



CHAPTER lxxii.

An Act to authorise Lever Brothers Limited to
construct a dock and other works in the urban
district of Bebington and Bromborough in the
county of Chester and for other purposes.

A.D. 1923.

[31st July 1923.]

WHEREAS by Lever Brothers Limited (Wharves and
Railway) Act 1920 (hereinafter called "the Act of
1920") Lever Brothers Limited (hereinafter called "the
Company") were authorised to construct wharves a
railway and other works in the parish of Bromborough
in the county of Chester for the purpose of facilitating
the conveyance to and from and the receiving and taking
delivery at the works of the Company and of Planters
Margarine Company Limited and Knowles Oxygen
Company Limited (which two last named companies are
hereinafter called "the subsidiary companies") at Brom-
borough and Port Sunlight of the materials and things
required manufactured or dealt with by the Company and
the subsidiary companies at the said works :

And whereas in view of the extent and nature of the
expansion and development of the trade business and
operations of the Company and the traffic requirements
thereby involved it is expedient and would be of public
and local advantage that the Company should be
authorised to construct the more commodious dock and
the railway described in this Act in substitution for the
wharves railway and other works authorised by the Act
of 1920 :

And whereas it is also expedient that the Company
should be authorised to construct the river walls or

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A.D. 1923. embankments described in this Act and to reclaim
— foreshore lands and other property as by this Act
provided :

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

And whereas plans and sections of the works by this
Act authorised showing the lines or situation and levels
thereof and also a book of reference containing the names
of the owners and lessees or reputed owners and lessees
and of the occupiers of the lands required or which may
be taken for the purposes or under the powers of this Act
were duly deposited with the clerk of the peace for the
county of Chester and are hereinafter respectively
referred to as the deposited plans sections and book of
reference :

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

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

Short title. 1. This Act may be cited as the Bromborough Dock
Act 1923.

Incorpora- 2. The following Acts and parts of Acts so far as the
tion of same are applicable for the purposes of and are not
Acts. inconsistent with or varied by the provisions of this Act
are hereby incorporated with and form part of this
Act :—

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ;

The Harbours Docks and Piers Clauses Act 1847
except the following sections thereof (that is to
say) sections 12 13 16 to 19 (unless the Company
shall be required by the Board of Trade to
provide and maintain a lifeboat and tide and
weather gauge) 22 25 to 27 29 to 50 66 to 70
81 and 82 ; and

Part I. (relating to construction of a railway) of the
Railways Clauses Act 1863 :

Provided that for the purposes of this Act the words "the railway" wherever used in sections 30 to 44 inclusive of the Railways Clauses Consolidation Act 1845 shall be deemed to include the dock works as hereinafter defined and the river walls or embankments by this Act authorised.

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3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

Interpreta-
tion.

The expression "the Company" means Lever Brothers Limited;

The expression "the Act of 1920" means Lever Brothers Limited (Wharves and Railway) Act 1920;

The expression "the dock works" means the dock with lock entrance the entrance channel the jetties and the works and appliances incidental thereto by this Act authorised;

The expression "the railway" means the railway by this Act authorised;

The expression "the works" means the works by this Act authorised;

The expression "vessel" includes ship barge boat seaplane hydroplane and craft of every class and description however propelled;

The expression "the tribunal" means the jury arbitrators umpire justices or other authority to whom any question of disputed compensation under this Act is referred;

The expression "the acting conservator" means the acting conservator for the time being of the River Mersey;

The expression "the Board" means the Mersey Docks and Harbour Board;

The expression "the signed plan" means the copy of sheet No. 1 of the deposited plans signed in duplicate by Sir Joseph Hood Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one has been deposited in the Private Bill Office of the House of Commons and the other in the Parliament Office in the House of Lords.

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Power to
execute
works.

