

**HARBOUR AND PORT OF MANCHESTER**

**GENERAL  
BYE-LAWS**

**1963**

**THE MANCHESTER SHIP CANAL COMPANY**

## NOTICE

**The Manchester Ship Canal Company do not take any charge of or assume any responsibility whatever in respect of any vessel in "The Harbour" (which includes the Harbour and Port of Manchester and the Manchester Ship Canal and other waters and works of the Company as defined in the Company's General Bye-laws), every vessel being at the sole risk of the owners, who alone are responsible for the safety and security of their vessels and moorings and also for any damage done by their vessels or servants to the premises or property of the Company or to vessels or goods in or upon any part of the Company's premises.**

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*Further copies of these Bye-laws and the Navigation Bye-laws referred to on page 9 can be obtained from the Harbour Master, Dock Office, Trafford Road, Manchester M5 2XB.*

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# HARBOUR AND PORT OF MANCHESTER

## BYE-LAWS

Made by the Manchester Ship Canal Company under and in pursuance of the Manchester Ship Canal Acts, 1885 to 1962, The Harbours, Docks and Piers Clauses Act, 1847, the Explosives Act, 1875, and all other powers thereunto enabling them.

These Bye-laws shall, unless otherwise stated therein, apply to all and any parts of the Harbour and Port of Manchester as hereinafter defined, and of the undertaking of the Company connected therewith or appurtenant thereto.

### 1.

In these Bye-laws the following words and expressions have the following meanings (except where the subject or the context requires otherwise):—

“The Company” means the Manchester Ship Canal Company.

“The Harbour” means the Harbour and Port of Manchester as constituted by the Manchester Ship Canal Act, 1885, and extended by the Manchester Ship Canal Act, 1911, and the Manchester Ship Canal Act, 1949, which said Harbour and Port comprises the Manchester Ship Canal, all works constructed under the powers of the said Act of 1949, including Queen Elizabeth II Dock, so much of the Eastham Channel and of the banks and foreshore thereof as is situated between the Eastham Locks and an imaginary straight line from the foreshore at right-angles to the line of the dolphins on the east side of the said Eastham Channel such line being drawn at a distance of 538 yards from the seaward extremity of the 80 feet Lock at Eastham measured in a direction parallel to the line of the said dolphins, and so much of the navigable waters of the Rivers Mersey and Irwell as lie between Hunt’s Bank in the City of Manchester and Warrington Bridge in the County of Lancaster and all channels, canals, cuts, wharves, berths, lay-byes, jetties, docks and works within those limits.

“The Canal” means the Manchester Ship Canal and so much of the River Irwell as lies to the westward of Hunt’s Bank in the City of Manchester, and includes the Locks and Docks.

“Navigating” includes moving, mooring and unmooring in the Harbour.

“Harbour Master” means the officer appointed by the Company from time to time to execute the office of Harbour Master, and includes his assistants

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### Interpretation.

and subordinates in so far as such assistants and subordinates are, or may be, duly authorised to act on his behalf.

“ Lock Master ” includes the assistants and subordinates of each such officer in so far as such assistants and subordinates are, or may be, duly authorised to act on his behalf.

“ Docks Manager ” means the officer appointed by the Company from time to time to execute the office of Docks Manager and includes his assistants and subordinates, in so far as such assistants and subordinates are, or may be, duly authorised to act on his behalf.

“ Master ” when used in relation to any vessel, means the person having the command or charge of the vessel for the time being.

“ Vessel ” includes any vessel, ship, lighter, keel, barge, boat, raft, pontoon and craft of any kind howsoever propelled or moved.

“ Barge ” includes barge, lighter, flat, float, keel, narrow boat and all craft of similar kind.

“ Fire ” means every description of fire and includes stoves and all apparatus for producing heat.

“ Vehicle ” does not include locomotives and rolling stock on railways.

“ Motor Vehicle ” includes all classes of mechanically propelled vehicles intended or adapted for use on roads.

