



CHAPTER xl.

An Act to authorise the Mersey Docks and Harbour Board A.D. 1906.
to construct additional dock and other works and for other
purposes. [22nd June 1906.]

WHEREAS by the Mersey Docks and Harbour Act 1857 (being an Act for consolidating the docks at Liverpool and Birkenhead into one estate and for vesting the control and management of them in one public trust and for other purposes) (in this Act called "the Act of 1857") the Mersey Docks and Harbour Board (in this Act called "the Board") were incorporated for the purposes therein mentioned and further powers have from time to time been conferred on the Board by various subsequent Acts :

And whereas in order to meet the constantly increasing requirements of the trade of the port of Liverpool it is expedient that provision be made for enabling the Board to afford further dock accommodation on both sides of the River Mersey and that with that object the Board be authorised to construct the docks river walls and other works described in this Act and to reclaim the foreshore and lands inclosed within such river walls :

And whereas the works authorised by the Mersey Dock Act 1891 the Mersey Docks (New Works) Act 1898 the Mersey Docks (Canada Works &c.) Act 1901 and the Mersey Docks and Harbour Board Act 1903 (which Acts are herein-after respectively referred to as "the Act of 1891" "the Act of 1898" "the Act of 1901" and "the Act of 1903") were designed to form one scheme of dock extension works and it is expedient to sanction the application of moneys borrowed and authorised to be borrowed by the Board under the powers of any of those Acts to the purposes of any other or others of them :

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And whereas by the Mersey Docks and Harbour Board (Overhead Railways) Act 1882 as amended by the Mersey Docks and Harbour Board (Overhead Railways) Act 1887 and the Mersey Docks and Harbour Board Act 1889 (in this Act called "the Act of 1889") the Board were authorised to make and maintain certain railways (in this Act called "the Overhead Railway") and by the Liverpool Overhead Railway Company Act 1888 (in this Act called "the Act of 1888") the Liverpool Overhead Railway Company (in this Act called "the railway company") were incorporated and were by virtue of the Act of 1888 and certain agreements scheduled to and confirmed by the Acts of 1888 and 1889 (which agreements are in this Act called "the scheduled agreements") empowered as lessees of the Board to make maintain and work the Overhead Railway :

And whereas by the Liverpool Overhead Railway Act 1892 (in this Act called "the Act of 1892") the railway company were authorised to make and maintain certain railways in extension of the Overhead Railway including a railway therein and in this Act called "the Southern Extension Railway" and by section 35 of the Act of 1892 as amended by section 15 of the Mersey Dock Act 1897 it was provided that the Southern Extension Railway should be deemed to form part of the undertaking comprised in the scheduled agreements :

And whereas under and by virtue of the scheduled agreements the railway company as such lessees of the Board hold the Southern Extension Railway with the Overhead Railway for a term of nine hundred and ninety-nine years from the first day of January one thousand eight hundred and eighty-eight but such term is determinable at such times and in such events as are specified in the agreement scheduled to the Act of 1888 :

And whereas a portion of the Southern Extension Railway has been constructed in tunnel and it is expedient that the powers in this Act contained should be conferred upon the Board and the railway company for dealing with such of the lands acquired for the purposes of the said railway as are situate over or adjoining such railway :

And whereas it is expedient that the Board be authorised to raise further moneys and that the further powers herein-after contained be conferred upon the Board :

And whereas plans and sections of the works by this Act authorised showing the lines or situation and levels thereof and the

lands on which the same are intended to be made and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerks of the peace for the county palatine of Lancaster and the county of Chester and are in this Act referred to as "the deposited plans sections and book of reference" respectively: A.D. 1906.

And whereas the objects of this Act cannot be attained 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 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:—

1. This Act may be cited as the Mersey Docks and Harbour Board Act 1906. Short title.

2. The Lands Clauses Acts (except the sections of the Lands Clauses Consolidation Act 1845 numbered 127 to 132) and so much of the Mersey Dock Acts Consolidation Act 1858 (in this Act called "the Act of 1858") as relates to the meanings to be assigned to certain words and expressions (being section 3 of that Act) except so far as those meanings may be inconsistent with this Act are respectively incorporated with and form part of this Act and in construing the Lands Clauses Acts the Board shall be deemed the promoters of the undertaking. Incorporation of Acts.

3. Subject to the provisions of this Act the Board may make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the works herein-after described. The works herein-before referred to and authorised by this Act are the following (that is to say):— Power to construct works.

NORTHERN EXTENSION WORKS.

