

# BRISTOL CORPORATION ACT 1938.

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Preamble.

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A N

## A C T

To authorise the Lord Mayor Aldermen and A.D. 1938.  
Burgesses of the City of Bristol to execute  
works and to acquire lands ; to alter the  
limits of the Port and Harbour of Bristol  
and to constitute the Corporation a local  
lighthouse authority; to confer further  
powers upon the Corporation and to make  
further and better provision for the health  
local government improvement and finance  
of the City ; to authorise the use of certain  
lands in the City as burial grounds ; and  
for other purposes.

[ROYAL ASSENT, 29TH JULY 1938.]

Whereas the city and county of Bristol (hereinafter Preamble.  
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  
5 Corporation ") acting by the Council of the city :

And whereas it is expedient that the Corporation  
should be authorised to construct over the Floating  
Harbour in the city the opening bridge by this Act  
authorised :



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And whereas the Corporation are the owners of the docks in the city known respectively as the City Docks the Avonmouth Docks and the Portishead Docks :

And whereas it is expedient that the Corporation should be empowered to construct the dock extension and other works by this Act authorised at the said Avonmouth Docks and to acquire further lands for the purposes of their dock undertaking :

And whereas the Corporation are under existing powers carrying out extensive works of improvement in the part of the city known as "the Centre" and it is expedient that the Corporation should be empowered in connection with the said improvements to stop up parts of certain highways :

And whereas the Corporation are the port authority of the Port of Bristol and the harbour authority of the Harbour of Bristol and are the conservators having jurisdiction in an area co-terminous with the said port and harbour :

And whereas it is expedient that the limits of the Port of Bristol and of the Harbour of Bristol and of the area in which the Corporation have jurisdiction as conservators should be altered as by this Act provided :

And whereas it is expedient that the Corporation should be constituted the local lighthouse authority for an area co-terminous with the Port and Harbour of Bristol as altered by this Act :

And whereas it is expedient that the Corporation should be empowered to acquire and to appropriate and use certain lands in the city for the extension of their Canford Cemetery and to appropriate and use for the purpose of a burial ground certain lands at Bedminster Down in the city belonging to them :

And whereas it is expedient that further better provision should be made for the health local

government improvement and finance of the city and that the powers of the Corporation in regard thereto should be enlarged as by this Act provided :

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

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

And whereas estimates have been prepared by the Corporation of the expense of the works authorised by this Act and such estimates amount to the sum of eight hundred and seventy-seven thousand eight hundred and fifty pounds :

And whereas the several 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 by the Corporation under the powers 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 with the town clerk of the city and with the clerk of the county council of the administrative county of Gloucester and are in this Act respectively referred to as the deposited plans sections and book of reference :

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 :

<sup>23 & 24</sup>  
Geo. 5 c. 51

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—



## PART I.

A.D. 1938.

## PRELIMINARY.

Short and  
collective  
titles.

1. This Act may be cited as the Bristol Corporation Act 1938 and—

- (a) the Bristol Dock Acts 1848 to 1926 ;
- (b) Part VIII (Harbour and Dock Dues) and sections 90 (Dock insurance fund) and 93 (Removal of caisson at Prince Street Bridge) of the Act of 1930 and so much of Part I (Preliminary) of that Act as relates to the said Part VIII and sections ; and
- (c) Part II (Works &c.) of this Act (other than so much of that Part as relates specifically to the Work No. 1 by this Act authorised) and so much of Part I (Preliminary) Part III (Lands) Part VII (Financial) and Part VIII (Miscellaneous) thereof as relates to the said provisions of the said Part II

may be cited together as the Bristol Dock Acts 1848 to 1938.

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

Part I.—Preliminary.

Part II.—Works &c.

Part III.—Lands.

Part IV.—Limits of Port of Bristol &c.

Part V.—Streets and Buildings.

Part VI.—Burial Grounds.

Part VII.—Financial.

Part VIII.—Miscellaneous.

Incor-  
poration of  
Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say) :—

(1) The Lands Clauses Acts with the following exception and modification—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section ;

(2) The Railways Clauses Consolidation Act 1845 and Part I (Construction of a Railway) of the Railways Clauses Act 1863 ;

(3) The Harbours Docks and Piers Clauses Act 1847 :

Provided that the provisions of section 13 of the Railways Clauses Consolidation Act 1845 and of sections 14 and 15 of the Railways Clauses Act 1863 shall not apply to the bridge (Work No. 1) by this Act authorised and that the provisions of section 13 of the Harbours Docks and Piers Clauses Act 1847 shall not apply to the said bridge nor to the deviation railway (Work No. 3) by this Act authorised :

Provided also that—

- (i) for the purposes of this Act in the said incorporated provisions of the Railways Clauses Consolidation Act 1845 the expression “the Company” means the Corporation and the expressions “the railway” “the centre of the railway” and “the boundaries of the railway” mean respectively the several works by this Act authorised and the centre lines and the boundaries of those works respectively ;
- (ii) 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.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated therewith or by the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

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

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1 Edw. 7  
c. cclxv.  
8 & 9 Geo. 5  
c. xlii.  
16 & 17  
Geo. 5  
c. xcix.  
20 & 21  
Geo. 5  
c. cxxx.  
23 & 24  
Geo. 5  
c. 51.  
26 Geo. 5  
& 1 Edw. 8  
c. 49.

