

ELIZABETH II



1986 CHAPTER xviii

An Act to provide for the abandonment of Bromborough Dock; to empower UML Limited to construct certain works for the purposes of such abandonment and to confer further powers upon the Company; and for other purposes.
[25th July 1986]

WHEREAS Unilever PLC (hereinafter referred to as “the parent Company”) is a company within the meaning of the Companies Act 1985 and is a company limited by 1985 c. 6. shares:

And whereas the parent Company is the owner of Bromborough Dock in the borough of Wirral (in this Act referred to as “the dock”) the construction of which was authorised by the Bromborough Dock Act 1923:

1923 c. lxxii.

And whereas UML Limited (in this Act referred to as “the Company”) was incorporated in 1960 and is a wholly-owned subsidiary of the parent Company:

And whereas the activities of the Company include the administration and operation of the dock on behalf of the parent Company:

And whereas the use of the dock in connection with the trade, business and operations of the parent Company and its associated companies is no longer required:

And whereas it is expedient to transfer to the Company the powers, rights, liabilities and obligations of the parent Company under the Bromborough Dock Acts 1923 to 1946:

And whereas it is expedient that the Company should be empowered to abandon the dock and that the powers and provisions with reference thereto which are contained in this Act should be conferred and enacted:

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 the authority of Parliament:

And whereas a plan and sections showing the lines and levels of the works by this Act authorised and the lands which may be used for the purposes thereof, and a book of reference to the said 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, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Merseyside County Council, and such plan, sections and book of reference are respectively referred to in this Act as the deposited plan, sections and 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

Citation.

1.—(1) This Act may be cited as the Bromborough Dock Act 1986.

(2) The Bromborough Dock Acts 1923 to 1946 and this Act may be cited together as the Bromborough Dock Acts 1923 to 1986.

Interpretation.

2.—(1) In this Act—

“the Act of 1923” means the Bromborough Dock Act 1923 c. lxxii.

“the borough” means the borough of Wirral;

“the Company” means UML Limited;

“the directors” means the directors of the Company;

“the dock” means the following works authorised by the Act of 1923, namely:—

- (a) the dock and lock entrance (Work No. 1);
- (b) the entrance channel leading to the lock entrance (Work No. 2);
- (c) so much of the jetty (Work No. 3) as does not form part of the river wall or embankment (Work No. 5); and
- (d) so much of the jetty (Work No. 4) as does not form part of the river wall or embankment (Work No. 6).

(2) This Act shall be read as if the words “or thereabouts” were inserted after each distance and area mentioned in section 5 (Power to construct works) of this Act.

(3) References in this Act to reference points shall be construed as references to National Grid reference points.

PART II

TRANSFER OF FUNCTIONS, ABANDONMENT OF DOCK AND CONSTRUCTION OF WORKS

3. The powers, rights, liabilities and obligations of Unilever PLC under the Bromborough Dock Acts 1923 to 1946 shall become powers, rights, liabilities and obligations of the Company and the said Acts shall have effect as if any reference to Lever Brothers Limited or Lever Brothers & Unilever Limited were a reference to the Company. Transfer of functions.

4.—(1) Subject to the provisions of this Act, the Company may, on such date as the directors may by resolution determine, abandon and discontinue the dock and, subject as aforesaid, all powers, rights, liabilities and obligations relating to any portion of the dock so abandoned (whether conferred or imposed under any enactment or otherwise) shall cease. Abandonment of dock.

(2) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act 1845 or any other enactment, the Company may on and after the date determined by the directors for the purposes of subsection (1) above— 1845 c. 18.

- (a) retain, use and appropriate for the general purposes of the Company the whole or such part as it may think fit of any lands, property or works forming the site of

PART II
—cont.

or acquired, constructed or used in connection with the dock and, if it thinks fit for any of those purposes, remove, reconstruct, fill in or otherwise alter the whole or so much as it may from time to time determine of the dock; and

(b) exercise with reference to the dock and the said lands, property and works the powers exercisable by it with reference to surplus lands.

(3) Within one month of the passing of a resolution of the directors under subsection (1) above, the Company shall give notice of the effect of the resolution by advertisement in such local newspaper as it may deem expedient for causing the resolution to be made known to persons affected thereby.

Power to
construct
works.

5.—(1) Subject to the provisions of this Act, the Company may make and maintain in the lines and situations and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited sections the following works in the borough, that is to say:—

Work No. 1 A dock closure wall incorporating a discharge notch commencing at reference point SJ 3496 8493 and terminating at reference point SJ 3498 8492, such work to include the removal of the existing outer lock gates;

Work No. 2 A new channel to carry the river Dibbin commencing at reference point SJ 3467 8461 and terminating at reference point SJ 3497 8492, such work to include the removal of the existing inner lock gates;

Work No. 3 An interceptor sewer commencing at reference point SJ 3482 8464, extending in a south-easterly direction for a distance of 140 metres, thence in a north-easterly direction for a distance of 325 metres and terminating at reference point SJ 3510 8480.

