



Crosby Corporation Act 1968

CHAPTER xxiv

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ELIZABETH II



1968 CHAPTER xxiv

Act to empower the mayor, aldermen and burgesses of the borough of Crosby to construct works and to acquire lands; to confer further powers upon the Corporation; and for other purposes. [26th July 1968]

WHEREAS the borough of Crosby in the county palatine of Lancaster (hereinafter referred to as "the borough") is a municipal borough under the government of the mayor, aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") :

And whereas owing to certain proposed development in the borough and the circumstances arising therefrom it is expedient that the Corporation should be empowered to construct the works and improvements authorised by this Act and to acquire and use lands as in this Act provided:

and whereas it is expedient that the other powers contained in this Act should be conferred on the Corporation:

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

and whereas the objects of this Act cannot be attained without authority of Parliament:

And whereas estimates have been prepared for and in connection with the purposes hereinafter mentioned and such estimates are as follows:—

	£
The construction of the works authorised by Part III (Works) of this Act	400,000

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas a plan and sections showing the line and level of the work by this Act authorised, such plan showing also the lands which may be acquired or used compulsorily under the powers of this Act and for the purposes of this Act, together with a book of reference to the said plan containing the names of the owner, reputed owners, lessees or reputed lessees and of the occupier of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Office of the House of Commons, with the town clerk of the borough and with the clerk of the county council of the administrative county of the county palatine of Lancaster and such plan, sections and book of reference are respectively referred to in this Act as the deposited plan, sections and book of reference:

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

1933 c. 51.

May it therefore please Your Majesty that it may be enacted and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

PART I PRELIMINARY

Short title.

1. This Act may be cited as the Crosby Corporation Act 1968.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Miscellaneous and general.

PART I
—cont.

3.—(1) Part I of the Act of 1965 (except section 4, subsection (5) of section 24, section 27 and paragraph 3 (3) of Schedule 3 thereof) in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act, 1946, applies and as if this Act were a compulsory purchase order under the said Act of 1946.

Application of Part I of Act of 1965.

1946 c. 49.

(2) In subsection (1) of section 11 of the Act of 1965, as so applied, for the words "fourteen days" there shall be substituted the words "three months".

(3) The Lands Clauses Consolidation Act, 1845, shall not apply to the acquisition of land under this Act.

1845 c. 18.

4.—(1) In this Act the following words and expressions have the several meanings assigned to them respectively unless there is something in the subject or context repugnant to such construction, that is to say:—

Interpretation.

"the Act of 1933" means the Local Government Act, 1933;

1933 c. 51.

"the Act of 1965" means the Compulsory Purchase Act, 1965;

1965 c. 56.

"the borough" means the borough of Crosby;

"the Corporation" means the mayor, aldermen and burgesses of the borough;

"enactment" includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation made under an Act;

"land" includes land covered by water, any interest in land and any easement or right in, to or over land;

"the limits of deviation" means the limits of deviation authorised by section 15 (Power to deviate) of this Act;

"seashore" means so much of the seashore, foreshore and sands of the estuary of the river Mersey or the sea within the borough as is shown on the deposited plan as intended to be used for the seaside improvements;

"the seaside improvements" means the works, facilities and improvements authorised by section 13 (Power to make seaside improvements) of this Act;

PART I
—cont.

1878 c. 76.

“ statutory undertakers ” means any authority, company or person authorised by any Act of Parliament in any order having the force of an Act of Parliament to supply electricity, gas or water;

“ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;

“ tidal work ” means so much of any work as is on, under or over tidal waters or tidal lands below the level of mean high-water springs;

“ the Trinity House ” means the master, wardens and assistants of the guild, fraternity or brotherhood of the Most Glorious and Undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent commonly called the Corporation of the Trinity House of Deptford Strond;

“ the works ” means the work authorised by section 12 (Power to construct work) of this Act, the sea defences, improvements and any works constructed under section 14 (Subsidiary works) of this Act and including any of those works as extended, enlarged, altered, replaced or relaid under subsection (2) of section 12 and “ work ” shall be construed accordingly.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

LANDS

Power to
acquire lands

5.—(1) Subject to the provisions of this Act, the Corporation may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for or in connection with the construction, maintenance of the works and for other purposes of this Act for any of those purposes.

