



CHAPTER xiii.

An Act to provide that the mayor aldermen and burgesses of the borough of Wallasey are not required to maintain a service of steam or other boats for the transport of carriages cattle goods and merchandise as part of their Seacombe Ferry to authorise the transfer to the Corporation of the undertaking of the Wallasey Embankment Commissioners to extend the limits of the Corporation for the supply of water and for other purposes. [20th December 1945.]

WHEREAS the Wallasey Commissioners (the predecessors of the mayor aldermen and burgesses of the borough of Wallasey) were by the Wallasey Improvement Act 8 Vict. c. vi. 1845 authorised to acquire certain ferries including the ferry known by the name of Seacombe Ferry and were by that and various subsequent Acts granted powers with reference to the working and maintenance of such ferry across the river Mersey between the Cheshire side of that river and the city of Liverpool:

And whereas as part of the Seacombe Ferry the said mayor aldermen and burgesses (in this Act referred to as "the Corporation") and their predecessors have for many years provided a service of steam boats for the transport of carriages cattle goods and merchandise:

And whereas since the purchase of the Seacombe Ferry by the said predecessors of the Corporation a tunnel has been constructed under the river Mersey in pursuance of powers conferred upon the lord mayor aldermen and citizens of the city of Liverpool and the mayor aldermen and burgesses of the borough of Birkenhead by the Mersey Tunnel Acts 1925 to

1933 by means of which tunnel large numbers of vehicles and large quantities of goods pass or are transported from one side of that river to the other side thereof:

And whereas in consequence amongst other things of the reductions in the quantity of vehicular traffic and goods traffic on the Seacombe Ferry caused by the diversion thereof to the said tunnel the continuance of a service of ferry boats for the transport of carriages cattle goods and merchandise as part of the Seacombe Ferry has involved and is involving the Corporation in substantial loss:

And whereas the continuance of the said service would render necessary in the near future heavy expenditure by the Corporation in the replacement of such ferry boats which have been in service for many years and also in the repair of the floating roadway and landing stage used in connection with such service:

And whereas doubts have arisen as to whether the Corporation are under obligation to provide a service of steam or other boats for the transport of carriages cattle goods and merchandise as part of their Seacombe Ferry and it is expedient that such doubts should be removed and that the Corporation should be relieved of any obligation in that behalf which may exist:

And whereas by the Wallasey Embankment Act 1829 commissioners were constituted for the purposes in that Act mentioned including the making of an embankment (known as "the Wallasey Embankment") on the north-west side of the Leasowes in the townships of Wallasey and Great Meols in the county of Chester for the purpose of preventing the further encroachment of the sea and the injury to arise therefrom to the contiguous lowlands and to the port of Liverpool and the commissioners were authorised to assess and rate the proprietors of certain lands defined in that Act for the purpose of enabling the commissioners to defray one-half of the expenses incidental to and attending the execution of the powers and authorities vested in them by the Act the other half of such expenses being required by that Act to be paid and discharged by the mayor bailiffs and burgesses of the town of Liverpool who and whose successors are hereinafter referred to as "the Liverpool Corporation":

20 & 21 Vict.
c. clxii.

And whereas by the Mersey Docks and Harbour Act 1857 all obligations and liabilities of the Liverpool Corporation in relation to the Wallasey Embankment were from and after the first day of January eighteen hundred and fifty-eight transferred to the Mersey Docks and Harbour Board (hereinafter referred to as "the dock board"):

27 & 28 Vict.
c. clx.

And whereas by the Wallasey Embankment Act 1864 the said commissioners were reconstituted with the name of "the

Wallasey Embankment Commissioners ” and all the powers duties and authorities of the commissioners under the said Act of 1829 and all works lands and other property and rights easements and appurtenances belonging to them were transferred to and vested in the commissioners so reconstituted and the area of assessment defined by the said Act of 1829 was extended and further provision was made and further powers were granted with reference to the extension maintenance and repair of the Wallasey Embankment and for enabling the commissioners to carry into effect the purposes of the said Act of 1829 and the said Act of 1864 :

And whereas by the Wallasey Embankment Act 1894 as amended by the Hoylake and West Kirby Improvement Act 1900 the commissioners were empowered to make and maintain extensions of the Wallasey Embankment at both ends and the constitution of the commissioners was further altered and their borrowing powers were enlarged and defined and their area of assessment was further extended: 57 & 58 Vict.
c. ci.
63 & 64 Vict.
c. lxxix.