## 2.

### Penalties.

Any person who offends against any of these Bye-laws shall be liable for every offence to a penalty **not exceeding £5**, and to a daily penalty **not exceeding forty shillings** for every day such offence shall continue after conviction therefor, except that the following penalties shall be incurred by the breach of:—

Bye-law 61 so far as it relates to Explosives:

**Not exceeding £20, and £10 for every day** during which the offence continues, and forfeiture of the explosives.

Bye-law 35:

**Not exceeding £50.**

Liability to any of the above-mentioned penalties shall not exempt any person from liability to any other or greater penalty prescribed by law for an offence in respect of any matter dealt with in these Bye-laws.

## NOTE

**Bye-law numbers 3 to 51, inclusive, are revoked and replaced by the Harbour and Port of Manchester Navigation Bye-laws 1982.**

### FOR PREVENTING NUISANCE, FIRE, etc.

#### 52.

Closets on vessels in Canal to be kept closed.

No person shall commit a nuisance within the Harbour or the Company's premises.

Except with the permission of the Harbour Master all closets on board any vessel shall be kept closed during the whole time such vessel is in the Harbour.

#### 53.

Dogs and dangerous animals and reptiles.

Ferocious animals or birds or dangerous reptiles shall not be kept on board any vessel or upon any of the Company's premises unless properly secured. Dogs shall be secured or under proper control.

#### 54.

Fire equipment.

Every vessel, being equipped with a power-driven pump, shall have on board hose pipe of sufficient length and section, in good working order, and capable of being immediately attached to her pump, for the purpose of extinguishing fire.

#### 55.

Fires on vessels.

A vessel which has or has had during the course of her voyage to the Harbour any outbreak of fire on board her shall not enter the Harbour without the permission of the Harbour Master.

The Master of any vessel in which any outbreak of fire occurs in the Harbour shall forthwith notify the Harbour Master.

#### 56.

Use of lights.

Except with the permission of the Harbour Master no person shall have any lighted candle or lamp, or other light anywhere on board any vessel in the Harbour save in the engine-room, stoke-hold, or shaft tunnel.

Provided that electric lights and lights safely enclosed may be used if they are of a kind approved by the Harbour Master.

Except with the written permission of the Harbour Master no person shall have any light not being at all times safely enclosed on any wharf or anywhere within the Company's premises.

#### 57.

Use of fires.

Except with the written permission of the Harbour Master and subject to such conditions as he may prescribe, no person shall have or use any fire on any wharf or anywhere within

the Company's premises or on board any vessel in the Harbour save in the saloons, cabins, crew's quarters and galley, or for the purpose of heating the donkey boilers or main boilers and provided such fire consumes only coal, or coke, or, in oil-burning vessels, fuel oil not flashing below 150 degrees Fahrenheit.

NOTE.—Any fire permitted by the Harbour Master will at his discretion be required to be under the supervision of one of the Company's police constables or other person appointed for the purpose (which supervision will be arranged at the expense of the steamship owner or other person requiring the fire) and permission to use such fire will be subject to such police constable or other appointed person if any, being satisfied with the placing, securing and use of the fire and to the person using the fire having a water-hose laid ready or having at hand buckets containing water or other fire-extinguisher of an approved kind. But the Company will not be responsible in any respect for such fire or for any loss, damage or injury caused thereby, and the steamship owner or other person requiring the fire shall indemnify the Company against all losses, damages, claims, costs or expenses which they may incur or become liable for by reason of the use of such fire.

### 58.

The Master of every vessel in the Harbour shall take all due precautions for the prevention of accident by fire and shall not permit inflammable or combustible goods to be unloaded from or loaded into his ship unless all reasonable measures have been taken to obviate risk of such accident.