(2) The powers of the Corporation for the compulsory acquisition of land under this section shall not be exercised after 31st December, 1971.

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,

pany Corporation after giving not less than ten days' notice to the
nter, lessee and occupier of the land in question, may apply to
uppl justices having jurisdiction in the borough for the correction
ereof.

graph (2) If on any such application it appears to the justices that the
misstatement or wrong description arose from mistake, the
und justices shall certify the fact accordingly and shall in their certifi-
vel o cate state in what respect any matter is misstated or wrongly
cribed.

assis (3) The certificate shall be deposited in the office of the Clerk
Mos of the Parliaments, and a copy thereof in the Private Bill Office,
ent in House of Commons, with the clerk of the county council of the
Ken administrative county of the county palatine of Lancaster and
four the town clerk of the borough and thereupon the deposited
and the deposited book of reference shall be deemed to be
ected according to the certificate, and it shall be lawful for
Corporation to take the land and execute the works in
accordance with the certificate.

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

ingl (1) The Corporation may, instead of acquiring any land Power to
con that they are authorised to acquire compulsorily under this Act, acquire
nccu hire compulsorily such easements and rights over or in the easements
ment and as they may require for the purpose of constructing, using, only.

ation (2) Accordingly the Corporation may give notice to treat in
on the spect of any such easement or right describing the nature thereof
renc and "land" in Part I of the Act of 1965, as applied by this Act,
n and includes such easements and rights as aforesaid.

act of (3) Where the Corporation have acquired an easement or right
over or in any land under this section—

quis (a) they shall not be required or, except by agreement or
er the during the execution of the works, entitled to fence off or
sever that land from the adjoining land;

ent (b) the owner or occupier of the land for the time being shall,
ement subject to the easement or right, have the same right to
of the use the land as if this section had not been enacted.

ent (4) In determining a question with respect to compensation Disregard of
ement obtained in consequence of the compulsory acquisition of land recent
of the under this Act, the Lands Tribunal shall not take into account any improvements
and interests.

PART II
—cont.

interest in land created after 5th December, 1967, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made after the said date, whether on the land acquired or on any other land with which the claimant is, or was at the time of erection or making of the building, works, improvement or alteration directly or indirectly concerned, if the tribunal is satisfied that creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration in the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Grant of easements by persons under disability.

9.—(1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may if he thinks fit, subject to the provisions of the Act of 1965, grant to the Corporation any easement or right required for the purposes of the Act over or in the lands not being an easement or right of water which some person other than the grantor has an interest.

(2) The provisions of the Act of 1965 with respect to land and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right aforesaid.

Agreements with adjoining owners.

10.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land.

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right so required.

Extinction of rights affecting land.

11.—(1) All rights over any land within the limits of deviation or forming part of the seashore shall be extinguished, in the case of any land vested in the Corporation at the date of the passing of this Act, as from that date or, in the case of any other land, as from the acquisition of the land by the Corporation, whether compulsorily or by agreement.

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

PART III

WORKS

12.—(1) Subject to the provisions of this Act, the Corporation may make and maintain in the line and situation and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the level shown on the deposited sections the following work in the borough, that is to say, a retaining wall or embankment commencing at the seaward end of Mariners Road and extending in a westerly direction for a distance of 100 feet or thereabouts, thence curving inland and proceeding in a south-easterly direction for a distance of 500 feet or thereabouts and there terminating.

Power to construct work.

(2) The Corporation may within the limits of deviation for the said work extend, enlarge, alter, replace or relay the same.