- (A) A half-tide dock commencing 80 yards or thereabouts north-westwards of the north-west corner of the Hornby Dock and extending north-westwards to the Seaforth Battery together with two entrances locks or cuts from the River Mersey into the said half-tide dock with wing walls on either side of the said entrances;

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- (B) A cut or passage from the Hornby Dock to the said half-tide dock (Work (A)) by this Act authorised ;
- (C) A Branch Dock (No. 1) distant 150 yards or thereabouts north-westward of the said Hornby Dock commencing 170 yards or thereabouts north-eastwards of the existing river wall and extending north-eastwards for a distance of 447 yards or thereabouts together with an entrance cut or passage from the said half-tide dock (Work (A)) by this Act authorised situate at the north-west corner of the said Branch Dock (No. 1) by this Act authorised ;
- (D) A Branch Dock (No. 2) distant 430 yards or thereabouts north-westward of the said Hornby Dock commencing 250 yards or thereabouts north-eastwards of the existing river wall and extending north-eastwards for a distance of 390 yards or thereabouts together with an entrance cut or passage from the said half-tide dock situate at the south-west corner of the said Branch Dock (No. 2) by this Act authorised ;
- (E) A river wall or embankment commencing at or about the Seaforth Battery and extending in a north-westwardly direction and terminating on the bed or foreshore of the estuary of the River Mersey at a point 840 yards or thereabouts measured in a south-westwardly direction from the south-west end of Cambridge Road in the township of Seaforth ;
- (F) A river wall or embankment commencing at or about the termination of the river wall or embankment (Work (E)) by this Act authorised and terminating at or about high-water mark of ordinary spring tides at a point 80 yards or thereabouts south of the south-west end of Cambridge Road in the township of Seaforth ;

BIRKENHEAD WORKS.

- (G) A dock on the site of the Vittoria Wharf commencing (by an entrance cut or passage into the East Float) at or about the south-east quay wall of the said Vittoria Wharf and extending north-westwards for a distance of 525 yards or thereabouts ;

and the Board may by means of the said river walls or embankments inclose and reclaim the foreshore and lands included within the limits shown on the deposited plans.

4. The Board may from time to time make entrances from or to the River Mersey and the estuary thereof through the river walls or embankments by this Act authorised or any of them with all necessary and convenient locks gates and piers.

Power to make entrances from or to River Mersey and estuary through river walls or embankments.

5. The Board from time to time may in connexion with and for the purposes of the works by this Act authorised or any of them or the inclosing reclaiming and use of the foreshore and lands to be inclosed and reclaimed as aforesaid make and maintain all necessary and proper bridges booms approaches roads warehouses sheds buildings yards shipping places wharves custom-houses roofs watch-houses staiths jetties stairs landing places stages quays walls fences gates entrances slips cranes hydraulic and other lifts dolphins buoys moorings mooring chains sewers drains culverts pumping and sluicing apparatus railways tramways stations pumping arrangements and other works and conveniences and may take and impound water from the River Mersey and the East Float at Birkenhead.

Power to make subsidiary works.

6. In executing the works by this Act authorised the Board may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically from the levels thereof shown on the deposited sections to any extent not exceeding twenty feet. Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the commissioners for the conservancy of the River Mersey in this Act called "the Mersey Conservancy Commissioners" or otherwise than in such manner as is expressly authorised by the Mersey Conservancy Commissioners.

Lateral and vertical deviation.

7. The Board shall not under the powers of this Act construct on the shore of the estuary of the Mersey within the jurisdiction of the Mersey Conservancy Commissioners any work without the previous consent of the said commissioners to be signified in writing under the hand of the acting conservator of the Mersey and then only according to such plan and under such restrictions and regulations as he may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Board shall not at any time alter or extend the same without obtaining previously to making any such alteration or

Works below high-water mark not to be commenced without consent of Mersey Conservancy Commissioners.

A.D. 1906. extension the like consent or approval. If any such work be commenced or completed contrary to the provisions of this Act the Mersey Conservancy Commissioners may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Board and the amount of such cost and charge shall be a debt due from the Board to the Mersey Conservancy Commissioners and shall be recoverable accordingly as an ordinary debt or at the option of the Mersey Conservancy Commissioners summarily as a civil debt.

Survey of works by Mersey Conservancy Commissioners.

8. If at any time the Mersey Conservancy Commissioners or the Acting Conservator, of the Mersey on their behalf deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Board on in over through or across tidal lands or tidal waters or of the intended site of any such work within the jurisdiction of the Mersey Conservancy Commissioners the Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Board to the Mersey Conservancy Commissioners and be recoverable accordingly as an ordinary debt or at the option of the Mersey Conservancy Commissioners summarily as a civil debt.

Abatement of work abandoned or decayed.

