

Cammell Laird and Company Act, 1958

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CHAPTER xvi

An Act to empower Cammell Laird and Company (Shipbuilders and Engineers) Limited to construct further works in the river Mersey and for other purposes.

[14th May 1958.]

WHEREAS by a memorandum and articles of association certain persons described in the memorandum and thereto subscribing formed themselves into a company which was incorporated under the Companies Act 1948 and was registered on the seventh day of December one thousand nine hundred and fifty-three under the name of Cammell Laird and Company (Shipbuilders and Engineers) Limited (hereinafter called "the Company"):

And whereas among the objects for which the Company was established were the following:—

- (a) To carry on business as builders and repairers and breakers of ships vessels boats and aircraft of all kinds; contractors for the construction and repair of ships; shipowners and charterers bargeowners tugowners and contractors;
- (b) To purchase take on lease or in exchange hire or otherwise acquire and hold for any estate or interest any lands buildings easements rights privileges ships barges and any real or personal property of any kind necessary or convenient for the purposes of or in connection with the Company's business or any branch or department thereof:

And whereas the Company now carry on business on the west shore of the river Mersey in the county borough of Birkenhead as shipbuilders ship repairers and engineers and operate extensive works in the county borough:

And whereas the present facilities on the river Mersey for the gas freeing tank cleaning testing and repair of vessels and for

enabling both vessels about to undergo repair and others to discharge or deposit oil residues ashore are insufficient to meet the anticipated requirements of shipping and it would be of great public and local advantage if additional facilities were provided by the Company:

And whereas by the Cammell Laird and Company Act 1956 an agreement made between the Birkenhead Corporation and the Company dated twenty-ninth day of March one thousand nine hundred and fifty-six under which the Corporation agreed to transfer to the Company Rock Ferry Pier and certain other lands and works was confirmed and the Company was authorised to abandon certain parts of Rock Ferry Pier and to construct certain new works in connection with the remaining portion of Rock Ferry Pier so as to provide additional facilities for the discharge or deposit by vessels of oil residues ashore:

And whereas in consequence of the increased size of vessels likely to use the new works authorised by the Act of 1956 it is expedient to empower the Company to extend these works by the construction of further works as in this Act provided:

And whereas it is expedient that the other provisions of this Act be enacted:

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

And whereas a plan and sections showing the lands which may be acquired or used compulsorily under the powers of this Act for or in connection with the further works and the other purposes mentioned in this Act together with a book of reference to the said plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same were duly deposited in the month of November one thousand nine hundred and fifty-seven with the town clerk of the county borough of Birkenhead which plan sections and book of reference are in this Act referred to as the deposited plan sections and book of reference:

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

Short and
collective titles.

1.—(1) This Act may be cited as the Cammell Laird and Company Act 1958.

(2) The Cammell Laird and Company Act 1956 and this Act may be cited together as the Cammell Laird and Company Acts 1956 and 1958.

2.—(1) The following Acts so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (namely):— Incorporation
of Acts.

The Lands Clauses Acts (except sections 16 and 17 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845):

Provided that the bond required by section 85 of that Act shall be sufficient without the addition of the sureties mentioned in that section;

The Harbours Docks and Piers Clauses Act 1847 except sections 6 to 13 16 to 23 25 to 27 29 to 50 56 60 63 66 to 68 77 79 to 82 and 84 to 94.

(2) In construing the Harbours Docks and Piers Clauses Act 1847 as incorporated in the Act of 1956 and this Act—

(a) the expression “the harbour dock or pier” shall mean the fixed portion of Rock Ferry Pier and the works constructed by the Company under the powers of the Act of 1956 or this Act and the expression “vessel” shall have the meaning assigned to it by section 3 (Interpretation) of the Act of 1956;

(b) the prescribed limits shall be the water area within two hundred and fifty yards of any part of the pier-head:

Provided that the jurisdiction of the pier master conferred by this Act shall only be exercised with reference to vessels coming to or departing from the pier-head and vessels which obstruct the approaches to the pier-head and shall not be exercised beyond the said area:

Provided also that nothing in this paragraph shall affect the rights powers authorities and privileges of the marine surveyor and water bailiff the harbour master or any dock master of the Board.

3.—(1) In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by section 3 (Interpretation) of the Act of 1956 shall have the same respective meanings— Interpretation.

