 1924 the Expiring Laws Act 1925 the Expiring Laws Continuance Act 1926 the Expiring Laws Continuance Act 1927 and the Expiring Laws Continuance Act 1928 the tolls dues and charges specified in the said directions have been from time to time continued in force and will expire on the thirty-first day of December nineteen hundred and thirty-one unless further continued by Parliament :

And whereas in order to enable the Company after the said thirty-first day of December to charge adequate tolls and charges in respect of their undertaking it is expedient that the Charges Order be amended as by this Act provided :

And whereas it is expedient to confer further powers on the Company with respect to boats sunk stranded or abandoned in or liable to sink or to obstruct the said navigation and to enact the other provisions of this Act :

And whereas the purposes of this Act cannot be effected without the authority of Parliament : A.D. 1931.

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 :—

**1.**—(1) This Act may be cited as the Calder and Hebble Navigation Act 1931. Short and collective titles.

(2) The recited local Acts viz. 9 Geo. III. c. 71 6 Geo. IV. c. 17 and 4 Will. IV. c. 12 may be respectively cited as “ the Calder and Hebble Navigation Act 1768 ” “ the Calder and Hebble Navigation Act 1825 ” and “ the Calder and Hebble Navigation Act 1834.”

(3) The said recited local Acts and this Act may be cited together as the Calder and Hebble Navigation Acts 1768 to 1931.

**2.** In this Act unless the context otherwise requires— Interpretation.

“ The Company ” means the Company of Proprietors of the Calder and Hebble Navigation ;

“ The canal ” means the Calder and Hebble Navigation ;

“ The existing Acts ” means the recited local Acts 9 Geo. III. c. 71 6 Geo. IV. c. 17 and 4 Will. IV. c. 12 and those Acts are herein respectively referred to as “ the Act of 1768 ” “ the Act of 1825 ” and “ the Act of 1834 ” ;

“ The Charges Order ” means the Canal Tolls and Charges No. 3 (Aberdare &c. Canals) Order 1894 ;

“ The appointed day ” means the day on which the recited directions given by the Minister of Transport shall expire ;

“ Boat ” includes barge tug vessel and other craft of any description however propelled or moved ;

A.D. 1931.

“ Authorised tolls ” means the tolls and charges which the Company are for the time being authorised to levy in pursuance of this Act;

“ Authorised toll ” means any toll or charge which the Company are so authorised to levy;

“ The committee ” means the general committee of the directors of the Company appointed under the existing Acts;

“ The Minister ” means the Minister of Transport.

Removal  
of boats  
sunk abandoned or  
liable to  
sink.

**3.**—(1) Whenever a boat is sunk stranded or abandoned in the canal the Company may cause the boat to be raised and removed or in the case of a boat which it is not reasonably practicable to remove to be blown up or otherwise destroyed in such manner as to clear the canal therefrom.

(2) The Company may at any time prohibit the use or employment in or on the canal or any part thereof of any boat which may be liable to sink or to obstruct the navigation or use of the canal and may remove any such boat from the canal. If any such boat is so old or damaged or in such a situation or condition that it is not reasonably practicable to remove the boat as a whole the Company may break up the boat with a view to and for the purpose of removal.

(3) The Company may detain and keep any boat raised and removed under subsection (1) or removed under subsection (2) of this section and also the furniture tackle and apparel of and the cargo goods chattels and effects in such boat or in any boat broken up under subsection (2) of this section until payment be made of all expenses incurred by the Company of or connected with the raising removal and detention or breaking up of the boat.

(4) All expenses referred to in subsection (3) of this section and in the case of a boat to which subsection (1) applies all expenses incurred by the Company in raising or saving any furniture tackle and apparel of the boat and any cargo goods chattels and effects raised or saved from the boat and in marking lighting watching buoying or otherwise controlling the boat may be recovered by the Company from the owner

of the boat either summarily as a civil debt or as a debt in any court of competent jurisdiction. Provided that the Company may if they think fit and shall if so required by the owner of the boat cause any boat raised or removed under subsection (1) or removed under subsection (2) of this section and any such furniture tackle apparel cargo goods chattels and effects as aforesaid or any part of the same respectively to be sold in such manner as they think fit and out of the proceeds of the sale may after paying any duties of customs or excise which shall be payable in respect of the said cargo goods chattels and effects reimburse themselves for any such expenses as aforesaid and shall hold the surplus (if any) of those proceeds in trust for the persons entitled thereto and if such proceeds shall be insufficient to reimburse the Company such expenses the deficiency may be recovered by the Company in manner aforesaid.

