



## CHAPTER ccxi.

An Act to empower the lord mayor aldermen and burgesses of the city of Bristol to construct additional dock railways and works and for other purposes. [11th August 1903.] A.D. 1903.

**W**HEREAS the city and county of Bristol (in this Act called "the city") is a municipal borough subject to the Acts relating to municipal corporations and under the government of the lord mayor aldermen and burgesses (in this Act called "the Corporation"):

And whereas the Corporation acting by the council are the urban sanitary authority for the district of the said borough:

And whereas the Corporation are the owners of the docks in the city known as "the city docks":

And whereas under the powers of the Bristol Dock Act 1884 the Corporation acquired the undertakings rights powers and privileges of the Bristol Port and Channel Dock Company and of the Bristol and Portishead Pier and Railway Company and also certain warehouses and conveniences erected at and in connexion with the said docks by the Bristol Port and Channel Dock Warehouse Company (Limited) and the Portishead Warehouse Company (Limited) and thereby became the owners of the Avonmouth docks situate at the mouth and right bank of the River Avon and of the Portishead docks near the mouth and left bank of that river: 47 & 48 Vict. c. cclv.

And whereas by various Acts the Corporation have from time to time been authorised to construct various works and improvements in connexion with the city docks and the Avonmouth docks:

And whereas in order to increase the facilities for dealing with the growing trade of the port of Bristol the Corporation

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were by the Bristol Dock Act 1897 (in this Act referred to as "the Act of 1897") authorised to construct certain railways and other works connected therewith for the purpose of providing or improving communication with the system of the Great Western Railway Company (in this Act referred to as "the Great Western Company") among which was a short railway (in the Act of 1897 called "Railway No. 2"):

And whereas the said Railway No. 2 authorised by the Act of 1897 has not been constructed and it is expedient that the Corporation be authorised to construct the railways herein-after described in lieu of the said authorised railway:

And whereas it is expedient that the Corporation be authorised to construct the other works by this Act authorised:

And whereas estimates have been prepared by the Corporation for the purchase of lands for and for the execution of the works by this Act authorised and such estimates amount to thirty-three thousand eight hundred and fifty pounds:

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas other estimates have been prepared by the Corporation for the purchase of lands for and for the erection of warehouses by this Act authorised and such estimates amount to one hundred and thirty thousand pounds:

And whereas plans and sections showing the lines situation and levels of the intended works and the lands in or through which they will be made and plans showing the lands which may be compulsorily taken for other purposes under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the respective clerks of the peace for the counties of Gloucester and Somerset and with the town clerk of the city and are in this Act referred to as "the deposited plans sections and book of reference":

And whereas it is expedient that further powers should be conferred upon the Corporation for the borrowing of money for the purposes of this Act:

And whereas the period for redeeming or making provision for redemption of stock issued by the Corporation for certain purposes under the powers of the Bristol Docks and Railways Act

1901 (herein-after referred to as "the Act of 1901") was by that Act limited to fifty-three years from the date of issue and it is expedient that the said period should be extended as by this Act provided:

And whereas it is expedient that the Corporation should be empowered in respect of moneys which they are authorised to raise for any purposes by mortgages bonds debentures rent-charges or by the creation and issue of stock but which they have not so raised from time to time to raise moneys by means of bills upon and subject to the terms and conditions herein-after appearing:

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

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

And whereas an absolute majority of the whole number of the council of the city at a meeting held on the tenth day of November one thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Western Daily Press a newspaper published and circulating in the city (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund of the city:

And whereas such resolution was published twice in the said newspaper and has received the approval of one of His Majesty's Principal Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the ninth day of June one thousand nine hundred and three being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the city by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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

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A.D. 1903. and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

## PART I.

## PRELIMINARY.

Short titles.

1. This Act may be cited as the Bristol Corporation Act 1903 and this Act and the Bristol Dock Acts 1848 to 1902 may be cited together as the Bristol Dock Acts 1848 to 1903.

Act divided into parts.

2. This Act is divided into parts as follows (that is to say):—

Part I.—Preliminary.

Part II.—Works &c.

Part III.—Lands.

Part IV.—Finance.

Part V.—Miscellaneous.

Incorporation of general Acts.

3. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845;

The Railways Clauses Consolidation Act 1845 and Part I. (construction of a railway) and Part III. (working agreements) of the Railways Clauses Act 1863;

The Harbours Docks and Piers Clauses Act 1847; and

The provisions of the Commissioners Clauses Act 1847 relating to mortgages (except section 84);

so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act. Provided that sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be in force unless the Board of Trade so require.

Execution of bonds and signature of notices.

4. Any bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Corporation and shall be sufficient without the addition of the sureties in that section mentioned and any notice requiring authentication by the Corporation may be signed by the town clerk and need not be under the common seal of the Corporation.

Interpretation.

5. In this Act unless the subject or context otherwise requires terms to which meanings are assigned by the enactments incorporated herewith have herein the same respective meaning:

“The city” means the city and county of Bristol;

“The Corporation” means the lord mayor aldermen and burgesses of the city whether acting under the provisions

of the Municipal Corporations Acts the Public Health Acts or in the execution of the Acts relating to the port and harbour of Bristol;

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

“The dock estate” means the docks for the time being of the Corporation and the real and personal property railways piers works and appliances acquired appropriated or provided by them for the purposes thereof;

“The port” means the port of Bristol;

“The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the city;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under this Act or under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

For the purposes of this Act in enactments incorporated with this Act “the company” or “the undertakers” mean the Corporation;

In the Railways Clauses Consolidation Act 1845 the expressions “the railway” “the centre line of railway” and “the boundaries of the railway” respectively mean the respective works by this Act authorised and the centre line and the boundaries of those respective works;

In the Commissioners Clauses Act 1847 “the commissioners” means the Corporation and “the clerk to the commissioners” means the town clerk.

## PART II.

## WORKS &amp;c.

6. Subject to the provisions of this Act the Corporation may make and maintain in the lines shown on the deposited plans and

Power to construct works.

A.D. 1903. — according to the levels shown on the deposited sections the works in the parish and city and county of Bristol shown on the deposited plans among which are the following principal works (that is to say) :—

Work No. 1 A Railway No. 1 (2 furlongs and 0·25 chain in length) commencing by a junction with Railway No. 1 authorised by the Act of 1897 near the entrance to Underfall Yard from Cumberland Road and terminating near the Dock-master's House at Cumberland Basin :

Work No. 2 A Railway No. 2 (8·16 chains in length) commencing by a junction with Railway No. 1 herein-before described near the junction of the said authorised Railway No. 1 with Railway No. 5 authorised by the Great Western Railway (Bristol Lines) Act 1897 and terminating near the said Dock-master's House at Cumberland Basin :

Work No. 3 A wharf or landing stage No. 1 on the northern bank of the River Avon commencing at a point about 5 chains measured in an easterly or south-easterly direction along the said river bank from Rownham Ferry and terminating at the western side of the pier on the northern bank of the River Avon of the opening bridge over the said river (Work G) authorised by the Act of 1897 :

Work No. 4 A wharf or landing stage No. 2 on the said northern bank of the River Avon commencing at the eastern side of the said pier and terminating at a point on the said river bank about 4 chains westward of the said entrance to Underfall Yard from Cumberland Road :

Work No. 5 A culvert channel or cut commencing in Colliter's Brook at the northern side of Ashton Road and terminating by an outlet into the said River Avon at a point in the southern bank of the said river near the north-west corner of the boundary wall of Clift House :

Work No. 6 A river wall or embankment on the southern bank of the said River Avon commencing at the east side of the southern abutment of the said opening bridge and terminating at the north-west corner of the boundary wall of Clift House aforesaid.

Abandonment of railway authorised by Act of 1897. 7. The Corporation may and shall abandon the construction of the Railway No. 2 authorised by the Act of 1897 and the site of the said abandoned railway shall belong to the Corporation as part of their dock undertaking.

A.D. 1903. — Corporation may cover over part of Colliter's Brook. 8. The Corporation may stop up and fill in or cover over the portion of Colliter's Brook and the tidal outfall thereof which lies below the point of commencement of the said culvert and the site and soil of the said portion of Colliter's Brook shall as to so much of the said site as lies to the westward of the road Work No. 12 authorised by the Act of 1901 vest in the Corporation as part of their dock undertaking and shall as to the remainder of the said site vest in the Corporation as the urban sanitary authority freed from all rights therein or there-over and the Corporation may exclude by a tidal flap and pen stock the tidal waters of the River Avon from the outfall of the said culvert.