*Bristol Corporation Act 1938.* [1 & 2 GEO. 6.]

"the Corporation" means the Lord Mayor Aldermen and Burgesses of the city acting by the council of the city;

"the Act of 1901" "the Act of 1918" "the Act of 1926" and "the Act of 1930" mean respectively the Bristol Docks and Railways Act 1901 the Bristol Corporation Act 1918 the Bristol Corporation Act 1926 and the Bristol Corporation (No. 2) Act 1930;

"the Act of 1933" means the Local Government Act 1933;

"the Act of 1936" means the Public Health Act 1936;

"the dock undertaking" means and includes the undertaking carried on by the Corporation 15 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 20 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;

"the dock revenue" includes all dues tolls rates 25 rents and moneys (other than borrowed moneys or any other moneys which ought to be carried to the account of capital) payable to the Corporation in any way on account of the dock undertaking; 30

"the electricity undertaking" means the electricity undertaking of the Corporation as from time to time authorised;

"the town clerk" and "the surveyor" mean respectively the town clerk and the surveyor 35 of the city;

"the Minister" means the Minister of Health;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 40 1919;

"the tribunal" means the arbitrator or other authority to whom any question of disputed

purchase money or compensation under this A.D. 1938. Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

5 "the general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the city;

10 "daily penalty" means a penalty for each day on which an offence is continued after conviction thereof;

"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 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 but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933;

30 "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

38 & 39 Vict.  
c. 83.



Confirmation of construction of Western Arm of Royal Edward Dock.

Power to construct works.

PART II.  
WORKS &C.

5. The construction in the city of the Western Arm of the Royal Edward Dock (known as "the Oil Basin") at the Avonmouth Docks of the Corporation is hereby sanctioned and confirmed and the said Western Arm and the lands forming the site or appropriated by the Corporation for the purposes thereof shall form and shall be deemed as from the completion of the said Western Arm to have formed part of the dock undertaking and 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 dues rates and charges) and shall be subject to the same duties obligations and liabilities in relation to the said Western Arm as if the same had been authorised by and constructed under the powers of the Act of 1901.

6.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections the following works in the city (that is to say):—

Work No. 1.—A bridge over the Floating Harbour with an opening span and approaches commencing at the junction of Welsh Back and Bell Avenue and terminating in Redcliff Back;

Work No. 2.—An extension of the Eastern Arm of the Royal Edward Dock at the Avonmouth Docks of the Corporation such extension consisting of a rectangular dock about ten acres in extent adjoining the northern end of and forming part of the existing Eastern Arm of the Royal Edward Dock;

Work No. 3.—A deviation railway (3 furlongs and 3 chains or thereabouts in length) being a diversion of part of Railway No. 2 authorised by the Act of 1901 and of part of the existing deviation railway of the Corporation authorised by the Act of 1918 and described in that Act as Work No. 2 the deviation railway hereby authorised commencing by a junction with the said Railway No. 2 at a point  $31\frac{1}{4}$  chains or thereabouts

northward of the northern end of the said Eastern Arm of the Royal Edward Dock and terminating by a junction with the said existing deviation railway at a point  $\frac{1}{4}$  chain or thereabouts northward of the northern end of the said Eastern Arm:

Work No. 4.—A wharf or jetty on the eastern side of the Western Arm of the Royal Edward Dock between points respectively  $6\frac{1}{2}$  chains and 11 chains or thereabouts northward of the face of the northern wall of the Royal Edward Dock;

Work No. 5.—A wharf or jetty on the western side of the said Western Arm of the Royal Edward Dock between points respectively 14 chains and  $18\frac{1}{2}$  chains or thereabouts northward of the face of the northern wall of the entrance to the graving dock of the Royal Edward Dock.

(2) In connection with and for the purposes of the construction of Work No. 5 by this Act authorised the Corporation may demolish and remove the whole or so much as they think fit of the existing wharf or jetty on the western side of the said Western Arm of the Royal Edward Dock known as Oil Berth No. 1 and shown on the deposited plans within the limits of deviation for the said Work No. 5.

7. The Corporation may upon any lands for the time being belonging to and occupied by them from time to time in connection with the works described in the section of this Act of which the marginal note is "Power to construct works" and for the purposes of the construction maintenance repair renewal and use thereof construct erect make maintain repair and renew all necessary and convenient entrances cuts channels locks dams basins slips trenches gates sluices culverts arches sewers drains embankments towing paths walls jetties landing places dolphins fenders booms caissons coffer-dams piles stagings pontoons moorings buoys staithes stairs groynes quays wharves warehouses sheds buildings machinery cranes gantries lifts drops tips railways tramways lines of rail junctions sidings turntables signals conduits wires pipes roads approaches works engines machinery apparatus and

Power to make subsidiary works.



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41 & 42  
Vic. c. 76.Power to  
dredge.Power to  
alter  
sewers  
pipes &c.Power to  
deviate in  
construc-  
tion of  
works.

appliances : Provided that any electrical works engines machinery apparatus or appliances constructed erected made or maintained under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

8. For the purpose of constructing and main- taining the Works Nos. 2 4 and 5 by this Act authorised and of forming and maintaining approaches thereto and for any purpose in connection with Work No. 1 by this Act authorised the Corporation may dredge deepen scour cleanse improve alter and interfere with the bed banks and shores of the Royal Edward Dock or of the Floating Harbour (as the case may be).