And whereas by the said Act of 1894 provisions were enacted for limiting and defining the liability of the dock board and their Birkenhead Dock Estate (as therein defined) to contribute towards the costs of extending the Wallasey Embankment and of maintaining the same as so extended and the said board were required to contribute (inter alia) sums not exceeding in the whole four thousand five hundred pounds towards the cost of constructing parts of the works authorised by that Act:

And whereas by the Wallasey Embankment Act 1923 the borrowing powers of the said commissioners were further enlarged and further provisions were enacted as to the finances of the commissioners and the conduct of their affairs: 13 & 14 Geo. 5.
c. iii.

And whereas the greater part of the Wallasey Embankment is situate in the borough of Wallasey and it is expedient to empower the Corporation to acquire by agreement from the Wallasey Embankment Commissioners the undertaking of those commissioners together with their rights and powers (including rights and powers conferred upon them by the Mersey Docks and Harbour Board Act 1945) and to confer upon the Corporation in the event of such acquisition the powers in regard to that undertaking which are referred to in this Act:

And whereas it is expedient to make provision as in this Act contained for enabling or requiring owners of lands and property who are liable under the provisions of the Wallasey Embankment Acts 1829 to 1923 and the Mersey Docks and Harbour Board Act 1945 for the payment of sums of money rates or assessments in respect of such lands and property to redeem such liability: 8 & 9 Geo. 6.
c. vii.

And whereas it is expedient to extend the limits of the Corporation for the supply of water so as to include therein a portion of the borough of Wallasey which is at present within the limits for the supply of water of the mayor aldermen and burgesses of the borough of Birkenhead:

And whereas the Corporation are members of the Association of Municipal Corporations and it is expedient to empower them by agreement with that association approved by the Minister of Health to admit the officers and servants of the association to participate in the benefits of the superannuation fund of the Corporation:

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 in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed.

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):—

PART I.

PRELIMINARY.

- Short title.** 1. This Act may be cited as the Wallasey Corporation Act 1945.
- Division of Act into Parts.** 2. This Act is divided into Parts as follows:—
- Part I.—Preliminary.
 - Part II.—Ferries.
 - Part III.—Wallasey Embankment.
 - Part IV.—Water.
 - Part V.—Financial and miscellaneous provisions.
- Interpretation.** 3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.
- (2) In this Act unless the subject or context otherwise requires—
- “ The borough ” means the borough of Wallasey;
 - “ The Corporation ” means the mayor aldermen and burgesses of the borough;

“ The town clerk ” means the town clerk of the borough;

“ The Embankment Acts ” means the Wallasey Embankment Acts 1829 to 1923 as amended or extended by any enactment other than this Act;

“ The commissioners ” means the Wallasey Embankment Commissioners;

“ The Wallasey Embankment ” means the whole embankment constructed by the commissioners under the powers of the Embankment Acts;

“ The date of transfer ” means the date fixed in any agreement entered into between the Corporation and the commissioners in pursuance of the section of this Act of which the marginal note is “ As to transfer of undertaking of commissioners ”;

“ The undertaking of the commissioners ” means the undertaking authorised by the Embankment Acts including—

(a) The Wallasey Embankment and all embankments forelands fences drains sluices works lands buildings and hereditaments machinery plant tools apparatus vehicles stores furniture chattels and effects belonging to the commissioners on the date of transfer;

(b) All bank balances and cash and other balances in the hands of the commissioners or in the hands of their bankers agents or servants on the date of transfer and investments and securities for money forming part of any fund established by the commissioners;