(5) The Company shall (except in emergency) before raising blowing up or destroying any boat under subsection (1) or removing from the canal or breaking up any boat under subsection (2) of this section give to the owner of the boat twenty-four hours' previous notice of their intention so to do and the owner shall on giving twelve hours' previous notice to the Company before or after the expiration of such first-mentioned notice be at liberty forthwith himself to raise and remove or to remove from the canal or to break up the boat.

(6) The Company shall (except in emergency or when required by the owner to sell) before selling under the provisions of this section any boat give to the owner of the boat seven days' previous notice of their intention to sell the boat.

(7) Any notice to be given by the Company to the owner of a boat under this section shall be given by posting a prepaid letter addressed to the owner at the place in the United Kingdom where he carries on business or at his last known place of abode in the United Kingdom or if the owner or his place of business or abode is not known by exhibiting the notice for the required period at their head office.

(8) The provisions of this section shall not apply to any boat belonging to His Majesty or for the time

A.D. 1931. — being employed by any department of His Majesty's Government.

(9) The powers conferred by this section on the Company shall be in addition to and not in derogation of any other powers exercisable by them for and with respect to the removal of boats which are sunk stranded or abandoned in or are liable to sink or to obstruct the canal.

Tolls and charges.

4. From and after the appointed day the Charges Order so far as it relates to the Company shall be read and have effect as if—

(1) The maximum tolls and wharfage charges specified in Part I of so much of Table A in the schedule to the Charges Order as relates to the canal were severally increased by an amount equal to eighty-seven and a half per centum of the respective amounts thereof as so specified; and

(2) The sum of ten shillings were substituted for the sum of five shillings in each of the three places where the sum of five shillings is mentioned in special section (i) (Minimum toll per boat and toll for empty boat) of so much of the schedule to the Charges Order as relates to the canal.

Revision of tolls and charges.

5.—(1) If at any time after the expiration of one year from the appointed day it is represented by application in writing to the Minister—

(a) by any chamber of commerce or shipping or any representative body of traders or any person who is in the opinion of the Minister a proper person for the purpose; or

(b) by the Company;

that under the circumstances then existing the authorised tolls or any of them should be revised the Minister may (if he thinks fit) subject to the provisions of this section make an order revising the authorised tolls referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until it expires or is revoked or modified by a further order of the Minister made in pursuance of this section

Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section. A.D. 1931.

(2) The provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section as if—

(a) the Minister were referred to therein in lieu of the Board of Trade;

(b) the person or persons duly authorised to hold any inquiry thereunder were the rates advisory committee constituted under the Ministry of Transport Act 1919 or any sub-committee thereof to which the said advisory committee may under section 2 of the Harbours Docks and Piers (Temporary Increase of Charges) Act 1920 have delegated their powers or if the said advisory committee ceases to exist some persons with similar qualifications to be appointed for the purpose by an order of the Minister under section 2 of the said Act of 1874; and

(c) in section 4 of the said Act of 1874 the words “under the seal of the Minister of Transport” were substituted for the words “by writing” “under the hand of the President or of one of the secretaries of the Board.”

(3) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the body or persons holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

(4) Where upon an application for revision of the authorised tolls or an authorised toll an order has been made or the Minister has decided not to make an order no further application for a revision of the tolls or toll to which the application related shall be

A.D. 1931. — made within twelve months from the date of such order or decision.

Power to provide boats means of haulage &c.

**6.**—(1) The Company may from time to time build purchase take on lease hire contract for or otherwise provide and may maintain and repair boats for the use of bye-traders or any other persons carrying or conveying merchandise traffic or trading on the canal or on any canal connected therewith or otherwise using the canal and may on any of their lands provide construct repair and maintain cables and other works and apparatus for the haulage of boats and by means of any tugs works or apparatus so provided by them tow on the canal or any part thereof or with the consent of the owners thereof on any canal connected therewith any boats belonging to any such bye-traders or other persons as aforesaid.

