

Bristol Corporation (West Dock) Act 1971

CHAPTER 1v

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Application of Part I of Act of 1965.
4. Incorporation of Act of 1847.
5. Interpretation.

PART II

LANDS

6. Power to acquire lands.
7. Correction of errors in deposited plans and book of reference.
8. Power to acquire easements only.
9. Disregard of recent improvements and interests.

Section

10. Grant of easements by persons under disability.
11. Provision of substituted sites.
12. Power to reinstate owners or occupiers of property.
13. Agreements with adjoining owners.
14. Extinction of private rights of way.
15. Power to stop up bridleways and footpaths.

PART III

WORKS

16. Power to construct works.
17. Subsidiary works.
18. Power to deviate.
19. Works to form part of dock undertaking.
20. Temporary stoppage of highways, etc.
21. Power to take water from river or sea, etc.
22. Power to dredge.
23. Deposit of spoil.
24. Fine for obstructing works.
25. Tidal works not to be executed without approval of Secretary of State.
26. Provision against danger to navigation.
27. Abatement of works abandoned or decayed.
28. Survey of tidal works.
29. Permanent lights on tidal works.
30. Lights on tidal works during construction.

PART IV

FINANCE

31. Power to borrow.

PART V

MISCELLANEOUS

32. Extension of limits of port and harbour of Bristol, etc.
33. Power to appropriate lands and works for particular trades, etc.
34. Directions of harbour master.
35. Orders of harbour master need not be in writing.
36. Amendment and repeal of local enactments.

PART VI

GENERAL

Section

37. Local inquiries.
38. Arbitration.
39. For protection of British Railways Board.
40. For protection of British Transport Docks Board.
41. For protection of certain statutory undertakers.
42. For further protection of electricity undertakers.
43. For further protection of gas undertakers.
44. For further protection of Bristol Waterworks Company.
45. Crown rights.
46. Saving for Wireless Telegraphy Act, 1949.
47. Saving for Act of 1964.
48. Saving for Town and Country Planning Acts.
49. Saving for land drainage byelaws.
50. Costs of Act.

ELIZABETH II



1971 CHAPTER iv

An Act to empower the lord mayor, aldermen and burgesses of the city of Bristol to construct works and to acquire lands; to confer further powers upon the Corporation with reference to their dock undertaking; and for other purposes. [27th July 1971]

WHEREAS the city and county of Bristol (hereinafter referred to as "the city") is a county borough under the government of the lord mayor, aldermen and burgesses of the city (hereinafter referred to as "the Corporation") acting by the council of the city:

And whereas the Corporation are the owners of the docks known respectively as the City Docks, the Avonmouth Docks and the Portishead Docks and also are both the port and harbour authority of the port and harbour of Bristol:

And whereas in order to meet the requirements of the trade of the port and harbour of Bristol it is expedient that the Corporation should be empowered to construct the new dock and other works authorised by this Act and to acquire lands as in this Act provided:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Corporation:

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

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas estimates have been prepared for and in connection with the purposes hereinafter mentioned and such estimates are as follows:—

The construction of the new dock and other works authorised by Part III (Works) of this Act 	£ 11,900,000:
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And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the works by this Act authorised, such plans showing also the lands which may be acquired or used compulsorily under the powers of this Act and for the purposes of this Act, together with a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, with the town clerk of the city and with the clerk of the county council of the administrative county of Somerset and such plans, sections and book of reference are respectively referred to in this Act as the deposited plans, sections and book of reference:

1933 c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the 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:—

PART I

PRELIMINARY

Short and
collective
titles.

1.—(1) This Act may be cited as the Bristol Corporation (West Dock) Act 1971.

(2) This Act shall be included among the enactments which may be cited together as the Bristol Dock Acts, 1848 to 1971.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Finance.

Part V.—Miscellaneous.

Part VI.—General.

PART I

—cont.

Division of
Act into
Parts.

3.—(1) Part I of the Act of 1965 (except section 4, subsection (5) Application of of section 24, section 27 and paragraph 3 (3) of Schedule 3 thereof) Part I of in so far as it is applicable for the purposes of this Act and is not Act of 1965. inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act, 1946, applies and as if this 1946 c. 49. Act were a compulsory purchase order under the said Act of 1946.

(2) In subsection (1) of section 11 of the Act of 1965, as so applied, for the words “fourteen days” there shall be substituted the words “three months”.

(3) The Lands Clauses Consolidation Act, 1845, shall not apply 1845 c. 18. to the acquisition of land under this Act.

4.—(1) The provisions of the Act of 1847 (except sections 12 Incorporation and 13 and sections 16 to 19 thereof), so far as the same are of Act of 1847. applicable for the purposes and are not inconsistent with the provisions of this Act, are incorporated with and form part of this Act.

(2) In construing the provisions of the Act of 1847 so incorporated, the expression “vessel” shall have the meaning assigned to it by section 4 (Interpretation) of the Bristol Corporation Act, 1961.

1961 c. xlv.

5.—(1) In this Act the following words and expressions have Interpretation. the several meanings assigned to them respectively unless there be something in the subject or context repugnant to such construction, that is to say:—

“the Act of 1847” means the Harbours, Docks and Piers Clauses Act, 1847;

1847 c. 27.

“the Act of 1964” means the Harbours Act, 1964;

1964 c. 40.

“the Act of 1965” means the Compulsory Purchase Act, 1965;

1965 c. 56.

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

“the Corporation” means the lord mayor, aldermen and burgesses of the city acting by the council of the city;

PART I
—cont.