(c) All rates rents book debts and other sums of money which on the date of transfer are due or payable to or are accruing due to the commissioners;

(d) All estates rights powers easements interests and privileges vested in or had or enjoyed by the commissioners at the date of transfer;

(e) All contracts between the commissioners and others and in force on the date of transfer and the benefits of such contracts subject to any liabilities thereunder;

(f) All registers books accounts maps plans specifications engineering reports and other documents belonging to the commissioners;

(g) All other the real and personal property forming part of the undertaking of the commissioners at the date of transfer;

PART I.
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- “ The embankment undertaking ” means the undertaking of the commissioners when transferred to the Corporation as the same exists for the time being;
- “ The Birkenhead Corporation ” means the mayor aldermen and burgesses of the borough of Birkenhead;
- “ The dock board ” means the Mersey Docks and Harbour Board;
- “ The Act of 1864 ” “ the Act of 1894 ” and “ the Act of 1923 ” respectively mean the Wallasey Embankment Act of those respective years;
- 23 & 24 Geo. 5.
c. 51.
16 & 17 Geo. 5.
c. cxxii.
1 Edw. 7.
c. cclxi.
38 & 39 Vict.
c. 55.
- “ The Act of 1933 ” means the Local Government Act 1933;
- “ The Act of 1927 ” means the Wallasey Corporation Act 1927;
- “ Statutory borrowing power ” has the meaning assigned to it by section 4 (Interpretation) of the Wallasey Improvement Act 1901;
- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;
- “ The general rate fund ” and “ the general rate ” means respectively the general rate fund and the general rate of the borough.

PART II.

FERRIES.

Corporation not required to provide ferry boats for vehicles and goods.

4. For the removal of doubts it is hereby enacted and declared that the Corporation are not required as part of or in connection with their Seacombe Ferry to operate or maintain a service of steam or other boats for the transport of carriages cattle goods and merchandise:

Provided that nothing contained in this section shall prejudice the rights of any person under any agreement entered into by such person with the Corporation:

Provided also that notwithstanding anything contained in any enactment (including this section) the Corporation shall continue to operate such a service of steam or other boats as is hereinbefore referred to until the thirty-first day of March nineteen hundred and forty-seven unless at any time they show to the satisfaction of the Minister of War Transport that it is unreasonable for them so to do on account of the expense likely to be incurred beyond the normal cost of repair in the repair of the boats or any of them or of the landing stages or either of them provided respectively for the operation of such service.

5.—(1) If within five years from the date upon which the Corporation cease to operate a service of steam or other boats for the transport of carriages cattle goods and merchandise as part of or in connection with their Seacombe Ferry any officer or servant in the permanent employment of the Corporation who has prior to the passing of this Act been regularly employed by the Corporation in or about the said service in consequence of such cesser suffers loss of employment or diminution of salary wages or emoluments otherwise than on grounds of misconduct incapacity or superannuation and the Corporation do not provide for him suitable employment on reasonable terms he shall be entitled to compensation for that loss or diminution from the Corporation.

Existing
officers and
servants of
Corporation.

(2) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this section the provisions of the Fourth Schedule to the Act of 1933 shall apply with the following and any other necessary modifications:—

- (a) any reference in that schedule to an officer shall be construed as a reference to an officer or servant to whom subsection (1) of this section applies;
- (b) any reference in that schedule to the local authority or the clerk of the authority shall be construed as a reference to the Corporation or the town clerk.

(3) No officer shall be entitled to receive compensation under this section for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

PART III.

WALLASEY EMBANKMENT.

6. In this part of this Act the expression "owner" has the meaning assigned to it by section 3 (Interpretation) of the Act of 1894.

Definition of
owner.

7.—(1) The Corporation and the commissioners may with the consent in writing of the dock board enter into an agreement for and in relation to the transfer to the Corporation of the undertaking of the commissioners on such date as may be fixed by the agreement.

As to transfer
of undertaking
of commis-
sioners.

