

Manchester Ship Canal Act, 1956

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CHAPTER lxxx

An Act to empower the Manchester Ship Canal Company to execute works and to acquire lands to extend the time limited for the construction by the Company of certain railways to increase certain tolls rates and charges leviable by the Company to confer further powers upon the Company of borrowing money and to enact other financial provisions to confer further powers with regard to the superannuation fund of the Company and the payment of pensions and benefits to confer further powers upon the Company and for other purposes. [2nd August 1956.]

WHEREAS the Manchester Ship Canal Company (hereinafter referred to as "the Company") were incorporated by the Manchester Ship Canal Act 1885 and by virtue of the powers conferred by that Act and subsequent Acts own and carry on an undertaking which comprises the Manchester Ship Canal the Bridgewater Canals and certain docks lands and premises in the cities of Manchester and Salford and elsewhere and certain railways in connection with the said canals docks lands and premises:

And whereas it is expedient that the Company should be empowered to construct an additional oil dock at Stanlow in the county of Chester and for that purpose to reclaim certain lands adjoining the lands of the Company:

And whereas it is expedient that the Company should be empowered to construct the other works authorised by this Act:

And whereas it is expedient that the Company should be authorised to acquire lands for the purposes of the works authorised by this Act and for other purposes of their undertaking:

And whereas the time limited by the Manchester Ship Canal (General Powers) Act 1926 for the completion of certain railways authorised by that Act as extended by subsequent Acts will shortly expire and it is expedient that the time for such completion should be further extended as by this Act provided:

And whereas it is expedient that the Company should be authorised to abandon the railway (No. 2) authorised by the Manchester Ship Canal Act 1936:

And whereas under or by virtue of the Acts relating to the Company or some of them the Company are empowered to levy or charge dues tolls rates and other charges on ships passengers and cargo entering leaving passing or carried along the Manchester Ship Canal and it is expedient that the maxima specified by the said Acts or some of them in relation to certain of the said dues tolls rates and charges should be increased as by this Act provided:

And whereas it is expedient that the Company should be empowered to borrow additional moneys for the purposes of their undertaking:

And whereas it is expedient that the power to invest amounts standing to the credit of the superannuation fund established for salaried officers and servants under the Manchester Ship Canal (Staff Superannuation) Act 1926 should be extended as by this Act provided:

And whereas it is expedient that the powers contained in this Act relating to the payment of pensions or other benefits to widows children or dependants of officers and servants of the Company should be conferred upon the Company:

And whereas by the Manchester Ship Canal Act 1904 the depth of the water in the Manchester Ship Canal between Eastham Locks and Latchford Locks was authorised to be increased by raising the level of the water in that portion of the said canal above the level indicated on the deposited sections referred to in the Manchester Ship Canal Act 1885 and it is expedient that the authorised level of water in the said portion of the said canal should be further raised as by this Act provided:

And whereas it is expedient that further powers should be conferred upon the Company as by this Act provided:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

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

And whereas plans and sections showing the lines or situations and levels of the works authorised by this Act such plans showing also the lands which the Company may acquire or use under

the powers of this Act together with a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of all such lands have been deposited with the respective clerks of the county councils of the administrative counties of Chester and Lancaster and with the town clerk of the county borough of Warrington and are hereinafter respectively referred to as the deposited plans 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

1. This Act may be cited as the Manchester Ship Canal Act Short title. 1956.

2. This Act is divided into Parts as follows:—

Act divided
into Parts.

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Dues tolls rates etc.

Part IV.—Financial.

Part V.—Superannuation.

Part VI.—Miscellaneous.

3. The following Acts and parts of Acts (that is to say):—

Incorporation
of Acts.

the provisions of the Companies Clauses Consolidation Act 1845 with respect to the borrowing of money by the Company on mortgage or bond and the giving of notices and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

the Lands Clauses Acts except section 92 of the Lands Clauses Consolidation Act 1845 and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860;

the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof;

the provisions of the Harbours Act 1847 except sections 6 to 13 sections 16 to 19 (unless and to such extent as the Minister may otherwise require) and sections 25 26 50 and 85;

PART I
—cont.

so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act or any former Act of or relating to the Company are incorporated with and form part of this Act:

Provided that—

(a) the Company being a railway company within the meaning of the Railway Companies Act 1867 section 36 of that Act shall apply with reference to section 85 of the Lands Clauses Consolidation Act 1845;

(b) for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act 1845 the works authorised by this Act shall be deemed to be the railway and the centre lines of those works as shown on the deposited plans shall be deemed to be the centre of the railway.

Interpretation.

4. In this Act the following words and expressions have the several meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction (that is to say):—

“the Act of 1885” means the Manchester Ship Canal Act 1885;

“the canal” means the Manchester Ship Canal authorised by the Act of 1885 as amended by subsequent Acts;

“the Company” means the Manchester Ship Canal Company;

“the harbour” means the harbour and port of Manchester;

“the Harbours Act 1847” means the Harbours Docks and Piers Clauses Act 1847;

“the Minister” means the Minister of Transport and Civil Aviation;

“the tribunal” means the arbitrator or other person to whom any question of disputed purchase money or compensation under this Act is referred;

“the undertaking” means and includes the undertaking carried on by the Company upon or in connection with their canals docks and railways and the real and personal property lands works and appliances acquired or provided by or vested in them for the purposes thereof.