“ the Corporation docks ” means the Avonmouth Docks, the City Docks, the Portishead Docks and the West Dock of the Corporation together with all basins, docks and waters of the Corporation within the port;

“ the dock undertaking ” means and includes the undertaking carried on by the Corporation upon or in connection with 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 including any such property as aforesaid which is held by a grantee in fee farm or is leased to or occupied by lessees or tenants of the Corporation;

“ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, scheme or regulation made under an Act;

“ the harbour master ” means the several officers of the Corporation having the powers of a harbour master under the Act of 1847;

“ land ” includes land covered by water, any interest in land and any easement or right in, to or over land;

“ the limits of deviation ” means the limits of deviation authorised by section 18 (Power to deviate) of this Act;

“ the port ” means the port and harbour of Bristol as for the time being existing;

“ the river ” means the river Severn;

“ the Secretary of State ” means the Secretary of State for Trade and Industry;

“ the spoil areas ” means the lands shown on the deposited plans as intended to be used for the disposal of spoil and for other works;

“ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;

“ tidal work ” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of mean high-water springs;

“ the tribunal ” means the Lands Tribunal;

“ the Trinity House ” means the master, wardens and assistants of the guild, fraternity or brotherhood of the Most Glorious and Undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent commonly called the Corporation of the Trinity House of Deptford Strond;

“ vessel ” has the same meaning as in subsection (1) of section 4 (Interpretation) of the Bristol Corporation Act, 1961;

PART I
—cont.
1961 c. xlv.

“ the West Dock ” means Works Nos. 1 to 8 and the real and personal property, railways, works and appliances acquired, appropriated or provided by the Corporation for the purposes thereof;

“ the works ” means the works authorised by section 16 (Power to construct works) of this Act and any works constructed under section 17 (Subsidiary works) of this Act and includes those works as extended, enlarged, altered, replaced or relaid under subsection (2) of the said section 16 and “ work ” shall be construed accordingly.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment including this Act.

(3) This Act shall be read as if the words “ or thereabouts ” were inserted after each distance mentioned in section 16 (Power to construct works) of this Act.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(5) References in this Act to reference points shall be construed as references to National Grid reference points.

PART II

LANDS

6.—(1) Subject to the provisions of this Act, the Corporation may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for or in connection with the construction and maintenance of the works and the disposal of spoil or other materials and for other the purposes of this Act or for any of those purposes. Power to acquire lands.

(2) (a) The powers of the Corporation for the compulsory acquisition of land under this section shall not be exercised after 31st December, 1974.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 31st December, 1974, notice to treat has been served in respect of that land.

PART II

—cont.

Correction of
errors in
deposited plans
and book of
reference.

7.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, with the clerk of the county council of the administrative county of Somerset and the town clerk of the city and with every clerk of a local authority and chairman of a parish council with whom a copy of the deposited plans, or of so much thereof as includes the land to which the certificate relates, has been deposited in accordance with the Standing Orders of the Houses of Parliament, or who has the custody of any such copy so deposited, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land and execute the works or deposit spoil or other materials thereon, as the case may be, in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Power to
acquire
easements
only.

8.—(1) The Corporation may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof and "land" in Part I of the Act of 1965, as applied by this Act, includes such easements and rights as aforesaid.

(3) Where the Corporation have acquired an easement or right only over or in any land under this section—

(a) they shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land;

- (b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

PART II
—cont.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Corporation may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 6 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

- (5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

9. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made whether on the land acquired or on any other land with which the claimant is, or was at the time of erection, executing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation. Disregard of recent improvements and interests.

10.—(1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may if he thinks fit, subject to the provisions of the Act of 1965, grant to the Corporation any easement or right required for the purposes of this Act over or in the lands not being an easement or right of water in which some person other than the grantor has an interest. Grant of easements by persons under disability.

(2) The provisions of the Act of 1965 with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

PART II

—cont.

Provision of substituted sites.

11. The power of the Corporation to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under any enactment.

Power to reinstate owners or occupiers of property.

12.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

Agreements with adjoining owners.

13.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land.

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right so required.

Extinction of private rights of way.

14.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land whether compulsorily or by agreement or on the entry on the land in pursuance of subsection (1) of section 11 of the Act of 1965, as applied by this Act, whichever is the sooner.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.

1961 c. 33.

Power to stop up bridleways and footpaths.

15. The Corporation may stop up and extinguish all rights of way over so much of any bridleway or footpath as may be situate within the limits of deviation or within the spoil areas and thereupon all rights over and along so much of such bridleway or footpath shall be extinguished and the Corporation may appropriate and use for the purposes of the dock undertaking or the disposal of spoil or other materials the site of the portion of any such bridleway or footpath so stopped up so far as it is bounded on both sides by lands of the Corporation:

Provided that no portion of any bridleway or footpath shall be stopped up under the powers of this section until the Corporation are in possession of all the lands abutting on each side of such portion except so far as the owners, lessees and occupiers of those lands may otherwise agree.

PART III

WORKS

16.—(1) Subject to the provisions of this Act, the Corporation ^{Power to} may make and maintain in the lines and situations and upon the ^{construct} lands delineated on the deposited plans and described in the ^{works.} deposited book of reference and according to the levels shown on the deposited sections the following works in the city and in the parishes of Portbury and Easton-in-Gordano in the rural district of Long Ashton, that is to say:—

Work No. 1 A sea or river wall or embankment commencing at reference point ST4968677677, extending in a north-easterly direction for a distance of 700 feet and there terminating;

Work No. 2 A sea or river wall or embankment commencing at reference point ST4991877899, extending in a north-easterly direction for a distance of 1,250 feet and there terminating;

Work No. 3 An entrance lock commencing at a point between the termination of Work No. 1 and the commencement of Work No. 2 and extending in a north-westerly direction for a distance of 1,400 feet and there terminating;

Work No. 4 A sea or river wall or embankment commencing at the termination of Work No. 2 and extending in a westerly and south-westerly direction to the termination of Work No. 3 and there terminating;

Work No. 5 A jetty of partly open and partly solid construction commencing at or near the termination of Work No. 3 and extending into the estuary of the river in a north-westerly direction for a distance of 900 feet and there terminating;

Work No. 6 A jetty of partly open and partly solid construction commencing at or near the termination of Work No. 3 and extending into the estuary of the river in a westerly direction for a distance of 600 feet and there terminating;

Work No. 7 A dock bounded on the north-western side by Works Nos. 1 and 2 and having an area of 70 acres or thereabouts;

Work No. 8 A new road commencing at reference point ST5068675773 and extending in a north-westerly direction for a distance of 4,950 feet and there terminating.