4. Subject to the provisions of this Act the Company may in substitution for the works authorised by the Act of 1920 make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the works hereinafter described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The works hereinbefore referred to and authorised by this Act will be situated in the urban district of Bebington and Bromborough in the county of Chester and are as follows :—

Work No. 1 A dock with lock entrance from the River Mersey situate on the foreshore of the west bank of the River Mersey and on the foreshore and bed of Bromborough Pool to be formed by—

(a) a northern wall or embankment commencing at a point at or near high-water mark of ordinary tides 11 chains or thereabouts measured in an easterly direction from the eastern corner of the enclosure numbered 211 on the $\frac{1}{2500}$ Ordnance map (Cheshire sheet No. XIII. 16 edition of 1912) and proceeding in a north-easterly direction for a distance of 19·3 chains or thereabouts thence in a south-easterly direction for a distance of 1·25 chains or thereabouts and terminating at a point 29·6 chains or thereabouts measured in a north-easterly direction from the eastern corner of the said enclosure numbered 211 and 24·5 chains or thereabouts measured in a northerly direction from the northern corner of the enclosure partly shown on the said Ordnance map and thereon numbered 106 in the parish of Bromborough ;

(b) a southern wall or embankment commencing at or near high-water mark of ordinary tides at the northern corner of the said enclosure numbered 106 and proceeding in a north-easterly direction for a distance of 17 chains or thereabouts thence in a north-westerly direction for a distance of 13·5 chains or thereabouts and terminating at a point 30·5 chains or thereabouts measured in a north-easterly direction from the

eastern corner of the said enclosure numbered 211 and 24 chains or thereabouts measured in a northerly direction from the northern corner of the said enclosure numbered 106; A.D. 1923.

(c) a lock entrance situate between the said northern and southern walls or embankments commencing at a point 16·5 chains or thereabouts measured in a north-easterly direction from the northern corner of the enclosure numbered on the said Ordnance map 109 in the parish of Bromborough and terminating at a point 20 chains or thereabouts measured in a north-easterly direction from the said northern corner of the said enclosure numbered 109;

The said dock will be comprised within the area bounded by the northern and southern walls or embankments and lock entrance hereinbefore described and by high-water mark of ordinary tides in so much of the River Mersey as is situate between the respective points of commencement of the said walls or embankments and by high-water mark of ordinary tides in so much of Bromborough Pool as is situate between the dam across the said Pool immediately north of Bromborough Mill Bridge and the junction at high-water mark of ordinary tides of Bromborough Pool with the River Mersey;

Work No. 2 An entrance channel leading to the lock entrance before described situate on the bed of the River Mersey and the foreshore of the west bank thereof commencing at a point of termination of the lock entrance hereinbefore described and terminating at a point 15·5 chains or thereabouts measured in a north-easterly direction from the said point of commencement;

Work No. 3 A jetty No. 1 situate on the bed of the River Mersey and the foreshore of the west bank thereof commencing at a point 29·2 chains or thereabouts measured in a north-easterly direction from the eastern corner of the said enclosure numbered 211 and 24·7 chains or thereabouts measured in a northerly direction from the northern corner of the said enclosure numbered 106

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and terminating at a point 3·8 chains or thereabouts measured in a northerly direction from the said point of commencement;

Work No. 4 A jetty No. 2 situate on the bed of the River Mersey and the foreshore of the west bank thereof commencing at a point 31·2 chains or thereabouts measured in a north-easterly direction from the eastern corner of the said enclosure numbered 211 and 24·1 chains or thereabouts measured in a northerly direction from the northern corner of the said enclosure numbered 106 and terminating at a point 3·1 chains or thereabouts measured in a north-easterly direction from the said point of commencement;

Work No. 5 A river wall or embankment No. 1 situate on the foreshore of the west bank of the River Mersey commencing at or near high-water mark of ordinary tides at the north-east corner of the enclosure partly shown on the $\frac{1}{2500}$ Ordnance map (Cheshire sheet XIII. 12 edition of 1912) and thereon numbered 265 in the parish of Lower Bebington and proceeding in a north-easterly direction for a distance of 14·5 chains or thereabouts thence in a south-westerly direction for a distance of 31·4 chains or thereabouts thence in a southerly direction for a distance of 2·5 chains or thereabouts and terminating at a point 28·8 chains or thereabouts measured in a north-easterly direction from the eastern corner of the said enclosure numbered 211 and 25 chains or thereabouts measured in a northerly direction from the northern corner of the said enclosure numbered 106;