Power to divert waters of Colliter's Brook. 9. The Corporation may divert through the said culvert channel or cut the waters of Colliter's Brook aforesaid which now flow into the River Avon at the said point of commencement of the said culvert and all rights which attach to or are exercisable in respect of the said brook for the passage of water therethrough and of drainage thereby shall attach to and be exercisable in respect of the said culvert channel or cut.

Power to make subsidiary works. 10. The Corporation may make erect place and maintain all entrance cuts channels sluices culverts arches sewers drains embankments towing-paths walls jetties landing places dolphins mooring buoys staithes groynes quays wharves warehouses sheds buildings machinery cranes lifts drops tips railways tramways rails junctions sidings turntables signals roads approaches works engines machinery and appliances which may be necessary or convenient for or incidental to the construction user or maintenance of the before-mentioned works or any of them.

Limits of deviation. 11. In constructing the works by this Act authorised the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the said sections to any extent not exceeding ten feet Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise in such manner as is expressly authorised by the Board of Trade.

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Lights on works during construction.

12. The Corporation shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Works below high-water mark not to be commenced without consent of Board of Trade.

13. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

14. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal waters or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

15. If a work constructed by the Corporation under the powers of this Act on in over through or across tidal lands or tidal waters be abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of

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the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

16. In case of injury to or destruction or decay of the works or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision against danger to navigation.

17. In executing the works authorised by this Act the Corporation may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe and also any pipe tube wire or apparatus laid down or used for the conduct of electricity for any purpose and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this enactment :

Power to alter pipes.

Provided that the Corporation shall not raise sink or otherwise alter or interfere with any pipe tube wire or telegraphic apparatus belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

Provided further that nothing in this Act shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

18. The railways and wharves respectively by this Act authorised and the subsidiary works connected therewith respectively and all lands acquired or appropriated by the Corporation for the purposes thereof shall form part of the dock estate and subject to the provisions of this Act the Corporation shall have and may exercise and enjoy in over upon and in relation thereto the same rights powers and privileges (including the power to demand and take tolls rates and charges) as if the same had respectively immediately before the passing of this Act formed part of that estate.

Certain works to be and form part of dock estate of Corporation.

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Corporation and Great Western Company may agree as to construction &c. of railways.

**19.** Subject to the provisions of this Act the Corporation and the Great Western Company may enter into and fulfil contracts and agreements for or in relation to the construction or modification of the railways by this Act authorised and the cost thereof and incidental thereto and the taking of any lands in or by which they may respectively be interested or affected and the use management and maintenance of the said railways when constructed.

Applying parts of section 7 of Act of 1897.

**20.** Such of the provisions of section 7 of the Act of 1897 (Arrangements between the Corporation and the company) as relate to Railway No. 2 by that Act authorised shall so far as the same are applicable and not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the railways authorised and to the powers conferred on the Corporation by this Act and in construing those sections for the purposes of this Act the expression "this Act" shall mean the Bristol Corporation Act 1903.

For protection of Great Western Company.

**21.** For the protection of the Great Western Company the following provisions shall unless otherwise agreed between the Corporation and the Great Western Company apply and have effect (that is to say) :—

(1) Notwithstanding anything shown on the deposited plans and sections of Railways Nos. 1 and 2 by this Act authorised the Corporation shall so construct the same and provide and maintain in connexion therewith all such storing and shunting sidings as may be necessary or convenient for accommodating and facilitating cattle coal and other traffic shipped or unshipped at Cumberland Basin and so that the facilities to be afforded by such railways shall not be less than were by an agreement between the Corporation and the Great Western Company made the first day of August one thousand eight hundred and ninety-six to be provided by and in connexion with Railway No. 2 authorised by the Bristol Dock Act 1897 and for which the said railways are in substitution and the provisions of section 9 of the Great Western Railway (Bristol Lines) Act 1897 relating to the said Railway No. 2 shall extend and apply to Railways Nos. 1 and 2 by this Act authorised :

(2) The Corporation shall not without in every case the previous consent of the Great Western Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work from time to

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time belonging to or worked by that company except only so far as shall be necessary for the purpose of making and maintaining the said railways as the same are according to this Act to be constructed :

(3) With respect to any land of the Great Western Company which the Corporation is by this Act authorised to use enter upon or interfere with the Corporation shall not purchase or take the same but the Corporation may purchase and take and the Great Western Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Corporation might purchase and take the same :