### 59.

No person shall smoke:—

- (a) In any part of the Company's dock premises (except where smoking is by notice permitted) or on any wharves or premises of the Company where goods are shipped or unshipped, or in any of the Company's sheds, warehouses or other premises where goods are stored, received or delivered, or in any place where a notice prohibiting smoking is exhibited.
- (b) On any vessel loading or unloading or berthed alongside any part of the Company's premises where smoking is prohibited by this Bye-law or berthed alongside any other such vessel provided it shall not be an offence to smoke in the saloon, cabin or crew's quarters of a vessel which is not a petroleum ship within the meaning of the Bye-laws made by the Company under the Petroleum (Consolidation) Act, 1928, or in any smoke-room on board such petroleum ship in which smoking is for the time being permitted by the Master with the approval of the Harbour Master.

### 60.

No person shall use any electric welding plant or any oxy-acetylene cutting or welding plant within the Company's premises or on any vessel within the Harbour or cause such plant to be so used at or within 100 feet of any such vessel except with the written permission of the Harbour Master and subject to such conditions as he may prescribe.

In no circumstances shall a vehicle carrying such plant enter any shed or warehouse.

### 61.

(1) In this Bye-law "dangerous goods" includes all dangerous goods including explosives within the meaning of the Explosives Act, 1875, and Orders in Council made from time to time thereunder but it does not include goods which are governed by the Company's Bye-laws relating to Petroleum, Petroleum Spirit and Carbide of Calcium.

(2) Except with written permission of the Harbour Master those dangerous goods or those classes of dangerous goods which are specified in Regulations made by the Company from time to time pursuant to this Bye-law shall not be brought within the Harbour.

(3) Before any dangerous goods are brought within the Harbour the Owner or Master of the vessel carrying or to be loaded with the goods shall furnish the Harbour Master with a statement of the identity of the goods and of the nature of the danger or dangers to which the goods give rise indicating to which category the goods belong.

(4) (a) All dangerous goods which are brought within the Harbour for shipment therefrom shall be marked packed and stowed in accordance with the Company's Regulations and all certificates and declarations shall be supplied as required thereunder.

(b) No dangerous goods shall be brought into the Harbour on board any vessel unless they have been marked packed and stowed in accordance with the Company's Regulations, provided that this sub-paragraph shall not apply to dangerous goods imported from any port outside the United Kingdom and which have been marked packed and stowed in accordance with the requirements of the law of the country where they were loaded and where those requirements are not less effective than those specified in the Company's Regulations but in all cases any certificates and declarations which are required by such Regulations shall be supplied.

(5) No dangerous goods shall be brought within the Harbour or remain therein in quantities greater or in packages heavier than those specified in the Company's Regulations unless the Harbour Master otherwise agrees.

(6) The Owner or Master of any vessel carrying any dangerous goods or to which any dangerous goods are to be loaded shall while the vessel is in the Harbour take such

Use of electric welding plant and oxy-acetylene cutting and welding plant.

Dangerous goods.

Precautions against fire, etc.

Smoking.

precautions as may be prescribed in the Company's Regulations or by the Harbour Master.

(7) (a) Except with the permission of the Harbour Master or as provided by the Company's Regulations no dangerous goods shall be deposited or remain on any quay, pier or jetty within the Harbour. They must be discharged or shipped direct from or to vessel to or from barge, pontoon, road or rail vehicle alongside and after discharge they must be removed forthwith from the Harbour and from the Company's premises.

(b) The Company may at the expense and risk of the owners of the goods remove any dangerous goods deposited on any quay, pier or jetty in breach of this Bye-law.

## USE OF QUAYS, SHEDS, etc.

62.

Carpenter,  
boilermaker  
etc., work on  
quays  
prohibited.

No person shall carry on the work of a carpenter, smith, boilermaker, or rigger on any quay or wharf except with the permission of the Docks Manager.

63.

Deposit of  
goods on  
quays.

Except with the permission of the Docks Manager no goods, stores, dunnage-wood, empties or refuse of any kind shall be deposited on any of the piers or quays or the approaches thereto.

In no case shall they be so placed as to prevent the free working of the slides or doors of any shed or interfere with the free and safe use of the quays, mooring posts, bollards, capstans, hydrants, fire points or hydraulic or electrical connections.

64.

Removal of  
goods from the  
quays, etc.