(2) The Company may also from time to time sell or otherwise dispose of or lease or let for hire any such boats to any such bye-trader or other person as aforesaid or lend money to any such bye-trader or other person for the purpose of the purchase hire or provision and maintenance of any boats by such bye-trader or other person on such terms and conditions as the Company may think fit.

Retention and disposal of lands.

**7.** Notwithstanding anything in the existing Acts to the contrary the Company may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or held by them under the existing Acts and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Application of funds.

**8.** The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any money which they have raised



or may hereafter raise under the existing Acts and which may not be required for the purposes of those Acts and any other funds or capital money belonging to them. A.D. 1931.  
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9. The Company shall in every year within three months after the close of their financial year or such later period as the Minister may allow send to the Minister a copy of the annual accounts of their undertaking. Accounts to be sent to Minister.

10. Notwithstanding anything in the existing Acts the ordinary general assemblies of the Company shall be held in each year in the month of March or April or such other month as the Company may by resolution of a general assembly (whether ordinary or special) from time to time appoint and on such day and at such place and time as the committee may from time to time determine. Annual general assembly.

11.—(1) Ten days' notice at least of all general assemblies (whether ordinary or special) and of all special assemblies shall be given by advertisement in one or more newspapers circulating in the west riding of the county of York or in such other manner as the Company shall at any general assembly (whether ordinary or special) determine and every such notice shall specify the place and day and the time of the assembly. Notices of assemblies.

(2) Every notice of an ordinary general assembly if any business other than the business appointed by the existing Acts to be done at an ordinary general assembly is to be done thereat and every notice of a special general assembly or of a special assembly shall specify the purpose for which the assembly is called.

12. Notwithstanding anything in the existing Acts no person shall be disqualified from being a member of the committee by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any member of the committee be required to cease from voting or acting as a member of the committee by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that if he As to committee.

A.D. 1931. — is or becomes interested in any contract with the Company (whether such interest shall arise before or after his appointment as a member of the committee) the nature of his interest in the contract shall be disclosed by him at the meeting of the committee at which the contract is determined on if his interest then exists or in any other case at the first meeting of the committee after the acquisition of his interest or after his appointment and that no member of the committee shall as a member of the committee vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the members of the committee or any of them any security by way of indemnity.

Recovery  
of penalties  
&c.

**13.** Save as otherwise by the existing Acts expressly provided all offences against the existing Acts or this Act and all penalties forfeitures costs and expenses imposed or recoverable under the existing Acts or this Act or any bye-law made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery  
of demands.

**14.** Proceedings for the recovery of any demand made under the authority of the existing Acts or this Act (whether provision is or is not made for the recovery in any specified court or manner) may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Repeal and  
amend-  
ment.

**15.**—(1) The following sections of the Act of 1825 are hereby repealed :—

Section 38 (First offer thereof to be made to person from whom the same shall have been purchased);

Section 51 (First and other general assemblies of the Company).

(2) So much of the provisions of the existing Acts as relates to the notices to be given of general assemblies (whether ordinary or special) and of special assemblies

and the place or day or time of holding any such assemblies as has not been previously repealed is hereby repealed. A.D. 1931.  
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(3) Section 40 (Form of the sale and transfer of shares) of the Act of 1768 shall have effect as if the words "or in a form to the like effect" were inserted therein after the words "the following form."

(4) Section 53 (For appointing chairman and manner of voting at general and special general assemblies) of the Act of 1825 shall have effect as if—

- (a) The words "in person or by his or her proxy" were inserted therein after the words "no one proprietor shall be entitled to give";
- (b) The words "nor more than twenty votes in respect of any proxy or number of proxies" were repealed; and
- (c) The following proviso were added at the end thereof:—

"Provided also that nothing in this section shall be deemed to prevent any particular person (being one of the said Company of Proprietors) being appointed to act and vote as proxy for more than one such proprietor or proprietors."

**16.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of  
Act.

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