



CHAPTER xiv.

An Act to amend the Provisions of certain Acts relating to the Liverpool and Birkenhead Docks with regard to Bye-laws; and for other purposes. A.D. 1880.
—
[29th June 1880.]

WHEREAS by the Mersey Docks and Harbour Act, 1857, (in this Act called "the Act of 1857,") being "An Act for consolidating the docks at Liverpool and Birkenhead into one estate, and for vesting the control and management of them in one public trust; and for other purposes," the Mersey Docks and Harbour Board (in this Act called "the Board") were incorporated for the purposes therein mentioned: 20 & 21 Vict.
c. clxii.

And whereas by section 3 of the Mersey Dock Acts Consolidation Act, 1858, (in this Act called "the Consolidation Act, 1858,") it is enacted that in the construction of that Act the expressions "byelaw" and "supreme court" respectively shall respectively have the meanings thereby assigned to them, unless there be something in the subject or context repugnant to such construction: 21 & 22 Vict.
c. xcii. s. 3.

And whereas by section 221 of the same Act and by section 33 of the Mersey Docks (Ferry Accommodation) Act, 1860, and by section 37 of the Mersey Docks (Corporation Purchase) Act, 1861, the Board are authorised from time to time to make byelaws for the several purposes and objects in the said sections respectively stated: 23 & 24 Vict.
c. cl. s. 33.
24 & 25 Vict.
c. clxxxviii.
s. 37.

And whereas it is expedient that the Consolidation Act, 1858, be amended and other provisions made in relation to the matters aforesaid:

And whereas by section 13 of the Mersey Docks (Various Powers) Act, 1867, the jurisdiction of the stipendiary magistrate and justices of the peace within the district of the Birkenhead Improvement Commissioners was extended to the whole of the Birkenhead Docks: 30 & 31 Vict.
c. ccvi. s. 13.

And whereas the borough of Birkenhead has since the passing of the last-mentioned Act been incorporated by Royal Charter:

A.D. 1880.

And whereas it is expedient that the stipendiary magistrate and the justices of the peace for the borough of Birkenhead should have jurisdiction over the whole of the Birkenhead Docks, and that the provisions of section 346 of the Consolidation Act, 1858, be extended to the stipendiary magistrate and justices of the peace for the borough of Birkenhead :

36 & 37 Vict.
c. xcii.

And whereas certain portions of the Liverpool Docks are within the boundaries of the borough of Bootle-cum-Linacre as defined by the charter of incorporation of that borough and the Bootle-cum-Linacre (Borough Boundary) Act, 1873, or one of them, and are by section 7 of the Bootle-cum-Linacre (Borough Boundary) Act, 1873, exempted from the jurisdiction and authority of the justices of the peace for the borough of Bootle-cum-Linacre for the purposes of any matters in regard to which those portions of the Liverpool Docks are for the time being by the provisions of the Consolidation Act, 1858, subject to the jurisdiction of the justices of the peace or of the court of quarter sessions for the borough of Liverpool :

And whereas it is expedient to confer jurisdiction upon the said justices of the peace for the borough of Bootle-cum-Linacre in regard to certain offences herein-after mentioned which may be committed upon those portions of the Liverpool Docks which are within the borough of Bootle-cum-Linacre :

And whereas by section 18 of the Act of 1857 certain regulations are made with respect to the qualifications of electors (being British subjects) for members of the Dock Board, and it is expedient that the said section should be amended so that the same may include persons not being British subjects, provided that such persons are duly qualified in other respects under the provisions of the said Act or of any Act or Acts amending the same :

And whereas the objects 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

Short title.

1. This Act may be cited for all purposes as the *Mersey Docks Act, 1880.*

Repeal of
part of s. 3
of 21 & 22
Vict. c. xcii.

2. So much of section 3 of the Consolidation Act, 1858, as defines the word "byelaw" is hereby repealed.

Incorporation of part

3. So much of the Consolidation Act, 1858, as relates to the meanings to be assigned to certain words and expressions (being

section 3 of such Act), except so far as the same is hereby repealed, and except so far as such meanings may be inconsistent with this Act, shall be incorporated with and form part of this Act.

4. Any present or future byelaw made by the Board may lawfully include a power for the Board to make or vary or rescind regulations as to any matters under such byelaw within such limits as may be defined thereby, and every regulation or variation of a regulation so made shall, subject as herein-after mentioned, and without further confirmation by the Board of Trade, be deemed to be part of the byelaw under which it shall have been made; but no such regulation or variation or rescinding to be made hereafter shall be valid until it has been published in the newspapers, as is prescribed by the Consolidation Act, 1858, for new byelaws, and has been before the Board of Trade for one month without any objection having been made thereto; and if any such objection be made within that time, it shall be heard and decided in the same way as objections to a byelaw under the said Act.