Work No. 6 A river wall or embankment No. 2 situate on the foreshore of the west bank of the River Mersey commencing at or near high-water mark of ordinary tides at the northern corner of the enclosure numbered 9A on the $\frac{1}{2500}$ Ordnance map (Cheshire sheet No. XIV. 13 edition of 1911) and proceeding in a north-easterly direction for a distance of 6 chains or thereabouts thence in a north-westerly direction for a distance of 51·5 chains or thereabouts and terminating at a point

17 chains or thereabouts measured in a north-easterly direction from the northern corner of the said enclosure numbered 106 and 18·3 chains or thereabouts measured in a north-easterly direction from the northern corner of the said enclosure numbered 109;

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Work No. 7 Railway No. 1 (7 furlongs and 2 chains in length) commencing by a junction with an existing railway siding of the Company at a point 3·7 chains or thereabouts measured in a south-easterly direction from the southern corner of the enclosure partly shown on the $\frac{1}{2500}$ Ordnance map (Cheshire sheet No. XXIII. 1 edition of 1911) and thereon numbered 100A and 2·1 chains or thereabouts measured in a north-westerly direction from the northern corner of the enclosure numbered 18 on the last-mentioned Ordnance map and terminating at a point 0·3 chain or thereabouts measured in a north-easterly direction from the northern corner of the said enclosure numbered 106.

5. Subject to the provisions of this Act the Company may in connection with the works and for the purposes of this Act exercise all or any of the powers and carry into effect all or any of the objects following (that is to say) :—

Subsidiary
works and
powers.

- (1) They may take and divert into and use for the purposes of the dock by this Act authorised the waters of the River Mersey and Bromborough Pool;
- (2) They may deepen dredge scour cleanse widen alter and improve from time to time the bed channels foreshore and banks of the River Mersey and Bromborough Pool adjoining the works and of any rivers streams and creeks adjacent to the works and remove any sand shingle mud soil rocks shoals or other material which may interfere with the access to the works and use appropriate and dispose of any materials so dredged or removed or which may be obtained in the construction of the works :

Provided always that the Company shall only exercise the powers of this subsection with respect to the River Mersey within the areas

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coloured pink on the signed plan and within the limits of deviation shown upon the deposited plans for the jetties No. 1 and No. 2 (Works Nos. 3 and 4) by this Act authorised and the area lying between the easterly and westerly limits of deviation of the entrance channel (Work No. 2) by this Act authorised extended to the five-fathom line for the time being and such further area as may from time to time be approved in writing by the acting conservator :

- (3) They may reclaim so much of the bed foreshore and banks of the River Mersey and Bromborough Pool adjoining the works or of any of the said river's streams or creeks as may be necessary for the construction of the works :
- (4) They may construct and maintain from time to time all necessary and convenient cuts channels locks sidings junctions turntables stations signals bridges approaches roads gates warehouses sheds buildings yards quays wharves walls embankments electric lighting telegraphic and telephonic works waterworks wells pumps reservoirs pipes mains conduits wires cables sewers drains culverts sluices shipping places landing places staithes stairs gantries coal and other tips machinery conveyors cranes hydraulic electric and other lifts hoists drops dolphins moorings buoys beacons and other works buildings machinery and appliances connected with the works :

Provided that no permanent works buildings machinery or appliances (other than pipes mains conduits wires cables sewers drains culverts sluices buoys and beacons) shall be constructed under this subsection eastward of the line marked in red on the signed plan unless the same are not less than thirty-one feet above Liverpool Bay datum :

- (5) They may cross divert alter or stop up any roads ways footpaths bridges aqueducts creeks streams watercourses reens sewers drains culverts and pipes which it may be necessary to cross divert alter stop up or interfere with in connection with the construction or maintenance of the works :

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Provided that no materials excavated or dredged under the provisions of this section (other than materials required for the construction of the works) shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade and if such position be within the jurisdiction of the Minister of Transport without his consent to be signified in writing by the acting conservator :

Provided also that in the case of the establishment of any electric plant under this section the Company shall be subject to the provisions of the Electricity (Supply) Act 1919.

6.—(1) Any electric telegraphic or telephonic works constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such manner as to cause or be likely to cause any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of such line.

For protection of
Postmaster-General.