9. If a work constructed by the Board on in over through or across tidal lands or tidal waters in the estuary of the Mersey within the jurisdiction of the Mersey Conservancy Commissioners is abandoned or suffered to fall into decay the Mersey Conservancy Commissioners may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Board and the amount of such expense shall be a debt due from the Board to the Mersey Conservancy Commissioners and be recoverable accordingly as an ordinary debt or at the option of the Mersey Conservancy Commissioners summarily as a civil debt.

Lights on works during construction.

10. The Board shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense 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 from time to time require or approve.

If the Board fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

11. The Board shall at the outer extremity of the works by this Act authorised below high water exhibit and keep burning from sunset to sunrise such lights (if any) and shall on such works sound during fog mist falling snow or heavy rain-storms whether by day or night an efficient foghorn bell syren whistle gong or other loud-toned article as the Corporation of Trinity House Deptford Strond shall from time to time direct.

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Permanent
lights on
works.

If the Board fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

12. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said commissioners and Board are hereby respectively authorised to give).

Crown
rights.

13.—(A) The right of the public to use the river embankment as a parade or walk for recreation as granted by section 23 of the Local Act 11 Victoria cap. x. (herein-after referred to as "the Dock Act 1848") is hereby extended subject to the qualifications contained in the said Act to the whole of the river embankment from the Canada jetty to the present northern boundary of the borough of Bootle but such user shall also be subject to the user of the embankment for trade purposes including the opening of bridges over dock passages and entrances and the passage of railway and other traffic.

For protec-
tion of cor-
poration of
Bootle.

(B) To provide means of access to the embankment which the public may use as a parade or walk for recreation as provided by section 23 of the Dock Act 1848 as extended by this Act the Board may if they think fit direct that the public shall use only two of the roads leading westward from Regent Road over their dock estate within the borough of Bootle (herein-after called "the way" or "ways") with the nearest dock entrance thereto One of such ways shall lie to the southward of an imaginary straight

A.D. 1906. line drawn across the estate in extension of Church Street and the other shall lie between such imaginary line and an imaginary straight line drawn across the estate in extension of Grove Street and thereupon the public shall only be entitled to proceed to and from the embankment by the ways so defined but unless and until the Board shall have defined such ways the public shall have the same right of access to the embankment across the dock estate as they have heretofore enjoyed Provided that the way or ways shall not be exclusively set apart for the public but may be ways or roads laid out and used for trade carried on upon the Board's estate and in such case the ways shall be used by the public together with and subject to such trade user including the opening of bridges over dock passages and entrances and the passage of railway and other traffic The Board may for the more effectually carrying on of trade and for the development of their estate from time to time close up any way they may have defined under this section but only when they have substituted another way giving access to the embankment within either of the limits aforesaid Provided that nothing herein contained shall prejudice or affect the Board's right to close their estate in the event of riot strike public disturbance or other emergency..

(c) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain within the borough of Bootle the Board shall before interrupting or interfering therewith construct at their own expense a sewer or drain in lieu or in extension of and of not less than equal capacity with the sewer or drain so proposed to be interrupted or interfered with and such substituted or extended sewer or drain shall be connected by and at the expense of the Board with any existing sewers or drains which were connected with the sewer or drain so interrupted or interfered with and the Board shall be under the same responsibility to maintain such extended or substituted sewers or drains as they are under to maintain the said existing sewers or drains situate upon the dock estate.

For protection of Waterloo-with-Seaforth Urban District Council.

14. The following provisions shall have effect for the protection of the urban district council of Waterloo-with-Seaforth (in this section referred to as "the council" and "the district" respectively):—

(A) The right of the public to use the river embankment as a parade or walk for recreation granted by section 23 of the Local Act 11 Vict. cap. x. (herein-after referred to as "the Dock Act 1848") is hereby extended subject

to the qualifications contained in the said Act and to the powers of this Act to the embankments to be constructed under the powers granted by this Act and the embankment (Work F) may be used by the public for vehicular traffic as well as for a footway. The user of the embankments shall be subject to their use for trade purposes including the opening of bridges over dock passages and entrances and the passage of railway and other traffic :

- (B) To provide means of access to the embankment (Work E) which the public may use as a parade or walk for recreation as provided by section 23 of the Dock Act 1848 as extended by this section the public may in addition to the access thereto afforded by the embankment (Work F) use the existing road leading from the western end of Fort Road to the Seaforth Battery and the Board may direct that the public shall use at least such one of the roads (if any) that may hereafter be constructed leading westward over the land to be reclaimed under this Act within the district as the Board may define (herein-after called "the way") with the entrance on to the dock estate nearest thereto :
- (c) The public shall only be entitled to proceed to and from the embankment (Work E) by the way so defined or by the embankment (Work F) or by the said existing road. But unless and until the Board shall have defined such way the public may use any road which may have been constructed by the Board leading westward over the said land to the embankment (Work E). Provided that if hereafter the Board shall construct a road or roads leading westward to the embankment (Work E) near to the centre of the lands proposed to be reclaimed then the Board shall define such road or one of such roads as the way herein-before referred to :
- (D) If and when the Board construct dock works adjoining the embankment (Work F) they shall form and properly make up a roadway for vehicles alongside that embankment :
- (E) Neither the way nor the embankment (Work F) nor the roadway so to be constructed alongside the same nor the said existing road shall be exclusively set apart for the public but may be a way or road laid out and