PART II

WORKS AND LANDS

Power to
make works.

5. 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 plans and described in the deposited book of reference and according to the levels shown on the

deposited sections the works hereinafter described (that is to say):—

PART II
—cont.

In the borough of Ellesmere Port in the county of Chester—

Work No. 1. A river bank commencing at a point on the south side of the estuary of the river Mersey one thousand four hundred and fifty yards or thereabouts westward of the north pierhead of the Company's oil dock No. 2 at Stanlow and terminating at Stanlow Point;

Work No. 2. A dock connected with the canal and situate partly on land to be reclaimed from the estuary of the river Mersey and partly on land belonging to the Company;

In the urban district of Urmston in the county palatine of Lancaster—

Work No. 3. A double line of railway across and on the level of Redclyffe Road at a point one hundred and eighty-five yards or thereabouts north-eastward of the junction of that road with Barton Road.

6. In connection with the river bank (Work No. 1) by this Act authorised the Company may reclaim and fill up so much of the estuary of the river Mersey as is situate southward of the said river bank (Work No. 1) and may appropriate and use the land so reclaimed for the purposes of the dock (Work No. 2) by this Act authorised or for any other purposes of the undertaking.

Reclamation
of part of
estuary of
river Mersey.

7. In addition to the river bank and dock (Works Nos. 1 and 2) authorised by section 5 (Power to make works) of this Act and the reclamation of part of the estuary of the river Mersey authorised by the last foregoing section of this Act the Company may in upon under or over any lands for the time being belonging to them and situate on the northern side of the canal in the borough of Ellesmere Port construct or place and maintain all such cuts channels locks gates caissons booms weirs dams basins reservoirs ponds trenches pounds lay-byes sluices culverts syphons subways by-passes arches bridges (fixed or opening) ferries sewers drains mains pipes cables tanks embankments banks walls jetties landing places dolphins moorings buoys beacons lights signals groynes quays wharves warehouses sheds buildings engines pumps machinery lifts cranes drops winches capstans ganties conveyors staithes tips railways tramways junctions sidings turntables roads approaches works and appliances as may be necessary or convenient for or in connection with or subsidiary to the said river bank and dock (Works Nos. 1 and 2) or the existing docks of the Company on the said lands:

Subsidiary
works.

PART II
—cont.

Provided that any electrical works or apparatus constructed or placed in pursuance of the powers conferred by this section shall be so constructed or placed and so maintained worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Power to
deviate.

8.—(1) In the construction of the works by this Act authorised the Company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding five feet upwards or downwards.

(2) Notwithstanding anything shown on the deposited plans the Company may construct the dock (Work No. 2) authorised by this Act in any position within the limits of deviation for that work delineated on the said plans.

New works to
form part of
undertaking
etc.

9.—(1) Works Nos. 1 and 2 authorised by this Act and any works constructed by the Company under the powers of section 7 (Subsidiary works) of this Act shall for the purposes of any Act or order relating to the Company or the undertaking or the harbour form part of the canal and of the undertaking and of the harbour and the Company may exercise and enjoy for the purposes of constructing maintaining and using and generally in relation to the said works all such powers authorities rights and privileges (including the power to demand and take tolls rates dues and charges) as immediately before the date of the passing of this Act they had or might exercise or enjoy in relation to the canal or the undertaking or the harbour as existing immediately before that date and all the provisions of all enactments affecting the Company in relation to the canal or the undertaking or the harbour as so existing shall *mutatis mutandis* and subject to the provisions of this Act attach to and affect the Company in respect of the said works.

(2) Work No. 3 authorised by this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever form part of the undertaking.

As to
jurisdiction
of justices.

10. For all purposes of or in connection with the jurisdiction of the justices of the Chester petty sessional division of Ellesmere Port Works Nos. 1 and 2 by this Act authorised shall be deemed to be within the parish of Ellesmere Port in the borough of Ellesmere Port in the county of Chester.

Provision as
to level-
crossing.

11. If at any time during the construction of or after the completion and opening of the lines of railway (Work No. 3) by this Act authorised the Minister shall deem it necessary in the

interests of public safety to make any requirement with respect to the working of traffic thereon or to require the provision of gates thereat the Company shall comply with any such requirement which may be made by the Minister.

PART II
—cont.

12.—(1) Notwithstanding anything contained in this Act the Company shall not in connection with Works Nos. 1 and 2 by this Act authorised without the prior consent in writing of Her Majesty's Principal Secretary of State for Air or cause to be constructed or erected any building structure or erection exceeding a height of one hundred and fifty feet above ordnance datum. As to height of buildings etc.

(2) If any such building structure or erection be commenced or completed contrary to the provisions of this section the Secretary of State may at the cost of the Company abate and remove such portion of any such building structure or erection which exceeds a height of one hundred and fifty feet above ordnance datum and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Secretary of State summarily as a civil debt.

13. The provisions of section 36 (Provisions for the Mersey Commissioners) of the Act of 1885 shall apply in relation to the river bank and dock (Works Nos. 1 and 2) by this Act authorised with the substitution of references to the Minister for the references in the said section to the Mersey Commissioners. Application of certain provisions of Act of 1885.

14.—(1) Subject to the provisions of this Act any work authorised by this Act shall be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun. Works below high-water mark to be subject to approval of Minister.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) Any such approval may be signified and any such conditions or restrictions may be prescribed under the hand of the acting conservator of the river Mersey.