(2) Section 6 of the Telegraph Act 1878 shall apply to the whole of the works as if they were an undertaking mentioned in that section and section 7 of that Act shall apply to the alteration of any telegraphic line belonging to or used by the Postmaster-General.

(3) The expression “ telegraphic line ” in this section has the same meaning as in the Telegraph Act 1878.

7. Subject to the provisions of this Act the Company may by means of the river walls or embankments No. 1 and No. 2 (Works Nos. 5 and 6) by this Act authorised enclose and reclaim from the River Mersey such part of the bed foreshore and banks of the said river as is situated on the landward side of the said river walls or embankments.

Reclamation
of lands.

8. In the execution of any of the works or any part thereof the Company may subject to the provisions of this Act deviate laterally from the lines or situation thereof shown on the deposited plans to any extent within the limits of deviation shown thereon and vertically

Deviation.

A.D. 1923. from the levels shown on the deposited sections to any extent not exceeding fifteen feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade and of the Minister of Transport to be signified under the hand of the acting conservator.

For protec-
tion of
River
Mersey.

9.—(1) Notwithstanding anything in this Act or shown upon the deposited plans and sections the toes of the river walls or embankments No. 1 and No. 2 (Works Nos. 5 and 6) and of the river face of the dock (Work No. 1) by this Act authorised shall not be constructed otherwise than on the line marked in red on the signed plan except between the points marked U and V on such plan and with vertical walls or with slopes not flatter than one vertical to one and a half horizontal.

(2) Notwithstanding anything in this Act or shown upon the deposited plans and sections the jetties No. 1 and No. 2 (Works Nos. 3 and 4) by this Act authorised shall not be constructed so as to project further eastwards than is shown upon the deposited plans The said jetties shall be constructed of open pile work between ground level or the surface of the slopes of the said river walls or embankments No. 1 and No. 2 as the case may be and high-water mark of ordinary spring tides and in such manner that every sectional area of the said open pile work if taken at right angles to an imaginary line drawn between the points marked E and K on the deposited plans shall be open to the extent of not less than fifty per centum of such area to permit the flow of water through the said open pile work.

(3) Any temporary structure constructed under the powers of this Act eastwards of Works Nos. 1 3 4 5 and 6 by this Act authorised shall be constructed only in such position and used for such purposes as may from time to time be approved by the acting conservator and in accordance with plans to be previously submitted to and approved by him so as not to interfere more than is necessary with the tidal flow and scour of the River Mersey After the purpose for which the use of any such temporary structure has been so approved has been accomplished the Company shall forthwith remove such structure and the materials thereof.

(4) The Company shall not except as may be necessary for the proper working of the said dock (Work No. 1) or in emergency discharge or permit to be discharged from the dock works any water earlier than one hour after high water or later than five hours after high water. A.D. 1923.
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(5) The said river walls or embankments No. 1 and No. 2 other than such portions thereof as form part of the return walls or embankments or as will be above the level of thirty-one feet above Liverpool Bay datum shall so far as reasonably practicable be constructed contemporaneously with the said dock (Work No. 1).

(6) The Company shall so exercise the dredging powers by this Act authorised as to prevent within the areas coloured pink on the signed plan the accumulation or accretion of silt or sand above the level of two feet above Liverpool Bay datum.

(7) The Company shall not exercise the powers of sections 30 to 44 inclusive of the Railways Clauses Consolidation Act 1845 eastwards of the line marked in red on the signed plan.

10. The following sections of the Act of 1920 shall apply to the works as if they had been re-enacted in this Act (that is to say):— Application
of certain
sections of
Act of
1920.

Section 10 (Works below high-water mark to be subject to approval of Board of Trade);

Section 11 (Lights on works during construction);

Section 13 (Survey of works by Board of Trade);

Section 14 (Abatement of work abandoned or decayed);

Section 15 (Provision against danger to navigation);

Section 18 (Protection of gas and water mains of local authorities).

11. The Company shall at the outer extremity of the works by this Act authorised exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct If the Company Permanent
lights on
works.

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A.D. 1923. fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable on summary conviction to a penalty not exceeding twenty pounds.

Correction
of errors in
deposited
plans and
book of
reference.