9.—(1) The Corporation may in connection with and for the purpose of constructing the works authorised by this Act divert alter stop up or remove all such waterways sewers drains bridges culverts aqueducts pipes posts and wires as it may be necessary or convenient to divert alter stop up or remove : Provided always that in the exercise of the powers of this section the Corporation shall do as little damage as may be and shall make reasonable compensation to the owners of any such waterway sewer drain bridge culvert aqueduct pipe post or wire for all damage by them sustained by reason of the exercise of such powers: Provided also that the Corporation shall not divert alter remove or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

(2) This section shall not apply to any waterway sewer drain bridge culvert aqueduct pipe post or wire with respect to which the Corporation are entitled under any agreement or other instrument to exercise such powers as are conferred by subsection (1) of this section.

10. In constructing the works authorised by this Act the Corporation may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits

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of deviation for those works shown on the said plans and may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding ten feet upwards or downwards.

11. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of any of the said works it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened ;
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk ;
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Acts 1889 to 1934 shall apply to the reference ;
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his

Under-  
pinning of  
houses &c.  
near works.

*Bristol Corporation Act 1938.* [1 & 2 GEO. 6.]

- deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may 5 and shall proceed forthwith so to underpin or strengthen the said house or building ;
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss 10 or damage which may result to them by reason of the exercise of the powers granted by this section ;
- (6) If in any case in which any house or building shall have been underpinned or strengthened 15 on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the 20 works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make com- 25 pensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or 30 occupiers within six months from the discovery thereof ;
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation 35 from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act ;
- (8) Every case of compensation to be ascertained under this section shall be ascertained 40 according to the provisions of the Lands Clauses Acts ;
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845. 45

**12.** The Works Nos. 2 3 4 and 5 by this Act authorised and the subsidiary works connected therewith respectively and all lands appropriated by the Corporation for the purposes thereof shall form 5 part of the dock undertaking 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 dues 10 rates and charges) and shall be subject to the same duties obligations and liabilities in relation to the said works as if the same had been authorised by and constructed under the powers of the Act of 1901.

**13.**—(1) The Corporation shall abandon the construction of so much of the extension of the Royal Edward Dock authorised by the Act of 1918 and described in that Act as Work No. 1 as shall not have been completed at the date of the passing of this Act.

(2) Upon the completion of the deviation railway (Work No. 3) authorised by this Act the Corporation may and shall abandon so much of Railway No. 2 authorised by the Act of 1901 and of the existing deviation railway authorised by the Act of 1918 as lies between the respective points of commencement and 25 termination of the said first-mentioned deviation railway and may take up and remove and use or dispose of the said portions of railway and all or any lines of rail sidings works apparatus and conveniences constructed or laid down in connection therewith.

30 **14.** The Corporation may stop up and cause to be discontinued as a waterway the whole or such part or parts as they may from time to time determine of so much of the Floating Harbour as is situate under the bridge (Work No. 1) by this Act authorised elsewhere 35 than between the abutments of the piers of the opening span of the said bridge and thereupon all rights of navigation and other public rights (if any) along over or under the portions of the Floating Harbour stopped up shall be extinguished.

40 **15.** The bridge (Work No. 1) by this Act authorised and the road thereover shall as soon as the bridge is open for traffic be a highway repairable by the inhabitants at large.

Works to form part of dock undertaking.

Abandonment of certain authorised works.

Stopping up rights of navigation under part of bridge.

As to Work No. 1 and road thereover.



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Reduction  
of area for  
sidings  
adjoining  
Avonmouth  
and Severn  
Tunnel  
Railway.  
8 Edw. 7  
c. 14.

16. The area of the lands substituted by section 12 (As to area for sidings adjoining Avonmouth and Severn Tunnel Railway) of the Bristol Corporation Act 1908 for the area coloured pink on the plan referred to in the agreement dated the twenty-second day of May one thousand nine hundred and one and made between the Corporation of the first part the Great Western Railway Company of the second part and the Midland Railway Company of the third part scheduled to and confirmed by the Act of 1901 shall be reduced by the exclusion therefrom of so much of the said lands (hereinafter referred to as "the excluded portion of the said lands") as is situate westward of the eastern limit of deviation as shown on the deposited plans of the deviation railway (Work No. 3) authorised by this Act and the Act of 1901 and the said agreement shall be read and have effect as if the said area as so reduced were substituted for the said area coloured pink and the Corporation may hold as part of the dock undertaking freed and discharged from all obligations and restrictions under the said agreement the excluded portion of the said lands :

Provided that if at any time the Corporation shall by reason or in consequence of the reduction of area effected by this section be unable to fulfil their obligations under clause 3 of the said agreement they shall take such steps (including any necessary application to Parliament or other authority) as shall be agreed between the parties or failing such agreement determined by arbitration in order to provide land (to an extent not exceeding the area of the excluded portion of the said lands) for the construction of railways and sidings thereon in compliance with the said clause 3.