(2) The Corporation may within the limits of deviation for the said works extend, enlarge, alter, replace or relay the same.

(3) Subject to the provisions of this Act, the Corporation may by means of Works Nos. 1, 2, 3 and 4 enclose and reclaim from the foreshore and bed of the river and of the sea and may

PART III
—cont.

hold and use as part of the dock undertaking so much of the foreshore and bed of the river and of the sea as is included within the limits of deviation.

Subsidiary
works.

17.—(1) Subject to the provisions of this Act, the Corporation for the purposes of or in connection with the works authorised by section 16 (Power to construct works) of this Act and the enclosing and reclaiming of the foreshore and bed of the river or the sea authorised by the said section 16 may from time to time within the limits of deviation and within the spoil areas in addition to such works—

- (a) construct or place and maintain and use all such cuts, channels, docks, entrances, boundary, river and other walls and embankments, gates, weirs, dams, basins, reservoirs, locks, ponds, trenches, pounds, slipways, lay-byes, sluices, culverts, syphons, by-passes, arches, sewers, drains, mains, pipes, cables, tanks, valves and valve chambers, banks, walls, jetties, berthing heads, strong points, landing places, piles, fenders, booms, pontoons, caissons, staging, cofferdams, mooring dolphins, moorings, buoys, beacons, lights, signals, groynes, quays, wharves, pavings, hardstandings, engines, pumps, machinery, lifts, cranes, drops, winches, capstans, gantries, railways, junctions, sidings, turntables, roads, roadways, ramps, tunnels, walkways, approaches, pipeways, stairs, works and appliances as may be necessary or convenient for or in connection with or subsidiary to the said authorised works;
- (b) construct or place and maintain all such telecommunication installations, warehouses, silos, sheds, buildings, towers, transporters, elevators, conveyors, staithes, tips, bridges and radio and radar stations as may be necessary or convenient for or in connection with or subsidiary to the said authorised works;
- (c) make junctions with, and may alter the line or level of, any street or way interfered with by, or contiguous to, the works and may alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavements and may execute any works for the protection of any adjoining land or building;
- (d) temporarily or permanently use, strengthen, widen, improve, alter or otherwise interfere with drains, sewers, submarine cables, telegraphic, telephonic, electric, gas, water and other pipes, lines, wires, works and apparatus (all of which are hereinafter in this section referred to as “apparatus”) providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus:

Provided that—

PART III
—cont.

- (i) no line of rails constructed under this Act shall be used for the public conveyance of passengers without the prior approval of the Secretary of State for the Environment;
- (ii) the powers conferred on the Corporation by this subsection shall not apply to any apparatus to which section 41 (For protection of certain statutory undertakers) of this Act applies.

(2) Any paving, metalling or materials in, on or under any street altered or otherwise interfered with by the Corporation under the powers of this section and rendered unnecessary and any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Corporation and the substituted apparatus shall be under the same jurisdiction, care, management and direction as the existing apparatus for which it may be so substituted.

(3) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as the circumstances permit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(4) (a) Not less than twenty-eight days before executing any works under paragraph (d) of subsection (1) of this section affecting any apparatus the Corporation shall submit to the appropriate authority sufficient plans, sections and particulars of the proposed works for their reasonable approval.

(b) The Corporation shall execute such works in accordance with such plans, sections and particulars as may be submitted to and approved by the appropriate authority or, if such approval be refused, as may be settled by arbitration and all such works shall be executed to the reasonable satisfaction of the appropriate authority and the Corporation shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) Any dispute or difference which may arise between the appropriate authority and the Corporation under this subsection (other than one related to disputed compensation) shall be settled by arbitration.

(d) Any question of disputed compensation payable under the provisions of this section shall be determined under and in accordance with the Land Compensation Act, 1961.

1961 c. 33.

(e) In this subsection “the appropriate authority” means in relation to any apparatus the authority to whom it belongs or by whom it is repairable.

PART III
—cont.

(5) Notwithstanding anything in this section the Corporation shall not—

(a) use any telegraphic line belonging to or used by the Post Office;

(b) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878.

1878 c. 76.

(6) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used in pursuance of the powers conferred by this section shall be so constructed, erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line or with any apparatus of the Central Electricity Generating Board or the South Western Electricity Board.

1969 c. 48.

(7) Nothing in this section shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunication conferred upon the Post Office by subsection (1) of section 24 of the Post Office Act, 1969.

(8) In subsection (5) of this section, the expression “alter” has the same meaning as in the Telegraph Act, 1878.

1950 c. 39.

(9) In this section the expression “street” has the same meaning as in the Public Utilities Street Works Act, 1950.

Power to deviate.

18. In the construction of the works authorised by section 16 (Power to construct works) of this Act the Corporation may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of those works shown on the deposited sections to any extent upwards or downwards.

Works to form part of dock undertaking.

