

ELIZABETH II



1966 CHAPTER xxiii

An Act to authorise the Mersey Docks and Harbour Board to construct further works; and for other purposes.

[9th August 1966]

WHEREAS by the Mersey Docks and Harbour Act, 1857 1857 c. clxii. (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") was incorporated for the purposes therein mentioned and by that Act and subsequent enactments relating to the Board various powers have from time to time been conferred on the Board:

And whereas in order to meet the requirements of the trade of the port of Liverpool it is expedient that the Board be authorised to acquire the lands and to construct the works in this Act described and to use part of the bed, banks and shores of the river Mersey and of the sea as by this Act provided:

And whereas it is expedient that the borrowing powers of the Board be increased as in 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:

And whereas a plan and sections showing the situations, lines and levels of the works authorised by this Act and the lands which may be taken or used compulsorily for the purposes thereof, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands, and describing the same, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, and with the clerk of the county council of the administrative county palatine of Lancaster and the town clerk of the county borough of Bootle, which plan, sections and book of reference are in this Act respectively referred to as the deposited plan, the deposited sections, and the deposited book of reference:

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:—

PART I

PRELIMINARY

- Short title. 1. This Act^m may be cited as the Mersey Docks and Harbour Board (Seaforth Works) Act 1966.
- Act divided into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Lands.
 Part III.—Works.
 Part IV.—Finance and miscellaneous.
- Incorporation of Acts. 3.—(1) The Lands Clauses Acts (except section 92, sections 127 to 133 and sections 150 and 151 of the Lands Clauses Consolidation Act, 1845) are subject to the provisions of this Act incorporated with and form part of this Act:
 1845 c. 18. Provided that the bond required by section 85 of that Act shall be sufficient without the addition of the sureties mentioned in that section.
 (2) In construing the Lands Clauses Acts as so incorporated, the expression “the promoters of the undertaking” shall mean the Board.

4.—(1) 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—

PART I
—cont.

Definitions.

- “ the Act of 1857 ” means the Mersey Docks and Harbour Act, 1857; 1857 c. clxii.
- “ the Act of 1858 ” means the Mersey Dock Acts Consolidation Act, 1858; 1858 c. xcii.
- “ the Act of 1945 ” means the Mersey Docks and Harbour Board Act, 1945; 1945 c. vii.
- “ the authorised works ” means the works authorised by section 16 (Power to construct works) of this Act;
- “ the borough ” means the county borough of Bootle;
- “ the county ” means the administrative county of the county palatine of Lancaster;
- “ the county council ” means the council of the county;
- “ the existing Acts ” means the Act of 1857 and the subsequent Acts and Order obtained by the Board other than the Pilotage Orders Confirmation (No. 1) Act, 1920 c. ciii. 1920;
- “ land ” includes any estate or interest in or right or privilege over land;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961; 1949 c. 42. 1961 c. 33.
- “ the level of high water ” means the level of mean high-water springs;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plan;
- “ the Minister ” means the Minister of Transport;
- “ the river Mersey ” includes the estuary thereof;
- “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878; 1878 c. 76.
- “ tidal work ” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of high water;
- “ the tribunal ” means the Lands Tribunal;
- “ the Trinity House ” means the corporation of Trinity House of Deptford Strond.

PART I
—cont.

(2) This Act is to be read as if the words “ or thereabouts ” were inserted after each distance mentioned in section 16 (Power to construct works) of this Act.

(3) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(4) 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.

PART II

LANDS

Lands.

5. Subject to the provisions of this Act, the Board may enter upon, take and use such parts of the bed, banks and shores of the river Mersey and of the sea and such of the lands in the borough of Crosby in the county and in the borough as are delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act or other the purposes authorised by this Act and for the reclamation of land in accordance with the provisions of this Act:

Provided that the Board shall not, except by agreement—

- (i) acquire the properties in the borough of Crosby numbered 35 and 36 on the deposited plans;
- (ii) acquire the estate or interest of the British Railways Board in so much of the lands numbered 46 in the borough of Crosby as is situate within 10 feet of the Mersey Branch Viaduct of the British Railways Board.

Correction of errors in deposited plan and book of reference.

6.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Board, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the clerk of the county and the town clerk of the borough and with every clerk of a local authority

with whom a copy of the deposited plans, or of so much thereof as includes the land to which the certificate relates, has been deposited in accordance with the standing orders of the Houses of Parliament, or who has the custody of any such copy so deposited; and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

PART II
—cont.

(4) A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

7.—(1) The Board may, instead of acquiring any greater interest in any land that it is authorised to acquire compulsorily under this Act, acquire compulsorily only such easements and rights over or in the land as it may require for the purpose of constructing, using, maintaining, renewing or removing the works or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works. Power to acquire easements only.

(2) Accordingly the Board may give notice to treat in respect of any such easement or right describing the nature thereof and may exercise the powers of this Act, including in particular the powers of section 9 (Power to expedite entry), in respect of such easements or rights and subject thereto the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Board has acquired an easement or right only over or in any land under this section—

- (a) it shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Board to acquire his entire interest in the land, the Board shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to such interest in the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so

PART II
—cont.

determine, the Board may acquire the entire interest of the owner in the land compulsorily notwithstanding that the period mentioned in section 14 (Period for compulsory purchase of lands) of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Acquisition
of part only
of certain
properties.

8.—(1) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden unless the tribunal determines—

- (a) in the case of a house, building or factory, that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or
- (b) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(2) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the Board that part of the house, building, factory, park or garden.

Power to
expedite
entry.

1845 c. 18.

9.—(1) At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act or in respect of any easement or right over or in any such land, but not less than three months after giving the owner and occupier of the land notice in writing of its intention to exercise the powers of this section, the Board may, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845, enter on the land or on such part of it as may be specified in the last-mentioned notice, and take possession of the land or part or, as the case may be, enjoy any easement or exercise any right to be acquired under this Act over or in the land or part:

Provided that the Board shall pay the like compensation for land entered under this section, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

(2) Any land of which possession is taken by the Board under the powers of this section shall be deemed, for the purposes of section 12 (Extinction of rights affecting land acquired) of this Act, to have been acquired by the Board.