(4) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

PART II
—cont.Abandonment
of railway.

15. The Company shall abandon the construction of railway (No. 2) authorised by the Manchester Ship Canal Act, 1936.

Extension of
time for
completion of
railways
authorised by
Act of 1926.

16.—(1) The time limited by the Manchester Ship Canal (General Powers) Act 1926 for the completion of the railways authorised by that Act as extended by section 22 (Extension of time for completion of railways authorised by Act of 1926) of the Manchester Ship Canal Act, 1936 and section 25 (Extension of time for the completion of railways) of the Manchester Ship Canal Act, 1945 is hereby further extended until the first day of October nineteen hundred and sixty-six.

(2) Section 14 (Penalty imposed unless railways opened within time limited) of the Manchester Ship Canal (General Powers) Act 1926 shall have effect as if the period for the completion of the said railways as extended by this section were the period limited by that Act for that purpose.

Power to stop
up part of
Barton Road.

17. The Company may stop up and cause to be discontinued as a public highway so much of Barton Road in the urban district of Urmston as is situated between the junction with that road of Redclyffe Road and a line drawn across and at right angles to Barton Road from the south-western corner of the churchyard of Saint Catharine's Church and thereupon all rights of way over the said portion of road shall be extinguished but it shall be lawful for the occupier of any house or land abutting on the said portion of road and any person bona fide going to or from such house or land to pass without unreasonable interruption along the said portion of road with or without vehicles from or to Redclyffe Road until such time as the Company are the owners in possession of such house or land:

Provided that the Company shall make full compensation to all parties affected in respect of any private rights of way extinguished by this section and such compensation shall be determined in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to
acquire lands.

18.—(1) Subject to the provisions of this Act the Company may enter upon take appropriate and use for the purposes of or in connection with the river bank and dock (Works Nos. 1 and 2) authorised by this Act or for other purposes of the undertaking such of the lands in the borough of Ellesmere Port in the county of Chester delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes or any of them.

(2) The powers of the Company for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-six.

19.—(1) For the purpose of constructing and maintaining the lines of railway (Work No. 3) by this Act authorised the Company may enter upon open break up and interfere with so much of the surface of Redclyffe Road in the urban district of Urmston as is within the limits of deviation for that work but shall not be required to purchase any part of the surface of or any easement in that road.

PART II
—cont.

Power to use
surface of
Redclyffe
Road.

(2) Before breaking up or interfering with any portion of the surface of the said road under the powers of this section the Company shall give to the county council of the administrative county of Lancaster and to the Urmston Urban District Council twenty-eight days' notice of their intention so to do.

20. The Company may appropriate and use for the purposes of the works by this Act authorised any lands for the time being vested in them and not required for any other purposes of the undertaking.

Power to
appropriate
lands.

21.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Company after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situate for the correction thereof.

Correction of
errors in
deposited plans
and book of
reference.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the respective clerks of the county councils of the administrative counties of Chester and Lancaster and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Company to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

22.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

Acquisition
of part only
of certain
properties.

PART II
—cont.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Company that part of the house building factory park or garden.

Power to expedite entry.

23. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act but not less than one month after giving to the owner and occupier of the land notice in writing of their intention to exercise the powers of this section the Company may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Company shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

24. Any person acting on behalf of the Company and duly authorised in writing by the secretary of the Company may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Company not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice in writing to the owner and occupier of the land.

Disregard of recent improvements and interests.

25. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-five; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

26.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished. Extinction of private rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Company compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

27.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Company any easement or right required for the purposes of this Act in or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest). Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

28. The Company may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement. Power to reinstate owners or occupiers of property.

29. The provisions of the Manchester Ship Canal (Surplus Lands) Act 1893 as amended or extended by subsequent Acts shall extend and apply to the lands acquired or appropriated by the Company under the powers of this Act and the Company may on any portion of such lands which they may not require for the construction of the works authorised by this Act erect dwellings for their employees and sell let or lease the same or any of them. Application to lands acquired under this Act of enactments relating to surplus lands.

30. The tribunal shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and Costs of arbitration in certain cases.

PART II
—cont.

that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause (such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment) and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

For protection
of Postmaster-
General.

31.—(1) Where in pursuance of the powers conferred by section 17 (Power to stop up part of Barton Road) of this Act any part of Barton Road is stopped up the following provisions shall unless otherwise agreed in writing between the Company and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such part of Barton Road at the time of such stopping up:—

(a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding such stopping up so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Company of his intention to remove the line or that part thereof as the case may be;

(b) The Postmaster-General may by notice to the Company in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(c) The Postmaster-General shall be entitled to recover from the Company the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may reasonably require ;

(d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Company and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as any part of Barton Road has been stopped up the Company shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) In this section the expression " telegraphic line " has the same meaning as in the Telegraph Act 1878.

32. For the protection of the lord mayor aldermen and citizens of the city of Manchester (in this section referred to as " the corporation ") the following provisions shall unless otherwise agreed in writing between the corporation and the Company apply and have effect :—

For protection
of Manchester
Corporation.