Power to  
appropriate  
lands for  
works.

17. The Corporation may appropriate and use for the purposes of the works by this Act authorised any lands forming part of the dock undertaking or vested in the Corporation for any other purpose.

18. Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands hereinafter referred to which are delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

- (a) for the general purposes of the dock undertaking the lands described in the First Schedule to this Act ;
- (b) for the enlargement of the Canford cemetery of the Corporation the lands described in paragraph (A) of the Second Schedule to this Act.

19. If there is any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appears to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and if the lands are situate in the city such certificate or a copy thereof shall be deposited with the town clerk and if the lands are situate in the administrative county of Gloucester such certificate or a copy thereof shall be deposited with the clerk of the county council of that administrative county and a duplicate thereof shall be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or copy and duplicate respectively shall be kept by the town clerk or the said clerks (as the case may be) with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

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Power to  
take lands  
for various  
purposes.

Correction  
of errors  
in deposited  
plans and  
book of  
reference.



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Persons under disability may grant easements &c.

Power to enter upon property for survey and valuation.

Further powers of entry.

Compensation in case of recently acquired interest.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

21. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

22. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than ninety days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

23. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Part of this Act the

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tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November one thousand nine hundred and thirty-seven if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

24. The powers of the Corporation for the compulsory purchase of lands under this Act shall cease on the first day of October one thousand nine hundred and forty-one.

25.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily or to appropriate shall as from the date of the acquisition or appropriation of such lands by the Corporation be extinguished.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

26.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Corporation may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the city (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating

Retention and disposal of lands.

26 Geo. 5 & 1 Edw. 8 c. 51.

any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary 10 or has been obtained :

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation (other than 15 lands acquired under any local Act applying to the Corporation) in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring any 20 lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased 25 to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent 30 as if this Act had not been passed.

Reserva-  
tion of  
easements  
&c.

27. The Corporation on selling any lands may reserve to themselves all or any part of the water 35 rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious 40 trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

28. Section 11 (Purchase of lands by agreement for dock undertaking) of the Act of 1926 shall be read and have effect as if the words "not exceeding in the whole four hundred acres" were omitted 5 therefrom.

29.—(1) The Corporation may in connection with the making of improvements at the Centre stop up and cause to be extinguished as a highway the whole or such part or parts as they may from time to time 10 determine of those portions of the following highways in the city which are shown upon the deposited plans as intended to be stopped up (that is to say) :—

- (a) Part of the carriageway over Saint Augustine's Bridge ;
- 15 (b) Part of Colston Avenue at the southern end thereof ;
- (c) Part of Colston Avenue at the northern end thereof.

(2) Upon the stopping up of the whole or any 20 part of the said portions of highway all rights of way over along or across the portion or part of highway stopped up shall be extinguished and the Corporation may appropriate and use as an open space or public garden the site of such portion or part of highway.

PART IV.

Part IV.

LIMITS OF PORT OF BRISTOL &c.

30.—(1) As from the first day of August one thousand nine hundred and thirty-eight the limits of the Port of Bristol and of the Harbour of Bristol and 30 of the area within which the Corporation are entitled to exercise jurisdiction as a conservancy authority shall consist of and comprise the area described in the Third Schedule to this Act in lieu of the area comprised in the said limits as now prescribed (in this section 35 referred to as "the existing area").

(2) All enactments conferring rights powers privileges and immunities or imposing duties obligations and liabilities upon the Corporation and all bye-laws and regulations made by the Corporation which



A.D. 1938. relate to or are in force in the existing area shall relate to and have effect in the area described in the said Schedule and subject to the provisions of this Part of this Act shall cease to have effect within so much of the existing area as is not comprised in the area so described.

(3) Nothing in this Part of this Act shall affect the operation within the limits of the said port and harbour as prescribed by this section of such of the provisions of the Harbours Docks and Piers Clauses Act 1847 as immediately before the passing of this Act were operative within the existing area and the said provisions shall extend and apply to so much of the area described in the said Third Schedule as was not comprised in the existing area.

Corporation to be local lighthouse authority. 57 & 58 Vict. c. 60.

31.—(1) The Corporation shall be a local lighthouse authority within the meaning and for the purposes of Part XI (Lighthouses) of the Merchant Shipping Act 1894 (hereinafter referred to as "the Act of 1894") in respect of the area described in the said Third Schedule to this Act and the management of all lighthouses buoys and beacons within that area shall be transferred to and vest in the Corporation.

(2) The Corporation may within the said area exercise all or any of the powers conferred upon a general lighthouse authority by sections 638 and 639 of the Act of 1894:

Provided that the Corporation shall not exercise any of the powers conferred by the said sections except with the consent of the Trinity House as the general lighthouse authority for the said area.

(3) Subsection (6) of section 23 (As to lighthouse at Avonmouth) of the Act of 1901 is hereby repealed.

(4) Words and expressions to which meanings are assigned by the Act of 1894 have in and for the purposes of this section the same respective meanings.