(4) The crossings of Railway No. 1 over the Great Western Company's railway shall respectively be effected at such points within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by the principal engineer of the Great Western Company or in case of difference as shall be determined by arbitration as herein-after provided :

(5) The Corporation shall take all possible precautions in the execution of their works to prevent any unnecessary interference with the free uninterrupted and safe use of any railway siding or other work belonging to the Great Western Company :

(6) The Corporation shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by that company during the execution of any work of the Corporation over or adjacent to the railway of the Great Western Company of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Corporation and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of the Corporation or of their contractors with reference thereto :

(7) If any difference shall arise between the Corporation and the Great Western Company as to the true intent and meaning of this enactment or the mode of giving effect

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thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

For protection of  
Bristol Gas  
Company.

**22.** For the protection of the Bristol Gas Company (in this section called "the gas company") the following provisions shall unless otherwise agreed between the Corporation and the gas company have effect (that is to say):—

(1) Nothing in this Act contained shall deprive the gas company of the powers and privileges conferred upon them by any Act or Acts of Parliament of laying down and maintaining as occasion may require and repairing renewing and altering any mains or pipes in and under any part of the streets or roads upon over or under which the railways authorised by this Act will be made or under any street road or court which may be temporarily stopped up during the construction of the works by this Act authorised:

(2) At least fourteen days before commencing the execution of any works authorised by this Act which will in any way interfere with or affect any mains pipes or apparatus of the gas company the Corporation shall submit to the gas company plans sections and particulars showing the manner in which such gas mains pipes and apparatus are proposed to be dealt with and if within fourteen days from such submission the gas company disapprove of the said plans sections or particulars or make any further requirements in relation to the dealing with the same such work shall not be commenced until the said plans sections and particulars have been agreed or settled by arbitration. Provided that if the gas company do not within fourteen days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved of such plans sections and particulars and such mains pipes and apparatus shall unless otherwise agreed be dealt with only in accordance with such plans sections and particulars and all works involving the interference with or affecting the same shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the gas company:

(3) The engineer of the gas company shall if the gas company so think fit have the sole direction and management of and may at the reasonable cost in all things of the Corporation

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execute all such works as may be reasonably necessary for the diversion shoring up or supporting or otherwise altering the position of and restoring and protecting any such mains pipes or apparatus of the gas company which it may be necessary to divert shore up support alter restore or protect by reason of the execution of the works by this Act authorised and for preventing any interruption to the supply of gas by the gas company or any obstruction or increased expense to the gas company in the repair renewal or inspection of such mains pipes or apparatus:

(4) All costs charges and expenses reasonably incurred by the gas company or their engineer under the provisions of this section including the costs charges and expenses of and in relation to the superintendence or watching by the gas company or their engineer or officers of any works of the Corporation authorised by this Act by which any mains pipes or apparatus of the gas company may be interfered with or affected shall be paid by the Corporation to the gas company on demand:

(5) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned or sustained by any act or omission of the Corporation or by the acts of any of their contractors agents workmen or servants or any duly authorised person in the employ of them or any or either of them in the execution of the powers of this Act the Corporation shall pay to the gas company a sum or sums of money equivalent to the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction and the Corporation shall also be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company (including injury and loss by explosion) through or by reason of or consequent on any such act or omission of the Corporation or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Corporation shall effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of any such act or omission:

(6) If by reason of the exercise of the powers of this Act any increased length of gas mains or pipes be rendered

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necessary the same shall be provided and laid by the gas company at the reasonable cost of the Corporation and if the gas company at any time by like reason or by reason of the existence of any work by this Act authorised incur any additional cost in laying down repairing renewing altering inspecting or protecting any gas main or pipe such additional cost shall be repaid to the gas company by the Corporation :

(7) Whenever by the appropriation or destruction of property by this Act authorised to be acquired by the Corporation any gas mains or pipes or any apparatus connected therewith of the gas company (except pipes inside such property) shall be rendered unnecessary the Corporation shall pay to the gas company the cost of an equivalent length of gas main or pipe and of such apparatus and of laying down or fixing the same and of the works required for the discontinuance of the gas mains pipes or apparatus rendered unnecessary and the gas mains pipes or apparatus so rendered unnecessary shall become the property of the Corporation :

(8) If any difference shall arise between the Corporation and the gas company touching this section or anything to be done or not to be done thereunder such difference shall be determined by an engineer to be appointed (unless otherwise agreed on between the parties) on the application of either party by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall extend and apply to the determination of such difference.