(1) In this section—

" apparatus " means pipes and other works and apparatus belonging to the corporation in connection with their water undertaking (other than works forming part of the Thirlmere Aqueduct) and includes any structure for lodging therein of apparatus ;

" Barton Road " means Barton Road in the urban district of Urmston in the county of Lancaster :

(2) Notwithstanding the stopping up and discontinuance as a public highway of any part of Barton Road under the powers of section 17 (Power to stop up part of Barton Road) of this Act the corporation shall continue to have all the rights and powers of taking constructing laying down and maintaining the Thirlmere Aqueduct and works connected therewith in under or across Barton Road contained in the Manchester Corporation Waterworks Act 1879 the Manchester Corporation (General Powers) Act 1904 and the Manchester Corporation Act

PART II
—cont.

1946 or any other enactment and the corporation shall not be required to obtain the consent of the owners or occupiers to the exercise of those rights and powers:

Provided that nothing in this Act shall affect the provisions of the agreement dated the seventeenth day of August nineteen hundred and twenty-two and made between the corporation of the one part and the Company of the other part whereby the corporation on the terms and conditions contained therein granted to the Company facilities for the crossing of that part of the Thirlmere Aqueduct of the corporation which had been constructed in Barton Road with roads tramways and railways sewers drains pipes electric cables and wires and except so far as may be otherwise agreed between the corporation and the Company the provisions of that agreement shall continue to have full force and effect:

- (3) The Company shall give three months' notice to the corporation of their intention to exercise the powers of the said section 17 of this Act and if the said road is stopped up and discontinued as a public highway the corporation shall notwithstanding such stopping up and discontinuance as a public highway continue to have the same powers and rights in respect of any apparatus remaining in the land comprised in the part of the said road so stopped up and discontinued as they had immediately before such stopping up and discontinuance or may (if they give notice to the Company within the said period of three months) and if reasonably so required by the Company shall—

(a) remove the apparatus and relay or replace the same in such other position as may be reasonable; or

(b) provide and lay or place other apparatus in such other position as aforesaid in lieu of such existing apparatus:

- (4) If the Company do not stop up Barton Road within one month after the expiration of the period of three months referred to in subsection (3) of this section the notice given by the Company under the said subsection shall be null and void and the said road shall not be stopped up until a further similar notice shall have been given to the corporation and shall have been acted upon by the Company:

- (5) The Company shall repay to the corporation—

(a) the reasonable expenses incurred by the corporation of or in connection with any removal and

relaying or replacing of apparatus and any provision and laying or placing of new apparatus which may be rendered reasonably necessary in consequence of a requirement of the Company under the provisions of subsection (3) of this section or of any operations of the Company in or near the said part of Barton Road ; and

(b) the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus ; and

(ii) any other work or thing ;

rendered reasonably necessary in consequence of any such removal relaying replacing laying or placing as is referred to in this subsection :

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Company under this subsection as if the Company were the promoting authority as if the works of removing relaying replacing laying or placing apparatus hereinbefore in this section mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 32 (For protection of Manchester Corporation) of the Manchester Ship Canal Act 1956" :

(6) If during or in consequence of the carrying out of any works by the Company in that part of Barton Road which is stopped up and discontinued for use as a public highway any apparatus shall be rendered derelict useless or unnecessary the Company shall pay to the corporation such sum as may be agreed between the Company and the corporation (or in default of agreement determined by arbitration) to be the value of the apparatus and the Company shall also pay to the corporation any expenses reasonably incurred by them in consequence of such apparatus being so rendered derelict useless or unnecessary :

(7) (a) Any difference which may arise between the Company and the corporation under this section shall be referred to and determined by an arbitrator to be appointed by agreement between the Company and the corporation or in default of agreement by the President of the

PART II
—cont.

Institution of Civil Engineers on the application of either party after notice in writing to the other party ;

- (b) In settling any difference under this section the arbitrator may if he thinks fit require the Company to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

For protection
of North
Western
Electricity
Board and
North Western
Gas Board.

33. For the protection of the North Western Electricity Board and the North Western Gas Board (each of whom are in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Company and the undertakers apply and have effect:—

- (1) In this section unless the subject or context otherwise requires—

"apparatus" means—

(a) in relation to the North Western Electricity Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by that board ;

(b) in relation to the North Western Gas Board mains pipes or other apparatus belonging to or maintained by that board ;

and includes any works constructed for the lodging therein of apparatus ;

"in" in a context referring to apparatus includes under over across along or upon ;

"position" includes depth :

- (2) The Company shall give three months' notice to the undertakers of their intention to exercise the powers of section 17 (Power to stop up part of Barton Road) of this Act and if the said road is stopped up the undertakers shall notwithstanding such stopping up continue to have the same powers and rights in or in respect of any apparatus remaining in the land comprised in the part of the said road so stopped up as they had immediately before such stopping up or may (if they give notice to the Company within the said period of three months) and if reasonably so required by the Company shall—

(a) remove the apparatus and relay or replace the same in such other position as may be reasonable ;
or

(b) provide and lay or place other apparatus in such other position as aforesaid in lieu of such existing apparatus :

- (3) If the Company do not stop up Barton Road within one month after the expiration of the period of three months

referred to in subsection (2) of this section the notice given by the Company under the said subsection shall be null and void and the said road shall not be stopped up until a further similar notice shall have been given to the undertakers and shall have been acted upon by the Company:

PART II
—cont.