(2) If any such agreement be entered into and approved by the said board then on the date of transfer the undertaking of the commissioners shall by virtue of this Act and without any deed of conveyance or other assurance become and be vested in the Corporation subject to all debts liabilities and obligations of the commissioners which shall be

PART III.
—cont.

subsisting immediately before the date of transfer and the commissioners shall by virtue of this Act become and be dissolved.

(3) An agreement entered into in pursuance of this section shall require to be approved by the Minister of Health before it is carried into effect.

(4) Forthwith after the date of transfer the Corporation shall give notice of the transfer and of the effect of subsection (2) of this section in the "London Gazette" and also in a newspaper published in the county of Chester.

Partial appli-
cation of
certain enact-
ments with
amendments.

8. If the undertaking of the commissioners becomes vested in the Corporation in pursuance of the provisions of this Part of this Act the following provisions shall have effect as from the date of transfer (namely):—

(a) The sections of the Embankment Acts which are set out in the schedule to this Act and subsections (4) and (5) of section 55 (Amendment of Wallasey Embankment Acts) of the Mersey Docks and Harbour Board Act 1945 shall be repealed so far as the same are still in operation;

(b) Subject to the provisions of paragraphs (a) and (c) of this section the Embankment Acts shall respectively be read and have effect as if the Corporation were referred to therein instead of the commissioners. Provided that for the purposes of section 28 of the Act of 1864 and section 26 of the Act of 1894 any officer of the Corporation shall be deemed to be a person who is not interested in the lands and property within the limits of those Acts respectively nor the agent of such a person. Provided also that in relation to any money borrowed by the Corporation in pursuance of the powers of section 19 (Power to borrow) of the Act of 1894 as amended by section 4 (Enlargement and alteration of borrowing powers) of the Act of 1923 and by section 55 (Amendment of Wallasey Embankment Acts) of the Mersey Docks and Harbour Board Act 1945 the fixed period for the purposes of Part IX of the Act of 1933 shall be twenty years from the date or dates of borrowing;

(c) The Corporation may exercise in regard to any lands acquired by them as part of the undertaking of the commissioners all or any of the rights and powers of a local authority under or in pursuance of the Public Health Acts in relation to public walks parks and pleasure grounds. Provided that the powers con-

ferred upon the Corporation by this paragraph shall not be exercised within the urban district of Hoylake except with the consent in writing of the Hoylake Urban District Council.

PART III.
—cont.

9. Notwithstanding the provisions of the section of this Act of which the marginal note is "Partial application of certain enactments with amendments" and notwithstanding any transfer to the Corporation of the undertaking of the commissioners the following provisions shall have effect (that is to say):—

Savings.

- (1) If on the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the commissioners the same shall not abate or be discontinued or in any wise prejudicially affected by reason of such transfer but the same may be continued prosecuted and enforced by against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by against or in favour of the commissioners if this Act had not been passed:
- (2) All sums of money rates and assessments in connection with the undertaking of the commissioners which have been lawfully made charged or imposed and which on the date of transfer are due or if this Act had not been passed would have accrued due to the commissioners shall continue in force and be due and payable and may be levied collected recovered or enforced by the Corporation as and when the same might have been payable to and levied collected recovered or enforced by the commissioners if this Act had not been passed:
- (3) All agreements conveyances contracts deeds and other instruments entered into or made with or by the commissioners and in force on the date of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the commissioners the Corporation had been a party thereto:
- (4) All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the commissioners shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

10.—(1) Every officer and servant in the part-time employment of the commissioners in connection with the undertaking of the commissioners immediately before the date of

Officers and
servants of
commissioners.

PART III.
—cont.

transfer shall on such date relinquish his office or service and shall be entitled to compensation calculated in accordance with the provisions of this section.