(3) Subject to the provisions of this Act, the Corporation may by means of the said work enclose and reclaim from the foreshore of the river Mersey or of the sea so much of the foreshore as is included within the limits of deviation.

13.—(1) Subject to the provisions of this Act, the Corporation may, on the seashore carry out works for the purpose of levelling the lands enclosed by the retaining wall or embankment authorised by section 12 (Power to construct work) of this Act and provide a pleasure ground comprising a boating lake and such other works and facilities for public recreation or for preserving and improving amenity as they may think fit.

Power to make seaside improvements.

(2) The Corporation may provide such buildings, conveniences and appurtenances and execute such work as may be necessary or expedient in connection with the provision of a boating lake under this section and references in the following provisions of this section to a boating lake so provided shall include references to any buildings, conveniences or appurtenances or works executed under this section and to anything with which any such building, convenience or appurtenance is equipped by virtue of section 271 of the Public Health Act, 1936, as applied by this section.

1936 c. 49.

(3) The Corporation may either—

- (a) themselves manage any boating lake provided under this section, making such reasonable charges for the use thereof, or admission thereto, as they think fit; or
- (b) let it, or any part thereof, for such consideration and on such terms and conditions, as they think fit.

(4) The Corporation may either themselves provide and let for hire or may license any person to let for hire any pleasure boats on a boating lake provided under this section.

PART III
—cont.

- (5) The Corporation may make byelaws for regulating—
- (a) the use of any boating lake provided under this section, including (without prejudice to the generality of the foregoing) the class or classes of boats which may be permitted to use any such boating lake;
 - (b) the conduct of persons using or resorting to any such boating lake;
 - (c) the numbering and naming of boats using any such boating lake, the number of persons to be carried thereon and the boathouses, boat parks and mooring places, and the same;
 - (d) the rates at which boats are let for hire;
 - (e) the qualifications of boatmen.

1936 c. 49.

(6) For the purposes of subsections (1) and (2) of this section, section 271 of the Public Health Act, 1936, shall apply as if references therein to that Act included references to this section.

1906 c. 25.

(7) The Corporation shall hold the land forming part of the seaside improvements as and for the purpose of an open space under the Open Spaces Act, 1906.

Subsidiary works.

14.—(1) Subject to the provisions of this Act, the Corporation may, for the purposes of or in connection with the work authorised by section 12 (Power to construct work) of this Act, the enclosing and reclaiming of the foreshore or bed of the river Mersey or the works authorised by the said section 12 and the seaside improvements may from time to time within the limits of deviation or on the seashore in addition to such works and improvements—

- (a) construct or place and maintain and use all such sluices, culverts, sewers, drains, mains, pipes, cables, tanks, valves and valve chambers, banks, walls, piles, caissons, lights, engines, pumps, machinery, roadways, ramps, slipways, landing-places, entrances, parking places, approaches, pipeways, stairs, works and appliances which may be necessary or convenient for or in connection with or subsidiary to the said authorised works and improvements;
- (b) make junctions with, and may alter the line or level of, any street or way interfered with by, or contiguous to, the works or improvements and may alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavements and may execute any works for the protection of any adjoining land or building;
- (c) temporarily or permanently use, strengthen, widen, improve, alter or otherwise interfere with drains, sewers,

submarine cables, telegraphic, telephonic, electric, gas, water and other pipes, lines, wires, works and apparatus (all of which are hereinafter in this section referred to as "apparatus") providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus.

(2) Any paving, metalling or materials in, on or under any street altered or otherwise interfered with by the Corporation under the powers of this section and rendered unnecessary and any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Corporation and the substituted apparatus shall be under the same jurisdiction, care, management and direction as the existing apparatus for which it may be so substituted.

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

(4) (a) Not less than twenty-eight days before executing any works under paragraph (c) of subsection (1) of this section affecting any apparatus the Corporation shall submit to the appropriate authority sufficient plans, sections and particulars of the proposed works for their reasonable approval.