(4) The Company shall repay to the undertakers—

(a) the reasonable expenses incurred by the undertakers of or in connection with any removal and relaying or replacing of apparatus and any provision and laying or placing of new apparatus which may be rendered reasonably necessary in consequence of a requirement of the Company under the provisions of subsection (2) of this section or of any operations of the Company in or near the said part of Barton Road; and

(b) the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing;

rendered reasonably necessary in consequence of any such removal relaying replacing laying or placing as is referred to in this subsection:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Company under this subsection as if the Company were the promoting authority as if the works of removing relaying replacing laying or placing apparatus hereinbefore in this subsection mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 33 (For protection of North Western Electricity Board and North Western Gas Board) of the Manchester Ship Canal Act 1956":

(5) Any difference which may arise between the Company and the undertakers under this section shall be referred to and determined by an arbitrator to be appointed by agreement between the Company and the undertakers or in default of agreement by the President of the Institution of Civil Engineers on the application

PART II
—cont.

of either party after notice in writing to the other party.

In settling any difference under this section the arbitrator may if he thinks fit require the Company to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which any apparatus is used.

For protection
of Urmston
Urban District
Council.

34. For the protection of the urban district council of Urmston (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Company and the council apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

"apparatus" means sewers drains or other apparatus connected therewith belonging to or maintained by the council and includes any works constructed for the lodging therein of apparatus;

"in" in a context referring to apparatus includes under over across along or upon;

"position" includes depth:

(2) The Company shall give three months' notice to the council of their intention to exercise the powers of section 17 (Power to stop up part of Barton Road) of this Act and if the said road is stopped up the council shall notwithstanding such stopping up continue to have the same powers and rights in or in respect of any apparatus remaining in the land comprised in the said part of the said road so stopped up as they had immediately before such stopping up or may if they give notice to the Company within the said period of three months and if reasonably so required by the Company shall—

(a) remove the apparatus and relay or replace the same in such other position as may be reasonable; or

(b) provide and lay or place other apparatus in such other position as aforesaid in lieu of such existing apparatus:

(3) If the Company do not stop up Barton Road within one month after the expiration of the period of three months referred to in subsection (2) of this section the notice given by the Company under the said subsection shall be null and void and the said road shall not be stopped up until a further similar notice shall have been given to the council and shall have been acted upon by the Company:

(4) The Company shall repay to the council—

PART II
—cont.

(a) the reasonable expenses incurred by the council of or in connection with any removal and relaying or replacing of apparatus and any provision and laying or placing of new apparatus which may be rendered reasonably necessary in consequence of a requirement of the Company under the provisions of subsection (2) of this section or of any operations of the Company in or near the said part of Barton Boad; and

(b) the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing;

rendered reasonably necessary in consequence of any such removal relaying replacing laying or placing as is referred to in this subsection:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Company under this subsection as if the Company were the promoting authority as if the works of removing relaying replacing laying or placing apparatus hereinbefore in this subsection mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 34 (For protection of Urmston Urban District Council) of the Manchester Ship Canal Act 1956":

(5) Any difference which may arise between the Company and the council under this section shall be referred to and determined by an arbitrator to be appointed by agreement between the Company and the council or in default of agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other party.

In settling any difference under this section the arbitrator may if he thinks fit require the Company to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which any apparatus is used.

PART III

DUES TOLLS RATES ETC.

Increase of
ship canal
rates.

35.—(1) The maximum ship canal rates are hereby respectively increased by an amount equal to twenty per centum of the respective amounts thereof and the Company may levy or charge such increased rates accordingly.

(2) In and for the purposes of this section the expression "the maximum ship canal rates" means the dues tolls rates and charges which the Company were immediately before the date of the passing of this Act authorised to levy or charge in connection with the undertaking by virtue of the Manchester Ship Canal Act 1919 as amended by the Manchester Ship Canal Act 1933 and the Manchester Ship Canal Act 1950 but does not include the maximum Bridgewater rates or the maximum railway rates as respectively defined in the Manchester Ship Canal Act 1952.

PART IV

FINANCIAL

Power to
Company to
borrow.

36. The Company in addition to any moneys which they are at the passing of this Act authorised to borrow may with the consent of the lord mayor aldermen and citizens of the city of Manchester under their common seal at any time or times after the passing of this Act borrow on mortgage of the undertaking any sum or sums not exceeding in the whole five million pounds.

Debenture
stock.

37. The Company may in respect of the powers of borrowing conferred upon them by section 36 (Power to Company to borrow) of this Act create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended by subsequent Acts but notwithstanding anything therein contained the interest on all debenture stock at any time after the passing of this Act created and issued by the Company under the powers of this section shall have priority over all principal moneys secured by mortgages granted by the Company under the powers of the said section 36 of this Act.

Rights of
holders of
redeemable
debenture
stock in
relation to
principal.

38. The holders of debenture stock created by the Company under the powers of this Act or any other Act whether passed before or after the passing of this Act and issued under the powers of section 4 (Redeemable debenture stock) of the Manchester Ship Canal Act 1928 so as to be redeemable shall have the like rights and priorities in relation to and for securing or enforcing the payment of the principal moneys repayable on the redemption of that stock as if they were mortgagees of the undertaking under a mortgage granted by the Company under the Act under which such redeemable debenture stock is created.