“the Act of 1956” means the *Cammell Laird and Company Act 1956*;

“the extension works” means the works authorised by section 7 (Power to make works) of this Act;

“the pier-head” means substituted Work No. 2 authorised by section 10 (Power to remove part of Rock Ferry Pier and to make works) of the Act of 1956 and Work No. 1 forming part of the extension works.

(2) This Act is to be read as if the words " or thereabouts " were inserted after each distance mentioned in section 7 (Power to make works) of this Act.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

Power to
acquire lands.

4.—(1) Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purposes of the extension works or for any purpose connected with or ancillary to the use by the Company of Rock Ferry Pier.

(2) The powers of the Company for the compulsory purchase of lands under this section shall cease after the expiration of three years from the date of the passing of this Act.

Correction of
errors.

5.—(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 plan 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 borough for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from a 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 town clerk of the borough and thereupon the deposited plan 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 deposited under this section shall be kept by the town clerk of the borough with the other documents to which it relates.

Grant of
easements by
persons under
disability.

6.—(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 purpose of this Act in or over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(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.

7. The Company may subject to the provisions of this Act make in the situation and lines and within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited sections the following works in the borough (that is to say):—

Power to make works.

Work No. 1 An extension of the pier-head or jetty-head being substituted Work No. 2 authorised by section 10 (Power to remove part of Rock Ferry Pier and to make works) of the Act of 1956 commencing at the south-easterly termination of substituted Work No. 2 and extending 3 chains 3 yards in a south-south-easterly direction;

Work No. 2 Four mooring dolphins each 12 yards square with their respective centres situate at the following distances measured from the north-eastern end of the fixed portion of Rock Ferry Pier:—

- 5 chains 5 yards in an east-north-easterly direction;
- 15 chains 12 yards in a south-easterly direction;
- 19 chains 11 yards in a south-easterly direction;
- 21 chains 15 yards in a south-easterly direction.

8. If the extension works are not completed within ten years from the date of the passing of this Act or such extended time as the Minister may on the application of the Company allow then on the expiration of that period or such extended time (as the case may be) the powers granted by section 7 (Power to make works) of this Act for the making thereof shall cease except as to so much thereof as is then completed.

Period for completion of works.

9. Subject to the provisions of this Act the Company may make provide and maintain on or in connection with the extension works within the limits of deviation shown on the deposited plan all such signalling equipment approaches roads rails sidings junctions gates sheds buildings tanks yards walls embankments protection works pipes wires mains cables conduits sewers drains culverts sluices shipping places landing places stairs stages gantries cranes dolphins moorings buoys beacons lights and other works buildings machinery and appliances as may be necessary or convenient for the purposes of or in connection with or subsidiary to the said extension works or any of them:

Subsidiary works.

Provided that any electric wires mains cables or other works made provided and maintained under the provisions of this section shall be so constructed used and maintained as to prevent any 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.

Alteration and improvement of works.

10. The Company may from time to time maintain renew alter and extend temporarily or permanently the works constructed by them under the powers of this Act or any part thereof:

Provided that nothing in this section shall authorise the Company to deviate laterally or vertically beyond the limits of deviation prescribed by this Act.

Works affecting river Mersey.

11. Subject to the provisions of this Act the Company may construct place and maintain in the river Mersey and the bed banks shores and channels thereof such of the works authorised by this Act to be constructed as the Company may deem expedient or necessary.

Power to deviate.

12. The Company may in constructing the extension works deviate from the lines thereof to the extent of the limits of deviation shown on the deposited plan and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding ten feet upwards or downwards:

Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Minister which shall be signified under the hand of the acting conservator of the river Mersey.

Application of certain provisions of Act of 1956.

13. Subject to the provisions of subsection (2) of this section the following provisions of the Act of 1956 shall apply to the works constructed altered or extended by the Company under the powers of this Act as if the said provisions were re-enacted in this Act (that is to say):—

Section 16 (Works below high-water mark to be subject to the approval of the Minister);

Section 17 (Survey of works by Minister);

Section 18 (Lights on works during construction and alterations);

Section 19 (Permanent lights on works);

Section 20 (Provision against danger to navigation);

Section 21 (Abatement of work abandoned or decayed);

Section 22 (Power to dredge);

Section 25 (Inquiries by Minister).

(2) The said sections as so applied shall have effect as if—

(a) in section 17 the words “the fixed portion of Rock Ferry Pier and of” were omitted;

(b) in sections 18 19 20 21 and 22 the words “or acquired” were omitted.