(b) The Corporation 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 Corporation 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 Corporation under this subsection (other than one related to disputed compensation) shall be settled by arbitration.

(d) 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.

(e) In this paragraph "the appropriate authority" means in relation to any apparatus the authority to whom it belongs or by whom it is repairable.

(5) Notwithstanding anything in this section the Corporation shall not—

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

PART III
—cont.
1878 c. 76.

(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.

(6) 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 any means of any such line.

1869 c. 73.

(7) 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.

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

(9) In subsection (5) of this section, the expression "alter" has the same meaning as in the Telegraph Act, 1878, and, in subsection (8), the expression "apparatus for wireless telegraphy" has the same meaning as in the Wireless Telegraphy Act, 1949.

1950 c. 39.

(10) In this section, the expression "street" has the same meaning as in the Public Utilities Street Works Act, 1950.

Power to deviate.

15. In the construction of the work authorised by section 14 (Power to construct work) of this Act the Corporation may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate vertically from the level of that work shown on the deposited section to any extent downwards and to any extent not exceeding five feet upwards.

Temporary stoppage of highways.

16.—(1) The Corporation during and for the purpose of the execution of the works may temporarily stop up, alter, divert or otherwise interfere with any highway and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway from passing along and using the same.

Provided that the exercise by the Corporation of the powers conferred by this subsection shall not prejudice or affect the right of the Postmaster General or any statutory undertakers to maintain

inspect, repair, renew or remove any telegraphic or electric line or apparatus belonging to or used or maintained by him or them which may for the time being be under, in, upon, over, along or across that highway or, for the purpose of such maintenance, inspection, repair, renewal or removal, to enter upon or break open that highway.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land, house or building.

(3) The Corporation shall not exercise the powers of this section in relation to a highway without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be determined by the Minister of Transport.

17. The Corporation may from time to time for the purposes of any boating lake provided under section 13 (Power to make bankside improvements) of this Act take and use water from, and discharge water to, the river Mersey or the sea.

Power to take water from river Mersey or the sea.

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

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

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

(a) the Board may by notice in writing require the Corporation at their 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 Corporation, they have failed to comply with the requirements of the notice, the Board may execute the works specified in the notice; or

(b) if it appears to the Board 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 in so doing shall be recoverable from the Corporation as a simple contract debt.

PART III
—cont.
Provision
against
danger to
navigation.

19.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Corporation 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.

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

Abatement
of works
abandoned
or decayed.

20.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Corporation at their 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 as is within such limits as the Board of Trade think proper.

(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 mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water springs is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation 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 notice under this section is served upon the Corporation and they have 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 Corporation as a simple contract debt.

Survey of
tidal works.

21. 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 Corporation 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 Corporation as a simple contract debt.

Permanent
lights on
tidal works.

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

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

23.—(1) The Corporation shall at or near a tidal work during the whole time of the construction, extension, enlargement, alteration, replacement or relaying 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.

Lights on tidal works during construction.

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

24. Any person who wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the works, or who damages, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out, shall for every such offence be liable to a fine not exceeding twenty pounds.

Fine for obstructing works.

25. If the works are not completed within a period of five years from 1st October, 1968, then, on the expiration of that period the powers granted by this Act for the construction thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed:

Period for completion of works.

Provided that nothing in this section shall prejudice or affect the powers of the Corporation to maintain, extend, enlarge, alter, replace or relay the works at any time and from time to time as occasion may require.

PART IV

MISCELLANEOUS AND GENERAL

26.—(1) The Corporation may borrow—

Power to borrow.

(a) such sums as may be necessary for any of the purposes of this Act;

(b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

PART IV
—cont.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Corporation, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (2) of this section shall be repaid within such period from the date of borrowing as the Corporation, without the consent of the sanctioning authority, may determine, not exceeding the period specified in relation thereto in the third column of the following table.