Except with the permission of the Company and subject to such conditions as they may prescribe goods shall not be allowed to remain on any of the quays or piers or in the approaches thereto for more than 72 hours or such longer period as may from time to time be specified in the Company's Regulations either generally or in relation to any particular class of goods.

65.

Weight of  
articles.

When any article or package required to be lifted weighs over one ton its exact weight including the weight of any case or packing shall be marked clearly upon the outside of it.

66.

Passes to be  
delivered before  
goods leave the  
Company's  
premises.

No goods shall be removed from the premises of the Company until an authorised pass has been delivered in respect of them.

## FERRIES

67.

In regard to the use of the Company's ferry-boats:—

- (a) The passengers carried during any one journey shall not exceed the authorised maximum number as indicated on each boat.
- (b) The fare shall be put by the passenger into the fare-box when presented by the ferryman.
- (c) The ferryman's instructions shall be complied with.
- (d) Intoxicated persons are not allowed on board.
- (e) In rowing ferry-boats passengers shall sit down and keep quiet.

NOTE.—*The Company accept no responsibility for accident, damage or risk to person or property.*

Passenger  
traffic on  
ferry-boats.

## VEHICULAR TRAFFIC

68.

No vehicle using the Company's premises or any part of its load shall be more than thirteen feet high from the ground.

On the quays and cart-roads no driver shall drive carelessly or improperly.

Every driver or person in charge of a vehicle shall at all times obey the reasonable directions or requirements of any authorised officer or servant of the Company as to the loading, unloading, placing, moving, management and removal of such vehicle.

Drivers shall not place their vehicles under hoistways or at overhead crane loading-berths until the work of loading into them or discharging from them is ready to be commenced, and they shall remove them thence immediately such work is completed.

69.

No liquid fuel or water shall be permitted to leak from a motor vehicle on the Company's premises and the owner and the driver shall take every reasonable precaution to prevent such leakage. Except with the permission of the Docks Manager and subject to the conditions prescribed by him:—

- (a) Motor vehicles shall not enter any elevator, transit shed or warehouse and in passing beneath the Company's overhead sheds they shall not pass directly below the hoist openings or along the roadways which vehicles are by notice prohibited from using.
- (b) Motor vehicles shall not be driven at a speed exceeding fifteen miles per hour and shall be provided with sufficient brakes.
- (c) No person shall refuel or drain any fuel from any motor vehicle.

70.

Vehicles shall be removed from the Company's dock premises as soon as possible after their loading or unloading has been completed, and no vehicle, laden or empty, shall be set up, and no horse, beast of burden or motor vehicle shall be left unattended on such premises except with the permission and subject to the instructions of the Docks Manager or the Company's police.

No horse, beast of burden or vehicle of any description shall be allowed to be upon any of the lines of railway or within the space required for the working thereof, except for the purpose of loading or unloading, or of crossing at one of the places appointed for that purpose.

Regulating  
vehicles in  
general and  
their drivers.

Regulating  
motor vehicles.

Setting up of  
vehicles.



## TRESPASS AND DAMAGE, etc.

- 71.**  
**Trespassing on railway.** No person shall trespass upon the railways of the Company, or cross the lines at any place other than those appointed to be used as crossings.
- 72.**  
**Getting over fences and trespassing.** No person shall break or get over, through or under the divisional or boundary fences, or trespass upon or over the property or premises of the Company.
- 73.**  
**Passes for visitors.** Before entering the premises of the Company visitors not having business therein are required to obtain an official pass from the Company.  
No person being unable to show to the satisfaction of the Company's officials or police constables that he or she has lawful business on the premises shall remain or be therein without an official pass.
- 74.**  
**Photography.** No person shall sketch or use a photographic camera on the premises of the Company except with the permission in writing of the Docks Manager.
- 75.**  
**Retail business prohibited without licence.** Unless he holds a written licence from the Docks Manager no person shall hawk or do any retail business within the Company's premises, or pass over their premises to any vessel for the purpose of doing such business.
- 76.**  
**Use of swing bridges.** No person, except the Company's bridgemen, shall be upon a swing bridge whilst it is in motion. When a gate is closed across each end of the bridge before it is swung no person shall pass over such gate or step on such bridge before the gate is again opened by the bridgeman: and no person except such bridgeman shall remove, unfasten, interfere with or obstruct any such gate.  
No person shall pass on to any bridge against the signal of a Company's bridgeman.
- 77.**  
**Interference with appliances and equipment.** No person other than an authorised officer or servant of the Company shall make use of, and no one shall interfere or tamper with any locomotive, crane, jigger, railway switch, capstan, or hydraulic lever or with any other machinery or working appliance within the Company's premises, or with any rope, tarpaulin, chain, or other part of the Company's equipment.