For protection of Bristol Waterworks Company.

23. For the protection of the Bristol Waterworks Company (in this section called "the water company") the following provisions shall have effect (that is to say) :—

(1) At least fourteen days before the commencement of any work in pursuance of the powers of this Act which may in any way interfere with or affect or be situate over any main pipe or work of the water company or any private service pipe of any person supplied with water by the water company a plan and section (showing the nature of the work proposed) shall be submitted to the water company together with particulars of the mode of executing

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such work and of protecting such main pipe or work and if within fourteen days from such submission the water company disapprove of the said plan section or particulars or make any further requirements such work shall not be commenced until the plan section and particulars have been agreed or settled by arbitration Provided that if the water company do not within fourteen days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof Every such work shall be constructed in accordance with the plan section and particulars approved agreed or settled as aforesaid and shall (so far as it may interfere with or affect or be situate over such main pipe work or private service pipe or be within three feet of such main pipe or work) be executed under the superintendence and to the reasonable satisfaction of and in such manner as shall reasonably be required by the engineer of the water company :

(2) In case the water company at any future time require to lay repair renew or inspect any main or pipe in any street on over or across which any work is constructed or is in course of construction under the powers of this Act the Corporation shall free of charge give to the water company all reasonable facilities for carrying out the work :

(3) Every work by this Act authorised which will be situate over or may in any way interfere with or affect any main pipe or work of the water company or any private service pipe of any person supplied with water by the water company shall be executed under the superintendence and to the reasonable satisfaction (so far as it may be situate over or may interfere with or affect any such main pipe or work or private service pipe) of the engineer of the water company who shall if the water company so think fit have the exclusive direction and management of and may at the reasonable cost in all things of the Corporation execute all such works as may be reasonably necessary for protecting removing raising sinking or otherwise altering the position of and restoring any mains pipes or works of the water company or any private service pipe of any person supplied with water by the water company which it may be necessary to protect remove raise sink alter or restore by reason of the execution by the Corporation

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of any of the powers of this Act and for preventing any interruption to the supply of water by the water company:

(4) All costs charges and expenses reasonably incurred by the water company or their engineer under the provisions of this Act including the costs charges and expenses of and in relation to the superintendence necessarily required of any works of the Corporation under the provisions of this Act in that behalf shall be paid by the Corporation to the water company on demand:

(5) In and for the purposes of this section the word "street" shall have the meaning assigned to it by the Waterworks Clauses Act 1847:

(6) If any difference arise between the Corporation and the water company touching this section or anything to be done or not to be done or any moneys to be paid thereunder such difference shall be determined by an engineer to be appointed (unless otherwise agreed on between the parties) on the application of either party by the President for the time being of the Institution of Civil Engineers.

## PART III.

## LANDS.

Power to acquire lands for railways and works.

**24.** Subject and according to the provisions of this Act the Corporation may from time to time enter upon take and use compulsorily or by agreement such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of the railways and works by this Act authorised.

Power to acquire additional lands.

**25.** Subject to the provisions of this Act the Corporation in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use compulsorily or by agreement for the purpose of erecting thereon warehouses and for other purposes of or incidental to their dock undertaking or the dock estate the lands herein-after described which are delineated upon the deposited plans and described in the deposited book of reference (that is to say):—

Certain lands in the parish of Bristol situate on the southward side of Cumberland Basin bounded on the north-eastern and eastern sides thereof by Cumberland Road on the northern side thereof by Cumberland Basin on the western

side thereof by the road leading from Brunel's Lock to the River Avon and on the south-western and southern sides thereof by the said River Avon.

**26.** The provisions of the following sections of the Act of 1897 (that is to say):—

Section 31 (Period for compulsory purchase of lands);

Section 32 (Power to acquire additional lands by agreement);

Section 33 (Consideration for such acquisition);

Section 34 (Power to take easements &c. by agreement);

Section 37 (Corporation may use their own lands for purposes of this Act);

And the provisions of section 47 (Power to retain sell &c. lands) of the Act of 1901;

so far as they are applicable and are not inconsistent with the provisions of this Act shall extend and apply mutatis mutandis and in relation to the like matters in this Act and the expression "this Act" where used in those sections shall for this purpose mean the Bristol Corporation Act 1903.

**27.** The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or ledgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants

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Certain sections as to lands of Act of 1897 and section 47 of Act of 1901 incorporated.

