



CHAPTER XX.

An Act to extend the time for the construction of certain works authorised by the Leeds and Liverpool Canal Act 1891 to confer further powers on the Leeds and Liverpool Canal Company and for other purposes. A.D. 1905.

[30th June 1905.]

WHEREAS by the Leeds and Liverpool Canal Act 1891 (in this Act called "the Act of 1891") the construction by the Leeds and Liverpool Canal Company (in this Act called "the Company") of the Winterburn Reservoir therein referred to was confirmed and the Company were authorised to make and maintain certain supplemental reservoirs called the Bordley Hall Reservoir and the Bucker House Reservoir and in connection therewith to divert the road leading from Threshfield to Malham :

And whereas the time for the construction of the works authorised by the Act of 1891 was limited to fifteen years from the passing of that Act which received the Royal Assent on the twenty-eighth day of July one thousand eight hundred and ninety-one :

And whereas the lands required for the purposes of the aforesaid reservoirs and road diversion have been acquired and are now vested in the Company and it is expedient that the time limited for the construction of the said works as aforesaid should be extended :

And whereas it is expedient that further powers be conferred upon the Company and that the Act of 1891 be amended as hereinafter mentioned :

And whereas 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 King's most Excellent Majesty by and

A.D. 1905. 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:—

Short title.

1. This Act may be cited as the *Leeds and Liverpool Canal Act 1905.*

Extension of
time for com-
pletion of
certain works
authorised by
Act of 1891.

2. The period limited by the Act of 1891 for the completion of the works (except the aqueduct conduit or line of pipes Work No. III.) authorised by section 36 of that Act is hereby extended for a period of ten years from the twenty-eighth day of July one thousand nine hundred and six and if the same be not completed within that period then on the expiration of that period the powers by the Act of 1891 (as amended by this Act) granted for the making and completion of the reservoirs (Works Nos. I. and II.) and the road diversion (Work No. IV.) mentioned in that section or otherwise in relation to such works shall cease except as to such of those works as shall be then completed or in course of construction. But nothing in this Act or in the Act of 1891 shall restrict the Company from extending enlarging altering reconstructing or renewing any of their waterworks from time to time as occasion may require or prejudice or limit any other existing rights or powers of the Company.

For protec-
tion of water-
works and
water supply
of Company.

3. The protection and preservation of the waterworks and water supply of the Company shall be deemed to be a special purpose within the meaning of section 69 of the Act of 1891 and the Company may for or with a view to such protection or preservation by agreement purchase or take on lease (in addition to any other lands now belonging or leased to them or which they may acquire or lease under the powers of any former Act) any lands not exceeding in the whole two hundred and fifty acres and any easement right or privilege therein thereunder or thereover not being an easement right or privilege of water in which other than parties to the agreement are interested. Provided that so long as any lands acquired by or leased to the Company under this section are held by them the Company shall not on any such lands create or permit any nuisance.

Power to
sell lease &c.
lands.

4. The Company may notwithstanding the provisions of the Lands Clauses Acts sell lease exchange or otherwise dispose of any lands for the time being belonging to or vested in them and which they may consider not to be required for the purposes of their undertaking to such persons and for such consideration and on such terms and conditions as they think fit and in any such

sale lease or exchange or other disposition may reserve to themselves all or any water or water rights or other easements in relation thereto and may make such sale lease exchange or other disposition subject to such conditions restrictions and provisions with respect to the user of such lands and the use of water or otherwise as they think fit : A.D. 1905.

Provided that nothing in this section shall prejudice or affect the provisions of paragraph 9 of the agreement set forth in the Second Schedule to the Act of 1891.

5. Sections 78 and 79 of the Act of 1891 are hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :— Removal of sunken and unseaworthy vessels and recovery of expenses.

(A) In this section the expression "the canal" means and includes the Company's canals and works including the Leigh Branch the Douglas Navigation that portion of the Lancaster Canal of which the Company are lessees and the Bradford Canal of which the Company are joint owners with the undertakers of the Aire and Calder Navigation the expression "the undertakers" means as regards the canals above mentioned exclusive of the Bradford Canal the Company and as regards the Bradford Canal the Bradford Canal Joint Committee or other body in whom the management of the Bradford Canal and of the traffic thereon is for the time being vested and includes the officers servants and agents of the Company and the joint committee or other body respectively having either a general or special authority for the purposes of this section and the expression "boat" includes barge vessel and other craft of any description however propelled or moved :

(B) If any boat is or shall be sunk in any part of the canal and the owner or the person at or before the time of the sinking thereof in charge of such boat shall not forthwith weigh draw up or remove the same the undertakers may weigh draw up or remove such boat to any place which they may consider suitable either on or off the canal and may detain and keep the same with the tackle and loading thereof until payment be made of all the expenses of or connected with such weighing drawing up removal and detention :

(c) The undertakers may at any time prohibit the use or employment in or upon the canal or any part thereof

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of any boat which may be not in suitable repair or condition for use on the canal or otherwise liable to sink or to obstruct the navigation or use of the canal and may remove such boat to any place which they may consider suitable either on or off the canal and may detain and keep the same with the tackle and loading thereof until payment be made of all the expenses of or connected with such removal and detention :

- (D) If any such boat as is mentioned in subsections (B) and (C) of this section is so old or damaged or is in such a situation or position that it is not reasonably practicable to weigh draw up or remove the same as a whole the undertakers may break up such boat with a view to and for the purposes of removal :
- (E) The undertakers may sell by public auction or private sale at their discretion any boat so weighed drawn up removed or detained and the tackle and loading thereof or the materials thereof if broken up or a sufficient part thereof to pay the expenses of such weighing drawing up removal breaking up or detention and may out of the proceeds of the sale pay such expenses and the expenses of such sale returning to the owner of such boat the surplus (if any) and if the proceeds of sale be insufficient to defray the expenses aforesaid the undertakers may recover the deficiency from the owner of such boat at the time of the sinking weighing drawing up or removal of the same in the High Court or County Court or as a civil debt in any court of summary jurisdiction :
- (F) The undertakers may if they think fit without exercising the powers of sale aforesaid recover the expenses aforesaid or any of them from the owner of the boat at the time of the sinking weighing drawing up removal or breaking up of the same.

As to lands
at Liverpool.

6. Section 67 of the Act of 1891 is hereby repealed and the Company may from time to time borrow on mortgage or mortgages of any land belonging to them and mentioned or referred to in section 19 of the Liverpool Improvement Act 1883 or of any part or parts thereof or of any interest in any such land any sum or sums of money not exceeding in the aggregate at any one time the sum

of fifty thousand pounds and the premises comprised in any such mortgage or mortgages shall not be deemed part of the undertaking of the Company charged with the general mortgage debt or debenture stock of the Company but shall be charged only with such mortgage or mortgages as may be expressly charged thereon and except as otherwise expressly agreed the only security of the mortgagee of any such premises shall be the premises or part thereof specially comprised in his mortgage or mortgages and the Company may apply any moneys so borrowed to any purposes of their undertaking to which capital is properly applicable.

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7. The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any money which they have raised or may hereafter raise under the Act of 1891 and which may not be required for the purposes of that Act and any other funds or moneys belonging to them.

Power to
apply exist-
ing funds.

8. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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