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used for trade carried on upon the dock estate and in such case the same shall respectively be used by the public together with and subject to such trade user including the opening of bridges over dock passages and entrances and the passage of railway and other traffic :

- (F) The Board may for the more effectually carrying on of trade and for the development of their estate from time to time close up any way they may have defined under this section or the said existing road or the road alongside the embankment (Work F) or that embankment :

Provided that (1) before closing any such way the Board shall if any other road or roads leading westward over the land to be reclaimed as aforesaid has or have been constructed between the said existing road and the embankment (Work F) define such road or one of such roads as a way in substitution therefor (2) the existing road shall only be closed when the Board have substituted another access to the embankment (Work E) in lieu thereof and (3) the road alongside the embankment (Work F) and that embankment shall only be closed when the Board shall have provided in lieu thereof another reasonably convenient access to the embankment (Work E) or an extension thereof northwards :

- (G) A triangular space at the intersection of the embankments (Works E and F) and extending along such embankments respectively for a distance of fifty yards from such point of intersection shall so long as the same is not required by the Board for the purposes of their dock estate be reserved for the use of the public Such space shall be measured including the parade and any roadway which may be constructed by the Board and if at any time such space shall be required as aforesaid the Board shall provide for the use of the public in connexion with the embankment (Work F) or any work which may be substituted therefor a space of similar area on some other lands on or within a reasonable distance of the embankment (Work E) or an extension northwards thereof :

- (H) The Board shall provide and maintain at some place in the embankment (Work E) steps stairs or other approach to the bed or strand of the river with a landing ten feet by six feet in extent. The Board may for the more effectual carrying on of trade and for the development of their estate from time to time close up any steps stairs or other approach they may have provided under this section but only when they have substituted another approach therefor : A.D. 1906.
- (I) When constructing the river wall or embankment (Work F) the Board shall so construct the same as to enable the council to connect with the said embankment any carriage road or approach which they may construct between Cambridge Road and the north-easternmost end of the said embankment and shall afford to the council all reasonable facilities for effecting such connexion :
- (J) The council hereby consent to the closing of the old road or way known as Waterloo Road from a point 232 feet south-eastward of Cambridge Road to the junction of Waterloo Road with Shore Road and the council shall at the request and at the expense of the Board do all things necessary to give full effect to the consent hereby given :
- (K) The Board will upon the closing of Waterloo Road as herein-before provided convey to the council for a consideration of five shillings so much of their lands adjoining to and lying on the western side of Crosby Road South as may be necessary for the widening of Crosby Road South opposite such lands to the breadth of 65 feet. The lands so conveyed shall thereupon be dedicated to the public and the council shall forthwith add the same to Crosby Road South and shall pave channel sewer kerb and in every respect make up the conveyed lands as a part of the existing road and the Board shall pay to the council the reasonable cost incurred by them in so doing :
- (L) On the completion of the embankment (Work F) the Board shall pay to the council the sum of one thousand pounds which shall be taken as full compensation for any injury or injurious affection caused to the lands lying between

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the north-easternmost end of the said embankment and Cambridge Road by the execution of the works by this Act authorised and such sum shall be applied in such manner as the Local Government Board may approve :

- (M) The lands in the district to be reclaimed under this Act and the lands now belonging to the Board lying between Crosby Road South and the lands so reclaimed shall be used by the Board only for purposes of their undertaking and thereon and on any property which may be acquired by the Board lying between Cambridge Road and Great George's Road no bricks shall be burnt nor shall any refuse be burnt except in a destructor the character and construction of which shall be reasonably approved by the council. Provided that nothing in this subsection shall prejudice or affect the rights or powers of the Board to sell lease or otherwise dispose of any such lands :
- (N) The embankments (Works E and F) shall be completed within five years from the commencement thereof and when the same have been completed tidal water shall be retained within the enclosure formed thereby until the Board commence the construction on such lands or on some part thereof of a dock or other permanent work for the purposes of the trade carried on upon the dock estate and such provision shall be made for the changing of such water from time to time as may have been or may be agreed between Anthony George Lyster and Arthur Cameron Hurtzig or in the event of difference as may be settled by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers :
- (O) The public shall have access as heretofore to the foreshore until the embankment (Work E) or the embankment (Work F) is commenced and after the completion of the said embankments (Works E and F) and the admission to the area inclosed by the said works of tidal water as provided by this section the public shall until the construction of a dock or other permanent work is commenced on the said area or on some part thereof have the right to use the said water for purposes of recreation subject nevertheless to the user of the said area for trade carried on upon the dock estate :