(2) Every officer and servant (other than any officer or servant who desires voluntarily to relinquish his office or situation) in the whole time employment of the commissioners solely in connection with the undertaking of the commissioners immediately before the date of transfer (in this section referred to as an "existing officer" and an "existing servant") shall as from the date of transfer become an officer or servant of the Corporation and shall hold his office or situation by the same tenure and upon like terms and conditions under the Corporation as he would have held the same under the commissioners if the transfer of the undertaking of the commissioners had not taken place and while performing the same duties shall receive not less salary or wage than he would have been entitled to from the commissioners if the transfer of the said undertaking had not taken place.

(3) Every existing officer and existing servant shall perform such duties in connection with the embankment undertaking as they may be required to perform by the Corporation.

(4) The Corporation may abolish the office or situation of any existing officer or existing servant which they deem unnecessary and any existing officer or existing servant required at any time within a period of five years after the date of transfer to perform duties which are not analogous or are an unreasonable addition to those which as an officer or servant of the commissioners in connection with the undertaking of the commissioners he was required to perform may relinquish his office or service.

(5) Every existing officer or existing servant who at the date of transfer is in the employment of the commissioners and whose office is so abolished or who so relinquishes his office or service as aforesaid or who otherwise suffers any direct pecuniary loss in consequence of the undertaking of the commissioners being transferred to the Corporation and for whose compensation for that loss no other provision is made by any enactment for the time being in force shall be entitled to be paid by the Corporation compensation for such pecuniary loss.

(6) If within a period of five years after the date of transfer the services of any existing officer or existing servant are dispensed with by the Corporation because his services are not required and not on account of misconduct or incapacity or the salary or wage of any existing officer or existing servant is reduced on the ground that his duties have been diminished in consequence of the undertaking of the commissioners being

transferred to the Corporation such officer or servant shall be deemed to have suffered direct pecuniary loss in consequence of the transfer of the undertaking of the commissioners to the Corporation.

(7) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this section the provisions of the Fourth Schedule to the Act of 1933 shall apply with the following and any other necessary modifications—

- (a) any reference in that schedule to an officer shall be construed as a reference to an officer or servant who at the date of transfer is in the employment of the commissioners;
- (b) any reference in that schedule to the local authority or the clerk of the authority shall be construed as a reference to the Corporation or the town clerk.

11. The Corporation may after the date of transfer collect any sum of money rate or assessment which they are authorised by the Embankment Acts and this Part of this Act to assess tax or charge upon the owner for the time being of any land and property situate in the borough other than the dock board with the general rate payable in respect of that land and property and arrears of any such sums of money rates and assessments may be recovered by the Corporation in the same manner as private improvement expenses are recoverable under the Public Health Acts. Provided that nothing contained in this section shall affect the operation after the date of transfer of sections 38 39 and 40 of the Act of 1864 as amended by the section of this Act of which the marginal note is “ Partial application of certain enactments with amendments.”

As to collection
of rates in
borough.

12.—(1) The Corporation and any local authority may enter into and carry into effect agreements with respect to the levying and collection by such local authority after the date of transfer of the sums of money rates or assessments which the Corporation are authorised by the Embankment Acts and this Part of this Act to assess tax or charge upon the owners for the time being of any land and property situate within the district of such local authority (other than the dock board) and if requested in writing so to do by any such local authority the Corporation shall enter into such an agreement as is hereinbefore referred to with that local authority.

Agreements as
to collection
of rates &c.

(2) Any agreement under this section may with respect to the whole or any part of such sums of money rates or assessments provide that the local authority which is a party thereto may recover the same as though they were payable to that authority and not to the Corporation.

PART III.
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(3) A local authority authorised to recover any sums of money rates or assessments from the owners of any lands and property in pursuance of this section may collect such sums of money rates or assessments with the general rate of the district of that authority payable in respect of such lands and property and shall have the same powers as the Corporation for such purpose.

Redemption
of rates.

13.—(1) The Corporation on the one hand and the dock board or the owner for the time being of any land and property liable under the provisions of the Embankment Acts for the payment of any sum of money rate or assessment on the other hand may after the date of transfer enter into and carry into effect an agreement for the redemption of that liability for such a sum of money payable in one or more instalments as may be agreed between the Corporation and the dock board or that owner (as the case may be).