Restriction on taking houses of labouring class.

A.D. 1903. — whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

## PART IV.

## FINANCE.

Power to borrow on mortgage.

**28.** The Corporation may borrow at interest on the following securities for such of the following purposes as are properly payable out of capital any sum or sums not exceeding the following (that is to say):—

On the security of the borough fund and borough rate—

- (A) For paying the costs of this Act the sum requisite for the purpose;
- (B) For the purchase of land for and for constructing the Works Nos. 5 and 6 by this Act authorised seventeen thousand six hundred and fifty pounds:

On the security of the dock revenue borough fund and borough rate—

- (C) For the purchase of lands for and for constructing the Works Nos. 1 2 3 and 4 by this Act authorised sixteen thousand two hundred pounds;
- (D) For the purchase of additional lands and for the erection of warehouses one hundred and thirty thousand pounds;
- (E) For the general purposes of the dock undertaking of the Corporation fifty thousand pounds:

Provided that no part of the said sum of fifty thousand pounds shall be borrowed except with the consent of the Board of Trade.

Incorporation of sections of Public Health Act 1875.

**29.** The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):—

- Section 236 (Form of mortgage);
- Section 237 (Register of mortgages);
- Section 238 (Transfer of mortgages); and
- Section 239 (Receiver may be appointed in certain cases).

As to repayment of borrowed moneys.

**30.** The Corporation shall repay or make provision for repaying all moneys borrowed under the section of this Act the marginal note whereof is "Power to borrow on mortgage"

within the respective periods herein-after mentioned with respect thereto from the date when the same shall be respectively borrowed:—

All moneys borrowed for the payment of the costs of this Act in any period not exceeding five years;

All moneys borrowed for or in relation to the purchase of lands and for the construction of works in any period not exceeding sixty years;

All moneys borrowed for the general purposes of the dock undertaking of the Corporation in such period not exceeding sixty years as the Board of Trade may prescribe:

And such repayment shall be effected—

- By equal yearly or half-yearly instalments of principal or of principal and interest; or
- By means of a sinking fund; or
- Partly by such instalments and partly by a sinking fund.

Every such instalment shall be paid out of the funds and rates on the security of which the principal moneys in respect of which it or they are so paid were borrowed.

The first payment by instalments or to the sinking fund shall be made on or before the twenty-fifth day of March in the year next following the time of the borrowing of the moneys in respect of which such payment is to be made.

**31.** The following sections of the Bristol Corporation Act 1897 (that is to say):—

- Section 76 (As to sinking fund);
- Section 77 (Power to re-borrow);
- Section 79 (Annual return with respect to sinking funds &c.);
- Section 80 (Application of money borrowed);

shall extend and apply mutatis mutandis to and in relation to the re-borrowing repayment and application of moneys borrowed by the Corporation on mortgage under the powers of this Act as if those sections had been re-enacted with reference thereto.

**32.** A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

**33.** The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive

Incorporating certain sections of Bristol Corporation Act 1897.

For protection of lenders.

Corporation not to regard trusts.

A.D. 1903. — to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Extending period for redemption of stock issued for certain purposes under Act of 1901.

**34.** Notwithstanding anything contained in the Act of 1901 the period within which the Corporation shall repay or redeem or make provision for repaying the moneys borrowed or redeeming the stock issued under the powers of that Act shall be sixty years from the date when the same shall be borrowed or issued instead of the period of fifty-three years from such date limited by the said section and the said section shall for the purposes of section 45 of the Bristol Corporation Act 1902 and for all other purposes be read and have effect as if the said period of sixty years had been thereby limited instead of the period of fifty-three years.

Power to raise money by bills.

**35.** Instead of raising for any purposes by mortgages or by the creation and issue of stock money which they are authorised to raise by either of those methods whether under this Act or any other Act of Parliament or otherwise howsoever the Corporation may if they see fit raise for those purposes such money by means of bills subject to and in accordance with the following provisions:—

- (1) Bills issued by the Corporation shall be called "Bristol Corporation bills":
- (2) A Bristol Corporation bill shall be a bill in the form prescribed by regulations made in pursuance of this Act for the payment of the sum named therein in the manner and at the date therein mentioned so that the date be not less than three nor more than twelve months from the date of the bill:
- (3) Such bills may be offered for purchase by tender in such manner on such conditions and after public advertisement in such manner as the Corporation may determine:

- (4) The bills shall be issued under the authority of a warrant sealed by the Corporation: A.D. 1903. —
- (5) Each bill shall be for the amount directed by the Corporation not being less than five hundred pounds:
- (6) Each bill shall be under the seal of the Corporation:
- (7) A register of the bills issued or renewed by the Corporation shall be kept by the city treasurer or such other person as may be appointed by the Corporation and such register shall show the amount of each bill the principal money raised by such bill the statutory borrowing power in respect of which the bill is issued the date of issue the date when the same falls due and the date of payment thereof Such register shall at all reasonable times be open to inspection without payment of any fee by any creditor of the Corporation:
- (8) The Corporation shall not issue bills payable to bearer:
- (9) The Corporation shall before issuing any bill under this Act and from time to time make regulations with respect to bills subject to and in accordance with this Act and shall furnish to the Local Government Board a copy of any regulations so made Such regulations shall provide—
  - (A) for regulating the preparation form mode of issue mode of payment and cancellation of bills;
  - (B) for regulating the issue of a new bill in lieu of one defaced lost or destroyed;
  - (C) for preventing by the use of counterfoils or of a special description of paper or otherwise fraud in relation to bills;
  - (D) for the proper discharge to be given upon the payment of a bill:
- (10) The Corporation may enter into such arrangements as they may think proper with any banker firm of bankers or banking company for carrying into effect the provisions of this Act with respect to the issue of bills and to the payment of the principal sum named therein and to all matters relating thereto and for proper remuneration for services rendered with reference thereto Such remuneration shall be apportioned between the several funds or rates to which the principal moneys raised by the bill are chargeable:
- (11) The amount of money received by the Corporation in respect of a bill shall be deemed to be principal money

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raised by means of such bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised :

- (12) The Corporation shall provide from the same source and pay at the appropriate times into a sinking fund or sinking funds the same sums for repayment of the principal money so raised as they would have done if mortgages of the same amount had been issued and such fund or funds shall be dealt with in the same manner as if the same were a mortgage sinking fund and the Corporation shall pay the interest on the principal money out of the fund or rate to which the principal money so raised is charged :
- (13) The aggregate amount payable on bills current at any one time shall not exceed the sum of five hundred thousand pounds except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills :
- (14) The Corporation may subject to the provisions of the preceding subsections renew bills at maturity :
- (15) Money raised by the issue of bills shall be employed by the Corporation for the purposes of the several statutory borrowing powers in respect of which the bills are respectively issued :
- (16) For the repayment of the principal money raised by bills the Corporation may raise money by mortgages or by the creation and issue of stock or issue of further bills but save as aforesaid the powers given to the Corporation to raise moneys by the creation and issue of stock or mortgages shall be suspended to the extent to which moneys have been raised by the issue of bills :
- (17) A Bristol Corporation bill shall entitle the holder to payment at maturity of the sum expressed in such bill to be payable and shall be charged on all the revenues of the Corporation. The expression "revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and rates leviable by or on the precept of the Corporation :
- (18) The town clerk shall within twenty-one days after the thirty-first day of December in any year during which any

A.D. 1903.

bills have been issued paid off or are outstanding under this section transmit to the Local Government Board a return in such form as the Board may prescribe and containing all such particulars as they may require in regard to the issue and payment of bills by the Corporation.

**36.** All expenses incurred by the Corporation in the execution of the purposes of this Act and not otherwise provided for including the payment of interest on moneys borrowed for those purposes and repayment of those moneys but excluding expenses properly chargeable to capital and payable out of borrowed moneys shall be paid out of the dock revenue and any deficiency therein shall be paid out of the borough fund and borough rate.

PART V.

MISCELLANEOUS.

**37.** Nothing in this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways by this Act authorised and to alter such telegraphic lines and to enter upon any land and works necessary for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall be at liberty to exercise all the rights aforesaid notwithstanding that the railways by this Act authorised are worked by the Great Western Company.

**38.** Nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the King's Majesty.

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[Ch. cexi.]

*Bristol Corporation Act, 1903.*

[3 EDW. 7.]

A.D. 1903,  
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Costs of Act.

**39.** All the costs charges and expenses incurred by the Corporation preliminary to and of and incidental to the preparing of applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the dock revenue and the borough fund or out of moneys to be borrowed for that purpose by virtue of the powers of this Act.

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