19. The works and all lands appropriated by the Corporation for the purposes thereof shall form part of the dock undertaking for all purposes.

Temporary stoppage of highways, etc.

20.—(1) The Corporation during and for the purpose of the execution of the works or the disposal of spoil or other materials may temporarily stop up, alter, divert or otherwise interfere with any highway or any private right of way and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers with or without animals bona fide going to or from any such land, house or building.

(3) The Corporation shall not exercise the powers of this section in relation to a highway without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be determined by the Secretary of State for the Environment.

PART II.
—cont.

(4) The Corporation shall not exercise the powers of this section in relation to a highway upon which a service of stage carriages or express carriages is operated unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised.

(5) The exercise of the powers conferred by this section in relation to a highway shall not affect the powers of the Post Office under the Telegraph Acts, 1863 to 1916, to place, maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that highway for any of those purposes.

21.—(1) The Corporation may from time to time for the purposes of the works take, impound and use water from, and discharge water or effluent to, the river or the sea.

Power to
take water
from river or
sea, etc.

(2) The Corporation may from time to time for the purposes of the works discharge water or effluent to the river Avon.

(3) Nothing in this section shall exempt the Corporation from the provisions of the Rivers (Prevention of Pollution) Acts, 1951 to 1961, the Oil in Navigable Waters Acts, 1955 to 1971, or the Water Resources Act, 1963.

1963 c. 38.

22. Subject to the provisions of section 45 (Crown rights) of this Act, the Corporation may from time to time deepen, dredge, scour, cleanse, alter and improve the foreshore and bed of the river and of the sea and blast any rock within the port or any part or parts thereof for the purpose of affording uninterrupted means of access to Works Nos. 1 to 7 and any materials taken up or collected in the course of any such operations shall be the property of the Corporation and may be used, sold, removed, deposited or otherwise disposed of as the Corporation think fit:

Power to
dredge.

Provided that no such materials shall be deposited below the level of mean high-water springs except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Secretary of State.

23. The Corporation may dispose of any spoil or other materials obtained during the construction of the works or otherwise in the execution of the powers of this Act by depositing them on the spoil areas or in such other manner as they think fit:

Deposit of
spoil.

PART III
—cont.

Provided that no such spoil or other materials shall be deposited outside the spoil areas below the level of mean high-water springs except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Secretary of State.

Fine for
obstructing
works.

24. Any person who wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the works, or who damages, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out, shall for every such offence be liable to a fine not exceeding twenty pounds.

Tidal works
not to be
executed
without
approval of
Secretary of
State.

25.—(1) A tidal work shall not be constructed, extended, enlarged, altered, replaced or relaid except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.

(2) If a tidal work is constructed, extended, enlarged, altered, replaced or relaid in contravention of this section or of any condition or restriction imposed under this section—

(a) the Secretary of State may by notice in writing require the Corporation at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Corporation, they have failed to comply with the requirements of the notice the Secretary of State may execute the works specified in the notice; or

(b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Corporation as a simple contract debt.

Provision
against
danger to
navigation.

26.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Corporation shall forthwith notify the Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Trinity House shall from time to time direct.

(2) If the Corporation fail to notify the Trinity House as required by this section or to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Abatement of
works
abandoned
or decayed.

27.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require

the Corporation at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

PART III
—cont.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water springs is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Corporation they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Corporation as a simple contract debt.

28. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work constructed by the Corporation or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Corporation as a simple contract debt. Survey of
tidal works.

29.—(1) After the completion of a tidal work, the Corporation shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct. Permanent
lights on
tidal works.

(2) If the Corporation fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

30.—(1) The Corporation shall at or near a tidal work during the whole time of the construction, extension, enlargement, alteration, replacement or relaying thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct. Lights on
tidal works
during
construction.

(2) If the Corporation fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

PART IV

FINANCE

Power to borrow.**31.—(1)** The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Corporation, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Corporation without the consent of any sanctioning authority may determine, not exceeding the period specified in relation thereto in the third column of the following table:—

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands, easements and rights under the powers of this Act	The sum requisite	Sixty years.
(b) The construction of the works authorised by this Act	£11,900,000	Eighty years.
(c) The payment out of capital of interest on moneys borrowed for purposes (a) and (b) above	The sum requisite	A period or periods commencing on the date or respective dates of borrowing and expiring on the date or latest date of expiration of the period or periods for repayment of the moneys the interest on which forms the subject of the loan.
(d) The payment of the costs, charges and expenses of this Act	The sum requisite	Five years.

(4) Subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part. PART IV
—cont.
1933 c. 51.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946. 1946 c. 58.

(6) Notwithstanding anything in this Act or in any other enactment, it shall not be obligatory for the Corporation to make annual provision for the repayment (by sinking fund or otherwise) of any moneys borrowed under this Act for the purposes (a) to (c) above until the works for or in respect of which such moneys are borrowed are brought into use or until the expiration of five years from the date or dates of borrowing (or such longer period as the Secretary of State for the Environment may allow), whichever shall be the earlier.

PART V

MISCELLANEOUS

32. As from the passing of this Act, the limits of the port of Bristol and of the harbour of Bristol and of the area within which the Corporation are entitled to exercise jurisdiction as a conservancy authority and as a local lighthouse authority within the meaning of Part XI (Lighthouses) of the Merchant Shipping Act, 1894, as existing immediately before the passing of this Act, shall include so much of the West Dock as is not already within those limits and all enactments conferring rights, powers, privileges and immunities or imposing duties, obligations and liabilities upon the Corporation, and all byelaws and regulations made by the Corporation, which then relate to or are in force within the said limits shall relate to and have effect within so much of the West Dock as is not already within those limits. Extension of limits of port and harbour of Bristol, etc.
1894 c. 60.