39. All mortgages granted by the Company under the powers of section 36 (Power to Company to borrow) of this Act shall rank *pari passu* with all mortgages granted by the Company under the powers of section 9 (Power to Company to borrow and to Corporation to lend further money) of the Manchester Ship Canal Act 1913 or section 4 (Additional borrowing powers on mortgage of undertaking) of the Manchester Ship Canal Act 1925 or section 43 (Power to Company to borrow) of the Manchester Ship Canal Act 1949 and notwithstanding anything contained in Part III of the Companies Clauses Act 1863 the interest on such first-mentioned mortgages and on all debenture stock created and issued by the Company under the powers of section 37 (Debenture stock) of this Act shall rank *pari passu* with the interest on all mortgages granted under the powers of the said section 9 or the said section 4 or the said section 43 and on all debenture stock issued by the Company under the powers of section 10 (Debenture stock) of the said Act of 1913 or of section 5 (Power to issue debenture stock in respect of power of borrowing on mortgage of undertaking) of the said Act of 1925 or section 44 (Debenture stock) of the said Act of 1949.

PART IV
—cont.As to ranking
of mortgages
and interest
on debenture
stock.

40. Except as by this Act expressly provided nothing therein shall alter or affect any right or priority—

Saving for
existing
priorities.

- (a) of any mortgages granted or to be granted ; or
- (b) attaching to the interest on any such mortgages or on any debenture stock issued or to be issued ; or
- (c) of the mortgagees under any such mortgages or of the holders of any such debenture stock ;

existing by virtue of any Act passed before the passing of this Act.

41. All mortgages and certificates of debenture stock issued under the powers of this Act shall be endorsed with notice of the provisions of section 37 (Debenture stock) section 38 (Rights of holders of redeemable debenture stock in relation to principal) and section 39 (As to ranking of mortgages and interest on debenture stock) of this Act.

Mortgages and
debenture
stock
certificates to
be endorsed
with notice of
certain
enactments.

42. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for
powers of
Treasury.

43. All moneys raised by the Company under the powers of this Act shall be applied only to purposes of the Company to which capital is properly applicable.

Application
of moneys.

44. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they have in hand or which they are empowered by this Act

Power to apply
funds to
purposes of
Act.

PART IV
—cont.

Signing of declarations of Company on securities under section 14 of Railway Companies Securities Act 1866.

or any existing Act to raise and which they do not require for the purposes for which such moneys were authorised to be raised.

45. Any declaration put after the passing of this Act pursuant to section 14 of the Railway Companies Securities Act 1866 as amended by the Railway Companies (Accounts and Returns) Act 1911 upon any mortgage deed or bond made or given or upon any certificate for debenture stock issued by the Company shall be deemed to have been signed by the two directors and the secretary or other officer of the Company who attested the affixing of the common seal of the Company to such deed bond or certificate and such directors and secretary or officer shall be deemed respectively to be the persons who pursuant to the said section 14 as amended as aforesaid are required to sign such declaration.

PART V

SUPERANNUATION

Investment of superannuation fund.

46.—(1) Notwithstanding anything in section 10 (Securities for investment of fund) of the Manchester Ship Canal Act 1945 investments made by the trustees under Part II (Superannuation fund) of that Act may be made in such securities or investments as the committee may from time to time by resolution determine and the Company may approve:

Provided that no investment shall be made in or upon any ordinary shares or stock of any company—

- (i) unless such company shall have paid dividends thereon at the rate of at least five per centum per annum for not less than four years prior to the date of investment;
- (ii) unless such ordinary shares or stock are at the time of making the investment quoted on the London Stock Exchange; and
- (iii) so long as the value of all ordinary shares or stock forming part of the fund established pursuant to the Manchester Ship Canal (Staff Superannuation) Act 1926 for the purposes of the scheme scheduled to that Act as amended by subsequent Acts equals or exceeds one-quarter of the total value of the assets of that fund.

(2) Section 12 (Variation of investments) of the said Act of 1945 shall have effect as if in subsection (1) thereof for the words “hereinbefore authorised” there were substituted the words “authorised by a resolution of the committee for the purpose”.

(3) In this section the expressions “the trustees” and “the committee” have the same respective meanings as in Part II of the said Act of 1945.

47.—(1) In addition and without prejudice to any other powers exercisable by the Company the Company may from time to time by agreement with any of their salaried officers or servants for the time being in their employment within the meaning of the scheme scheduled to the Manchester Ship Canal (Staff Superannuation) Act 1926 or any amendment thereof make and carry into effect a scheme or schemes for the granting of pensions or other benefits to the widows children or dependants of such officers or servants.

PART V
—cont.Voluntary
schemes for
pensions to
widows etc.

(2) The Company may apply their funds and revenues for the purposes of any scheme made under the powers of this section and may make any payments which may from time to time be necessary to secure the solvency of any fund which may be created under such scheme.

PART VI

MISCELLANEOUS

48. Section 31 (Qualification of directors) of the Manchester Ship Canal (General Powers) Act 1926 shall have effect as if for the reference therein to two thousand shares in the capital of the Company there were substituted a reference to one thousand shares in the capital of the Company.

Qualification
of directors.

49. The powers of the Company of making byelaws under section 83 of the Harbours Act 1847 as incorporated with the Act of 1885 shall extend so as to enable the Company to make byelaws prescribing the lights and signals to be exhibited on board vessels whilst in the harbour or such part thereof as may be specified in the byelaws.

Byelaws as to
signals and
lights on
vessels in
harbour.