(p) The Board shall at all times hereafter receive into the sewer at or near the Rimrose Wall and carry off the sewage from the district and also from so much of the adjoining district of Great Crosby containing seventy acres or thereabouts coloured red on the plan signed in duplicate by Anthony George Lyster on behalf of the Board and by Fred Spencer Yates on behalf of the council so far as such sewer shall be the proper and natural outlet for the said sewage : A.D. 1906.

(q) Nothing herein contained shall prejudice or affect the Board's right to close their estate in the event of riot strike public disturbance or other emergency.

15.—(1) The Waterloo-with-Seaforth Urban District Council may with the consent of the Local Government Board from time to time borrow at interest on the security of the district fund and the general district rate 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 the House of Commons the sum requisite for that purpose such sum to be repaid by yearly or half-yearly instalments of principal or of principal and interest within three years from the passing of this Act provided that in calculating the sum which the Waterloo-with-Seaforth 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. Power to Waterloo-with-Seaforth Urban District Council to borrow.

(2) The clerk to the said council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the said clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the purposes to which any portion of the sums accumulated by way of compound

A.D. 1906. interest has been applied during the same period and in the event of his failing to make such return the said clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(3) If it appears to the Local Government Board by that return or otherwise that the said council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid or appropriated) the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

For protection of corporation of Liverpool.

16. The following provisions shall have effect for the protection of the mayor aldermen and citizens of the city of Liverpool (hereinafter called "the corporation") unless otherwise agreed between the Board and the corporation:—

(1) Whenever any of the water mains or pipes of the corporation are severed or interfered with by the works authorised by this Act and whenever it is thereby necessary for maintaining any existing supply of water to lay additional water mains or pipes such additional water mains or pipes shall previous to the severance or interference be laid by the corporation at the expense of the Board and the mains and pipes for which they are substituted shall belong to the Board and may be taken up and disposed of by them:

(2) If by reason of the execution of any of the powers of this Act any increased length of water mains or pipes becomes necessary for the purpose of maintaining any existing supply of water afforded by the corporation the same shall be laid down by the corporation at the expense of the Board upon such plan and in such manner as may be reasonably approved of by the corporation:

(3) Whenever by the appropriation or destruction of property by this Act authorised any water mains or pipes laid for the supply of such property (except pipes inside such property) are rendered unnecessary the Board shall pay the corporation the cost of laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary as estimated by the water engineer of the corporation and the water mains and pipes so rendered unnecessary shall be the property of the Board and may be taken up and disposed of by them. A.D. 1906.

17. The following provision shall have effect for the protection of the mayor aldermen and burgesses of the county borough of Birkenhead (in this section called "the corporation") unless otherwise agreed between the Board and the corporation:— For protection of corporation of Birkenhead.

Whenever the gas or water mains pipes hydrants or apparatus of the corporation shall be severed or interfered with in the execution of any of the powers of this Act and whenever during the execution of any of the powers of this Act it is necessary for maintaining the existing supply of water or gas to lay down substituted or additional mains pipes or hydrants the same shall previous to the severance or interference be laid down by the corporation at the expense of the Board.

18. The Board may enter upon take hold and use the lands and foreshore shown on the deposited plans and described in the deposited book of reference. Lands

19. Nothing in this Act contained shall authorise the Board to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by His Majesty's Principal Secretary of State for the War Department or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Secretary of State without the previous consent of the said Secretary of State signified in writing under his hand and in particular (but without in any way limiting the general scope and effect of this section) nothing in this Act contained shall authorise the Board to enter upon take or use or in any way interfere with the properties numbered respectively 1 7 8 10 17 56 and 57 on the deposited plans in For protection of War Office

A.D. 1906. — the parish of Bootle-cum-Linacre and bed and foreshore of the River Mersey during the tenancy thereof by the said Secretary of State or shall extend or alter prejudice interfere with or take away any right of or vested in the said Secretary of State under or by virtue of the Mersey Dock (Liverpool Dock Extension) Act 1873 and the agreement of the fifth May scheduled thereto without the previous consent of the said Secretary of State signified in writing under his hand The said Secretary of State is hereby authorised to give any consent required by this section subject to such special conditions as he shall see fit to impose on the Board.