Plan of limits of Port of Bristol &c

32. For the purpose of better identification the area on the first day of August one thousand nine hundred and thirty-eight comprising—

(a) the limits (as amended by this Part of this Act) 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

(b) the limits of the area with respect to which the Corporation are by this Part of this Act constituted the local lighthouse authority is delineated on the plan marked "A" signed by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and the Parliament Office House of Lords at the offices of the Board of Trade and the Minister of Transport and with the Corporation of the Trinity House of Deptford Strond and the town clerk.

33. Nothing in this Part of this Act shall affect the limits of the Port of Bristol appointed and declared by the Treasury under section 11 of the Customs Consolidation Act 1876.

As to customs limits of Port of Bristol. 39 & 40 Vict. c. 36. Publication of notice of alteration of limits of Port and Harbour of Bristol &c.

34. Within one month after the passing of this Act the Corporation shall give notice of the alteration of limits effected by the section of this Act of which the marginal note is "Alteration of limits of Port and Harbour of Bristol &c." by advertisement in the "London Gazette" and in such other manner (if any) as they may deem expedient for causing such alteration to be made known to parties affected thereby.

## PART V.

### STREETS AND BUILDINGS.

## Part V.

35.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be

Adjustment of boundaries of estates.



A.D. 1938. necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid :

Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as

aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

10 **36.**—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from such premises the Corporation may either—

- (a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe ; or
- (b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor-cycle subject to any condition other than the strengthening or adaptation of the footway any person who knowingly uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

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7 Edw. 7  
c. 53.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

Power to  
place  
fences near  
school  
entrances  
&c.38 & 39 Vict.  
c. 55.

**37.** For the purpose of preventing danger to pedestrians from traffic the Corporation may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools public baths public parks recreation grounds playing fields alley ways and passage ways exercise the like powers of placing fences rails and posts on the sides of any footways or carriageways of such roads as under section 149 of the Public Health Act 1875 are exerciseable by them as respects roads so repairable and the Corporation may from time to time repair renew maintain or remove any fences rails or posts so placed by them.

Streets  
broken up  
to be re-  
instated.

**38.**—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

5 **39.** If—

(i) any owner of land fronting adjoining or abutting on a street within the meaning of section 150 of the Public Health Act 1875 and situate in the city conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street ; and

(ii) any expenses of works executed by the Corporation under the said section 150 in or in relation to that street are apportioned on such part or portion of that land ; and

(iii) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land ; and

(iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under section 150 of the Public Health Act 1875

then such expenses or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of works under section 150 of the Public Health Act 1875 may be recovered as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

**40.** Any person erecting a house building or structure in contravention of the provisions of section 87 (Houses not to be erected on streets not

As to  
evasion by  
owners of  
private  
street  
works  
expenses.Penalty for  
contra-  
vention of  
section 87  
of Act of  
1926.



A.D. 1938. formed and sewered) of the Act of 1926 shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Application of certain provisions of Act of 1936 to Part V of Act. 41.—(1) The provisions of the sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Part of this Act and in terms made applicable thereto.

(2) The sections of the Act of 1936 hereinbefore referred to are the following (that is to say):—

Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

Section 277 (Power of councils to require information as to ownership of premises);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

Section 289 (Power to require occupier to permit works to be executed by owner);

Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

Section 292 (Power to make a charge in respect of establishment expenses);

Section 294 (Limitation of liability of certain owners);

Section 295 (Power of local authority to grant charging orders);

Section 329 (Saving for certain provisions of the Land Charges Act 1925).

15 & 16  
Geo. 5 c. 22.

## Part VI.

## PART VI.

## BURIAL GROUNDS.

Power to use lands for enlargement of Canford Cemetery. 42.—(1) The lands described in the Second Schedule to this Act shall be added to and become and be part of the Canford Cemetery of the Corporation as from the following dates (that is to say):—

(a) as respects the lands described in paragraph (A) of the said Second Schedule as from the date of the acquisition of those lands by the Corporation; and

(b) as respects the lands described in paragraphs (B) (c) and (D) of the said Second Schedule as from the date of the passing of this Act:

Provided that nothing in this section shall prevent the appropriation for any other purpose or the sale or letting of the said lands or any part thereof subject to any necessary approval or consent under the provisions of Part VII of the Act of 1933.

(2) The said lands referred to in subsection (1) of this section are shown edged pink on the plan marked "B" signed in triplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and the Parliament Office House of Lords and with the town clerk:

Provided that if there shall be any discrepancy between the said plan and the description contained in the said Second Schedule the said plan shall prevail.

43.—(1) The Corporation may appropriate and use the lands hereinafter mentioned or such part or parts thereof as they may from time to time think fit for the purposes of and may thereon make and maintain a burial ground with all necessary and proper buildings roads paths works and conveniences.

(2) The lands hereinbefore referred to are described in the Fourth Schedule to this Act and are shown edged pink on the plan marked "C" signed in triplicate by the Right Honourable the Earl of Onslow the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and the Parliament Office House of Lords and with the town clerk:

Provided that if there shall be any discrepancy between the said plan and the description contained in the said Fourth Schedule the said plan shall prevail.

44. Notwithstanding anything contained in any Act of Parliament or Order in Council to the contrary but subject to the provisions of this Act the Corporation in respect of the lands referred to in the sections

Power to use lands at Bedminster Down for burial ground.

Powers of Corporation with respect to burial grounds at Canford and Bedminster Down.