10. Any person acting on behalf of the Board and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land that the Board is authorised by this Act to acquire compulsorily, or that may be affected by the construction of the works, for the purpose of surveying or valuing the land:

PART II
—cont.

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Board, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, has given notice in writing to the owner and occupier of the land in manner provided by section 285 of the Public Health Act, 1936.

1936 c. 49.

11. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Disregard of recent improvements and interests.

12.—(1) All rights over any land that may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

Extinction of rights affecting land acquired.

(2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.

1961 c. 33.

13.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may, if he thinks fit, subject to the provisions of those Acts, grant to the Board any easement or right required for the purposes of this Act over or in the lands not being an easement or right of water in which some person other than the grantor has an interest.

Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

PART II
—*cont.*
Period for
compulsory
purchase of
lands.
Repeals.

14. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease on 31st August, 1969.

15.—(1) Clause 1B of the agreement dated 8th November, 1944, made between the mayor, aldermen and burgesses of the borough of Crosby and the Board (and confirmed by section 26 (Confirming agreement with Crosby Corporation) of the Act of 1945) so far as it relates to land, strand or foreshore acquired by the Board under the powers of this Act shall cease to have effect in relation thereto on the date when the same is so acquired.

(2) The second proviso to clause 6 of the said agreement is hereby repealed.

1890 c. ccxix. (3) Section 15 (Access to seashore to be preserved) of the Bootle Corporation Act, 1890, is hereby repealed.

PART III WORKS

Power to
construct
works.

16.—(1) Subject to the provisions of this Act, the Board may construct and place in the river Mersey and the sea, and on the bed, banks and shores thereof, and in the borough of Crosby in the county and in the borough, in the situations and lines within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited sections, the works hereinafter described, that is to say:—

Work No. 1 A sea wall or embankment commencing on the north-west side of Cambridge Road in the borough of Crosby at a point 115 yards measured in a seaward direction along the north-westerly side of that road from the south-west side of Brunswick Parade in the said borough and extending in an approximately south-west by west direction for a distance of 117 yards and thence in a westerly direction for a distance of 803 yards and thence in an approximately south-west by west direction for a distance of 437 yards terminating at a point 1,288 yards from its commencement measured in a straight line;

Work No. 2 A sea or river wall or embankment commencing at the south-west bullnose of Gladstone River Entrance and extending in an approximately south-westerly direction for a distance of 30 yards thence in an approximately north-westerly direction for a distance of 723 yards and thence in an approximately north-west by north direction for a distance of 1,933 yards and terminating at the termination of Work No. 1;

Work No. 3 A main dock commencing with a wall or embankment parallel to and 72 yards to the northward of the northern quay wall of Gladstone Dock and extending in a north-west by north direction for a distance of 1,600 yards to the south side of Work No. 1, being bounded on the south-west by west side by Work No. 2 and on the north-east by east side (being 420 yards from Work No. 2) by Work No. 4 and Work No. 5;

Work No. 4 A branch dock (No. 1) extending for a distance of 810 yards in an easterly direction from the eastern side of the main dock (Work No. 3);

Work No. 5 A branch dock (No. 2) extending for a distance of 955 yards in an easterly direction from the eastern side of the main dock (Work No. 3);

Work No. 6 A passage or cut commencing on the north side of Gladstone Dock and terminating on the south side of Work No. 4.

(2) The Board may by means of Work No. 1 and Work No. 2 inclose and reclaim the foreshore and bed of the river Mersey and of the sea included within the limits of deviation shown on the deposited plan.

(3) The seaward faces of Work No. 1 and Work No. 2 shall be in the form of sloping stone revetments constructed to absorb, so far as reasonably practicable, the energy of waves.

17. The Board may from time to time construct entrances for vessels from or to the river Mersey or the sea through Work No. 1 or Work No. 2 and may for the purposes thereof construct, place and maintain within the limits of deviation all necessary sea or river walls, quays, locks, gates, caissons, dolphins, fenders and other works and conveniences.

Power to make entrances from river Mersey.

18. The Board may from time to time for the purposes of the authorised works or the working of the entrances referred to in section 17 (Power to make entrances from river Mersey) of this Act take, impound and use water from, and discharge water to, the river Mersey or the sea.

Power to take water from river Mersey or the sea.

19.—(1) Subject to the provisions of this Act, the Board may within the limits of deviation from time to time for the purposes of or in connection with the works authorised by this Act and the inclosing, reclaiming and use of the bed, banks and shores of the river Mersey or the sea authorised by this Act in addition to such works—

Subsidiary works.

(a) construct or place and maintain and use all such permanent or temporary quays, wharves, stairs, dolphins,

PART III
—cont.

piles, transit sheds, silos, warehouses, buildings, offices, refreshment and other rooms, washrooms, sanitary conveniences, dock yards, cranes, transporters, elevators, conveyors, lifts, gantries, lighting and other masts, approaches, roads, road junctions, railways, viaducts, bridges, storage places, parking places, caissons, gates, wind, sand and other screens, sewers, drains, culverts, sluicing apparatus, pumping arrangements, tanks, mains, pipes, cables, wires, electricity substations, fences, boundary, river and other walls and embankments, staithes, jetties, stages, slips, graving docks, pontoons, floating and other fenders, booms, moorings, mooring and other chains, shipping-places, landing-places, buoys, beacons, landmarks, lights, radio and radar stations and other works and conveniences as may be expedient or desirable;

- (b) temporarily or permanently use, strengthen, widen, enlarge, improve, alter, divert, extend, substitute or otherwise interfere with sewers, drains, submarine cables, telegraphic, telephonic and electric lines, wires and cables, gas and water pipes, and any works or apparatus ancillary to the same or to any of them (all of which are hereinafter in this section referred to as "service works"), streets, roads and railways, providing where possible a proper substitute before interrupting the passage of sewage, drainage, electricity, gas or water in or through any service works;
- (c) dispose of land to a highway authority for the purpose of widening or improving a highway giving access to any work authorised by this Act;
- (d) raise, lower or otherwise alter the position of any of the steps, areas, cellars, windows and pipes or spouts belonging to any house or building and remove any other obstruction.

(2) Any service works rendered unnecessary by the substitution of other service works therefor shall vest in the Board and the substituted service works shall be under the same jurisdiction, care, management and direction as the existing service works for which they may be so substituted.