Correction of errors &c. in deposited plans and book of reference.

20. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for such county and a duplicate thereof shall also be deposited with the town clerk of the county borough or the clerk to the district council for the urban district in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Board to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

21. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Persons under disability may grant easements &c.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with

respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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23. From and after the acquisition by the Board of any portion of the road and slipway numbered on the deposited plans 59 in the urban district of Waterloo-with-Seaforth the Board shall indemnify the Lancashire and Yorkshire Railway Company against all liability under the conveyance dated twenty-fifth April one thousand eight hundred and sixty-eight and made between William Philip Earl of Sefton and the said company in respect of the maintenance of such portion of the said road and slipway as may have been acquired by the Board.

For protection of Lancashire and Yorkshire Railway Company.

24. If the works by this Act authorised and shown on the deposited plans and sections are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for making and completing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

25. For the purpose of tolls rates and charges and for all other purposes the works by this Act authorised and the foreshore and lands adjoining inclosed and reclaimed thereby and each and every of them and any works connected therewith respectively shall be deemed to be docks and lands of the Board within the meaning of the Act of 1858 and any Act or Acts amending or extending the same.

Works to be deemed docks within meaning of Act of 1858.

26. The Birkenhead works by this Act authorised and all works connected therewith shall be deemed to be part of the Birkenhead docks and works referred to in section 57 of the Act of 1857 and to have been authorised to be completed within the time limited by this Act for their completion.

Works at Birkenhead to be deemed part of Birkenhead Docks and Works.

27. All the works by this Act authorised shall be deemed to be works authorised to be erected established and maintained by the Board within the meaning of section 284 of the Act of 1858.

Works to be deemed authorised works within meaning of Act of 1858.

28. The construction of the works authorised by the Act of 1891 and especially those sixthly seventhly and ninthly described in section 3 of that Act as the same have actually been constructed and the expenditure of money by the Board for and in connexion with the construction of such works are hereby sanctioned and confirmed and that Act shall be read and have effect as if the

Confirming construction of works authorised by Act of 1891.

A.D. 1906. — words "ten feet" and "fourteen years" had been mentioned in sections 4 and 11 of that Act respectively in reference to such works instead of the words "five feet" and "ten years" and as if the words "and shown on the deposited plans and sections" had been inserted in section 11 of that Act after the word "authorised" and such works shall be deemed to have been constructed and such expenditure to have been made under and within the powers of that Act.

Works under Acts of 1891 1898 1901 and 1903 to be treated as one scheme.

29. The construction and maintenance of the works authorised and the carrying into effect of the powers conferred by each and every one of the following Acts (that is to say) the Act of 1891 the Act of 1898 the Act of 1901 and the Act of 1903 shall within the meaning of the provisions of each and every other one of those Acts empowering the Board to borrow money for the purposes of such other Act be deemed to be and to have been purposes of such other Act and it shall be lawful for the Board to raise and apply any moneys authorised to be borrowed for the purposes of any of such Acts to the purposes of any other of them and the Board may if they think fit keep one account in reference to all expenditure under or for the purposes of such Acts.

As to holdings of Mersey Docks Debenture Stock on different accounts.

30. The Board may in any register of Mersey Docks and Harbour Board Debenture Stock allow any holder or joint holders to have more than one account Provided as follows:—

- (A) Each account must be distinguished by a number or by such other designation as may be directed by the Board ;
- (B) The Board shall not be required to permit more than four accounts to be opened in the same name or names ; and
- (C) Nothing in this section shall affect the Board with notice of any trust.

Overhead Railway Power to sell or lease lands over tunnels.

31. The railway company during the continuance of their lease or tenancy of the Overhead Railway under the scheduled agreements unless and until notice to determine such lease or tenancy has been given as therein provided and the Board (in the event of their acquiring the undertaking under such agreements) are hereby empowered to sell let on lease or otherwise dispose of all or some of the lands shown on the deposited plans referred to in the Act of 1892 and thereon numbered 156 to 161