(4) Subject to the provisions of this section Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946 c. 58.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands, easements and rights under the powers of this Act	The sum requisite	Sixty years.
(b) The construction of the works authorised by this Act	£400,000	Twenty years.
(c) The payment of the costs, charges and expenses of this Act	The sum requisite	Five years.

Confirming
authority for
byelaws.

27. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

Local
inquiries.

28.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act, as well as the Ministers therein mentioned.

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

29. Without prejudice to the generality of section 14 of the Industrial Expansion Act, 1968, anything authorised by or under sections 18 (Tidal works not to be executed without approval of Board of Trade), 20 (Abatement of works abandoned or decayed), 21 (Survey of tidal works) or 23 (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.

30. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties, or, failing agreement, appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

31. For the protection of the Mersey Docks and Harbour Board (hereinafter in this section referred to as “the board”) the following provisions shall, unless otherwise agreed in writing between the Corporation and the board, apply and have effect:—

(1) In this section—

“Work No. 1” means the sea wall or embankment (Work No. 1) authorised by section 16 (Power to construct works) of the Mersey Docks and Harbour Board (Seaforth Works) Act, 1966;

“the retaining wall” means the retaining wall or embankment authorised by section 12 (Power to construct work) of this Act:

(2) Notwithstanding anything in this Act or shown on the deposited plan, the Corporation shall not under the powers of this Act acquire any land belonging to the board but they may in accordance with the provisions of section 7 (Power to acquire easements only) of this Act acquire such easements and rights in relation to the said land as they may reasonably require for the purpose of constructing, maintaining or repairing the works:

(3) Before commencing the construction, maintenance or repair of the junction between the retaining wall and Work No. 1 or of any part of that portion of the retaining

PART IV
—cont.

wall within 700 feet of the said junction measured along the length of the retaining wall, the Corporation shall submit to the board for their reasonable approval plans, sections and particulars relating thereto and the work of construction, maintenance or repair shall be carried out otherwise than in accordance with such plans, sections and particulars as shall be approved by the board or as may be settled by arbitration:

Provided that if within twenty-eight days after submission to them of plans, sections and particulars under this paragraph, the board do not signify to the Corporation their approval or disapproval thereof, they shall be deemed to have approved thereof:

(4) The Corporation shall at all reasonable times afford the engineer of the board and his duly authorised representatives access to the works referred to in paragraph 1 of this section during the construction, maintenance or repair thereof for the purposes of inspection:

(5) If at any time during or after the construction of the retaining wall the foundations of Work No. 1 are undermined or otherwise damaged and it is agreed between the Corporation and the board or, in default of agreement, determined by arbitration that the undermining or other damage is attributable in whole or in part to the construction or existence of the retaining wall, the Corporation shall repay to the board—

(a) if it is agreed or determined that the undermining or other damage is wholly attributable to the construction or existence of the retaining wall, the whole; or

(b) if it is agreed or determined that the undermining or damage is in part attributable to the construction or existence of the retaining wall, that part of any expenses reasonably incurred by the board in making good the undermining or other damage or in carrying out works to prevent a recurrence thereof:

(6) If due to the construction or existence of the retaining wall, the board consider it necessary to prevent or reduce the risk of damage to Work No. 1 they may, after the junction between the retaining wall and Work No. 1 has been completed, reconstruct so much of the seaward pitch or slope of Work No. 1 as is situated seaward of the said junction to a pitch or slope of 1 in 2 or thereabouts and the Corporation shall repay to the board the expenses reasonably incurred by them in carrying out such reconstruction:

(7) Any difference arising between the Corporation and the board under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

Crown rights.

32. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular, without prejudice to the generality of the foregoing, nothing herein contained authorises the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the river or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description 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.

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

33. 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.

Costs of Act.

34. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act and otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the Corporation out of the general rate fund of the borough or out of moneys to be borrowed under this Act for that purpose.



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