33.—(1) Notwithstanding anything in this or any other enactment but without prejudice to section 48 (Saving for Town and Country Planning Acts) of this Act the Corporation may from time to time set apart and appropriate any lands, docks, quays, wharves, jetties, piers, berths, floats, slipways, yards, warehouses, buildings, sheds, landing stages, tips, staithes, cranes, pipeways, machinery, equipment, works and conveniences forming part of the Corporation docks for the exclusive, partial or preferential use and accommodation of any particular trade, authority, body, company, person, vessel or class of vessels or goods subject to the payment of such charges and subject to such terms, conditions and regulations as the Corporation may think fit. Power to appropriate lands and works for particular trades, etc.

PART V
—cont.

(2) No authority, body, company, person or vessel shall make use of any lands, docks, quays, wharves, jetties, piers, berths, floats, slipways, yards, warehouses, buildings, sheds, landing stages, tips, staithes, cranes, pipeways, machinery, equipment, works and conveniences so set apart or appropriated without the consent of the harbour master and the harbour master may order any person or vessel making use thereof without such consent to be removed and the provisions of section 58 of the Act of 1847 shall extend and apply mutatis mutandis to and in relation to any such vessel.

Directions
of harbour
master.

34. Section 52 of the Act of 1847 in its application to the Corporation 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 port;
- (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.

Orders of
harbour
master need
not be in
writing.

35. Section 53 of the Act of 1847 in its application to the Corporation 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 on any occasion when it is not reasonably practicable to serve a written notice on the master of the vessel.

Amendment
and repeal of
local
enactments.
1951 c. xxxii.

36.—(1) Subsection (1) of section 4 (Interpretation) of the Bristol Corporation Act, 1951, shall have effect—

- (a) as if the expression “the port” included a reference to so much of the West Dock as is not already within the port; and
- (b) as if the definition of “vessel” included references to—
 - (i) any hovercraft as defined by section 4 of the Hovercraft Act, 1968; and
 - (ii) any floating manufactured article (not being a ship within the meaning of the Act of 1964).

1968 c. 59.

1956 c. lx.

(2) Subsection (1) of section 3 (Interpretation) of the Bristol Corporation Act, 1956, shall have effect—

- (a) as if the expression “the port” included a reference to so much of the West Dock as is not already within the port; and

(b) as if the definition of "vessel" included references to—

PART V

(i) any hovercraft as defined by section 4 of the Hovercraft Act, 1968; and

—cont.

1968 c. 59.

(ii) any floating manufactured article (not being a ship within the meaning of the Act of 1964).

(3) Subsection (1) of section 4 (Interpretation) of the Bristol Corporation Act, 1961, shall have effect—

1961 c. xlv.

(a) as if, in the definition of "the Corporation docks", after the words "the City Docks" there were inserted the words "the West Dock";

(b) as if the expression "the port" included a reference to so much of the West Dock as is not already within the port; and

(c) as if the definition of "vessel" included references to—

(i) any hovercraft as defined by section 4 of the Hovercraft Act, 1968; and

(ii) any floating manufactured article (not being a ship within the meaning of the Act of 1964).

(4) Subsection (2) of section 3 (Interpretation) of the Bristol Corporation (General Powers) Act 1971 shall have effect as if, in the definition of "the dock estate", after the words "the City Docks" there were inserted the words "the West Dock".

1971 c. ix.

(5) The following provisions of the Bristol Corporation Act, 1961, are hereby repealed, namely, section 13 (Abatement from tonnage rates in certain cases), section 14 (Power to remit rates), section 15 (Power to give exemption from rates) and section 16 (Power to compound for rates).

PART VI

GENERAL

37. The Secretary of State for the Environment or the Secretary Local of State may cause to be held such inquiries as he may consider inquiries necessary in regard to the exercise of any powers or duties conferred or imposed upon him and the giving of any consent or approval under this Act and section 290 of the Local Government Act, 1933, shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section.

1933 c. 51.

38. Where under this Act any question or dispute is to be Arbitration, referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties, or, failing agreement, appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

PART VI
—cont.
For protection
of British
Railways
Board.

39. For the protection of the British Railways Board (in this section referred to as “ the board ”) the following provisions shall, unless otherwise agreed in writing between the Corporation and the board, apply and have effect:—

(1) In this section—

“ railway property ” means the board’s Portishead branch railway and the lands and works belonging to the board in connection therewith;

“ the works ” means so much of Work No. 8 as may be situated upon, across, over or may in any way affect railway property and includes the construction of Work No. 8;

“ construction ” includes reconstruction and for the purposes of paragraphs (8), (11) and (13) of this section includes the maintenance and repair of the works;

“ the engineer ” means an engineer to be appointed by the board;

“ plans ” includes sections, drawings and specifications:

(2) The Corporation shall not under the powers of this Act acquire any part of the lands numbered on the deposited plans 17 in the parish of Portbury and 13 in the parish of Easton-in-Gordano or any part of so much of the lands numbered on the deposited plans 15 and 16 in the parish of Portbury and 8 and 10 in the parish of Easton-in-Gordano as belongs to the board but they may in accordance with the provisions of section 8 (Power to acquire easements only) of this Act acquire such easements and rights in relation to the said lands as they may require:

(3) The Corporation shall, before commencing the works, furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved them:

(4) If within twenty-eight days after such plans have been furnished to the board the board shall give notice to the Corporation that the board desire themselves to construct

any part of the works which in the opinion of the engineer will or may affect the stability of railway property and the safe operation of the board's railway, then if the Corporation desire such part of the works to be constructed the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Corporation in accordance with the plans approved or deemed to be approved or settled as aforesaid:

PART VI
—cont.