in the extra parochial place of Toxteth Park (now the township of Toxteth Park) and lying over or adjoining the tunnel or covered way through or under which is constructed a portion of the Southern Extension Railway upon and subject to such terms conditions and reservations as they (subject to the Board's approval as hereafter provided) may think fit Provided always that nothing in any conveyance or lease hereunder granted shall authorise or sanction any act or thing whereby the said tunnel or the working of the Southern Extension Railway or the accommodation of the traffic thereon may be prejudicially affected or interfered with and any conveyance or any lease for a term exceeding seven years to be granted by the company during the continuance of their lease or tenancy shall contain such provisions as the Board may reasonably approve as in their opinion necessary for the protection of the said tunnel the Extension Railway and the accommodation of traffic thereon from being prejudicially affected or interfered with as aforesaid but such approval shall not be unreasonably withheld and shall be signified in writing under the hand of the secretary of the Board Provided also and it is hereby agreed that if any question or difference shall at any time arise between the railway company and the Board as to the provisions which should be inserted in any such conveyance or lease or as to the reasonableness of the Board's refusal to approve any such provisions the same shall be settled and determined by the engineers of the railway company and the Board or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the decision of such last-named engineer shall be binding and conclusive Every such conveyance and lease shall be subject to the right of the railway company during the continuance of their tenancy and thereafter of the Board to enter upon the premises comprised therein for the purpose of enabling the railway company or the Board as the case may be to execute any works which may in their opinion be necessary to be executed for the repair preservation or maintenance of the tunnel and the Southern Extension Railway the railway company or the Board as the case may be paying to the owner or lessee and occupier for the time being of the premises so entered on such compensation for disturbance and for injury (if any) to the surface of the land or to any building or erection standing thereon which may be occasioned by the execution of any such works as shall in default of agreement be settled by arbitration in manner provided by the Lands Clauses Acts for the settlement of cases of disputed

A.D. 1906. compensation Provided further that the agreed net cost of the undertaking referred to in Article 15 of the scheduled agreement dated the twelfth day of April one thousand eight hundred and eighty-eight and in section 35 (i) of the Act of 1892 shall in respect of any land sold by the company under the powers of this section only include the amount by which the moneys received from the sale of such lands fall short of the moneys properly expended by the company in the purchase thereof and if the moneys received from such sales shall have been expended on the undertaking the amount so expended shall be taken into account for the purpose of ascertaining the agreed net cost of the undertaking Provided that the railway company shall not grant any lease for a longer term than twenty-one years without the consent of the Board under the hand of their secretary.

As to beaching and breaking up of vessels.

32.—(1) The Board may from time to time with the consent of the Mersey Conservancy Commissioners appoint and fix places within the port of Liverpool at which vessels may be beached for the purpose of being broken up and shall give one month's notice by advertisement in two Liverpool newspapers of the places so appointed and fixed and after the expiration of the period of one month from the date of the advertisement giving notice of the places first appointed and fixed by the Board as aforesaid it shall not be lawful for any person without the consent in writing of the water bailiff of the Board to beach for the purpose of breaking up or to break up any vessel within the port of Liverpool elsewhere than at the places for the time being appointed and fixed by the Board for that purpose:

Provided that no owner or lessee of any foreshore or strand shall be compelled to allow vessels to be beached or broken up at any place so appointed belonging to him.

(2) Any vessel beached or stranded within the port of Liverpool elsewhere than in a dock or other work adapted for the reception or repair of vessels (unless it be a vessel beached for the purpose of breaking up at some place so appointed and fixed for that purpose) shall be removed within one month from the date of such beaching or stranding provided that the water bailiff of the Board may by writing under his hand in any case extend the said period of one month for such time as he shall in his discretion think fit.

(3) If any vessel shall be beached or stranded at any place so appointed or fixed as aforesaid for the purpose of being broken up the same shall be broken up with all due expedition and all

the contents and materials thereof shall be removed to the satisfaction of the water bailiff of the Board and within such reasonable time as he may prescribe.

A.D. 1906.

(4) The following persons shall in case of any contravention of or failure to comply with the foregoing provisions of this section be liable to a penalty of not exceeding fifty pounds for each offence (that is to say):—

(A) As regards subsection (1) of this section the owner or the person who at or immediately before the time of the beaching or stranding of such vessel was the owner thereof (unless it can be proved that such vessel was so beached or stranded without his knowledge or authority) and the master:

(B) As regards subsection (2) of this section the owner or the person who at or immediately before the time of the beaching or stranding of such vessel was the owner thereof:

(C) As regards subsection (3) of this section the owner for the time being of such vessel or the person having charge of the breaking-up operations.

(5)—(A) All offences against this section and all penalties imposed or recoverable under this section may be prosecuted and recovered in a summary manner. Provided that the following provisions of the Act of 1858 shall apply to any proceedings under this section that is to say section 326 (so far as it relates to the service of summonses) and sections 331 336 and 338.

(B) Any person deeming himself aggrieved by any conviction by a court of summary jurisdiction under any provision of this section may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

(6) There shall be deemed to be added to and included in section 221 of the Act of 1858 power to the Board from time to time to make such byelaws as they shall think expedient for the purposes and objects following (that is to say):—

For regulating at any place appointed or fixed for the purpose the beaching of vessels and the time and manner of breaking up and removal of vessels and the time and manner of breaking up and removal of the contents and materials

A.D. 1906.

thereof or anything used in connexion therewith and the mooring securing marking and lighting or otherwise indicating the position of any such vessel contents materials and things.