(3) In the exercise of the powers conferred by this section the Board shall cause as little detriment and inconvenience as the circumstances permit to any person and shall make reasonable compensation for any damage caused by the exercise of such powers.

(4) (a) Not less than twenty-eight days before executing any works under paragraph (b) of subsection (1) of this section

affecting any service works the Board shall submit to the appropriate authority sufficient plans, sections and particulars of the proposed works for their reasonable approval.

PART III
—cont.

(b) The Board shall execute such works in accordance with such plans, sections and particulars as may be submitted to and approved by the appropriate authority, or if such approval be refused, as may be settled by arbitration and all such works shall be executed to the reasonable satisfaction of the appropriate authority and the Board shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) Any dispute or difference which may arise between the appropriate authority and the Board under this subsection shall be settled by arbitration.

(d) In this subsection “the appropriate authority” means in relation to any service works the authority to whom it belongs or by whom it is repairable.

(e) This subsection shall not apply in relation to any works affecting—

(i) the sewer referred to in section 39 (For protection of Bootle Corporation) or the pipe, the Northern Outfall sewer or the Fort Road sewer referred to in section 41 (For protection of Rimrose Brook Joint Sewerage Board); or

(ii) any apparatus covered by section 38 (For protection of certain statutory undertakers) of this Act.

(5) Any question of disputed compensation payable under the provisions of this section shall be determined under and in accordance with the Land Compensation Act, 1961.

1961 c. 33.

(6) Notwithstanding anything in this section the Board shall not—

(a) use any telegraphic line belonging to or used by the Postmaster General;

(b) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878.

1878 c. 76.

(7) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used in pursuance of the powers conferred by this section shall be so constructed, erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line or with any apparatus of the Central Electricity Generating Board, the Merseyside and North Wales Electricity Board or of Rediffusion (Waterloo) Limited or with any purpose for which such apparatus is used.

PART III
—cont.

1869 c. 73. (8) Any telegraphic and telephonic apparatus used under the provisions of this section shall be so used as not to contravene the exclusive privilege conferred upon the Postmaster General by the Telegraph Act, 1869.

1949 c. 54. (9) Notwithstanding anything in this section, the Board shall not instal or use apparatus for wireless telegraphy in contravention of the provisions of the Wireless Telegraphy Act, 1949.

1878 c. 76. (10) In subsection (6) of this section, the expression “alter” has the same meaning as in the Telegraph Act, 1878, and, in subsection (9), the expression “apparatus for wireless telegraphy” has the same meaning as in the Wireless Telegraphy Act, 1949.

Power to deviate.

20. In the construction of the authorised works, the Board may deviate laterally to any extent within the limits of deviation shown on the deposited plan, and may deviate vertically from the levels of those works shown on the deposited sections to any extent downwards and to any extent not exceeding 5 feet upwards.

Maintenance, alteration and extension of works.

21. Subject to the provisions of this Act, the Board may from time to time maintain, renew, enlarge, alter and reconstruct temporarily or permanently the works authorised by this Act or any part thereof:

Provided that nothing in this section shall authorise the Board to deviate laterally beyond the limits of deviation.

Period for completion of works.

22. If the authorised works are not completed before 1st January, 1985, then on that day the powers by this Act granted to the Board for making and completing the authorised works shall cease, except as to so much thereof as is then substantially commenced:

Provided that nothing in this section shall prejudice the powers of the Board to maintain, renew, enlarge, alter or reconstruct within the limits of deviation the authorised works at any time and from time to time as occasion may require.

Works to be deemed docks within meaning of existing Acts.

23. The works authorised by this Act and the bed, banks, shores and land acquired under the powers of this Act, and each and every of them, and any works connected therewith respectively, shall for all purposes be deemed to be docks and lands of the Board within the meaning of the existing Acts, or any of them.

Applying sections of Acts of 1858 and 1936.

24. The authorised works and the bed, banks, shores and land acquired under the powers of this Act, and each and every of them, and any works connected therewith respectively, shall be deemed

to be works authorised to be erected, established and maintained by the Board within the meaning of section 284 (Application of moneys as herein stated) of the Act of 1858, and section 13 (Application of revenue) of the Mersey Docks and Harbour Board Act, 1936.

25.—(1) Nothing in this Act shall entitle the Board to do anything to defeat, affect or prejudice the right of the public to use the river embankment as a parade or walk for recreation as granted by section 23 (The Trustees to erect River Wall with Parade) of the local Act 11 Victoria cap. x, and extended by section 13 (For protection of Corporation of Bootle) of the Mersey Docks and Harbour Board Act, 1906, and nothing in this Act shall be deemed to defeat, affect or prejudice the said right:

Provided that the Board may temporarily prevent the public from exercising the said right for so long as may be reasonably necessary for the purpose of constructing, maintaining, renewing, enlarging, altering or reconstructing the works authorised by this Act.

(2) Without prejudice to the exercise of the powers of section 17 (Power to make entrances from river Mersey) of this Act, the right of the public referred to in subsection (1) of this section is hereby extended subject to the qualifications contained in the said section 23—

- (a) to the whole of the sea wall or embankment comprised in Work No. 1; and
- (b) to the whole of the sea or river wall or embankment comprised in Work No. 2 and, if and for so long as Work No. 2 commences at a point north of the northern boundary of the borough, over the river embankment between the said northern boundary and the commencement of Work No. 2;

and the Board shall provide and maintain access to the said Work No. 1 from the seaward end of Cambridge Road:

Provided that such user shall be subject to the user of the said sea or river walls or embankments and of the Mersey Dock Estate for trade purposes including the opening of bridges over dock passages and entrances from or to the river Mersey or the sea and the passage of railway and other traffic.

26.—(1) The Board may stop up the part of the road and the road respectively referred to in subsection (2) of this section and thereupon all public and private rights of way and other rights in, over or affecting the same shall be extinguished.

PART III
—cont.

(2) The roads referred to in subsection (1) of this section are—

in the borough—

so much of Shore Road as lies within the limits of deviation;

in the borough of Crosby—

Fort Road.