50.—(1) Notwithstanding anything contained in any other enactment section 85 of the Harbours Act 1847 shall not apply in relation to any byelaws made by the Company under any enactment incorporating that section or under this Act but no such byelaws except such as relate solely to the Company or their officers or servants shall have any force or effect unless and until they have been confirmed by the Minister.

Confirmation
of byelaws.

(2) Any byelaws which were made by the Company before the date of the passing of this Act and confirmed by the Board of Trade or the Minister (as the case may be) and which were not revoked before that date shall have full force and effect as if the provisions of subsection (1) of this section had been in force at the date on which the byelaws were so confirmed and as if the reference to the Minister in the said provisions included a reference to the Board of Trade.

(3) Nothing in this section shall prejudice or affect the operation of the provisions of section 198 (Additional byelaws) of the Act of 1885 relating to the sanctioning by the commissioners

PART VI
—cont.

of customs and excise of byelaws relating to transit sheds or bonded warehouses and such byelaws shall only have force and effect so long as such sanction shall continue.

Extension of powers of harbour master.

51. Section 52 of the Harbours Act 1847, in its application to the Company and the harbour master shall extend so as to empower the harbour master to prohibit the entry into the harbour of vessels designed to carry liquid cargo in bulk if the entry is only for the purpose of cleaning their tanks.

Amendment of section 4 of Manchester Ship Canal Act 1904.

52. Section 4 (Deepening canal by raising water level (Eastham Locks to Latchford)) of the Manchester Ship Canal Act 1904 shall have effect as if for the reference in paragraph (1) thereof to two feet there were substituted a reference to four feet.

Tugs and barges not to use harbour unless registered.

53.—(1) On and after the first day of January nineteen hundred and fifty-seven it shall not be lawful without the written permission of the Company for any tug or barge to enter or use the harbour or to be worked or navigated therein unless it is for the time being registered by the Company.

(2) The Company shall as soon as practicable after the receipt of an application in a form prescribed by them register any tug or barge—

- (i) which is classed by Lloyds Register of Shipping, the British Corporation Register of Shipping and Aircraft or the British Committee of the Bureau Veritas ; or
- (ii) in respect of which there shall be produced to the Company a certificate in a form prescribed by the Company and made by any surveyor of shipping for the time being approved by the Company that the tug or barge is seaworthy and suitable for the purpose for which the same is built designed or fitted or intended or likely to be used.

(3) If at any time it shall appear to the Company that any tug or barge which has been registered pursuant to subsection (2) of this section may have become unseaworthy or unsuitable for the purpose for which the same is used or for which it is built designed or fitted or intended or likely to be used the Company may after sending by registered post addressed to the owner of such tug or barge at the address of such owner last notified to the Company notice of their intention so to do cancel the registration of the tug or barge unless within one month from the sending of such notice there shall be produced to the Company—

- (i) a certificate that the tug or barge has remained classed by Lloyds Register of Shipping, the British Corporation Register of Shipping and Aircraft or the British Committee of the Bureau Veritas ; or
- (ii) a certificate in a form prescribed by the Company and made by any surveyor of shipping for the time being

approved by the Company that the tug or barge is seaworthy and suitable for the purpose for which the same is used or for which it is built designed or fitted or intended or likely to be used.

(4) If any tug or barge shall enter or use the harbour or be worked or navigated therein in contravention of the provisions of subsection (1) of this section the owner of such tug or barge shall for every such offence be liable to a penalty not exceeding fifty pounds.

(5) All offences against this section and all penalties imposed or recoverable under this section may be prosecuted or recovered in a summary manner.

(6) In this section—

“ barge ” includes a lighter flat or other like vessel ;

“ tug ” means any vessel built designed or fitted for the purpose of towing ships or barges and includes a tender ;

“ surveyor of shipping ” includes a surveyor or builder of tugs or barges.

(7) The Company shall as soon as practicable after the passing of this Act cause public notice to be given of the effect of this section (including the date when it comes into force) by advertisement in a newspaper circulating in the city of Manchester and otherwise in such manner as the Company think sufficient. Copies of the newspaper containing the advertisement shall be sufficient evidence of compliance with the provisions of this subsection.

54.—(1) The Company shall not maintain the water in the canal between Eastham Locks and Latchford Locks above the level authorised by section 4 (Deepening canal by raising water level (Eastham Locks to Latchford)) of the Manchester Ship Canal Act 1904 as amended by section 52 (Amendment of section 4 of Manchester Ship Canal Act 1904) of this Act. For protection
of river
Mersey.

(2) If upon consideration of any report issued by the Hydraulics Research Board of the Department of Scientific and Industrial Research upon the completion or during the course of the investigation which at the date of the passing of this Act is being made by such board in relation to the river Mersey the Minister has reason to believe that the maintenance of water in the canal between Eastham Locks and Latchford Locks above the level authorised by the said section 4 of the Manchester Ship Canal Act 1904 as originally enacted has caused or is likely to cause any injury to the estuary of the river Mersey or any of the approaches thereto or to the bar or has affected or is likely to affect prejudicially any anchorage mooring ground or landing stage within the jurisdiction of the Minister as successor to the

PART VI
—cont.

