

ELIZABETH II



1973 CHAPTER ix

An Act to dissolve The Upper Mersey Navigation Commissioners; and for other purposes.

[23rd May 1973]

WHEREAS—

(1) The Upper Mersey Navigation Commissioners (hereinafter referred to as “the Commissioners”) were incorporated by the Upper Mersey Navigation Act 1876 to provide and maintain buoys, beacons, lighthouses, lightships and lights and to do all other acts and things which should be necessary for effectually lighting and buoying the navigable channels of the Upper Mersey for the protection of ships and vessels navigating the same and generally for carrying into effect the provisions of the said Act of 1876: 1876 c. civ.

(2) The jurisdiction of the Commissioners extends over that part of the river Mersey (hereinafter referred to as “the river”) lying between an imaginary line drawn straight across the river from a point on the south-west bank of the river situate at latitude 53° 19' 44.21" north and longitude 2° 57' 14.45" west to a point on the north-east bank of the river situate at latitude 53° 20' 40.00" north and longitude 2° 54' 04.80" west and another imaginary line

drawn straight across the river at a place called Bank Quay in the county borough of Warrington (with the exception of the access between Weston Mersey Lock and the navigable channel of the river):

(3) The Commissioners now comprise twenty-two members of whom eight are elected by the payers of dues and fourteen are appointed by various companies and local and public authorities:

(4) The number of vessels navigating the Upper Mersey channels has greatly decreased as the opening of the Manchester Ship Canal in 1894 enabled them to reach ports on the Cheshire bank at all states of the tide and the recent closure of the docks and canal in the borough of Widnes has resulted in cessation of all traffic to the Lancashire bank of the river:

(5) In consequence the services provided and maintained by the Commissioners are no longer required:

(6) It is expedient that the Commissioners be dissolved and that the other provisions contained in this Act be enacted:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

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

Short title. 1. This Act may be cited as the Upper Mersey Navigation Act 1973.

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

“the appointed day” has the meaning assigned to it by section 6 (Dissolution of Commissioners) of this Act;

“the Commissioners” means The Upper Mersey Navigation Commissioners;

“enactment” includes an enactment in this Act or in any public general or local Act and any order, byelaw, rule or regulation made under any Act.

(2) Except where the context otherwise requires 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 enactment, including this Act.

3. As soon as may be after the passing of this Act the Commissioners shall proceed to take all necessary steps to wind up their affairs and shall sell or otherwise realise all their property, funds and assets of whatsoever kind and, after payment of the costs and expenses incurred in so doing, shall apply the proceeds as follows:—

first, in the payment of the costs, charges and expenses of this Act as provided by section 11 (Costs of Act) of this Act;

secondly, in the payment of any moneys owing by the Commissioners and any expenses incurred by the Commissioners in winding up their affairs;

thirdly, in giving effect to any scheme to be prepared and approved pursuant to section 4 (Compensation to employees, etc.) of this Act;

fourthly, in payments to certain companies and other bodies as provided by section 5 (Payments to companies and other bodies) of this Act;

fifthly, for the purposes of such charities or such other purposes as may be approved by the Secretary of State:

Provided that in paying the expenses incurred in winding up their affairs the Commissioners may reserve a sum of such amount, in respect of those expenses, as shall be deemed necessary for that purpose by the auditor appointed under subsection (2) of section 6 (Dissolution of Commissioners) of this Act.

4. As soon as may be after the passing of this Act the Commissioners shall, in accordance with a scheme to be prepared by the Commissioners and approved by the Secretary of State, make provision for the payment of compensation to all or any of the persons in the service of the Commissioners on the 1st January, 1973, and whose contract of service is terminated (otherwise than for misconduct) by notice given by or to the Commissioners before or after the passing of this Act.

5. The Commissioners shall pay to each of the companies and other bodies mentioned in column 1 of Schedule 1 to this Act the sum of money shown opposite the name of each such company or body respectively in column 2 of the said Schedule 1; and in case the net moneys available for distribution under this section shall be insufficient to pay the sums of money mentioned in the said column 2 such sums shall abate equally according to value.

6.—(1) In this Act “the appointed day” means such day as may be fixed by resolution of the Commissioners subject to and in accordance with the provisions of this section.

(2) (a) The accounts of the Commissioners shall be made up to the appointed day and shall be audited by an auditor appointed for the purpose by the Commissioners being a person qualified under paragraph (b) of this subsection.

(b) A person shall be qualified to be appointed such auditor as aforesaid if he is a member, or in the case of a firm all the partners therein are members, of one or more of the following bodies, that is to say:—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland;

the Institute of Municipal Treasurers and Accountants;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act 1948 by the Department of Trade and Industry.

1948 c. 38.