- 78.**  
**Use of weighbridges.** No vehicle shall pass over a weighbridge except for the purpose of being weighed. The use of the Company's weighbridges shall be subject to the rules set forth in the Company's notices displayed upon or at each weighbridge.
- 79.**  
**Taking of water.** Except to prevent or extinguish fire no person shall on any pretext take water from the Canal or from any tap, hydrant or bucket belonging to the Company unless he has received proper authority to do so.
- 80.**  
**Billposting.** No person shall affix or cause to be affixed, bills or placards in any part of the Company's premises, except with the permission in writing of the Docks Manager or other authorised officer of the Company.
- 81.**  
**Defacing premises.** No person shall write upon, soil, deface, mark, or injure any of the quays, sheds, barricades, railings, fences, posts or any other part of the premises of the Company in any way whatever.
- 82.**  
**Defacing notice boards.** No person shall deface or destroy any board, plate or paper on any part of the premises of the Company whereon any Bye-laws, notices, rules, orders or tables of tolls or rates shall be painted or affixed.  
No person, not being authorised to do so, shall erase or deface any mark or card placed for purposes of traffic on any railway or other vehicle within the Company's premises.
- 83.**  
**Throwing stones, etc.** No person shall throw, propel or project stones or other missiles within the Harbour or at vessels or railway trains.
- 84.**  
**Obstructing officers.** No person shall assault, resist, obstruct, or impede any of the Company's officers, servants or police constables in the execution of his duty, or disobey his lawful orders, or use abusive or offensive language, or aid or incite others to do so.
- 85.**  
**Drunkenness prohibited.** No person shall be intoxicated while on the Company's premises or while engaged on any work or duty on board any vessel in the Harbour.

86.

Nothing contained in these Bye-laws shall be construed as in any way limiting or restricting the Harbour Master's lawful powers under any Statute or otherwise, or as relieving any person of any statutory liability for not complying with any directions given by the Harbour Master in pursuance of such powers, or as limiting or restricting any right of the Company or the exercise thereof by the Company through its servants or agents, or as limiting or restricting the lawful exercise by a police constable of any lawful powers or duty which he has independently of these Bye-laws.

COMMENCEMENT AND REVOCATION

87.

Commencement

These Bye-laws shall come into operation 21 days after the date of their confirmation by the Minister of Transport.

88.

Revocation

On the coming into operation of the foregoing Bye-laws the following Bye-laws shall cease to have effect:—

The General Bye-laws made by the Company on the 21st May, 1928 and confirmed by the Minister of Transport on the 18th July, 1928 as amended by:—

- (a) Bye-laws made by the Company on the 17th July, 1939 and confirmed by the Minister of Transport on the 20th July, 1939
- (b) Bye-laws made by the Company on the 25th August, 1949 and confirmed by the Minister of Transport on the 1st September, 1949, and
- (c) Bye-laws made by the Company on 22nd November, 1956 and confirmed by the Minister of Transport and Civil Aviation on the 20th December, 1956.

THE COMMON SEAL of the MANCHESTER SHIP CANAL COMPANY was hereunto affixed on the 24th day of April 1963, in the presence of:—

K. Stoker  
W. P. Jackson } *Directors*

D. K. Redford *Secretary*

The foregoing Bye-laws are hereby confirmed by the Minister of Transport.