Mersey Commissioners as defined in the Act of 1885 or the access to any dock or in any way has caused or is likely to cause injury to the navigation or to the due working of any ferry within that jurisdiction he may if he thinks it in the public interest so to do after consultation with such bodies or persons as appear to him to be appropriate including the Company and the Mersey Docks and Harbour Board from time to time direct the Company to reduce either permanently or temporarily the level at which water is maintained in the canal between Eastham Locks and Latchford Locks but not below the level authorised by the said section 4 of the Manchester Ship Canal Act 1904 as originally enacted and the Company shall comply with any such direction.

For protection
of British
Transport
Commission.

55. For the protection of the British Transport Commission (in this section referred to as "the commission") the following provisions shall unless otherwise agreed in writing between the commission and the Company apply and have effect:—

(1) As and when the commission reconstruct or recondition their existing sluices at Sutton they may erect or cause to be erected an additional sluice or sluices with all machinery necessary for the complete working of the same of a capacity sufficient to offset any reduction of the total discharge capacity of the commission's existing sluices and weir at Sutton and Frodsham due to the exercise by the Company of the powers conferred upon them by section 52 (Amendment of section 4 of Manchester Ship Canal Act 1904) of this Act such capacity and the design dimensions and position or positions of such additional sluice or sluices and machinery to be agreed between the respective engineers of the commission and the Company (or in default of agreement to be determined by arbitration in manner hereinafter provided) and the Company shall repay to the commission the capital cost of such additional sluice or sluices and machinery together with any cost incurred by the commission in working or maintaining such additional sluice or sluices and machinery:

(2) Any question or difference which may arise between the commission and the Company under this section shall be referred to and determined by a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party (made after notice in writing to the other) and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such reference.

For protection
of occupiers
of Sutton
Mills.

56. For the protection of Chester Farmers Limited or other the occupiers for the time being of Sutton Mills near Frodsham Bridge in the rural district of Runcorn in the county of Chester

(in this section referred to as "the occupiers") the following provisions shall except as may be otherwise agreed in writing between the Company and the occupiers apply and have effect:—

PART VI
—cont.

- (1) The Company shall for the purpose of preserving access to the landing berth at the said Sutton Mills at all times after the passing of this Act at their sole expense and cost maintain by dredging or otherwise a channel not less than fifty feet wide and eight feet deep from Weston Marsh Lock to the said landing berth so as to afford access along such channel through the canal to the river Mersey:
- (2) Nothing in this section shall be in derogation of the provisions of any other enactment which enure for the protection of the occupiers or of the owners for the time being of the said Sutton Mills:
- (3) Any difference arising between the Company and the occupiers under this section shall be referred to and determined by an arbitrator to be agreed upon between the Company and the occupiers or in default of agreement to be appointed on the application of either of them after notice in writing to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such reference and determination.

57. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.

58. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Company 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 Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

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

Costs of Act.

Table of Statutes referred to in this Act

Short title	Session and chapter
Companies Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 16.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Harbours Docks and Piers Clauses Act 1847 ...	10 & 11 Vict. c. 27.
Lands Clauses Consolidation Acts Amendment Act 1860.	23 & 24 Vict. c. 106.
Companies Clauses Act 1863 ...	26 & 27 Vict. c. 118.
Railway Companies Securities Act 1866 ...	28 & 29 Vict. c. 108.
Railway Companies Act 1867 ...	30 & 31 Vict. c. 127.
Telegraph Act 1878 ...	41 & 42 Vict. c. 76.
Manchester Corporation Waterworks Act 1879	42 & 43 Vict. c. xxxvi.
Electric Lighting Act 1882 ...	45 & 46 Vict. c. 56.
Manchester Ship Canal Act 1885 ...	48 & 49 Vict. c. clxxxviii.
Manchester Ship Canal (Surplus Lands) Act 1893	56 & 57 Vict. c. lxxiii.
Manchester Ship Canal Act 1904 ...	4 Edw. 7 c. ccxii.
Manchester Corporation (General Powers) Act 1904.	4 Edw. 7 c. ccxxxv.
Railway Companies (Accounts and Returns) Act 1911.	1 & 2 Geo. 5 c. 34.
Manchester Ship Canal Act 1913 ...	3 & 4 Geo. 5 c. lix.
Manchester Ship Canal Act 1919 ...	9 & 10 Geo. 5 c. xlvi.
Manchester Ship Canal Act 1925 ...	15 & 16 Geo. 5 c. cxx.
Manchester Ship Canal (General Powers) Act 1926	16 & 17 Geo. 5 c. lxxxiii.
Manchester Ship Canal (Staff Superannuation) Act 1926.	16 & 17 Geo. 5 c. xc.
Manchester Ship Canal Act 1928 ...	18 & 19 Geo. 5 c. lxxxv.
Manchester Ship Canal Act 1933 ...	23 & 24 Geo. 5 c. lxvi.
Manchester Ship Canal Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. cxxiv.
Manchester Ship Canal Act 1945 ...	9 & 10 Geo. 6 c. xi.
Borrowing (Control and Guarantees) Act 1946 ...	9 & 10 Geo. 6 c. 58.
Manchester Corporation Act 1946 ...	9 & 10 Geo. 6 c. xxxviii.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Manchester Ship Canal Act 1949 ...	12 & 13 Geo. 6 c. xxxvi.
Arbitration Act 1950 ...	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Manchester Ship Canal Act 1950 ...	14 Geo. 6 c. lvi.
Manchester Ship Canal Act 1952 ...	15 & 16 Geo. 6 & 1 Eliz. 2 c. xiii.

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