



CHAPTER cxcvii.

An Act to confer further powers on the Corporation of Preston with reference to the Ribble Navigation and for other purposes. A.D. 1905.
[11th August 1905.]

WHEREAS the mayor aldermen and burgesses of the county borough of Preston (in this Act called "the Corporation") have under the provisions of the Ribble Navigation and Preston Dock Act 1883 acquired the undertaking of the Ribble Navigation Company and the powers of the Corporation with reference to the Ribble Navigation are now regulated by the Ribble Navigation Act 1853 the Ribble Navigation and Preston Dock Act 1883 the Ribble Navigation &c. Act 1888 and the Ribble Navigation Acts 1889 1890 1892 and 1896 which Acts are hereinafter respectively referred to as "the Act of 1853" "the Act of 1883" "the Act of 1888" "the Act of 1889" "the Act of 1890" "the Act of 1892" and "the Act of 1896" and collectively with this Act as "the Ribble Navigation Acts" and by the said Acts or some of them the Corporation were constituted the port and harbour authority of the port and harbour of Preston:

And whereas in pursuance of the Act of 1889 a commission was appointed by the Board of Trade to inquire into and report upon (inter alia) the practicability of providing a navigable waterway between Preston and the open sea and that commission in its final report made on the seventh day of August one thousand eight hundred and ninety-one expressed the opinion that the gradual extension of the then existing training walls in the estuary of the River Ribble would be the best solution of the situation and by the Act of 1896 the Corporation were empowered to continue the said training walls seaward as thereby provided:

A.D. 1905.

And whereas the works executed by the Corporation in accordance with the said report have enabled vessels of greater tonnage to use the port and the trade of the port has improved:

And whereas the Corporation have been advised that the access to Preston from the sea would be still further improved by a continuation of the existing walls seaward in accordance with the principle recommended by the said commission and it is therefore expedient that the Corporation be empowered to continue the same as in this Act provided:

And whereas it is expedient that the Corporation should be empowered to borrow further money as in this Act provided:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and those estimates are as follows:—

For the construction of the training walls and works by this Act authorised	£
For and in relation to the general purposes of the Ribble Navigation	140,000
	60,000

And whereas the Training Wall or Embankment No. 1 authorised by the Act of 1896 has not been constructed and the Committee of the House of Lords to whom the Bill for this Act was referred deemed it expedient that the Corporation should be required to construct the same but the Corporation have no funds available for that purpose:

And whereas an estimate has been prepared by the Corporation for the construction of the said training wall or embankment which estimate is twenty thousand pounds:

And whereas the several 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 plans and sections showing the lines and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken compulsorily for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster and are in this

Act respectively referred to as the deposited plans sections and book of reference : A.D. 1905.

And whereas an absolute majority of the whole number of the council at a meeting held on the eighteenth day of November one thousand nine hundred and four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Lancashire Daily Post a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the harbour revenue and the borough fund and borough rate :

And whereas such resolution was published twice in the Preston Herald a local newspaper published and circulating in the borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-sixth day of January one thousand nine hundred and five being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed :

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

1. This Act may be cited as the Ribble Navigation Act 1905 and the Ribble Navigation Acts 1853 to 1896 and this Act may be cited together as the Ribble Navigation Acts 1853 to 1905. Short title.

2. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.

3. The several words and expressions to which by the Acts incorporated with this Act meanings are assigned have in this Interpretation.

A.D. 1905. Act the same respective meanings unless there is something in the subject or context repugnant to such construction :

And in this Act unless the context otherwise requires—

“The borough” means the county borough of Preston ;

“The Corporation” means the mayor aldermen and burgesses of the borough whether acting under the provisions of the Municipal Corporations Acts or in the execution of the Acts relating to the port and harbour of Preston ;

“The council” means the council of the borough ;

“The St. Anne’s Council” means the urban district council of St. Anne’s-on-the-Sea ;

“The harbour revenue” means and includes all moneys (other than borrowed moneys and other moneys in the nature of capital) payable to the Corporation by virtue of the North Union and Ribble Navigation Branch Railway Act 1845 and the Ribble Navigation Acts respectively ;

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough.

Execution
of Act by
Corporation.

4. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts and Ribble Navigation Acts respectively and any other Acts for the time being affecting the Corporation as a municipal body or as the harbour authority for executing those Acts respectively and with all the rights powers duties privileges exemptions and authorities conferred or imposed by those Acts respectively on the Corporation and on the council and committees of the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in the before-mentioned Acts respectively and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers duties privileges exemptions authorities and property vested in imposed on or enjoyed by the Corporation by or under this Act were vested in imposed on or enjoyed by them by or under those Acts respectively.

Power to
make works.