(2) If agreements are entered into by the Corporation in pursuance of subsection (1) of this section with owners of lands and property or other persons who are collectively liable under the provisions of the Embankment Acts and this Part of this Act for the payment of sums of money rates or assessments together amounting to not less than seventy-five per centum of the total of such sums of money rates and assessments payable under such provisions in any one year the Corporation may require the remainder of the owners or other persons who are so liable respectively to redeem their liability for the payment of such sums of money rates or assessments by the payment of such respective sums of money (payable in the case of each such owner in one or more instalments) as may be agreed with the Corporation or failing agreement as may be determined by an arbitrator to be agreed between the parties to the question or dispute or in default of such agreement appointed by the Minister of Health and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration and the Corporation may recover any sum of money or instalment so agreed or determined in the same manner as sums of money rates or assessments are recoverable under the Embankment Acts and this Part of this Act:

Provided that for the purposes of this subsection the Corporation shall be deemed to have entered into an agreement for the redemption of their own liability for the payment of any sum of money rate or assessment for which they themselves may be liable in respect of lands of which they are the owners if they by resolution determine to redeem such liability for such a sum of money as may be specified in such resolution and as may be approved by the Minister of Health.

(3) Any sum of money paid to the Corporation in pursuance of this section shall be applied by them in or towards the extinguishment of any loan raised by them or for such other purposes as may be approved by the Minister of Health.

14. Section 303 of the Public Health Act 1875 shall have effect as if this Part of this Act related to the same subject-matters as the Public Health Act 1875.

Extension of section 303 of Public Health Act 1875.

15. The following provisions for the protection of the urban district council of Hoylake (in this section referred to as "the council") shall except so far as may be otherwise agreed in writing between the Corporation and the council apply and have effect (that is to say):—

For protection of Hoylake Urban District Council.

(1) After the date of transfer the council may subject to the provisions of this section at their own cost in all things construct through or under that part of the Wallasey Embankment which is situate in the Hoylake urban district such sewers and surface water drains as may be reasonably required for the sewerage or drainage of any part of the said urban district:

(2) Any sewer or drain which the council propose to construct under the provisions of this section shall be constructed in such position as may be agreed between the council and the Corporation or failing such agreement determined by arbitration as hereinafter provided and shall also be constructed to the reasonable satisfaction of the surveyor of the borough who may superintend such construction to such extent as he considers necessary or desirable and at least thirty-five days before commencing such construction the council shall deliver to the said surveyor plans sections and specifications of the proposed sewer or drain (as the case may be) for his approval provided that if the said surveyor does not prior to the expiration of the thirty-five days from the delivery to him of such plans sections and specifications signify his disapproval thereof he shall be deemed to have approved the same but if prior to the expiration of such thirty-five days he shall signify his disapproval of such plans sections and specifications there shall be deemed to be a difference which difference shall be settled by arbitration as hereinafter provided:

(3) Any such sewer or drain when commenced shall be completed by the council with all reasonable despatch and in accordance with the plans sections and specifications approved or determined by arbitration as aforesaid and the same shall be thereafter maintained

PART III
—cont.

by and at the cost of the council so as not to cause any injury to the Wallasey Embankment and if any such injury shall be caused as a result of failure by the council to maintain any such sewer or drain or by any failure of the same the council shall make reasonable compensation to the Corporation in respect thereof:

- (4) The council shall repay to the Corporation all costs and expenses reasonably incurred by them or by the said surveyor in or in connection with the approval or determination of the said plans sections and specifications or such superintendence as aforesaid:
- (5) If the Corporation give to the council notice that they themselves desire to construct any sewer or drain required by the council so far as the same will be situate in or under that part of the Wallasey Embankment which is situate in the Hoylake urban district the Corporation may themselves execute the same to the reasonable satisfaction of the council and may recover from the council the reasonable costs incurred by them in so doing:
- (6) The council shall indemnify the Corporation from and against all claims for damages or compensation in respect of any damage injury or loss which may have been suffered by the owner of any property or any other persons by reason of the existence construction or failure of any such sewer or drain except so far as any such damage injury or loss shall have been occasioned by or through the acts or defaults of the Corporation or of any officer or servant of the Corporation:
- (7) If any difference shall arise between the Corporation and the council under this section such difference shall be referred to and determined by the arbitration of a single arbitrator to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration:
- (8) Nothing in this section shall be in derogation of any of the powers of the Minister of War Transport or the acting conservator for the time being appointed by the Mersey Commissioners under the Mersey Conservancy Act 1842 and acting on behalf of the said Minister.