(2) The existing outer lock gates shall not be removed before the dock closure wall (Work No. 1) authorised by this section has been completed except with the approval of, and subject to compliance with such conditions as may be required by, the Secretary of State.

Subsidiary
works.

6. Subject to the provisions of this Act, the Company may from time to time erect, construct and maintain whether temporarily or permanently all such works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance or use of the

works authorised by section 5 (Power to construct works) of this Act. PART II
—cont.

7. In the construction of the works authorised by section 5 (Power to construct works) of this Act the Company 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 levels of those works shown on the deposited sections to any extent upwards or downwards: Power to deviate.

Provided that the discharge notch forming part of Work No. 1 shall not be constructed at a height greater than 2.5 metres above ordnance datum (Newlyn).

8.—(1) The Company may from time to time for the purposes of the works authorised by this Act continue to discharge water or effluent to the river Mersey. Discharge of water, etc.

(2) Nothing in subsection (1) above shall exempt the Company from the provisions of the Water Resources Act 1963 or the Prevention of Oil Pollution Act 1971. 1963 c. 38.
1971 c. 60.

(3) The new channel (Work No. 2) authorised by this Act shall not be subject to any public right of user or navigation.

PART III

MISCELLANEOUS

9.—(1) Any temporary structure constructed under the provisions of this Act on or over the foreshore or bed of the river Mersey shall be constructed in such position and used for such purposes as may from time to time be approved by the acting conservator of the river Mersey and in accordance with plans approved by him so as not to interfere more than is necessary with the tidal flow and scour of the river Mersey. For protection of river Mersey.

(2) After the purpose for which the use of any such temporary structure has been so approved has been accomplished, the Company shall forthwith remove that structure and the materials thereof.

10.—(1) On and after the date determined by the directors for the purposes of subsection (1) of section 4 (Abandonment of dock) of this Act the enactments referred to in section 10 (Application of certain sections of Act of 1920) of the Act of 1923 shall continue to apply to such of the works authorised by that Act as are on, under or over tidal waters or tidal lands below the level of mean high-water springs. Amendment and repeal of local enactments.

PART III
—*cont.*

1920 c. cxxxiii.

(2) Section 10 (Works below high-water mark to be subject to approval of Board of Trade) of the Lever Brothers, Limited (Wharves and Railway) Act 1920, as applied by subsection (1) above, shall have effect as if after the word “alteration” there were inserted the words “, reconstruction, removal,” and section 11 (Lights on works during construction) of the said Act of 1920, as so applied, shall have effect as if after the word “constructing” there were inserted the words “, reconstructing, removing,”.

(3) On the date determined by the directors for the purposes of subsection (1) of section 4 (Abandonment of dock) of this Act section 11 (Permanent lights on works) of the Act of 1923 shall have effect as if for the words “outer extremity of the works” there were substituted the words “northern extremity of the river wall or embankment No. 1 (Work No. 5) and at the southern extremity of the river wall or embankment No. 2 (Work No. 6)”.

(4) On the date determined by the directors for the purposes of the said subsection (1) the Acts specified in the Schedule to this Act shall be repealed to the extent specified in that Schedule.

Saving for
Control of
Pollution Act
1974.

1974 c. 40.

Crown rights.

11. Nothing in this Act shall exempt the Company from the provisions of the Control of Pollution Act 1974.

12.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Company to take, use, enter upon or in any manner interfere with any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

(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; 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.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

SCHEDULE

Section 10.

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
13 & 14 Geo. 5 c. lxxii.	Bromborough Dock Act 1923.	So much of section 2 as incorporates provisions of the Harbours, Docks and Piers Clauses Act 1847, so much of section 3 as defines the expression "the tribunal", paragraphs (1) and (3) to (5) of section 5, sections 8, 9 and 12 to 27, paragraphs (2) to (5) of section 28 and sections 29 to 33, 40 and 41.
18 & 19 Geo. 5 c. ii.	Bromborough Dock Act 1928.	The whole Act.
20 & 21 Geo. 5 c. lx.	Bromborough Dock Act 1930.	The whole Act.
9 & 10 Geo. 6 c. lv.	Bromborough Dock Act 1946.	The whole Act.
1971 c. x.	Mersey Docks and Harbour Board Act 1971.	Section 14.

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CHAPTER xviii

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SCHEDULE—Enactments repealed.