12. If there be any omission mis-statement 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 Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Chester for the correction thereof and if it appear to the justices that the omission mis-statement 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 mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Chester and a duplicate thereof shall also be deposited with the clerk of the council of the urban district of Bebington and Bromborough and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the council 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 Company to take the lands and execute the works in accordance with such certificate.

Closing of
Brom-
borough
Pool.

13. From and after the completion of Work No. 1 by this Act authorised all rights of way in over or affecting Bromborough Pool and all rights of user or navigation of the same shall cease and be extinguished.

Cables &c.
under or
across tidal
waters.

14. Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the Company under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade and the Minister of Transport may require and if any such cable pipe or wire become in the opinion of the acting conservator an obstruction to navigation or otherwise prejudicial to the River Mersey the Company shall on being so required by the Board of Trade or Minister of Transport remove the

same or replace it in such position as the said Board or Minister may prescribe. A.D. 1923.

15. If the works are not completed as follows viz. Works Nos. 1 2 3 4 and 7 and such portions of Works Nos. 5 and 6 as will not be situate above the level of thirty-one feet above Liverpool Bay datum or form part of the return walls or embankments within five years from the passing of this Act and the remainder of the said Works Nos. 5 and 6 within ten years from the passing of this Act then on the expiration of such periods respectively the powers by this Act granted to the Company for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed. Period for completion of works.

16. The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings. Power to Company to enter upon property for survey and valuation.

17. 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 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 Costs of arbitration in certain cases.

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A.D. 1923. — 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 enactment.

Compensation in case of recently altered building.

18. In settling any question of disputed purchase-money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the fifteenth day of November one thousand nine hundred and twenty-two if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Single arbitrator.

19. In all cases of disputed compensation arising under this Act in respect of land to be taken compulsorily or otherwise or of injurious affection of land which fall to be determined under the provisions of the Lands Clauses Acts it shall unless the Company and the other party or parties to the dispute concur in the appointment of a single arbitrator pursuant to the said Acts be in the power of the Company or such other party or parties to apply to the Board of Trade to appoint a single arbitrator to determine the compensation to be paid and it shall not be competent thereafter to have the same determined by arbitrators umpires justices or jury acting under the Lands Clauses Acts The said arbitrator upon appointment shall be deemed to be a single arbitrator within the meaning of the Lands Clauses Acts and the provisions of those Acts with regard to arbitration shall apply accordingly.

Penalty for obstructing works.

20. Every person who wilfully obstructs any person acting under the authority of the Company in setting out the line of any of the works or who pulls up or removes

any poles or stakes driven into the ground for the purpose of setting out the line of any of the works shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds. A.D. 1923.

21. 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 Company 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 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. Persons under disability may grant easements &c.

22. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

23. All rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to rights of way over lands taken compulsorily.

24. The prescribed limits for the purposes of the Harbours Docks and Piers Clauses Act 1847 (hereinafter referred to as "the prescribed limits") shall be the dock works and the water area within fifty yards of any part of the dock works. Provided that nothing in this section contained shall affect the rights powers authorities and jurisdiction of the Minister of Transport within the said limits and that the jurisdiction of the dockmasters of the Company shall not be exercised except with reference to vessels going to or departing from the dock works and vessels which shall obstruct the entrance or approach to the dock by this Act authorised nor shall such jurisdiction be exercised beyond the prescribed limits. Limits of dockmasters' authority.

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Works to be
private
works.

25. Notwithstanding anything contained in this Act or in any Act incorporated therewith the works shall be private works and under no circumstances shall the dock works be used as a public dock and the Company shall not for any purposes be deemed to be a railway company.

Power to
Company
to make
byelaws as
to dock
works &c.

26. In addition to the byelaws which may be made under the provisions with respect to the byelaws to be made by the undertakers of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act the Company may from time to time make alter and repeal such byelaws as they think fit with reference to all or any of the following purposes (that is to say):—

The management control and regulation of the dock works and of goods wares merchandise carts carriages and other vehicles using or passing over or frequenting or resorting to the dock works or any of the works conveniences or lands of the Company connected with the dock works;

The control and regulation of vessels using or being within the dock works;

Generally any other matters relating to the dock works and the lands and buildings connected therewith;

which byelaws may be enforced in the same manner as byelaws made by the Company under the Harbours Docks and Piers Clauses Act 1847 and the penalties for any breach or contravention thereof may be enforced by the dockmaster and may be recovered in any court of competent jurisdiction :

Provided that no byelaws made by the Company shall have any force or effect until they shall have been approved by the Minister of Transport which approval shall be sufficient for all purposes.