(3) The Commissioners shall not pass a resolution fixing the appointed day until—

(a) the net moneys available for distribution under section 3 (Commissioners to wind up affairs) of this Act have been distributed in accordance with the provisions of that section; and

(b) the auditor appointed under subsection (2) of this section has certified in writing that the Commissioners have complied with all the provisions of the said section 3.

(4) On the appointed day the Commissioners shall be dissolved.

Protection of members, officers and servants of the Commissioners from personal liability.

7. On and after the appointed day, no matter or thing done, and no contract entered into by any of the Commissioners or by any officer or servant of the Commissioners or other person whomsoever acting under the direction of the Commissioners or any of them, shall (if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act or the Upper Mersey Navigation Acts 1876 to 1920) subject personally the Commissioners or any of them or any such officer or servant or other person to any action, liability, claim or demand whatsoever.

Amendment of Manchester Ship Canal Act 1885.

1885 c. clxxxviii.

8. Section 88 (For the protection of Corporation and traders &c. of Warrington) of the Manchester Ship Canal Act 1885 shall have effect as if in subsection (5) for the words “Chairman for the time being of the Upper Mersey Navigation Commissioners” there were substituted the words “President of The Law Society”.

9. Section 20 (For protection of the accesses to the canal) Amendment of the Manchester Ship Canal (Tidal Openings, &c.) Act 1890 shall have effect as if in subsection (1) the words “ (as defined in the Upper Mersey Navigation Act 1876)” were omitted and as if at the end of the said section 20 there were added the following subsection:—

of Manchester Ship Canal (Tidal Openings, &c.) Act 1890.
1890 c. lxxiv.
1876 c. civ.

“(3) In this section the expression “the Upper Mersey” means that part of the river Mersey lying between an imaginary line drawn straight across that river from a point on the south-west bank of the river situate at latitude 53° 19' 44.21" north and longitude 2° 57' 14.45" west to a point on the north-east bank of the river situate at latitude 53° 20' 40.00" north and longitude 2° 54' 04.80" west and another imaginary line drawn straight across that river at a place called Bank Quay in the county borough of Warrington.”.

10.—(1) The enactments set out in Part I of Schedule 2 to this Repeal Act are hereby repealed.

(2) The enactments set out in Part II of Schedule 2 to this Act are hereby repealed on the appointed day.

11. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Commissioners.

SCHEDULES

Section 5.

SCHEDULE 1

PAYMENTS TO COMPANIES AND OTHER BODIES

1 Name	2 Amount
The Manchester Ship Canal Company	£7,150
Hutchinson Estate & Dock Company (Widnes) Limited ..	£1,365
British Waterways Board	£1,260
The Warrington Chamber of Commerce	£624
The mayor, aldermen and burgesses of the county borough of Warrington	£500
The mayor, aldermen and burgesses of the borough of Widnes	£500
Runcorn Urban District Council	£500
The Widnes Chamber of Commerce	£410
Dearborn Chemicals Limited	£260

SCHEDULE 2

Section 10.

ENACTMENTS REPEALED

PART I

ENACTMENTS REPEALED ON THE PASSING OF THIS ACT

Enactment	Extent of repeal
The Upper Mersey Navigation Act 1876 ..	Sections 6, 26 and 27. 1876 c. civ.
The Manchester Ship Canal Act 1885 ..	In section 200 the words from "and the Upper Mersey Navigation Act 1876" to "Commissioners". 1885 c. clxxxviii.
The Manchester Ship Canal Act 1893 ..	Section 35. 1893 c. iii.
The Manchester Ship Canal (Finance) Act 1904	Section 13. 1904 c. lxxiv.
The Upper Mersey Navigation Act 1920 ..	Sections 4 and 7. 1920 c. xlix.
The Manchester Ship Canal Act 1936 ..	Section 31. 1936 c. cxxiv.

PART II

ENACTMENTS REPEALED ON THE APPOINTED DAY

Enactment	Extent of repeal
The Upper Mersey Navigation Act 1876 ..	The whole Act.
The Upper Mersey Navigation Act 1879 ..	The whole Act. 1879 c. clxvii.
The Manchester Ship Canal Act 1885 ..	Section 212.
The Manchester Ship Canal Act 1893 ..	Section 36.
The Upper Mersey Navigation Act 1920 ..	The whole Act.
The Manchester Ship Canal Act 1924 ..	Sections 6 and 10. 1924 c. lviii.
The Cheshire and Lancashire County Councils (Runcorn-Widnes Bridge, &c.) Act 1947 ..	Section 70. 1947 c. xxix.

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Upper Mersey Navigation Act 1973

CHAPTER ix

ARRANGEMENT OF SECTIONS

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6. Dissolution of Commissioners.
7. Protection of members, officers and servants of the Commissioners from personal liability.
8. Amendment of Manchester Ship Canal Act 1885.
9. Amendment of Manchester Ship Canal (Tidal Openings, &c.) Act 1890.
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SCHEDULES:

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Schedule 2—Enactments repealed—

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