



CHAPTER 1v.

An Act to remove doubts as to the interpretation of certain enactments relating to the dock railway and other works authorised by the Bromborough Dock Act 1923. [1st August 1946]

WHEREAS by the Bromborough Dock Act 1923 (in this Act referred to as "the Act of 1923") ^{13 & 14 Geo. 5 c. lxxii.} Lever Brothers & Unilever Limited (in this Act called "the Company") were authorised in their then name of Lever Brothers Limited to construct a dock a railway and other works in the urban district of Bebington and Bromborough (now included in the borough of Bebington) and county of Chester in substitution for certain wharves a railway and other works authorised by Lever Brothers Limited (Wharves and Railway) Act 1920 (hereinafter referred to as "the Act of 1920") ^{10 & 11 Geo. 5 c. cxxxiii.} and it was enacted that the Company should abandon the said wharves and last-mentioned railway and other works:

And whereas by the Bromborough Dock Act 1928 further ^{18 & 19 Geo. 5 c. ii.} provisions not material to the matters now in recital were made with respect to the works authorised by the Act of 1923:

And whereas by the Bromborough Dock Act 1930 (in this Act referred to as "the Act of 1930") further provisions ^{20 & 21 Geo. 5 c. lx.} were made with respect to the works authorised by the Act of 1923 including provision for the abandonment of part of Work No. 4 by that Act authorised and the said works as so amended are in this Act referred to as "the works":

And whereas at the date of the passing of the Act of 1923 the Company either directly or through wholly owned subsidiary companies were owners of large factories and other buildings and land upon the left bank of the river Mersey

in the said borough of Bebington and since that date have acquired further properties in that borough:

And whereas it was recited in the preamble to the Act of 1923 that 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 was 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 that Act in substitution for the wharves railway and other works authorised by the Act of 1920:

And whereas immediately prior to the year nineteen hundred and thirty-eight the Company were a manufacturing and trading company carrying on business at Port Sunlight and Bromborough in the said borough of Bebington and elsewhere in many parts of the world both within and without the British Empire by themselves and by or through a number of subsidiary and associated companies:

And whereas on the thirty-first day of December nineteen hundred and thirty-seven the Company transferred their manufacturing and trading business carried on at or from Port Sunlight and Bromborough aforesaid together with their factories buildings and certain freehold land in the said borough of Bebington to a new company called Lever Brothers Port Sunlight Limited in which the Company hold beneficially all the issued share capital but the Company retained the ownership of the works:

And whereas doubts have arisen as to the extent to which the works can lawfully be used under the enactments relating thereto and it is expedient that such doubts should be removed:

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:—

1.—(1) This Act may be cited as the Bromborough Dock Act 1946.

(2) The Bromborough Dock Acts 1923 to 1930 and this Act may be cited together as the Bromborough Dock Acts 1923 to 1946.

2. In this Act—

Interpretation.

The expression "the Company" means Lever Brothers & Unilever Limited;

The expression "the Act of 1923" means the Bromborough Dock Act 1923;

The expression "the Act of 1930" means the Bromborough Dock Act 1930;

The expression "the works" means the works authorised by the Act of 1923 as amended by the Act of 1930;

The expression "by means of the works" includes at or in the works;

The expression "associated company" means a company (whether established or incorporated in Great Britain or elsewhere)—

(a) in respect of which the Company possess power to appoint or remove or procure the appointment or removal of a majority of the directors either directly through the beneficial ownership of the whole or any part of their share capital or indirectly through the beneficial ownership of the whole or any part of the share capital of any other company or companies or through a combination or those means; or

(b) in respect of which the Company possess power to appoint or remove or procure the appointment or removal of a majority of the directors by some other means than as stated in paragraph (a) of this subsection and are directly or indirectly the beneficial owners of any part of the share capital of such company; or

(c) in which one-half or more of the equity share capital is owned beneficially by the Company and/or their associated companies. For the purpose of this paragraph "equity share capital" means that part of the share capital which confers a right either to the whole or part of any residue of any profits or to the whole or part of any residue of any assets remaining for distribution after satisfying the claims of any other shareholders whose right to participate therein is limited;