(3) No portion of either road shall be stopped up under the powers of this section—

(a) without the consent of the Minister; or

(b) so as to prevent access to any lands which the Board is by this Act authorised to acquire until the Board is in possession of such lands except so far as the owners, lessees and occupiers of those lands may otherwise agree.

(4) If, as a condition of consenting to the stopping up of Shore Road or Fort Road, the Minister requires the Board to provide a slip road between the south end of Shore Road and the east end of Fort Road, to meet temporarily the needs of traffic which would otherwise use Shore Road and Fort Road, the Board may, when the Minister certifies that the need no longer exists, stop up the slip road so provided and thereupon any public rights of way over the same shall be extinguished.

(5) Nothing in this section shall prejudicially affect the rights of the mayor, aldermen and burgesses of the borough of Crosby to the removal of lamps, paving stones, curb stones, gutters and other property under clause 6 of the agreement referred to in section 15 (Repeals) of this Act.

(6) Upon the stopping up of any portion of Shore Road, so much of the sewer as is laid in that portion of the road and any alteration or diversion thereof shall, unless otherwise agreed between the mayor, aldermen and burgesses of the borough and the Board, vest in and become maintainable by the Board.

Amendment
of Crosby
Corporation
Act, 1956.
1956 c. xxxii.

27. The Crosby Corporation Act, 1956, is hereby amended as follows:—

(a) in the definition of “dock estate” in section 4 (Interpretation) after the words “dock board” the words “for the time being” shall be inserted;

(b) in paragraph (2) of section 167—

(i) after the words “used or last used” the words “or the site of which is to be used”; and

(ii) after the words “outside the dock estate” the words “or so much of a building as abuts on a highway repairable at the public expense”;

shall be inserted.

28.—(1) A tidal work shall not be constructed, enlarged, altered or reconstructed except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board of Trade before the work is begun.

PART III
—cont.

Tidal works not to be constructed without approval of Board of Trade.

(2) If a tidal work is constructed, enlarged, altered or reconstructed in contravention of this section or of any condition or restriction imposed under this section—

(a) the Board of Trade may by notice in writing require the Board at its own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Board, it has failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or

(b) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the Board as a simple contract debt.

29.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Board shall forthwith notify the Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Trinity House shall from time to time direct.

Provision against danger to navigation.

(2) If the Board fails to notify the Trinity House as required by this section or to comply in any respect with a direction given under this section, it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

30.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Board at its own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade think proper.

Abatement of works abandoned or decayed.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation

PART III
—cont.

or other public rights over the foreshore, the Board of Trade may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Board, it has failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Board as a simple contract debt.

Survey of
tidal works.

31. The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work constructed by the Board or of the site upon which it is proposed to construct the work and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the Board as a simple contract debt.

Lights on
tidal works
during
construction.

32.—(1) The Board shall at or near a tidal work during the whole time of the construction, renewal, enlargement, alteration or reconstruction thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct.

(2) If the Board fails to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Permanent
lights on
tidal works.

33.—(1) After the completion of a tidal work the Board shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct.

(2) If the Board fails to comply in any respect with a direction given under this section it shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Certain works
to be within
borough of
Crosby.

34. So much of the works authorised by this Act as are not within the borough or the borough of Crosby shall for all purposes be deemed to be within the borough of Crosby.

Crown rights.

35. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing

herein contained authorises the Board to take, use or in any manner interfere with any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description—

PART III
—cont.

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

36. Nothing in this Act shall extend or operate to authorise the Board to enter upon, take, use or in any manner interfere with any land, soil, water or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy first had and obtained for that purpose (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 exercisable by Her Majesty, Her heirs or successors in right of Her said duchy.

Saving
rights of
Duchy of
Lancaster.

37.—(1) Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board of Trade, any Secretary, Under-Secretary or Assistant Secretary of the Board of Trade or any person authorised in that behalf by the President.

As to
exercise of
powers by
Board of
Trade.

(2) Without prejudice to the provisions of subsection (1) of this section, anything authorised by or under sections 28 (Tidal works not to be constructed without approval of Board of Trade), 30 (Abatement of works abandoned or decayed), 31 (Survey of tidal works) or 32 (Lights on tidal works during construction) of this Act to be done by the Board of Trade may be done by the acting conservator of the river Mersey acting on their behalf.

38. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Board and the undertakers concerned, apply and have effect:—

For protection
of certain
statutory
undertakers.

(1) In this section, unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to

PART III
—cont.

fulfil their statutory functions in a manner not less efficient than previously;

“ apparatus ” means—

(a) in relation to the North Western Gas Board, pipes and other apparatus belonging to or lawfully laid, erected or maintained by the undertakers and includes any structure for the lodging therein of apparatus;

(b) in relation to the Central Electricity Generating Board and the Merseyside and North Wales Electricity Board, electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the undertakers and includes any structure for the lodging therein of apparatus;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ position ” includes depth;

“ the undertakers ” means the North Western Gas Board, the Central Electricity Generating Board, and the Merseyside and North Wales Electricity Board, or any of them, and in relation to any apparatus or property means the undertakers to or by whom the apparatus belongs or is maintained;

“ work ” means any work carried out or thing done under the powers of section 16 (Power to construct works), section 17 (Power to make entrances from river Mersey), section 19 (Subsidiary works) or section 21 (Maintenance, alteration and extension of works) of this Act:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Board shall not, except as provided in paragraph (13) of this section, acquire any apparatus under the powers of this Act otherwise than by agreement, nor shall the Board carry out any works on any of the lands respectively numbered on the deposited plans 6 and 37 in the borough of Crosby which might prevent the effective use of apparatus on those lands until adequate alternative apparatus has been provided and is in operation to the reasonable satisfaction of the undertakers:
- (3) Subject to the provisions of paragraph (13) of this section, if the Board in the exercise of the powers of this Act acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this section, nor shall any right of the undertakers to

use, maintain, repair, renew or inspect any apparatus in that land be extinguished, until any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:

- (4) (a) If the Board, for the purpose of or in connection with the construction of any work, requires the removal of any apparatus, it shall give to the undertakers written notice of such requirement together with a plan and section of the proposed work;
- (b) If the Board requires the undertakers to remove any apparatus or if in consequence of the exercise of any of the powers of this Act the undertakers shall reasonably require to remove any apparatus, the Board shall if practicable, afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the Board and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Board and the Board is unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the undertakers shall, on receipt of a written notice to that effect from the Board, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (5) (a) Any alternative apparatus to be constructed in lands of the Board in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line and situation as may be agreed between the undertakers and the Board or, in default of agreement, settled by arbitration;
- (b) The undertakers shall, after the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Board to be removed under the provisions of this section, and in default the Board may remove the apparatus:

PART III
—cont.