Signed by authority of the  
Oliver Cochran Minister this 13th day of  
May, 1963.

The Harbours Clauses Act, 1847:—

Powers of  
Harbour, Dock  
or Pier Master.

52. — The Harbour Master may give directions for all or any of the following purposes: (that is to say) —

- For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the Harbour, Dock, or Pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein;
- For regulating the position in which any vessel shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the Harbour, Dock, or Pier;
- For regulating the manner in which any vessel entering the Harbour or Dock or coming to the Pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels, and to the Harbour, Dock, or Pier, and the moorings thereof;
- For removing unserviceable vessels, and other obstructions from the Harbour, Dock, or Pier, and keeping the same clear;
- For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the Harbour, Dock, or Pier shall have during the delivery of her cargo, or after having discharged the same;

Provided always that nothing in this or the Special Act contained shall authorise the Harbour Master to do or cause to be done any act in any way repugnant to or inconsistent with any Law relating to the Customs, or any Regulation of the Commissioners of Her Majesty's Customs.

The Harbours Clauses Act, 1847:—

Penalty on  
Shipmasters  
not complying  
with Directions  
of the Harbour  
Master.

53. — The Master of every vessel within the Harbour or Dock, or at or near the Pier, or within the prescribed limits, if any, shall regulate such vessel according to the directions of the Harbour Master, made in conformity with this and the Special Act; and any Master of a vessel, who, after notice of any such direction by the Harbour Master served upon him, shall not forthwith regulate such vessel according to such direction, shall be liable to a penalty not exceeding Twenty Pounds.

Directions of  
Harbour  
Master.

**The Manchester Ship Canal Act, 1950:—**

26. Section 52 of the Harbours Act 1847 in its application to the Company and the Harbour Master:—

- (a) shall extend to empower the Harbour Master to give directions prohibiting the mooring of vessels in any particular part or parts of the Harbour;
- (b) shall not be construed to require the Harbour Master in emergency to give particular directions in the case of every vessel in respect of which it is desired to exercise any of the powers of that section but in pursuance of that section for all or any of the purposes thereof the Harbour Master shall be entitled in emergency to give general directions applicable to all vessels or to particular classes of vessels.

**The Manchester Ship Canal Act, 1950:—**

Orders of the  
Harbour  
Master need not  
be in writing.

27. Section 53 of the Harbours Act 1847 in its application to the Company and the Harbour Master shall not be construed to require the Harbour Master to serve a notice in writing of his directions upon the Master of a vessel but such directions may be given verbally or otherwise communicated to such master but a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the Master of the vessel.

**The Manchester Ship Canal Act, 1956:—**

Extension of  
powers of  
Harbour  
Master.

51. Section 52 of the Harbours Act 1847 in its application to the Company and the Harbour Master shall extend so as to empower the Harbour Master to prohibit the entry into the Harbour of vessels designed to carry liquid cargo in bulk if the entry is only for the purpose of cleaning their tanks.

**The Manchester Ship Canal Act, 1956 as amended by The Manchester Ship Canal Act, 1962:—**

Estuarial  
vessels,  
tugs, and barges  
not to use  
harbour unless  
registered.

53. — (1) On and after the first day of January nineteen hundred and (sixty-three) it shall not be lawful without the written permission of the Company for any estuarial vessel tug or barge to enter or use the Harbour or to be worked or navigated therein unless it is for the time being registered by the Company.

(2) The Company shall as soon as practicable after the receipt of an application in a form prescribed by them register any estuarial vessel tug or barge —

- (i) which is classed by Lloyds Register of Shipping the British Corporation Register of Shipping and Aircraft or the British Committee of the Bureau Veritas; or
- (ii) in respect of which there shall be produced to the Company a certificate in a form prescribed by the Company and made by any surveyor of shipping for the time

being approved by the Company that the estuarial vessel tug or barge is seaworthy and suitable for the purpose for which the same is built designed or fitted or intended or likely to be used.