A.D. 1938. and portions of footpath described in paragraph (b) of the said subsection) as from the date of the said certificate all rights of way over or along the existing footpath or portion thereof shall be extinguished: Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by 10 agreement.

(4) The powers of diverting footpaths conferred by this section shall not be exercised by the Corporation unless and until they are owners in possession of the lands on to which such footpaths are respectively 15 to be diverted.

## PART VII.

## FINANCIAL.

Power to borrow.

47.—(1) The Corporation shall have power in addition and without prejudice to their powers of 20 borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table 25 and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) For the construction of Work No. 1 by this Act authorised	£ 71,000	Forty years.
(b) For the construction of Works Nos. 2 3 4 and 5 by this Act authorised and the provision and erection in connection with the said works of machinery appliances works and conveniences and of buildings	806,850	Eighty years.

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1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(c) For the acquisition of the lands referred to in the section of this Act of which the marginal note is "Power to take lands for various purposes"	£ 24,250	As respects moneys borrowed for the acquisition of lands for the dock undertaking eighty years and as respects moneys borrowed for the acquisition of other lands sixty years.
(d) For the laying out of a burial ground at Bedminster Down and the enlargement of Canford Cemetery including the erection or construction of buildings roads paths fences and other works	49,900	Thirty years.
(e) For the payment of interest on moneys borrowed for the foregoing purpose (b) and on so much of the moneys borrowed for the foregoing purpose (c) as is borrowed for the acquisition of lands for the dock undertaking until the expiration of five years from the commencement of the work or the acquisition of the land (as the case may be) for the purposes of which the moneys were borrowed	An amount not exceeding interest for five years at the rate of five per centum per annum on the moneys borrowed	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.
(f) For payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act"	The sum requisite	Five years from the date of the passing of this Act.

(2) The raising of the level or reclamation of any land for the time being forming part of the dock undertaking and the construction of walls embankments and other works for the protection of or for the retention of soil on any such land shall be deemed to be purposes for which the Corporation may borrow money and for the purposes of Part IX of the Act of 1933 in its application to the borrowing of money under this subsection the Minister of Transport shall be deemed 10 to be the sanctioning authority.

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(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Postpone-  
ment of  
sinking  
funds in  
respect of  
certain  
loans.

48. Notwithstanding anything contained in this Act or in Part IX of the Act of 1933 or in any other enactment or any regulation the Corporation shall not be required in respect of—

(i) any moneys borrowed for the purpose (b) mentioned in the table contained in the section of this Act of which the marginal note is "Power to borrow"; or

(ii) so much of any moneys borrowed for the purpose (c) mentioned in the said table as is borrowed for the acquisition of lands for the dock undertaking

to make any payment to a sinking fund in respect of such moneys or to provide any instalment for repayment of such moneys until such time (not being later than the expiration of five years from the date or respective dates of borrowing or in the case of moneys borrowed for the purpose (b) mentioned in the said table than the date of completion of the work for which the moneys were borrowed if that date is anterior to the expiration of the said period of five years) as the Corporation may determine.

Repeal of  
certain  
borrowing  
powers  
under  
Act of  
1918.

49. The powers of borrowing money conferred upon the Corporation by section 66 (Power to borrow) of the Act of 1918 for the purposes mentioned in paragraph (c) of subsection (1) of that section are hereby repealed except in so far as those powers have been exercised by way of temporary loan or otherwise before the date of the passing of this Act.

Applica-  
tion of  
Act of 1933  
to sinking  
funds.

50. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

51.—(1) Notwithstanding anything contained in this or any other Act or any Order all money received or receivable by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(a) all money received or receivable by the Corporation on account of the revenue of any undertaking department or service of the Corporation as from time to time existing from which revenue is derived; and

(b) interest and other annual proceeds from time to time received or receivable by the Corporation on the investments or balances forming part of any reserve or of any fund or account established for the redemption of debt or of stock or as a repairs renewals depreciation contingency insurance accident superannuation consolidated loans working capital or other fund or account together with any income arising from the use or application of moneys in any such reserve or fund or account

shall be carried to and form part of the general rate fund and all interest on money borrowed for the purposes of any such undertaking department or service and all other payments and expenses made and incurred by the Corporation in respect of any such undertaking department or service shall be paid out of the general rate fund and the Corporation shall out of the general rate fund place to the credit of the appropriate reserve or fund or account an amount equivalent to the interest and other annual proceeds and income referred to in the foregoing paragraph (b) subject to any prescribed limit on the amount of such reserve or fund or account.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

52.—(1) The Corporation shall notwithstanding the provisions of this or any other Act or any Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings departments or services of



A.D. 1938. the Corporation as from time to time existing from which revenue is derived (each of which undertakings departments and services is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking including any such interest annual proceeds or income as is or are referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used or applied for those purposes in any manner authorised by or by virtue of this Act;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys so borrowed or used or applied as aforesaid;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) in the case of the electricity undertaking the amount applied in or towards the establishment of the fund or account referred to in the section of this Act of which the marginal note is "Working capital in respect of electricity undertaking";
- (f) the amount (if any) credited to any reserve or fund or account formed in connection with the undertaking;
- (g) any money applied in any of the ways mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings."