- (6) Notwithstanding anything in paragraph (5) of this section, if the Board gives notice in writing to the undertakers that it desires to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as will be situate in any lands of the Board, such work, in lieu of being executed by the undertakers, shall be executed by the Board with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Board to execute the actual placing, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around such apparatus (where the apparatus is laid in a trench) within twelve inches above the apparatus:

- (7) Where in accordance with the provisions of this section the Board affords to the undertakers facilities and rights in land of the Board for the construction, maintenance, repair, renewal and inspection of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Board and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through a work the arbitrator shall—

(i) give effect to all reasonable requirements of the Board for ensuring the safety and efficient operation of the work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus constructed in the lands of the Board for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Board in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions

applying to the apparatus to be removed, the arbitrator shall make such provisions for the payment of compensation to or by the Board by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (8) (a) Not less than twenty-eight days before commencing to execute a work which is near to or is likely to affect any apparatus the removal of which has not been required by the Board under paragraph (4) of this section, the Board shall submit to the undertakers a plan, section and description of the work to be executed;
- (b) Such work shall be executed substantially in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the work proposed by the Board, reasonably require the removal of any apparatus and give written notice to the Board of such requirement, the provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Board under paragraph (4) thereof; and

(ii) nothing in this sub-paragraph shall preclude the Board from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan, section and description in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

- (c) The Board shall not be required to comply with sub-paragraph (a) of this paragraph in case of emergency, but, in such case, it shall give to the undertakers notice as soon as reasonably practicable, and a plan, section

PART III
—cont.

and description of the work as soon as reasonably practicable thereafter, and shall comply with subparagraph (b) of this paragraph so far as reasonably practicable in the circumstances:

- (9) The Board shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with—

(a) the removal and relaying or replacing of any apparatus and the provision and construction of any new apparatus under the provisions of paragraph (4) of this section;

(b) the cutting off of any apparatus from any other apparatus; and

(c) any other work or thing rendered reasonably necessary in consequence of such operations as are referred to in this paragraph:

1950 c. 39.

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act, 1950 (which imposes limitations on undertakers' rights to payment), shall so far as applicable extend and apply to any payment to be made by the Board under this paragraph as if the Board was the promoting authority and the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part 1 of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 38 (For protection of certain statutory undertakers) of the Mersey Docks and Harbour Board (Seaforth Works) Act 1966":

- (10) The Board shall be responsible for and shall make good to the undertakers all costs, charges, damages and expenses which the undertakers incur by reason of, or as a consequence of, the execution of any works authorised by this Act, other than costs, charges, damages and expenses which are attributable to any act, neglect or default of the undertakers or their contractors or workmen:

Provided that the undertakers shall give to the Board reasonable notice of any claim or demand made against them for which the Board is to be held responsible under this paragraph and the undertakers shall not settle or compromise any such claim or demand without prior consent of the Board:

- (11) If in consequence of the exercise of the powers of this Act the access to any apparatus of the undertakers is materially obstructed, the Board shall provide an alternative means of access to such apparatus:
- (12) Where in consequence of this Act any highway or part of a highway in which any apparatus is situate is stopped up or diverted, the undertakers shall, notwithstanding such stopping up or diversion, have the same powers and rights in respect of any apparatus (not being apparatus rendered derelict or unnecessary) remaining in the highway or part of a highway so stopped up or diverted as if the same had remained a highway, but nothing in this paragraph shall prejudice or affect any right of the Board or the undertakers to require removal of such apparatus under this section, or of the power of the Board to execute works in accordance with paragraph (8) of this section:
- (13) Where by reason or in consequence of the exercise of the powers of this Act any apparatus is rendered derelict or unnecessary, the Board shall pay to the undertakers the then value of such apparatus, which shall thereupon become the property of the Board, and the reasonable cost of and incidental to the cutting off of the apparatus from any other apparatus and the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of the apparatus being so rendered derelict or unnecessary:

Provided that the Board shall not under the provisions of this paragraph be required to pay to the undertakers the value of any apparatus rendered derelict or unnecessary if, under the provisions of this section, adequate alternative apparatus has been constructed at the expense of the Board in substitution for the apparatus so rendered derelict or unnecessary:

- (14) (a) Any difference which may arise between the Board and the undertakers under this section shall be referred to and determined by arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation the undertakers may be under in respect of any apparatus and may if he thinks fit require the Board to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART III
—cont.For protection
of Bootle
Corporation.

39. The provisions of this section for the protection of the mayor, aldermen and burgesses of the borough (hereafter in this section referred to as “the Bootle Corporation”) shall unless otherwise agreed in writing between the Board and the Bootle Corporation apply and have effect:—

(1) In this section—

(a) “the agreements” means the agreement made 10th February, 1937, between the county council, the mayor, aldermen and burgesses of the borough, the urban district council of Litherland, the urban district council of Waterloo-with-Seaforth, the urban district council of Great Crosby, the rural district council of West Lancashire and the Board, and the agreements supplemental thereto dated 16th January, 1939, 29th April, 1946, and 1st September, 1947;

(b) “the Northern Outfall sewer” means the sewer or drain of the Board constructed through or under the Gladstone Dock System and constituting the outfall of the sewer or drain situate in Fort Road in the borough of Crosby and the Shore Road sewer;

(c) “the pipe” means the sewer or drain of the Rimrose Brook Joint Sewerage Board constructed pursuant to the agreements;

(d) “the Shore Road sewer” means the sewer or drain of the Bootle Corporation situate in Shore Road in the borough:

(2) If for the purpose of the execution of the works authorised by this Act—

(a) the Board requires to alter or divert the line of the Shore Road sewer or alter the siting or position of any manhole, airhole or other work or apparatus ancillary to the Shore Road sewer;