Life-saving
apparatus
may be
attached to
wharf works.

27. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the dock works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the said works.

28. For the protection of the Board and the Manchester Ship Canal Company (in this section referred to as "the canal company") the following provisions shall unless otherwise agreed between the Board and the canal company and the Company have effect (that is to say):—

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For protection of
Mersey
Docks and
Harbour
Board and
Manchester
Ship Canal
Company.

(1) The Board and the canal company and any person duly authorised by either of them may at all reasonable times enter upon any part of the dock works so far as situate on the bed or foreshore of the River Mersey and on the river walls and embankments No. 1 and No. 2 by this Act authorised for the purpose of surveying the river and may for that purpose set up marks on any of the said works:

(2) If the Company infringe the provisions of subsection (4) of the section of this Act of which the marginal note is "For protection of River Mersey" they shall be liable on each occasion on which any such infringement shall occur to a penalty not exceeding twenty-five pounds which penalty may be enforced by the Board or the canal company and may be recovered with full costs of suit in any court of competent jurisdiction:

(3) If any work shall be executed or used by the Company contrary to the provisions of this Act or if the Company fail to comply with the provisions of subsections (5) and (6) of the section of this Act whereof the marginal note is "For protection of River Mersey" the said provisions (and that without prejudice to any other right or remedy of the Board the canal company or any other person) may at the instance of the Board or the canal company be enforced by writ of mandamus or such other proceeding as may in the circumstances be appropriate;

(4) Notwithstanding anything contained in this Act or in any Act incorporated therewith neither the Company nor the dockmaster shall—

(a) under the power of sections 56 57 and 65 of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act

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remove or direct the removal of any vessel wreck obstruction or floating timber; or

(b) under the powers of section 52 of that Act remove or direct the removal of any unserviceable vessel or other obstruction;

to any place which is outside the prescribed limits and within the jurisdiction of the Board or the canal company except to such position and on such terms and conditions as the Board or the canal company (as the case may be) approve:

- (5) Before applying for the confirmation of any byelaws to be made under the provisions of this Act or any Act incorporated therewith the Company shall give not less than one month's previous notice in writing to the Board and the canal company:
- (6) Nothing in this Act shall take away alter or prejudicially affect any power jurisdiction or authority of the Board or the canal company but nothing in this subsection shall authorise any interference with the reasonable and proper use of the works.

For protec-
tion of
London
Midland
and
Scottish
Railway
Company.

29. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") the following provisions shall unless otherwise agreed between the Company and the railway company apply and have effect (that is to say):—

If during the construction or within five years after the completion of the works the Garston Channel or Garston Deep shall be silted up or shifted or in any way affected so as to be rendered less efficient than heretofore and the railway company shall prove affirmatively that such silting up shifting or affecting is wholly or partly attributable to the construction of the works the Company shall pay to the railway company the cost from time to time reasonably incurred by the railway company in carrying out so much of the dredging rendered necessary by the said silting up shifting or affecting (or by any continuance or recurrence thereof after the said period of five

years) as may be so proved by the railway company to be attributable to the construction of the works and as would not have been required to be carried out by the railway company if the works had not been constructed. Provided that no claim shall be made under this section unless notice in writing thereof shall forthwith have been given by the railway company to the Company after the silting up shifting or affecting in relation to which any claim is made shall have come to the knowledge of the railway company. A.D. 1923.

30. For the protection of the Manchester Ship Canal Company (in this section referred to as "the canal company") the following provisions shall unless otherwise agreed between the Company and the canal company apply and have effect (that is to say):— For protection of Manchester Ship Canal Company.