(2) The Corporation shall show in the accounts relating to the undertaking or to any purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall

apportion as they think proper between those accounts or carry to any of them any receipts credits payments debits and liabilities which from time to time ought to be so apportioned or carried.

- 5 **53.** If in any year the moneys received or receivable by the Corporation on account of the revenue of any undertaking department or service of the Corporation as from time to time existing from which revenue is derived (each of which undertakings departments and 10 services is in this section separately referred to as "the undertaking") including any such interest annual proceeds or income as is or are referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" 15 exceed the moneys expended or applied by the Corporation in respect of the undertaking for the purposes referred to in paragraphs (a) (b) (c) (d) (e) and (f) of subsection (1) of the section of this Act of which the marginal note is "Accounts" the Corporation may 20 in that year (if they think fit) apply out of the general rate fund such sum as they may determine not exceeding the amount of such excess in any of the following ways:—
- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
  - (b) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension and improvement of the works and conveniences for the purposes of the undertaking or otherwise for the benefit of the undertaking.

**54.**—(1) The Corporation may (if they think fit) 35 provide out of the general rate fund a reserve in respect of any of the undertakings departments or services of the Corporation as from time to time existing from which revenue is derived (each of which undertakings departments and services 40 is in this section separately referred to as "the undertaking") other than the dock undertaking by setting aside in any year in which the moneys received or receivable by the Corporation on account of the revenue of the undertaking exceed the moneys expended

Application of revenue of undertakings.

Reserves.



A.D. 1938. by the Corporation on account of the undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of the section of this Act of which the marginal note is "Accounts" such an amount not exceeding a sum equal to that excess as they may from time to time think reasonable and (unless the amounts so set aside are used or applied in any other manner authorised by or by virtue of this Act) investing the same in statutory securities until the reserve so provided amounts—

- (a) in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure for the time being of the Corporation on that undertaking; and
- (b) in the case of any other undertaking department or service (other than the dock undertaking) to the maximum for the time being prescribed by the Corporation.

(2) Any reserve provided under this section and any accretions thereto together with any income arising from the use or application thereof in any manner authorised by or by virtue of this Act shall be included within and form part of the general rate fund and shall be subject to the provisions of the section of this Act of which the marginal note is "Receipts and expenses."

(3) Subject as aforesaid any reserve provided under this section may be applied—

- (a) to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is provided; or
- (b) to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking; or
- (c) in the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension and improvement of the works and conveniences for the purposes of the undertaking or otherwise for the benefit of the undertaking

and so that if that reserve be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Any reserve or renewal contingency depreciation or other similar fund which has been formed for the purposes of the undertaking (other than the dock undertaking) and which is in existence at the date of the passing of this Act shall be carried to and form part of the general rate fund and shall be deemed to be part of a reserve provided under this section.

(5) Resort may be had to a reserve provided under this section although such reserve may not at the time have reached or may have been reduced below the prescribed maximum.

55.—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of the electricity undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any fund or account established for the redemption of debt or of stock or for working capital as hereinafter provided or as a reserve provided in connection with the electricity undertaking) shall exceed the aggregate of the moneys paid or applied by the Corporation in respect of the electricity undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Act of which the marginal note is "Accounts" the Corporation may (if they think fit) in respect of that year apply out of the general rate fund such a sum as they may from time to time determine not exceeding—

- (a) the amount of the said excess; or
  - (b) ten thousand pounds
- whichever is the less in or towards the establishment of a fund or account for working capital for the electricity undertaking to an aggregate amount not exceeding at any time ten per centum of the total capital expenditure on that undertaking.

(2) Resort may be had to any such fund or account as aforesaid notwithstanding that such fund or account may not at the time have reached or may have been reduced below the maximum amount

A.D. 1938. prescribed by this section and if the said fund or account be at any time reduced it may thereafter be again restored to the said maximum and so on as often as the reduction happens.

(3) Nothing in this section shall derogate from or alter or affect the powers of the Corporation under the Act of 1926 of borrowing money for the purpose of providing a fund for working capital for the electricity undertaking or for any other undertaking of the Corporation.

Surplus  
electricity  
revenue.

62 & 63 Vict.  
c. 19.

56. In lieu of the provisions of section 58 (Application of moneys) of the Bristol Electric Lighting Order 1883 and of subsection (1) of section 7 of the Schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to the said section 58 and the said subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") shall apply with respect to the electricity undertaking namely:—

If in respect of any year the moneys received by the Corporation on account of the revenue of the electricity undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any fund or account established for the redemption of debt or of stock or for working capital or as a reserve provided in connection with the electricity undertaking) shall exceed the aggregate of the moneys paid or applied by the Corporation in respect of the electricity undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) (e) (f) and (g) of subsection (1) of the section of this Act of which the marginal note is "Accounts" then—

(a) if the reserve provided in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure for the time being upon that undertaking the charges for

be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve amounts to more than one-twentieth of the said aggregate capital expenditure the Corporation shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the electricity undertaking than the difference between that sum and the said excess) and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

57.—(1) The Corporation may (if they think fit) provide a contingency fund in respect of the dock undertaking by setting aside out of the general rate fund in any year in which the moneys received by the Corporation on account of the revenue of that undertaking exceed the moneys expended by the Corporation in respect of that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Act of which the marginal note is "Accounts" such an amount not exceeding a sum equal to that excess or the sum of twenty thousand pounds (whichever is the less) as they may from time to time determine.