(b) it becomes necessary or expedient for the Board to make any extension of the pipe or of the Northern Outfall sewer;

the Board shall submit plans, sections and specifications of such alteration, diversion, substitution and extension to the Bootle Corporation for their reasonable approval and shall not carry out such alteration, diversion, substitution or extension otherwise than in accordance with the plans, sections and specifications so approved or as may be settled pursuant to paragraph (11) of this section and any such extension shall be maintained by the Board:

- (3) The Board shall be at liberty in extending the pipe and the Northern Outfall sewer to construct one sewer or drain to unite the extensions of both the pipe and the Northern Outfall sewer and to discharge the sewage or drainage therefrom into the river Mersey or the sea by means of one sewer or drain so however that such sewer or drain shall have a discharging capacity not less than the aggregate of the respective discharging capacities of the pipe and the Northern Outfall sewer:
- (4) If on the submission to them of plans, sections and specifications pursuant to sub-paragraph (b) of paragraph (2) of this section the Bootle Corporation desire the discharging capacity of any sewer or drain constructed in extension of the pipe or of the Northern Outfall sewer (or of, by union, both the pipe and the Northern Outfall sewer) to be increased to a reasonable extent over and above the respective discharging capacities, or as the case may be the aggregate of the respective discharging capacities, of the pipe and the Northern Outfall sewer and within two months from the date of the said submission give written notice of their desire to the Board under the hand of the town clerk of the borough the Board shall construct such extension of such increased discharging capacity as may be agreed between the Board and the Bootle Corporation or, failing agreement, settled in accordance with paragraph (11) of this section and shall carry out any work necessitated thereby in accordance with plans, sections and specifications to be submitted to and reasonably approved by the Bootle Corporation and the Bootle Corporation shall bear the reasonable cost incurred by the Board solely in connection with the provision of such increased discharging capacity:
- (5) If any portion or any sewer or drain constructed in extension of the pipe or of the Northern Outfall sewer (or of, by union, both the pipe and the Northern Outfall sewer) is to be constructed in, or at any time requires to be altered to, syphon form the Board may construct—
- (i) two or more syphons having together a discharging capacity not less than that of the extension generally; or
 - (ii) one syphon having a discharging capacity not less than that of the extension generally and having means whereby if the syphon shall become blocked the sewage and drainage which the syphon is intended to convey can be discharged into the docks or the river Mersey or the sea:

PART III
—cont.

- (6) If the Bootle Corporation do not within two months from the submission to them of any plans, sections and specifications pursuant to the foregoing provisions of this section intimate to the Board in writing their approval or disapproval thereof they shall be deemed to have approved the same:
- (7) All such works as are referred to in paragraph (2) to paragraph (5) of this section shall be carried out at the expense of the Board and under the superintendence, if given, of the engineer to the Bootle Corporation:
- (8) During the carrying out of all such works as are referred to in paragraph (2) to paragraph (5) of this section the Board shall make to the reasonable satisfaction of the Bootle Corporation all necessary temporary provision for the free and uninterrupted flow of sewage and drainage:
- (9) The Board shall be responsible for and shall make good to the Bootle Corporation all costs, charges, damages and expenses which the Bootle Corporation incur by reason of or as a consequence of the execution of any of the works authorised by this Act, other than costs, charges, damages and expenses which are attributable to any act, neglect or default of the Bootle Corporation or their contractors or workmen:
- Provided that the Bootle Corporation shall give to the Board reasonable notice of any claim or demand made against them for which the Board is to be held responsible under this paragraph and the Bootle Corporation shall not settle or compromise any such claim or demand without the prior consent of the Board:
- (10) The Board shall not under the powers of this Act interfere with any fire alarm or fire hydrant water supply pipe or other equipment for the prevention or fighting of fires without the consent of the Bootle Corporation which consent may be given subject to such reasonable terms and conditions as the Bootle Corporation may determine including requirements as to the provision by the Board of alternative fire alarms, fire hydrants water supply pipes or other equipment:
- (11) (a) Any dispute which may arise between the Bootle Corporation and the Board under this section shall be settled by arbitration;

- (b) In any case where any plans, sections and particulars have been submitted both to the Bootle Corporation and the Rimrose Brook Joint Sewerage Board and one of those authorities disapprove such plans, sections and particulars then in any arbitration proceedings which may take place as a result of such disapproval the protected authority which is not a party to those proceedings shall be entitled to be heard in such proceedings and the plans, sections and particulars as settled by such arbitration shall be deemed to have been approved by such protected authority (whether or not they have been heard in the proceedings).

40. The provisions of this section for the protection of the mayor, aldermen and burgesses of the borough of Crosby (hereinafter in this section referred to as “the Crosby Corporation”) shall, unless otherwise agreed in writing between the Board and the Crosby Corporation, apply and have effect:—

- (1) In this section “the sewers” means the Harbord Road main outfall sewer and the Mariners Road storm water outfall sewer of the Crosby Corporation and the channels at the seaward ends thereof:
- (2) If at any time during or after the construction of Work No. 1 or Work No. 2 the free flow of sewage or other effluent from the sewers or either of them is impeded or obstructed or the action of the tide in carrying away such sewage or other effluent is rendered less effective than it was at the date of the passing of this Act and it is agreed between the Crosby Corporation and the Board or, in default of agreement, determined by arbitration that such impediment or obstruction or such effect upon the action of the tide is wholly or partly attributable to the construction or existence of Works Nos. 1 and 2, or either of them, the Board shall as soon as is reasonably practicable following the receipt of notice in writing from the Crosby Corporation in this behalf execute such works or take such steps as may be reasonably required by the Crosby Corporation to remove such impediment or obstruction, and to prevent the continuance or recurrence thereof or, as the case may be, to ensure so far as is reasonably practicable that the sewage or other effluent is carried away by the tide as effectually as at the date of the passing of this Act:
- (3) The expenses incurred by the Board in executing such works or taking such steps as are referred to in paragraph (2) of this section shall—
 - (a) if the impediment or obstruction or effect upon the action of the tide is wholly attributable to

PART III
—cont.

the construction or existence of Works Nos. 1 and 2, or either of them, be borne by the Board; and