(3) If at any time it shall appear to the Company that any estuarial vessel tug or barge which has been registered pursuant to subsection (2) of this section may have become unseaworthy or unsuitable for the purpose for which the same is used or for which it is built designed or fitted or intended or likely to be used the Company may after sending by registered post addressed to the owner of such estuarial vessel tug or barge at the address of such owner last notified to the Company notice of their intention so to do cancel the registration of the estuarial vessel tug or barge unless within one month from the sending of such notice there shall be produced to the Company —

- (i) a certificate that the estuarial vessel tug or barge has remained classed by Lloyds Register of Shipping the British Corporation Register of Shipping and Aircraft or the British Committee of the Bureau Veritas; or
- (ii) a certificate in a form prescribed by the Company and made by any surveyor of shipping for the time being approved by the Company that the estuarial vessel tug or barge is seaworthy and suitable for the purpose for which the same is used or for which it is built designed or fitted or intended or likely to be used.

(4) If any estuarial vessel tug or barge shall enter or use the Harbour or be worked or navigated therein in contravention of the provisions of subsection (1) of this section the owner of such estuarial vessel tug or barge shall for every such offence be liable to a penalty not exceeding fifty pounds.

(5) All offences against this section and all penalties imposed or recoverable under this section may be prosecuted or recovered in a summary manner.

(6) In this section —

“barge” includes a lighter flat or other like vessel;

“estuarial vessel” means a vessel having a carrying capacity not exceeding one thousand two hundred and fifty tons which does not normally go to sea but does not include a pleasure craft as defined in Section 2 (Interpretation) of the (Manchester Ship Canal) Act, 1960;

“tug” means any vessel built designed or fitted for the purpose of towing ships or barges and includes a tender;

“surveyor of shipping” includes a surveyor or builder of tugs or barges.

**The Manchester Ship Canal Act, 1960:—**

8. — (1) Section 52 of the Harbours Clauses Act 1847 as incorporated with the Manchester Ship Canal Acts 1885 to 1960 in its application to the Company and the Harbour Master shall notwithstanding the provisions of section 33 of the Harbours Clauses Act 1847 as also so incorporated extend so as to empower the Harbour Master to prohibit a pleasure craft from entering the Harbour unless the following conditions have been or will be complied with:—

- (a) notice in writing of the date and time on which it is proposed to enter the Harbour and of the intended movement of the pleasure craft in the Harbour has been given to the Harbour Master not less than forty-eight hours before the time of entry;
- (b) on or before the giving of the said notice there has been produced to the Harbour Master —
  - (i) (A) a passenger steamer's certificate issued by the Ministry of Transport under Part III of the Merchant Shipping Act 1894 or a certificate showing that the pleasure craft is for the time being classed by Lloyds Register of Shipping or some other classification society approved by the Company; or (B) a certificate given within the previous twelve months by a surveyor of shipping who is either a member or an associate member of the Institute of Naval Architects or is approved by the Company or by a boat builder who is either a member of the Ship and Boat Builders' National Federation or is approved by the Company that the pleasure craft is seaworthy and suitable for navigation on the Canal; and
  - (ii) a certificate that the owner is insured in respect of the pleasure craft with an insurer approved by the Company against third party liability in a sum of not less than fifty thousand pounds;
- (c) during such time as the pleasure craft is in the Harbour it is —
  - (i) equipped with the articles specified in the Third Schedule to this Act; and
  - (ii) in charge of a person over twenty-one years of age who has such experience of navigation as will enable him to navigate in the Harbour with reasonable competence.

(2) Notwithstanding the provisions of subsection (1) of this section if the Harbour Master is of the opinion that the entry into or movement of the pleasure craft in the Harbour at the date and time specified in a notice given under paragraph (a) of subsection (1) of this section would or would be likely to cause such interference with commercial traffic in the Harbour as to make it necessary for such entry or movement not to take place

at the date and time so specified he may postpone such entry or movement for such period as he considers to be necessary to avoid interference with commercial traffic and shall thereupon notify the Master of the pleasure craft of a date and time as soon thereafter as is reasonably practicable when the pleasure craft may enter the Harbour or move within it.