If during the construction or within five years after the completion of the works the Eastham Channel shall be silted up or shifted or in any way affected so as to be rendered less efficient than heretofore and the canal company shall prove affirmatively that such silting up shifting or affecting is wholly or partly attributable to the construction of the works the Company shall pay to the canal company the cost from time to time reasonably incurred by the canal company in carrying out so much of the dredging rendered necessary by the said silting up shifting or affecting (or by any continuance or recurrence thereof after the said period of five years) as may be so proved by the canal company to be attributable to the construction of the works and as would not have been required to be carried out by the canal company if the works had not been constructed. Provided that no claim shall be made under this section unless notice in writing thereof shall forthwith have been given by the canal company to the Company after the silting up shifting or affecting in relation to which any claim is made shall have come to the knowledge of the canal company.

31. The Company shall abandon the wharves railway and other works authorised by section 4 (Power to execute works) of the Act of 1920. Abandonment of works authorised by Act of 1920.

A.D. 1923.

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Compensation for
damage to
land by
entry &c.
for purpose
of railway
abandoned.

32. The abandonment by the Company under the authority of this Act of the railway and works authorised by the Act of 1920 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or in the Act of 1920.

Compensation to be
made in
respect of
railway &c.
abandoned.

33. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

For protection of
Bebington and Brom-
borough Urban
District
Council.

34. The following provisions for the protection of the Bebington and Bromborough Urban District Council (in this section referred to as "the council") shall unless otherwise agreed between the Company and the council apply and have effect (that is to say):—

- (1) Nothing in this Act contained shall prevent the council from constructing a storage tank on the site shown in red on plan No. 1 signed in duplicate by A. J. Barry on behalf of the Company and by Ernest L. Mansergh on behalf of the council (in this section referred to as

“ the signed plan No. 1 ”) and an outfall pipe of twenty-one inches internal diameter between the points marked A and B shown on the signed plan No. 1 or in such other position as may at any time before such construction be agreed between the Company and the council or in default of agreement settled by arbitration as in this section provided : A.D. 1923.
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- (2) The Company shall at their own expense construct on a solid foundation a concrete outfall culvert for storm water of not less than thirty-three inches internal diameter with arch and side walls not less than twelve inches thick from the outfall at the point marked C on the signed plan No. 1 to the river face of the embankment of Work No. 6 by this Act authorised before commencing the construction of any part of the said Work No. 6 or of Work No. 7 by this Act authorised over the line of the said culvert or exercising the powers of the sections of this Act of which the marginal notes are “ Subsidiary works and powers ” and “ Reclamation of lands ” with regard to reclamation in respect of the said Work No. 6 over the line of the said culvert :
- (3) The Company shall before constructing or executing over the Lower Bebington outfall pipe any part of Work No. 5 by this Act authorised or any work of reclamation in connection with the said Work No. 5 cover such outfall pipe with concrete nine inches thick carried down to a solid foundation under the supervision and to the reasonable satisfaction of the council :
- (4) The Company shall at their own expense construct on a solid foundation a concrete outfall culvert for storm water of not less than thirty-six inches internal diameter with arch and side walls not less than twelve inches thick from the existing outfall for storm water at the point marked D on the signed plan No. 1 to the river face of the embankment of the said Work No. 5 before commencing the construction of any part of the said Work No. 5 between the said existing outfall and the River Mersey or exercising the

A.D. 1923.
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powers of the sections of this Act of which the marginal notes are "Subsidiary works and powers" and "Reclamation of lands" with regard to reclamation in respect of the said Work No. 5 between the said existing outfall and the River Mersey :

- (5) Nothing in this Act or done thereunder shall interfere with a free and uninterrupted discharge from the outfall pipes and culverts referred to in subsections (1) to (4) inclusive of this section into the River Mersey through or under the said Works Nos. 5 6 and 7 respectively nor shall anything in this Act or done thereunder prevent the discharge from all or any of the outfalls (whether existing or proposed) shown in red on the plan No. 2 signed in duplicate by A. J. Barry on behalf of the Company and by Ernest L. Mansergh on behalf of the council from being as free and uninterrupted as if this Act had not been passed :

Provided nevertheless that the Company shall have the right at their own expense with the consent of the council (which consent shall not be unreasonably withheld) at any time and from time to time to alter the level of any existing outfall other than the outfall pipes and culverts referred to in subsections (1) (2) (3) and (4) of this section :