- (5) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the Corporation shall not commence the construction of the works until the engineer shall have notified the Corporation that the protective works have been completed:
- (6) The Corporation shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works and also, except in a case of emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the works in so far as such works of repair or maintenance affect or interfere with railway property:
- (7) The works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and as little interference as may be with the conduct of traffic on the railways of the board and if any damage to railway property or any such interference shall be caused by the carrying out of the works the Corporation shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this section shall impose any liability on the Corporation with respect to any damage,

PART VI
—cont.

costs, expenses or loss which is attributable to the act, neglect or default of the board or their servants, contractors or agents:

- (8) The Corporation shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (9) The board shall at all times afford reasonable facilities to the Corporation and their agents for access to any works carried out by the board under this section during their construction and shall supply the Corporation with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (10) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the works or during a period of twelve months after the completion thereof in consequence of the construction of the works, such alterations and additions may be effected by the board after notice has been given to the Corporation and the Corporation shall pay to the board on demand the reasonable cost thereof as certified by the engineer including, in respect of permanent alterations and additions, a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving may be set off against any sum payable by the Corporation to the board under this section:

- (11) The Corporation shall repay to the board all costs, charges and expenses reasonably incurred by the board—
 - (a) in constructing any part of the works on behalf of the Corporation as provided by paragraph (4) of this section or in constructing any protective works under the provisions of paragraph (5) of this section including, in respect of any permanent protective works, a capitalised sum representing the cost to the board of maintaining and renewing such works;
 - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it

shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the works;

(c) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed and which are necessary as a result of the construction or failure of the works or from the substitution or diversion of services which may be necessary for the same reason;

(d) in respect of any additional temporary lighting of railway property in the vicinity of the works, being lighting made reasonably necessary during and by reason of the construction or failure of the works;

(e) in respect of the supervision by the engineer of the works:

(12) Any additional expense which the board shall reasonably incur after giving twenty-eight days' notice to the Corporation in altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Corporation to the board:

(13) The Corporation shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board—

(a) by reason of the works or the failure thereof; or

(b) by reason of any act or omission of the Corporation or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the works;

and the Corporation shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the construction of the works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Corporation, or in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or agents whilst

PART VI
—cont.

engaged upon the construction of the works) excuse the Corporation from any liability under the provisions of this section:

Provided that the board shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:

- (14) Any difference arising between the Corporation and the board under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection
of British
Transport
Docks Board.

40. For the protection of the British Transport Docks Board (in this section referred to as “the board”) the following provisions shall, unless otherwise agreed in writing between the Corporation and the board, apply and have effect:—

No materials taken up or collected in the course of operations carried out under the powers of section 22 (Power to dredge) of this Act and no spoil or other materials obtained during the construction of the works or otherwise in the execution of the powers of this Act shall be deposited outside the spoil areas below the level of mean high-water springs within a distance of ten nautical miles from the centre of the outer gates of the entrance lock forming part of the board’s docks at Newport or of seven nautical miles from the centre of the outer gates of the entrance lock of the Queen Alexandra dock forming part of the board’s docks at Cardiff:

Provided that nothing in this paragraph shall prevent the deposit of materials and spoil by the Corporation in such places within the limits of the port and harbour of Bristol as existing on 1st January, 1971, and in accordance with such restrictions or regulations as may be approved or prescribed by the Secretary of State.

For protection
of certain
statutory
undertakers.

41. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the undertakers, apply and have effect:—

- (1) In this section, unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“ apparatus ” means—

PART VI
—cont.

(a) electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Central Electricity Generating Board or the South Western Electricity Board; 1882 c. 56.

(b) mains, pipes or other apparatus belonging to or maintained by the Bristol Waterworks Company, the Gas Council or the South Western Gas Board;

and includes any works constructed for the lodging therein of apparatus;

“ authorised work ” means any work carried out or thing done under the powers of section 16 (Power to construct works), section 17 (Subsidiary works) or section 23 (Deposit of spoil) of this Act;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ the undertakers ” means the Bristol Waterworks Company, the Central Electricity Generating Board, the Gas Council, the South Western Electricity Board and the South Western Gas Board, or any of them as the case may be:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Corporation shall not, under the powers of this Act, acquire any apparatus otherwise than by agreement:
- (3) If the Corporation in the exercise of the powers of this Act acquire any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:
- (4) (a) If the Corporation, for the purpose of or in connection with the execution of any authorised work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan and description, and, where applicable a section, of the proposed work;

PART VI
—cont.

- (b) If the Corporation require the undertakers to remove any apparatus, or if in consequence of the execution of any authorised work the undertakers shall reasonably require to remove any apparatus, the Corporation shall, if practicable, afford to the undertakers the necessary facilities and rights for the construction of any necessary adequate alternative apparatus in other lands of the Corporation and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the undertakers shall, on receipt of a written notice to that effect from the Corporation, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (5) (a) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Corporation or, in default of agreement, settled by arbitration;
- (b) The undertakers shall, after the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section and, in default, the Corporation may remove the apparatus:
- (6) Notwithstanding anything in paragraph (5) of this section, if the Corporation give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation, such work, in lieu of being executed by the undertakers, shall be executed by the Corporation with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

PART VI
—cont.

- (7) Where in accordance with the provisions of this section the Corporation afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through an authorised work the arbitrator shall—

(i) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the authorised work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus constructed through the lands of the Corporation for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Corporation by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

PART VI
—cont.