5. Subject to the provisions of this Act the Corporation may in the county palatine of Lancaster or in the estuary of

the River Ribble adjoining that county and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes (that is to say):—

(1) A training wall (No. 1) being an extension and continuation seaward in a westerly direction for a distance of two miles or thereabouts of the existing north training wall in the estuary of the River Ribble :

(2) A training wall (No. 2) being an extension and continuation seaward in a westerly direction for a distance of three miles four furlongs and three chains or thereabouts of the existing south training wall in the estuary of the River Ribble.

6. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent within the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and ten feet downwards :

Limits of deviation.

Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

7. The following sections of the Act of 1896 (that is to say) :—

Section 9 (As to height of training walls) ;

Section 10 (Works to be executed in accordance with the principle recommended by the commission) ;

Section 12 (Incorporation of certain sections of the Act of 1883) ;

Section 13 (Works below high-water mark not to be commenced without consent of Board of Trade) ;

Section 15 (As to future accretions) ; and

Section 21 (Saving rights of the duchy of Lancaster) ;

Incorporation of certain sections of Act of 1896.

A.D. 1905. — are hereby incorporated with this Act and shall extend and apply to the Corporation and *mutatis mutandis* to and in relation to the works by this Act authorised.

As to deposit
of dredged
material.

8. All material which may be dredged by the Corporation under the Ribble Navigation Acts other than such material (except sand) as they may require for the purposes of their works shall be carried out to sea and deposited westward of the meridian of three degrees nine minutes west of Greenwich :

Provided always that nothing in this section contained shall be deemed or construed to prevent the Corporation from depositing any dredged material upon the lands bordering Liggard Brook on the northerly side thereof and upon lands along the Lytham North Shore as far as the custom house all of which said lands are mentioned in an agreement dated the 19th day of December 1904 and made between John Talbot Clifton Esquire of the one part and the Corporation of the other part or upon lands situate eastward of Freckleton Pool and the River Douglas otherwise Astland and if at any time it shall be proved to the satisfaction of the Board of Trade that the Corporation are depositing dredged material in accordance with this proviso so as to cause any injury or detriment to the north channel then the Corporation shall forthwith discontinue depositing dredged material so as to cause such injury or detriment as aforesaid.

As to construction of
Training
Wall No. 1
authorised
by Act of
1896.

9. Within six months from the passing of this Act the Corporation shall commence the construction of the Training Wall or Embankment No. 1 authorised by the Act of 1896 and shall complete the same within three years from the commencement thereof and shall thereafter maintain the same.

Cross sections of north
channel to be
prepared by
Corporation.

10.—(1) The Corporation shall annually prepare and shall on the first day of September one thousand nine hundred and five and on each succeeding first day of September forward to the Board of Trade cross sections of the upper part of the north channel between St. Anne's Pier and Lytham Pier taken always upon the same lines so that the Board of Trade shall be acquainted with any changes taking place in the bed of that part of the estuary The Corporation shall also on the same date supply a copy of such cross sections to the St. Anne's Council.

(2) The Board of Trade may if they think fit cause an inquiry to be held to ascertain the causes of any such changes and may make such order as they think fit having regard to

those causes and the costs charges and expenses of the Board of Trade in connection with such inquiry shall be borne by the Corporation. A.D. 1905.

(3) Any order made by the Board of Trade under the provisions of this section shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(4) Any question dispute or difference which may arise between the Corporation and the St. Anne's Council under the provisions of this section shall be referred to and be determined by the Board of Trade.

11. The Corporation shall whenever and to the extent reasonably required by the St. Anne's Council dredge the north channel and the costs charges and expenses to be reasonably incurred by the Corporation in so doing shall be paid and defrayed by the said council out of the district fund and general district rate of their district or out of moneys to be borrowed by the said council under the provisions of this Act. As to dredging north channel.

Any question dispute or difference which may arise between the Corporation and the said council under the provisions of this section shall be referred to and be determined by the Board of Trade.

12. Notwithstanding anything in this Act contained the Corporation shall forthwith upon the request of the St. Anne's Council (such request not to be preferred until 2,700 yards of the Training Wall or Embankment No. 1 authorised by the Act of 1896 have been constructed at its eastern end) and at the cost of the Corporation dredge the portion of the north channel co-extensive with the Training Wall or Embankment No. 5 constructed under the Act of 1896 to a depth of 4 feet above sea low-water level and to the average width of 450 feet measured from the said Training Wall or Embankment No. 5 to the extent of dredging not exceeding 35,000 cubic yards of hard material and 75,000 cubic yards of sand (being the quantities ascertained and agreed to be dredged by the Corporation under this section) and such dredging after the first commencement thereof shall be proceeded with as reasonably continuously as the exigencies of the trade of Preston permit and shall be completed within twelve months from the date of its commencement. The joint certificate in writing under the hands of the engineer of the Corporation and of the surveyor of the said council of the completion of the dredging of the before-mentioned quantities shall Further provisions as to dredging north channel.