- (6) In carrying out the works by this Act authorised and in executing the reclamation work in connection with any of them and in exercising the powers of this Act after such works and reclamation shall have been completed the Company shall not damage any outfall or pipe or culvert of the council and in the event of any such damage being caused by them they shall make good the same at their own expense and to the reasonable satisfaction of the council The council shall have by their officers and servants free access at all reasonable times to the said outfalls and outfall pipes and culverts for the purpose of inspecting maintaining and repairing the same :

(7) The Company shall as between themselves and the Council be liable for any damage which may be caused to any outfall of the council by any vessel while using the works by this Act authorised but without prejudice to the right of the Company to recover from the owner or master of any such vessel any costs charges and expenses incurred or paid by them under this subsection in any case in which if this subsection had not been enacted such owner or master would have been liable for any such damage as aforesaid and for that purpose any costs charges or expenses so incurred or paid by the Company shall be deemed to have been incurred or paid on behalf of such owner or master : A.D. 1923.

(8) The Company shall not except with the consent of the council (which consent shall not be unreasonably withheld) exercise the powers of subsection (5) of the section of this Act of which the marginal note is "Subsidiary works and powers" with regard to any road in the district of the council which is repairable by the inhabitants at large :

(9) If any difference shall arise between the Company and the council or their engineers under the provisions of this section such difference shall be referred to and determined by a single arbitrator to be agreed upon between the parties or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

35. Nothing contained in this Act shall extend or operate to authorise the Company 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. Saving rights of Duchy of Lancaster.

A.D. 1923.

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For protec-
tion of
Pice's
Patent
Candle
Company
Limited.

36. For the protection of Price's Patent Candle Company Limited (in this section referred to as "the candle company") the following provisions shall unless otherwise agreed between the Company and the candle company apply and have effect (that is to say) :—

Nothing in this Act contained shall prejudice or affect the rights conferred upon the candle company under or by virtue of the deed of mutual grants and covenants dated the twenty-first day of March one thousand nine hundred and twenty-three and made between the Company of the one part and the candle company of the other part.

For protec-
tion of
Cheshire
County
Council.

37. For the protection of the county council of the county palatine of Chester (in this section referred to as "the council") the following provisions shall have effect unless otherwise agreed between the Company and the council (that is to say) :—

- (1) The Company shall not for the purposes of this Act without the previous consent in writing of the council and if such consent is given then only upon such terms and conditions as the council may prescribe divert alter or stop up Bromborough Pool Bridge or Bromborough Mill Bridge or either of them or the approaches thereto :
- (2) The Company shall not for the purposes of this Act without the like consent divert alter or stop up the Chester and Birkenhead main road or the Bromborough Spital and Neston main road or either of them :
- (3) The Company shall from time to time pay to the council any additional expense which the council may incur in effecting any repair renewal widening alteration or extension of the said bridges or the approaches thereto by reason or in consequence of any operations of the Company under the powers of this Act or the existence of any works authorised by this Act and shall indemnify the council against all loss or damage caused to the council by such works and operations of the Company :
- (4) Any difference arising between the Company and the council respecting any of the matters referred

to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party after notice to the other of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

A.D. 1923.

38. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular 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 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.

39. Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to the Crown under or adjacent to the lands and works of the Company authorised to be taken or constructed by this Act but in the event of any such right being at any time intended to be exercised the provisions of the Railways Clauses Consolidation Act 1845 relating to notice and compensation shall apply when the workings reach a point the distance of which from the nearest of such lands would not if measured horizontally exceed one-half the depth of such workings below the surface level of such lands.

Crown
minerals.

40. The Company shall deliver to the registrar of joint stock companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and

Copy of
Act to be
registered.

[Ch. lxxii.] *Bromborough Dock* [13 & 14 GEO. 5.]
Act, 1923.

A.D. 1923. any director or manager of the Company who knowingly
— and wilfully authorises such default shall incur the
like penalty Every penalty under this section shall be
recoverable summarily.

There shall be paid to the registrar by the Company
on such copy being registered the like fee as is for the time
being payable under the Companies (Consolidation) Act
1908 on registration of any document other than a
memorandum or the abstract required to be filed with
the registrar by a receiver or manager or the statement
required to be sent to the registrar by the liquidator in a
winding-up in England.

Costs of Act. **41.** 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.

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