PART IV.

WATER.

16.—(1) The limits of the Corporation for the supply of water shall be extended so as to include that portion of the borough (in this section referred to as "the added limits") which was comprised within the parish of Bidston-cum-Ford in the rural district of Wirral immediately prior to the date upon which the County of Chester Review Order 1933 came into operation. Extension of water limits.

(2) The added limits are coloured pink upon the map which has been signed in triplicate by the Right Honourable the Lord Stanmore the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office. If there be any discrepancy between the above description and the said map the said map shall prevail.

(3) Subject to the provisions of this Act the Corporation shall have and may exercise within the added limits all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within their existing limits for the supply of water.

(4) The added limits shall cease to be within the limits for the supply of water by the Birkenhead Corporation and notwithstanding anything contained in any Act relating to that Corporation or the supply of water by them all rights and obligations of that Corporation with respect to the supply of water in the added limits shall cease and determine.

(5) The Corporation shall pay to the Birkenhead Corporation the sum of one hundred pounds as consideration for the exclusion of the added limits and also of the added limits referred to in section 106 (Extension of water limits) of the Act of 1927 from the limits for the supply of water by that Corporation.

PART V.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

17. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper. Application of Act of 1933 to existing sinking funds.

PART V.

—cont.

As to exercise
of borrowing
powers.As to separate
account for
embankment
undertaking.

18. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

19.—(1) As from the date of transfer and until the Corporation shall have redeemed (in pursuance of the provisions of the section of this Act of which the marginal note is “Redemption of rates”) the liability of all owners of lands and property and other persons under the provisions of the Embankment Acts and this Part of this Act for the payment of sums of money rates or assessments in respect of such lands or property the Corporation shall (as part of the general rate fund account kept by them in accordance with section 185 of the Act of 1933) keep a separate account in relation to the embankment undertaking (hereinafter referred to as “the embankment account”).

(2) The Corporation shall keep the embankment account so as to distinguish capital from revenue and (as regards revenue) so as to show on the one side all receipts in respect of the embankment undertaking and on the other side all payments and expenses in respect of that undertaking and as from the date on which the liability of any owner or other person for the payment of any sums of money rates or assessments in pursuance of the provisions of the said section of this Act is redeemed the Corporation shall from time to time show as receipts in the revenue account of the embankment undertaking sums of money equivalent to the sums of money rates and assessments which would have been paid by such owners or persons if such redemption had not taken place.

(3) The Corporation shall in the embankment account—

- (a) keep the embankment account in such parts or under such headings as may be necessary to enable the Corporation to comply with the requirements of section 24 (Provision as to cost of maintenance of portion of old embankment) and section 25 (Provision as to cost of maintenance of remainder of the old embankment) of the Act of 1894; and
- (b) enter as receipts in respect of the embankment undertaking interest from time to time paid on any reserve fund formed by the commissioners in pursuance of the provisions of section 8 (Reserve funds) of the Act of 1923 which is transferred to them as part of the undertaking of the commissioners.

(4) During the period for which the Corporation are required by subsection (1) of this section to keep the embankment account they shall not apply or dispose of any surplus of receipts over expenses shown in the revenue part of the embankment account otherwise than in accordance with the provisions of section 8 of the Act of 1923.

(5) The Corporation shall so far as may be reasonably practicable apportion to the embankment undertaking and include in the revenue part of the embankment account a fair part of any receipts credits working and establishment expenses and other payments and liabilities which from time to time ought to be apportioned between the embankment undertaking and any other undertaking or function of the Corporation.