- (8) (a) Not less than twenty-eight days before commencing to execute any authorised work which is near to or is likely to affect or cover any apparatus, or reduce the clearance of any overhead apparatus, the removal of which has not been required by the Corporation under paragraph (4) of this section, the Corporation shall submit to the undertakers a plan and description, and, where applicable, a section, of the work to be executed;
- (b) Such work shall be executed substantially in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

- (i) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the work proposed by the Corporation, reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (4) thereof; and
- (ii) nothing in this sub-paragraph shall preclude the Corporation from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan, section and description in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;
- (c) The Corporation shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

- (9) Where any footpath in which any apparatus is situated has been permanently stopped up by the Corporation under the powers of section 15 (Power to stop up bridleways and footpaths) of this Act, the undertakers shall, notwithstanding such stopping up, continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up has ceased to be a footpath as they would have if it had remained a footpath and no such rights shall be extinguished by virtue of the said section 15 but nothing in this paragraph shall prejudice or affect any right of the Corporation, or of the undertakers, to require removal of such apparatus under this section:
- (10) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the Corporation shall provide an alternative means of access to such apparatus:
- (11) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with—
- (a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section;
 - (b) the cutting off of any apparatus from any other apparatus; and
 - (c) any other work or thing rendered reasonably necessary in consequence of the exercise by the Corporation of any of the powers of this Act:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act, 1950, shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 41 (For protection of certain statutory undertakers) of the Bristol Corporation (West Dock) Act 1971":

- (12) If by reason or in consequence of the execution, user or failure of any of the authorised works or any subsidence resulting from any of those works any damage to

PART VI
—cont.

any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity, gas or water, as the case may be, by the undertakers shall be caused, the Corporation shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, or restoring the supply, and shall—

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Corporation with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or other agents;

(ii) the undertakers shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:

(13) The temporary stopping up or diversion of any highway under the powers of section 20 (Temporary stoppage of highways, etc.) of this Act shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers—

(a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the highway; or

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway:

(14) (a) In the exercise of the powers of section 22 (Power to dredge) of this Act the Corporation shall not interfere with, damage or injuriously affect any apparatus;

(b) Before exercising the said powers within a distance of 50 yards of any submarine apparatus the Corporation shall give in writing to the undertakers as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do;

- (c) Any material taken up or collected in pursuance of the said powers shall not be deposited in such a place or manner as to cover any apparatus or in any way to obstruct or impede any work of or connected with the inspection or repair of such apparatus:

PART VI
—cont.

- (15) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration;
- (b) In settling any difference under this section the arbitrator may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

42.—(1) In this section—

“ the electricity works ” means the existing generating stations of the Central Electricity Generating Board at Portishead and any electricity substations and associated intake and outfall works, buildings, plant, switchgear, electric lines or other equipment of the undertakers for the time being situated in the urban district of Portishead or the parishes of Portbury and Easton-in-Gordano in the rural district of Long Ashton;

For further
protection of
electricity
undertakers.

“ the undertakers ” means the Central Electricity Generating Board and the South Western Electricity Board, or either of them, as the case may be.

(2) The Corporation shall not under the powers of section 21 (Power to take water from river or sea, etc.) of this Act discharge any effluent to the river or the sea of such nature or in such position as to interfere with the operation of any of the electricity works and the Corporation shall take all such steps as are reasonably open to them to prevent vessels using the West Dock from discharging any oil or effluent so as to interfere with the operation of any of the electricity works.

(3) (a) In the exercise of the powers of deepening, dredging, scouring, cleansing, altering and improving the foreshore and bed of the river under the powers of section 22 (Power to dredge) of this Act the Corporation shall not interfere with, damage or injuriously affect any of the electricity works except with the consent of the undertakers.

(b) Before exercising the said powers within a distance of 50 yards of any of the electricity works the Corporation shall give as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do.

PART VI
—cont.

(4) No materials taken up or collected in the course of any operations carried out under the powers of the said section 22 and no spoil or other materials obtained during the construction of the works or otherwise in the execution of the powers of this Act shall be deposited in such a place or manner so as to cover any of the electricity works or affect the efficient operation of any of the electricity works, or in any way obstruct or impede any work of, or connected with, the inspection or repair of any of the electricity works.

(5) Before commencing any blasting operations under the powers of section 22 (Power to dredge) of this Act, the Corporation shall consult with the undertakers and in exercising the said powers shall carry out such operations in such manner and shall take all such measures as are necessary, or are reasonably required by the undertakers, to avoid, so far as is possible, any damage to any of the electricity works or any interruption in the supply of electricity from or through any of the electricity works.

(6) If as a result of or in consequence of the construction of the works under the powers of this Act or any operations carried out by the Corporation under the powers of section 21 (Power to take water from river or sea, etc.), section 22 (Power to dredge) or section 23 (Deposit of spoil) of this Act, any damage or injury to any of the electricity works or any restriction or interruption in the generation or supply of electricity from or through any of the electricity works shall be caused, or the undertakers are put to expense in taking any precautions or measures during the carrying out of any blasting operations, or for maintaining the efficient operation of any of the electricity works, the undertakers may recover from the Corporation the reasonable costs of making good such damage or injury and any reasonable expense incurred by the undertakers in consequence of the restriction or interruption of the generation or supply of electricity and in taking any precautions or measures as aforesaid and in keeping any of the electricity works free from obstruction as aforesaid and the Corporation shall indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against, recovered from or incurred by the undertakers by reason or in consequence of such damage, injury, restriction or interruption:

Provided that—

- (i) nothing in this subsection shall impose any liability on the Corporation with respect to any damage or injury which may be attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or other agents;

- (ii) the undertakers shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation.

PART VI
—*cont.*

(7) Any difference arising between the Corporation and the undertakers under this section shall be determined by arbitration.