(3) Subsection (1) of this section shall not apply to a pleasure craft requiring to enter the Harbour from the river Mersey owing to stress of weather or other emergency.

**Schedule**

1. An adequate anchor and cable.
2. At least two warps each being not less than fifty feet in length and of sufficient strength.
3. Such navigation lights and equipment for signalling by sound as will enable the pleasure craft to comply with the International Regulations for Preventing Collisions at Sea and with the Company's byelaws.
4. At least two fire extinguishers of a foam type approved by the Ministry of Transport and maintained in accordance with the Ministry's recommendations.
5. Sufficient life-saving apparatus for as many passengers and crew as the pleasure craft is designed to carry.
6. An Admiralty chart or other chart approved by the Company for the Harbour and adjacent waters.
7. A copy of the Company's byelaws for the time being in force.
8. A current tidal almanac.

# The Manchester Ship Canal Bye-laws 1973

Made 4th July, 1973

The Manchester Ship Canal Company, in exercise of their powers under:—

- (a) section 83 of the Harbours, Docks and Piers Clauses Act 1847 as incorporated with the Manchester Ship Canal Acts 1885 to 1966 and as modified and extended in their application to the Company by section 3 of the Manchester Ship Canal Act 1960, section 19(2) of the Manchester Ship Canal Act 1966 and article 4 of the Manchester Ship Canal Revision Order 1970;
- (b) section 198 of the Manchester Ship Canal Act 1885 as extended by section 37 of the Manchester Ship Canal Act 1896 and amended by section 19(1) of the Manchester Ship Canal Act 1966.
- (c) the Explosives Act 1875;
- (d) the Petroleum Consolidation Act 1928;

and all other powers enabling them in that behalf, hereby make the following bye-laws.

## 1.

*Citation and Commencement*

These bye-laws may be cited as the Manchester Ship Canal Bye-laws 1973 and shall come into operation ten days after the date on which they are confirmed by the Secretary of State for the Environment.

## 2.

*Interpretation*

(a) In these Bye-laws the following words and expressions shall have the following meanings (except where the subject or context requires otherwise):—

- “the Bridgewater Canals Bye-laws” mean the Bye-laws relating to the Bridgewater Canals made by the Company on 13 April 1961 and confirmed by the Minister of Transport on 5 June 1961;
- “the Company” means the Manchester Ship Canal Company;
- “the General Bye-laws” mean the Bye-laws made by the Company on 24 April 1963 and confirmed by the Minister of Transport on 13 May 1963;
- “the harbour” has the same meaning as in Bye-law No. 1 of the General Bye-laws;
- “Runcorn Docks” mean the docks of the Company known as Runcorn Docks and forming part of the Bridgewater undertaking as defined by section 6 of the Manchester Ship Canal Act 1885.

(b) The Interpretation Act 1889 shall apply for the interpretation of these Bye-laws as it applies to an Act of Parliament.

## 3.

*General Bye-laws to Apply to Runcorn*

The General Bye-laws (except Bye-laws 8, 11, 13, 14, 16 to 28, 30 to 36, 48, 67, 71, 76, 87 and 88) shall have effect as if Runcorn Docks were included in the harbour.

## 4.

*Bridgewater Bye-laws Not to Apply to Runcorn*

The Bridgewater Canals Bye-laws shall cease to apply to Runcorn Docks.

5.

*Increase of Penalties*

In General Bye-law No. 2 and in Bridgewater Canals Bye-law No. 3 there shall be substituted for the penalty not exceeding five pounds a penalty not exceeding twenty pounds.

THE COMMON SEAL of THE MANCHESTER SHIP CANAL COMPANY

was hereunto affixed on the Fourth day of July 1973

in the presence of Peter I. W. Mayne *Assistant Secretary*.

The Secretary of State hereby confirms the foregoing Bye-laws.

Signed by authority of the Secretary of State.

D. G. FAGAN  
*An Assistant Secretary  
in the Department of the Environment.*

23rd August 1973.