(7)—(A) If any vessel shall not be removed as provided in subsection (2) of this section or shall not be broken up and the materials thereof removed in accordance with subsection (3) of this section or any byelaws made as aforesaid the Board without prejudice to any penalty which may have been incurred under this section or any such byelaw may themselves remove such vessel to any place which they may consider suitable and may detain and keep the same and the tackle and loading thereof until payment be made of all expenses of or connected with such removal and detention or may break up such vessel or remove such materials and the Board may sell by public auction or private sale at their discretion any vessel so removed detained or broken up and the tackle and loading thereof or any contents or materials aforesaid or a sufficient part thereof to pay the expenses of such removal breaking up or detention and may out of the proceeds of such sale pay any such expenses and the expenses of such sale returning to the owner of such vessel the surplus (if any) and if the proceeds of sale be insufficient to defray the expenses aforesaid the Board may recover the deficiency from the owner of such vessel or from the person who at or immediately before the time of the beaching or stranding of such vessel was the owner thereof.

(B) The Board may if they think fit without exercising the powers of sale aforesaid recover the expenses aforesaid or any of them from the owner of such vessel or from the person who at the time of the beaching or stranding of such vessel was the owner thereof.

(c) Such deficiency or expenses as aforesaid may be recovered by the Board in the High Court or in the county court or as a civil debt in any court of summary jurisdiction.

(8) Nothing in this Act contained shall authorise the Board to appoint and fix places at which vessels may be beached for the purpose of being broken up on any land foreshore or strand belonging to or leased to the corporation of Birkenhead within the borough of Birkenhead and nothing in this section contained shall prejudice or affect the rights powers or privileges of the corporation in regard to any such foreshore or strand.

33. For the protection of David Benno Rappart or other the owner for the time being (in this section called "the owner") of the land forming part of the strand or shore of the River Mersey at Egremont and Liscard in the county of Chester lying above mean high-water mark between the two red lines drawn on the plan signed in duplicate by Miles Kirk Burton general manager and secretary on behalf of the Board and Alexander Wilson solicitor on behalf of the owner the following provisions shall have effect (that is to say):—

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For protec-
tion of D. B.
Rappart.

- (1) The Board shall not without the consent in writing of the owner appoint or fix any part of the said land or of the foreshore in front of the same as a place at which vessels may be beached under the provisions of the section of this Act of which the marginal note is "As to beaching and breaking up of vessels":
- (2) If at any time after the passing of this Act the said land or foreshore is required for dock shipbuilding or repairing yard or other similar purposes the provisions of the said section shall not be taken to affect any rights of the owner existing at the passing of this Act in respect of the user of the said land and foreshore for those purposes.

34. For the protection of Henry Sanderson Paterson and James William Raynes the trustees of the Rock Park Estate or other the owner for the time being (in this section called "the owner") of the land forming part of the strand or shore of the River Mersey at Rock Ferry in the county of Chester lying above mean high-water mark between the two blue lines drawn on the plan signed in duplicate by Miles Kirk Burton general manager and secretary on behalf of the Board and Thomas Sproat solicitor on behalf of the owner the following provisions shall have effect (that is to say):—

For protec-
tion of Rock
Park Estate.

- (1) The Board shall not without the consent in writing of the owner appoint or fix any part of the said land or of the foreshore in front of the same as a place at which vessels may be beached under the provisions of the section of this Act of which the marginal note is "As to beaching and breaking up of vessels":
- (2) If at any time after the passing of this Act the said land or foreshore is required for dock shipbuilding or repairing yard or other similar purposes the provisions

A.D. 1906.

of the said section shall not be taken to affect any rights of the owner existing at the passing of this Act in respect of the user of the said land and foreshore for those purposes.

Borrowing powers for Northern Extension works.

35. Subject to the provisions of this Act the Board may from time to time for the purposes of the Northern Extension works and the works connected therewith authorised by this Act and for the general purposes of their undertaking borrow at interest on the security of the rates for the time being belonging to them any further sum or sums not exceeding in the whole four million five hundred thousand pounds.

Application of moneys borrowed under this Act.

36. All moneys borrowed by the Board under the authority of this Act shall be applied by them for purposes to which capital is properly applicable and not otherwise.

Saving rights of Duchy of Lancaster.

37. Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said Duchy.

Expenses of Act.

38. The Board out of any moneys for the time being in their hands shall pay and discharge all the costs charges and expenses of and incident to the applying for obtaining and passing of this Act.

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