43.—(1) In this section “the undertakers” means the Gas Council and the South Western Gas Board and “apparatus”, in relation to the undertakers, has the same meaning as in section 41 (For protection of certain statutory undertakers) of this Act. For further protection of gas undertakers.

(2) No materials taken up or collected in the course of any operations carried out under the powers of section 22 (Power to dredge) of this Act and no spoil or other materials obtained during the construction of the works or otherwise in the execution of the powers of this Act shall be deposited in such a place or manner so as to cover any apparatus or affect the efficient operation of any apparatus, or in any way obstruct or impede any work of, or connected with, the inspection or repair of any apparatus.

(3) Before commencing any blasting operations under the powers of section 22 (Power to dredge) of this Act, the Corporation shall consult with the undertakers and in exercising the said powers shall carry out such operations in such manner and shall take all such measures as are necessary, or are reasonably required by the undertakers, to avoid, so far as is possible, any damage to any apparatus or any interruption in the supply of gas from or through any apparatus.

(4) If as a result of or in consequence of the construction of the works under the powers of this Act or any operations carried out by the Corporation under the powers of section 21 (Power to take water from river or sea, etc.), section 22 (Power to dredge) or section 23 (Deposit of spoil) of this Act, any damage or injury to any apparatus or any restriction or interruption in the manufacture or supply of gas from or through any apparatus shall be caused, or the undertakers are put to expense in taking any precautions or measures during the carrying out of any blasting operations, or for maintaining the efficient operation of any apparatus, the undertakers may recover from the Corporation the reasonable costs of making good such damage or injury and any reasonable expense incurred by the undertakers in consequence of the restriction or interruption of the manufacture or supply of gas and in taking any precautions or measures as aforesaid and in keeping any apparatus free from obstruction as aforesaid and the Corporation shall indemnify the undertakers against all claims,

PART VI
—cont.

demands, proceedings, costs, damages and expenses which may be made or taken against, recovered from or incurred by the undertakers by reason or in consequence of such damage, injury, restriction or interruption:

Provided that—

- (i) nothing in this subsection shall impose any liability on the Corporation with respect to any damage or injury which may be attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or other agents;
- (ii) the undertakers shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation.

(5) Any difference arising between the Corporation and the undertakers under this section shall be determined by arbitration.

For further
protection of
Bristol
Waterworks
Company.

44.—(1) In this section “the company” means the Bristol Waterworks Company and “apparatus”, in relation to the company, has the same meaning as in section 41 (For protection of certain statutory undertakers) of this Act.

(2) No materials taken up or collected in the course of any operations carried out under the powers of section 22 (Power to dredge) of this Act and no spoil or other materials obtained during the construction of the works or otherwise in the execution of the powers of this Act shall be deposited in such a place or manner so as to cover any apparatus or affect the efficient operation of any apparatus, or in any way obstruct or impede any work of, or connected with, the inspection or repair of any apparatus.

(3) If as a result of or in consequence of the construction of the works under the powers of this Act or any operations carried out by the Corporation under the powers of section 22 (Power to dredge) or section 23 (Deposit of spoil) of this Act, any damage or injury to any apparatus or any restriction or interruption in the supply of water from or through any apparatus shall be caused, or the company are put to expense in taking any precautions or measures for maintaining the efficient operation of any apparatus, the company may recover from the Corporation the reasonable costs of making good such damage or injury and any reasonable expense incurred by the company in consequence of the restriction or interruption of the supply of water and in taking any precautions or measures as aforesaid and in keeping any apparatus free from obstruction as aforesaid and the Corporation shall indemnify the company against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against, recovered from or incurred by the company by reason or in consequence of such damage, injury, restriction or interruption:

Provided that—

PART VI
—cont.

- (i) nothing in this subsection shall impose any liability on the Corporation with respect to any damage or injury which may be attributable to the act, neglect or default of the company, their officers, servants, contractors or other agents;
- (ii) the company shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation.

(4) Any difference arising between the Corporation and the company under this section shall be determined by arbitration.

45. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular, and without prejudice to the generality of the foregoing, nothing herein contained authorises 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 Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of those commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose. Crown rights.

46. Nothing in this Act shall entitle or oblige the Corporation to install or use apparatus for wireless telegraphy as defined in the Wireless Telegraphy Act, 1949, in contravention of the provisions of that Act. Saving for
Wireless
Telegraphy
Act, 1949.
1949 c. 54.

47. Nothing in this Act shall exempt the Corporation from the provisions of sections 9 and 10 of the Act of 1964 in relation to the works authorised by this Act. Saving for
Act of 1964.

48.—(1) Section 220 of the Town and Country Planning Act, 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session of 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that Session; and accordingly the Town and Country Planning Acts, 1962 to 1968, and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act. Saving for
Town and
Country
Planning
Acts.
1962 c. 38.

PART VI
—cont.

(2) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order, 1963 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Act in respect of Works Nos. 1 to 8 were limited to development begun within five years after the passing of this Act and in respect of the works authorised by paragraphs (b), (c) and (d) of subsection (1) of section 17 (Subsidiary works) of this Act were limited to development carried out within twelve months of the completion of Works Nos. 1 to 8.

(3) In this section the reference to article 3 of and Class XII in Schedule 1 to the Town and Country Planning General Development Order, 1963, includes a reference to corresponding provisions of any general order superseding that order made under section 14 of the Town and Country Planning Act, 1962, or any corresponding provision of an Act repealing that section.

Saving for
land drainage
byelaws.

49. Nothing in this Act shall exempt the Corporation from any land drainage byelaws of any river authority which may for the time being be in force.

Costs of Act.

50. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act and otherwise in relation thereto, 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 general rate fund of the city or out of moneys to be borrowed under this Act for that purpose.



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