(b) in any other case shall be apportioned between the Board and the Crosby Corporation in such proportions as may be agreed between them or, in default of agreement, determined by arbitration:

- (4) (a) The Crosby Corporation may, if they so desire, themselves execute such works or take such steps as are referred to in paragraph (2) of this section, and in that event the Board shall repay to the Crosby Corporation the reasonable costs and expenses incurred by them in so doing or, in any such case as is referred to in subparagraph (b) of paragraph (3) of this section, such proportion thereof as may be agreed between the Board and the Crosby Corporation or, in default of agreement, determined by arbitration;
- (b) The Crosby Corporation shall before executing such works or taking such steps as are referred to in paragraph (2) of this section give notice to the Board of the works proposed to be executed or the steps proposed to be taken, and shall afford to the Board all reasonable facilities for inspection in connection therewith:
- (5) Any difference which may arise between the Crosby Corporation and the Board under this section shall be referred to and determined by arbitration.

For protection
of Rimrose
Brook Joint
Sewerage
Board.

41. The provisions of this section for the protection of the Rimrose Brook Joint Sewerage Board (hereafter in this section referred to as “the joint board”) shall, subject to the agreements and unless otherwise agreed in writing between the Board and the joint board, apply and have effect:—

(1) In this section—

(a) “the agreements” means the agreement made 10th February, 1937, between the county council, the mayor, aldermen and burgesses of the borough, the urban district council of Litherland, the urban district council of Waterloo-with-Seaforth, the urban district council of Great Crosby, the rural district council of West Lancashire and the Board, and the agreements supplemental thereto dated 16th January, 1939, 29th April, 1946, and 1st September, 1947;

(b) “the pipe” means the sewer or drain of the joint board constructed pursuant to the agreements and includes the sewer or drain of the joint board between the Penstock chamber on the pipe and the

manhole marked P.1 on the plan annexed to the said supplemental agreement dated 29th April, 1946, and the tide flap chamber of the Fort Road sewer;

(c) “ the Fort Road sewer ” means the sewer or drain of the joint board situate in Fort Road in the borough of Crosby; and

(d) “ the Northern Outfall sewer ” means the sewer or drain of the Board constructed through or under the Gladstone Dock System and constituting the outfall of the Fort Road sewer and the sewer in Shore Road referred to in section 39 (For protection of Bootle Corporation) of this Act:

- (2) Notwithstanding the powers conferred on the Board by this Act the joint board shall continue to have the like access to the manholes, airholes and other works and apparatus ancillary to the Fort Road sewer for the purposes of the maintenance and renewal thereof or of the Fort Road sewer as they had and enjoyed immediately before the passing of this Act:
- (3) If for the purpose of the execution of the works authorised by this Act it becomes necessary or expedient for the Board to make any extension of the pipe or of the Northern Outfall sewer the Board shall submit plans, sections and specifications to the joint board for their reasonable approval and shall not carry out such extension otherwise than in accordance with the plans, sections and specifications so approved or as may be settled pursuant to paragraph (14) of this section and any such extension shall be maintained by the Board:
- (4) The Board shall be at liberty in extending the pipe and the Northern Outfall sewer to construct one sewer or drain to unite the extensions of both the pipe and the Northern Outfall sewer and to discharge the sewage or drainage therefrom into the river Mersey or the sea by means of one sewer or drain so however that such sewer or drain shall have a discharging capacity not less than the aggregate of the respective discharging capacities of the pipe and the Northern Outfall sewer:
- (5) If on the submission to them of plans, sections and specifications pursuant to paragraph (3) of this section the joint board desire the discharging capacity of any sewer or drain constructed in extension of the pipe or of the Northern Outfall sewer (or of, by union, both the pipe and the Northern Outfall sewer) to be increased to a reasonable extent over and above the respective

PART III
—cont.

discharging capacities, or as the case may be the aggregate of the respective discharging capacities, of the pipe and the Northern Outfall sewer and within two months from the date of the said submission give written notice of their desire to the Board under the hand of the clerk of the joint board the Board shall construct such extension of such increased discharging capacity as may be agreed between the Board and the joint board or, failing agreement, settled in accordance with paragraph (14) of this section and shall carry out any work necessitated thereby in accordance with plans, sections and specifications to be submitted to and reasonably approved by the joint board, and the joint board shall bear the reasonable cost incurred by the Board solely in connection with the provision of such increased discharging capacity:

- (6) If any portion of any sewer or drain constructed in extension of the pipe or of the Northern Outfall sewer (or of, by union, both the pipe and the Northern Outfall sewer) is to be constructed in, or at any time requires to be altered to, syphon form the Board may construct—
- (i) two or more syphons having together a discharging capacity not less than that of the extension generally; or
 - (ii) one syphon having a discharging capacity not less than that of the extension generally and having means whereby if the syphon shall become blocked the sewage and drainage which the syphon is intended to convey can be discharged into the docks or the river Mersey or the sea:
- (7) If for the purpose of the execution of the works authorised by this Act the Board requires to alter or divert the line of any portion of the pipe or of the Fort Road sewer, or to substitute, or alter the siting or position of, any manhole, airhole, penstock or other work or apparatus (all of which are hereinafter referred to as “apparatus”) ancillary to the pipe or to the Fort Road sewer or otherwise interfere with the pipe or the Fort Road sewer, the Board shall submit plans, sections and specifications to the joint board for their reasonable approval and shall not carry out any such alteration, diversion or substitution otherwise than in accordance with the plans, sections and specifications so approved or as may be settled pursuant to paragraph (14) of this section:

- (8) Any portion of the pipe or apparatus ancillary thereto which is altered, diverted or substituted in accordance with the preceding paragraph of this section shall be deemed to be part of the pipe and ancillary works referred to in the agreements and shall be subject to the provisions thereof accordingly:
- (9) Nothing in this section shall prejudicially affect the right of the Board under and in accordance with the agreements to reconstruct the pipe at the expense of the joint board so that it may be carried in syphon form below Work No. 6 or affect the right of the Board or the joint board to require that such syphon shall consist of two or more pipes but any such reconstruction shall be carried out under the superintendence if given of the engineer to the joint board:
- (10) If the joint board do not within two months from the submission to them of any plans, sections and specifications pursuant to the foregoing provisions of this section intimate to the Board in writing their approval or disapproval thereof they shall be deemed to have approved the same:
- (11) All such works as are referred to in paragraph (3) to paragraph (7) of this section shall be carried out at the expense of the Board and under the superintendence, if given, of the engineer to the joint board:
- (12) During the carrying out of all such works as are referred to in paragraph (3) to paragraph (7) of this section the Board shall make to the reasonable satisfaction of the joint board all necessary temporary provision for the free and uninterrupted flow of sewage and drainage:
- (13) The Board shall be responsible for and shall make good to the joint board all costs, charges, damages and expenses which the joint board incur by reason of or as a consequence of the execution of any of the works authorised by this Act other than costs, charges, damages and expenses which are attributable to any act, neglect or default of the joint board or their contractors or workmen:

Provided that the joint board shall give to the Board reasonable notice of any claim or demand made against them for which the Board is to be held responsible under this paragraph and the joint board shall not settle or compromise any such claim or demand without the prior consent of the Board:

PART III
—cont.

- (14) Any dispute which may arise between the joint board and the Board under this section shall be settled by arbitration.

For protection
of Postmaster
General.

42.—(1) Where in pursuance of the powers conferred by paragraph (b) of subsection (1) of section 19 (Subsidiary works) or section 26 (Power to stop up roads) of this Act any street or road or part of a street or road is stopped up or permanently diverted the following provisions of this subsection shall unless otherwise agreed in writing between the Board and the Postmaster General have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across any land which by reason of the stopping up or permanent diversion ceases to be a street or road (in this subsection referred to as “the affected line”) that is to say:—

- (a) the power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or permanent diversion of the street or road or part of the street or road so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (2) of this section unless before the expiration of that period the Postmaster General has given notice to the Board of his intention to remove the affected line or that part thereof as the case may be;
- (b) the Postmaster General may by notice in that behalf to the Board abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) the Postmaster General shall be entitled to recover from the Board the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may require;
- (d) where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Board and the

provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

PART III
—cont.

(2) As soon as practicable after the whole or part of a street or road has been stopped up or permanently diverted in pursuance of the powers referred to in subsection (1) of this section the Board shall send by post to the Postmaster General a notice informing him of the stopping up or permanent diversion.

(3) The temporary diversion of the whole or any part of any street or road under the powers conferred by paragraph (b) of subsection (1) of the said section 19 shall not prejudice or affect any right of the Postmaster General—

(a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which at the time of the diversion was under, in, upon, over, along or across that street or road or part thereof as the case may be; or

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon, break open or carry out works in that street or road or part thereof as the case may be.

43. Nothing in this Act shall exempt the Board from the provisions of sections 9 and 10 of the Harbours Act, 1964 in relation to the works authorised by this Act.

Saving for
Harbours
Act, 1964.
1964 c. 40.

44. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Saving for
town and
country
planning.
1962 c. 38.

45. Where under this Part of this Act any question or dispute is to be settled by arbitration the reference shall be to an engineer to be agreed upon between the parties or, failing agreement, appointed by the President for the time being of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

Arbitration.

PART IV

FINANCE AND MISCELLANEOUS

46. The Board may from time to time for the purposes of the works authorised by this Act borrow at interest on the security

Further
borrowing
powers for
works.

PART IV
—cont.

of the rates for the time being belonging to it, in addition to the sums which it is at the passing of this Act authorised to borrow by the existing Acts or any other Act, any further sum or sums not exceeding in the whole fifty million pounds.

Application
of moneys.

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

Saving for
powers of
Treasury:

1946 c. 58.

48. It shall not be lawful to exercise the powers of borrowing conferred upon the Board 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 &c.) of the Borrowing (Control and Guarantees) Act, 1946.

Costs of Act.

49. The Board out of any moneys for the time being in its hands shall pay and discharge all the costs, charges and expenses of and incidental to the applying for, obtaining and passing of this Act.



PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR PERCY FAULKNER, K.B.E., 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 3s. 0d. net

PRINTED IN ENGLAND



Mersey Docks and Harbour Board (Seaforth Works) Act 1966

CHAPTER xxiii

ARRANGEMENT OF SECTIONS

PART I

Section

PRELIMINARY

1. Short title.
2. Act divided into Parts.
3. Incorporation of Acts.
4. Definitions.

PART II

LANDS

5. Lands.
6. Correction of errors in deposited plan and book of reference.
7. Power to acquire easements only.
8. Acquisition of part only of certain properties.
9. Power to expedite entry.
10. Power to enter for survey or valuation.
11. Disregard of recent improvements and interests.
12. Extinction of rights affecting land acquired.
13. Grant of easements by persons under disability.
14. Period for compulsory purchase of lands.
15. Repeals.

PART III

Section

WORKS

16. Power to construct works.
17. Power to make entrances from river Mersey.
18. Power to take water from river Mersey or the sea.
19. Subsidiary works.
20. Power to deviate.
21. Maintenance, alteration and extension of works.
22. Period for completion of works.
23. Works to be deemed docks within meaning of existing Acts.
24. Applying sections of Acts of 1858 and 1936.
25. As to use of river embankment.
26. Power to stop up roads.
27. Amendment of Crosby Corporation Act, 1956.
28. Tidal works not to be constructed without approval of Board of Trade.
29. Provision against danger to navigation.
30. Abatement of works abandoned or decayed.
31. Survey of tidal works.
32. Lights on tidal works during construction.
33. Permanent lights on tidal works.
34. Certain works to be within borough of Crosby.
35. Crown rights.
36. Saving rights of Duchy of Lancaster.
37. As to exercise of powers by Board of Trade.
38. For protection of certain statutory undertakers.
39. For protection of Bootle Corporation.
40. For protection of Crosby Corporation.
41. For protection of Rimrose Brook Joint Sewerage Board.
42. For protection of Postmaster General.
43. Saving for Harbours Act, 1964.
44. Saving for town and country planning.
45. Arbitration.

PART IV

FINANCE AND MISCELLANEOUS

46. Further borrowing powers for works.
47. Application of moneys.
48. Saving for powers of Treasury.
49. Costs of Act.