A.D. 1905. be conclusive evidence thereof and of the fulfilment of the obligation of the Corporation. Any question dispute or difference which may arise under the provisions of this section shall be referred to and be determined by an engineer to be appointed in case of difference by the Board of Trade.

Power to
St. Anne's
Council to
borrow.

13.—(1) The St. Anne's Council may from time to time borrow at interest on the security of the district fund and the general district rate the following sums to be repaid in the following periods (that is to say) :—

(A) For the payment of the sums payable under this Act to the Corporation for the purposes of the works of dredging the north channel such sums as may be approved by the Local Government Board and to be repaid in such period as that Board may sanction :

(B) For the payment of the costs charges and expenses payable by them preliminary to and of and incidental to the opposition in Parliament to this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons the sum requisite for that purpose and to be repaid within five years from the passing of this Act :

Provided that in calculating the sum which the St. Anne's Council may borrow under the Public Health Act 1875 or any other enactment any sums they may borrow or which are charged upon the district fund and general district rate under or by virtue of this Act shall not be reckoned.

(2) The provisions of sections 45 46 (so far as regards mode of repayment) and 47 to 53 inclusive of the St. Anne's-on-the-Sea Improvement Act 1896 shall apply mutatis mutandis in regard to moneys borrowed under the provisions of this section.

Audit of ac-
counts of
St. Anne's
Council.

14. Section 58 of the Local Government Act 1894 shall apply to the accounts of the St. Anne's Council and to the accounts of their committee officers and servants under this Act.

Amending
sections 17
18 and 19 of
Act of 1896.

15. From and after the passing of this Act section 17 of the Act of 1896 shall be read and construed as if the words "the Training Wall No. 2 authorised by the Ribble Navigation Act 1905" had been inserted therein in lieu of the words "the Training Wall No. 1 at any point in that wall situate not less than one thousand yards west of the western end of the south training wall authorised by the Act of 1883" and sections 18

and 19 of the Act of 1896 shall be read and construed as if the said Training Wall No. 2 had been referred to therein in lieu of the Training Wall No. 1 therein mentioned.

A.D. 1905.

16. The Corporation may from time to time in addition to any moneys which they have already borrowed or which they may be authorised to borrow under the provisions of any other Act borrow at interest on the security of the harbour revenue the borough fund and the borough rate and for the following purposes any sums not exceeding the following sums (that is to say):—

Power to Corporation to borrow.

- (A) For paying the costs charges and expenses of and in relation to this Act as hereinafter defined the sum requisite for the purpose :
- (B) For the construction of the training walls and works by this Act authorised the sum of one hundred and forty thousand pounds :
- (C) For and in relation to the general purposes of the Ribble Navigation the sum of sixty thousand pounds :
- (D) For the construction of the Training Wall or Embankment No. 1 authorised by the Act of 1896 the sum of twenty thousand pounds.

In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

17. The following sections of the Act of 1890 (that is to say):—

Incorporation of certain provisions of Act of 1890.

- Section 15 (Power to re-borrow) ;
- Section 16 (Sinking funds may be adjusted in certain events) ;
- Section 17 (Application of moneys borrowed) ;
- Section 18 (Certain provisions of Act of 1883 incorporated) except subsection (1) of the proviso to that section ;

shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the money borrowed under and the expenses of executing this Act Provided that the Corporation shall pay off all moneys borrowed by them under this

A.D. 1905. Act for the purpose (A) mentioned in the section of this Act whereof the marginal note is "Power to Corporation to borrow" within five years from the date of the passing of this Act.

For appointment of a receiver.

18. Section 38 (For appointment of a receiver) of the Act of 1896 is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act and in lieu thereof the mortgagees of the Corporation under the Ribble Navigation Acts or any of them may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than five thousand pounds in the whole.

As to application of harbour revenue.

19. Before applying the harbour revenue in making any repayment to the borough fund or any payment to the reserve fund as permitted by section 125 (Application of harbour revenue) of the Act of 1883 the Corporation shall pay the interest on moneys borrowed by them under and provide the requisite instalments and sinking fund prescribed by the Act of 1888 the Act of 1889 the Act of 1890 the Act of 1892 the Act of 1896 and this Act and the said section 125 shall be read and construed accordingly.

Costs of Act.

20. All the costs charges and expenses of the Corporation preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or 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 harbour revenue borough fund and borough rate or out of money to be borrowed for the purpose under the powers of this Act.

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