The expression "the Bromborough Port estate" means so much of the portion of the borough of Bebington hereinafter described as belongs or has belonged to the Company or any associated company. The portion of the said borough hereinbefore referred to is bounded by an imaginary line drawn from the point

in Bebington Road at which the eastern face of the bridge carrying the London Midland and Scottish and Great Western Joint Railway (Birkenhead line) passes over the centre of that road thence along the centre of that road (crossing New Chester Road) thence along the centre of New Ferry Road to its junction with Shorefields and thence projected in a straight line to low-water mark of medium tides on the western bank of the river Mersey thence in a south-easterly direction along the said low-water mark to the point at which it would meet the boundary of the urban district of Bebington and Bromborough as existing immediately prior to the coming into operation of the County of Chester Review Order 1933 if such boundary were projected in a straight line to the said low-water mark thence to and along that boundary to the point at which it intersects the centre of New Chester Road thence along the centre of New Chester Road in a northerly direction to its junction with Mill Road thence to and along the centre of Mill Road to its junction with Spital Road thence to and along the centre of Spital Road in a north-westerly and westerly direction to the point at which it intersects the eastern boundary of the said railway thence along the said eastern boundary in a northerly direction to and terminating at the point of commencement.

For the purpose of this definition "junction" means in relation to any street or road which intersects or joins another street or road the point at which lines drawn along the centre of the two streets or roads and where necessary continued would intersect each other;

The expression "vessel" has the meaning assigned thereto by the Act of 1923;

19 & 20 Geo. 5.
c. 22.

The expressions "director" and "share" have the meanings assigned thereto respectively by the Companies Act 1929.

Defining user
of works.

3.—(1) For the removal of doubts it is hereby declared that the use of the works shall be restricted to the following persons (that is to say):—

- (a) The Company and any associated company;
- (b) Any owner or occupier (not being the Company or an associated company) from time to time of any land forming part of the Bromborough Port estate;

(c) Any owner consignor or consignee (not being a person hereinbefore in this section mentioned) of cargo (in this section called "secondary cargo") carried or to be carried in a vessel carrying or which is to carry other cargo to or from the works for the other persons for the time being lawfully entitled to use the works or any one or more of them (in this section called "principal cargo").

(2) The use of the works by any of the persons mentioned in subsection (1) of this section shall include the use of the works by means of vessels whether owned by the persons entitled to such use or by any other person.

(3) The total weight of cargo other than cargo required for manufacture processing or use or manufactured or processed on the Bromborough Port estate which may be unloaded and loaded by the Company and/or the associated companies by means of the works in any year ending on thirty-first day of December shall not exceed twenty-two per centum of the total weight of cargo unloaded and loaded by means of the works in that year.

(4) No owner or occupier referred to in paragraph (b) of subsection (1) of this section shall by means of the works unload from any vessel any cargo other than cargo required for manufacture processing or use on the Bromborough Port estate nor load into any vessel any cargo other than cargo manufactured or processed on the said estate.

(5) (a) The owners consignors and consignees referred to in paragraph (c) of subsection (1) of this section shall not load into or unload from any vessel by means of the works a total quantity of secondary cargo exceeding in weight one-half of the total weight of the principal cargo carried or to be carried in that vessel.

(b) The total weight of secondary cargo which may be loaded and unloaded by means of the works in any year ending on the thirty-first day of December shall not exceed three per centum of the total weight of cargo loaded and unloaded by means of the works in that year.

(6) It shall not be lawful for petroleum to be unloaded by means of the works except petroleum required for use as fuel on the Bromborough Port estate.

(7) The Company shall from time to time furnish to the Manchester Ship Canal Company on request all such information and facilities for inspection as may be reasonably necessary to enable the said canal company to ascertain whether the provisions of this section are being complied with.

For protection
of Postmaster-
General.

4. Nothing in this Act shall prejudice or affect the provisions of subsection (2) of section 6 (For protection of Postmaster-General) of the Act of 1923 or preclude the use of the works by the Postmaster-General in pursuance of any of the powers conferred on him by the enactments mentioned in that subsection or of any arrangement which may be made with the Company from time to time in relation to any work being carried out or to be carried out to telegraphic lines.

Costs of Act.

5. 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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