Power to sell or lease works.

14. Subject to the right of pre-emption given to the Corporation in pursuance of paragraph 10 of the agreement scheduled to the Act of 1956 the Company may at any time sell or lease the works constructed by them under the powers of this Act and the lands

buildings machinery apparatus works and conveniences connected therewith or lease any part thereof to any authority body company or person subject to any terms and conditions affecting the same in the hands of the Company and operating for the protection or benefit of other persons but otherwise in such manner and for such consideration as may be agreed between the Company and such authority body company or person.

15. The following provisions for the protection of the Board shall unless otherwise agreed in writing between the Company and the board apply and have effect:— For protection of board.

(1) Notwithstanding anything contained in this Act or in the deposited plan or the deposited book of reference the Company shall not enter upon or take or use or so construct or enlarge any of the extension works as to cause them to be situate upon or over any lands lying to the northward of a line (hereinafter in this section referred to as the "line of boundary") drawn straight from a point of which the national grid reference of the ordnance survey 1954 (hereinafter in this section referred to as "the ordnance reference") is Easting 333400.4 Northing 386892.2 to a point of which the ordnance reference is Easting 333814.6 Northing 387030.5 or to the eastward of a line drawn straight from the point last mentioned to a point of which the ordnance reference is Easting 334078.8 Northing 386638.9:

(2) All works constructed by the Company under the powers of this Act so far as they are to be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with plans sections and specifications to be submitted to and reasonably approved by the board:

(3) If the board do not within two months from the date of the submission to them of any plans sections and specifications pursuant to paragraph (2) of this section intimate to the Company their approval or disapproval thereof they shall be deemed to have approved of the same:

(4) The works constructed by the Company under the powers of this Act shall not be used—

(a) otherwise than in accordance with the byelaws as to petroleum spirit for the time being in force made by the board under the authority of the Petroleum (Consolidation) Act 1928 and the Mersey Dock Acts (Consolidation) Act 1858 or any amendment or re-enactment of the same for the time being in force;

(b) except as permitted by paragraph (5) of this section so as to interfere with the use for the beaching breaking up or repairing of vessels of the foreshore belonging to the board to the northward of the line of boundary (hereinafter in this section referred to as "the board's foreshore") or with any works constructed or to be constructed thereon;

(c) so as to prevent or interfere with the unrestricted user of fires and lights on the board's foreshore or on works constructed or to be constructed thereon;

(d) except with the consent of the board for the landing or loading of such goods as would if landed or loaded in the board's docks be liable to the dock rates chargeable pursuant to section 9 (Dock rates on goods) of the Mersey Docks and Harbour Board Act 1950 as amended by any enactment for the time being in force:

(5) Operations shall not be carried out on board vessels using the said works otherwise than in accordance with such byelaws as are mentioned in sub-paragraph (a) of paragraph (4) of this section:

(6) A vessel shall not be moored to the works constructed by the Company under the powers of this Act in such a position that any part of the vessel or her moorings lies to the northward of the line of boundary:

Provided that the board may with the permission of and jointly with the Company use for the mooring of vessels using any works to be constructed on or adjacent to the board's foreshore any of the works constructed by the Company under the powers of this Act:

(7) Section 26 (For the protection of the board) of the Act of 1956 shall be read and have effect as if in paragraph (1) of that section for the words and figures "Easting 333401.0 Northing 386891.0" there were substituted the words and figures "Easting 333400.4 Northing 386892.2":

(8) Any dispute which may arise between the Company and the board under paragraph (2) of this section shall be referred to an arbitrator to be agreed between the Company and the board or failing agreement appointed by the president for the time being of the Institution of Civil Engineers on the application of either party after notice in writing to the other of them.

Crown rights.

16. 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 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 Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

17. 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.

18. Subsection (2) of section 2 (Incorporation of Acts) of the Act of 1956 is hereby repealed. Repeal.

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

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Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Mersey Dock Acts (Consolidation) Act 1858	21 & 22 Vict. c. xcii.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Petroleum (Consolidation Act) 1928	18 & 19 Geo. 5. c. 32.
Town and Country Planning Act 1947	10 & 11 Geo. 6. c. 51.
Companies Act 1948	11 & 12 Geo. 6. c. 38.
Cammell Laird and Company Act 1956	4 & 5 Eliz. 2. c. xci.

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