5. Every regulation or resolution heretofore made by the Board under any byelaw which has been approved by the Board of Trade shall be valid as part of such byelaw, unless some objection is made thereto in writing stating the grounds of such objection, and sent to the Board of Trade and the Board before the end of September in the year 1880, and until such regulation or resolution is thereupon disallowed, if the Board of Trade think fit to disallow the same.

6. Section 13 of the Mersey Docks (Various Powers) Act, 1867, is hereby repealed.

7. All offences and other matters cognizable by the stipendiary magistrate or any justice or justices of the peace for the borough of Birkenhead, either by common law or by statute, or by or under any of the Acts relating to the Board already passed or which may hereafter be passed, and all offences against any byelaws made or which may hereafter be made by the Board, committed in or upon any part of the Birkenhead Docks, (which, except under the provisions of this Act, would not be within the jurisdiction of the stipendiary magistrate or the justices of the peace for the borough of Birkenhead,) may be heard, adjudged, and determined by such stipendiary magistrate or by a justice or justices of the peace for the borough of Birkenhead, and all penalties imposed and damages incurred under any of the Acts relating to the Board already passed or which may be hereafter passed, or under any byelaw already made or which may hereafter be made, in pursuance of all or any of such Acts, in relation to any offence, matter, or thing committed or done, or arising or happening, within the Birkenhead Docks, may

A.D. 1880.

of s. 3 of
21 & 22 Vict.
c. xcii.Byelaws
may autho-
rise Board
to make
orders
which shall
be part of
byelaws.Provis or
as to ap-
proval of
byelaws
not to
apply to
orders made
under bye-
laws.Repeal of
sec. 13 of
30 & 31 Vict.
c. ccvi.Justices of
borough of
Birkenhead
to have ju-
risdiction
over Birken-
head Docks
and over
River Mer-
sey.

A.D. 1880.

be sued for and recovered from the offender by information or complaint before such stipendiary magistrate or justice or justices of the peace for the borough of Birkenhead, in as full and ample a manner as if the same had been committed or done or had arisen within any part of the limits of the said borough of Birkenhead; and further, that for the better effecting the object of section 346 of the Consolidation Act, 1858, which provides for certain offences committed on the water within the limits of the port of Liverpool, every stipendiary magistrate and justice of the peace for the borough of Birkenhead shall be deemed to be a justice acting for the county of Chester within the meaning of that section: Provided that nothing herein-after contained shall vary, alter, diminish, or exclude the power or jurisdiction of the justices of the peace of the county of Chester over or upon any of the said docks or water, anything herein contained to the contrary notwithstanding.

Justices of
borough of
Bootle to
have certain
jurisdiction
over Liver-
pool Docks.

8. Save as herein-after mentioned, all offences committed on any part of the Liverpool Docks within the borough of Bootle-cum-Linacre which, but for the herein-before recited provision of the Bootle-cum-Linacre (Borough Boundary) Act, 1873, would be cognizable by the justices of the peace for the borough of Bootle-cum-Linacre, either by common law or by statute, may, notwithstanding anything herein to the contrary contained in section 7 of the Bootle-cum-Linacre (Borough Boundary) Act, 1873, be heard, adjudged, and determined before any such justice of the peace for the said borough of Bootle-cum-Linacre: Provided that nothing herein contained shall confer any power or jurisdiction upon the said justices of the peace for the borough of Bootle-cum-Linacre to deal with any offences or matters committed against or arising under any of the Acts relating to the Board already passed or which may hereafter be passed, or under any byelaw made or to be made by the Board: Provided also, that nothing herein contained shall vary, alter, diminish, or exclude the power or jurisdiction of the justices of the peace for the county of Lancaster, or of the stipendiary magistrate and the justices of the peace for the borough of Liverpool, or the quarter sessions thereof, conferred upon them by section 346 of the Consolidation Act, 1858, anything herein contained to the contrary in anywise notwithstanding.

Foreigners
resident in
United
Kingdom
may be dock
electors.

9. From and after the passing of this Act section 18 of the Act of 1857, relating to the qualification of electors for members of the Board, shall be read and construed as if the words "and every person resident in the United Kingdom not being a British subject" were contained in the said section immediately after the words "and every British subject:" Provided always, that

[43 & 44 VICT.]

Mersey Docks Act, 1880.

[Ch. xiv.]

nothing herein contained shall be taken to make persons not being British subjects eligible for election as members of the Board. A.D. 1880. —

10. The Board, out of any moneys for the time being in their hands, shall pay and discharge all costs, charges, and expenses incurred in applying for, obtaining, and passing this Act. Expenses of Act.

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1880.