PART V.
—cont.

20. Paragraph (d) of subsection (2) and subsection (4) of section 1 of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

Application of
Emergency
Powers
(Defence) Acts
1939 and 1940.

21.—(1) The Corporation and the Association of Municipal Corporations may enter into and fulfil agreements for admitting all or any of the employees of the said association to participate in the benefits of the superannuation fund of the Corporation on such terms and conditions as may be agreed and when such agreement is made the provisions of the Local Government Superannuation Act 1937 and of any Act amending that Act shall have effect in relation to the said association and any employee so admitted as if the association were a local authority and the employee were a contributory employee in the service of a local authority subject however to such modifications thereof as may be mentioned in the agreement.

Superannua-
tion of
employees of
Association of
Municipal Cor-
porations.

(2) Provided that an agreement under this section shall not have effect until it has been approved by the Minister of Health and may be amended by a subsequent agreement so approved.

(3) The signature of the secretary of the said association to any agreement under this section shall be sufficient authentication thereof on their behalf.

22.—(1) 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 as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

(2) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for

PART V.
—cont.

the payment of the costs charges and expenses of this Act referred to in subsection (1) of this section and they shall pay off all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

THE SCHEDULE referred to in the foregoing Act.

PROVISIONS OF THE EMBANKMENT ACTS REPEALED AS FROM THE
DATE OF TRANSFER.

WALLASEY EMBANKMENT ACT 1829.

- Section IX (Commissioners to take the following oath).
 Section X (Entries of proceedings to be made in a book and to be deemed good evidence).
 Section XIII (Mayor of Liverpool to have a vote in respect of corporate lands);
 Section XXXIII (No building on Embankment).

WALLASEY EMBANKMENT ACT 1864.

- Section 4 (Portion of 10 & 11 Vict. c. 16 incorporated).
 Section 6 (Commissioners incorporated).
 Section 7 (Number of Commissioners).
 Section 9 (Election of first Commissioners).
 Section 10 (Election of future Commissioners).
 Section 11 (Election of Commissioners every third year).
 Section 12 (How meetings to be called).
 Section 13 (Qualification of persons to attend meetings for election of Commissioners).
 Section 14 (Votes to be given at meetings).
 Section 15 (Owner may vote in his own election).
 Section 16 (Agents &c. to be authorised in writing to attend meetings).
 Section 17 (The Chairman of Commissioners to be returning officer at elections of future Commissioners).
 Section 19 (Quorum of Commissioners).
 Section 22 (Transfer of powers of present Commissioners to Commissioners under this Act).
 Section 23 (Transfer of property of present Commissioners).
 Section 24 (Books &c. to be delivered up to Commissioners).
 Section 25 (Actions &c. not to abate).
 Section 26 (Existing suits &c. saved).
 Section 27 (Commissioners to ascertain expenses of Act amount of debt due by former Commissioners &c.).

WALLASEY EMBANKMENT ACT 1894.

- Section 6 (Number of Commissioners).
Section 7 (Qualification of Commissioners).
Section 8 (Provisions of Act of 1864 as to elective Commissioners to apply to additional elective Commissioners);
Section 10 (Provisions as to construction of Works Nos. 3 and 4).
Section 20 (Arrears may be enforced by appointment of a receiver).
Section 23 (Sinking fund).
Section 28 (Annual account to be prepared and transmitted to clerk of peace and open to inspection).
Section 29 (Annual return to Local Government Board with respect to sinking fund in respect of moneys borrowed on mortgage).
Section 34 (Expenses of Act).

WALLASEY EMBANKMENT ACT 1923.

- Section 5 (Further provisions as to sinking funds).
Section 10 (As to casual vacancies among Commissioners).
Section 11 (Meetings of Commissioners).
Section 12 (Remuneration and qualification of auditors).
Subsection (7) of section 13 (Repeal and Amendments).
Section 14 (Costs of Act).

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