(2) In addition to any sums which the Corporation may set aside to the said contingency fund under the provisions of subsection (1) of this section they may in any year in which the said fund is below the maximum prescribed by this section set aside out of the general rate fund and transfer to the credit of the said contingency fund such an amount not exceeding a sum equivalent to the income arising in that year from the investment of moneys standing to the credit of the dock insurance fund established under section 90 (Dock insurance fund) of the Act of 1930 as the Corporation may from time to time determine.



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(3) The amount standing to the credit of the said contingency fund shall not at any time exceed two hundred and fifty thousand pounds.

(4) The contingency fund authorised by this section shall be applicable from time to time in or towards—

- (a) answering any deficiency at any time happening in the dock revenue; or
- (b) meeting any extraordinary claim or demand at any time arising against the Corporation with respect to the dock undertaking; or
- (c) defraying the cost of constructing extending or improving works or conveniences for the purposes of the dock undertaking; or
- (d) making good any loss sustained by the Corporation by or in consequence of the loss or destruction (by any means whatsoever) of or injury to any building or work or any other property of any description comprised in the dock undertaking; or
- (e) providing a fund for working capital for the purposes of the dock undertaking.

(5) Pending the application of the said contingency fund to the purposes authorised by subsection (4) of this section the moneys standing to the credit of that fund unless used or applied in any other manner authorised by or by virtue of this Act may be invested in statutory securities.

(6) The Corporation may resort to the said contingency fund notwithstanding that such fund may not at the time have reached or may have been reduced below the maximum amount prescribed by this section with reference thereto and if the said fund be at any time reduced it may thereafter be again restored to such maximum amount and so on as often as the reduction happens.

(7) The contingency fund authorised by section 14 (Application of dock revenue) of the Act of 1926 and the investments forming part and the moneys standing to the credit of that fund shall be carried to and form part of the contingency fund authorised by this section.

58.—(1) The sections of this Act of which the marginal notes are respectively—

“Receipts and Expenses”;

“Accounts”;

5 “Application of revenue of undertakings”;

“Reserves”;

“Working capital in respect of electricity undertaking”;

“Surplus electricity revenue”; and

10 “Dock contingency fund”

shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-eight.

(2) Sections 14 (Application of dock revenue) and 43 (Application of electricity revenue) of the Act of 1926 and paragraph (b) of subsection (4) and subsection (5) of section 90 (Dock insurance fund) of the Act of 1930 shall be and are hereby repealed as from the first day of April one thousand nine hundred and thirty-eight.

59.—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called “the dock renewal fund” such sum not exceeding 25 ten thousand pounds as the Corporation may from time to time determine.

(2) The amount standing to the credit of the dock renewal fund shall not at any time exceed such amount as may from time to time be determined by the Corporation.

(3) The dock renewal fund shall be applicable only to meet expenses requisite for the maintenance renewal and replacement of any building work plant apparatus or equipment or of any property of any description comprised in the dock undertaking and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

Date of operation of certain sections of Part VII of Act and repeal of certain financial provisions.



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(4) Any moneys standing to the credit of any existing fund formed by the Corporation for the purposes for which the dock renewal fund is authorised to be formed shall be carried to the credit of that fund in the accounts of the Corporation.

(5) Pending the application of the dock renewal fund to the purposes authorised by subsection (3) of this section the moneys standing to the credit of that fund unless used or applied in any other manner authorised by or by virtue of this Act may be invested in statutory securities.

Use of  
moneys  
forming  
part of  
sinking  
and other  
funds or  
accounts.

60. Notwithstanding anything in this or any other Act or any Order the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund or account established for the redemption of debt or of any stock issued by the Corporation or as a reserve renewals repairs depreciation working capital contingency insurance accident or other fund or account (in this section respectively referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid out of the general rate fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable: Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

(2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as

nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall (subject to any prescribed limit on the amount of the lending fund) be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used and for the purpose of any statutory provisions governing the lending fund such interest shall be deemed to be interest on investments;

(3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly;

(4) Section 171 (Use of moneys forming part of sinking and other funds) of the Act of 1926 and Section 87 (Power to use redemption and other funds instead of borrowing) of the Act of 1930 are hereby repealed.

61.—(1) Notwithstanding anything in this or any other Act or any order the Corporation may (if they think fit) establish a separate account of the general rate fund to be called "the consolidated loans fund account" to which shall be transferred—

(a) all moneys borrowed by the Corporation by the issue of any authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

(c) the appropriate sums provided in each year out of other accounts or funds of the Corporation to comply with the terms and conditions

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as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt

and there shall also be transferred to the consolidated loans fund account the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund account is established.

(2) The moneys in the consolidated loans fund account shall be used or applied by the Corporation—

(a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

(b) in the exercise of any statutory borrowing power by the transfer of the required amount to the appropriate fund and account of the Corporation

and the moneys of the consolidated loans fund account not used or applied in these ways or intended to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be credited on receipt to the consolidated loans fund account and the moneys in the consolidated loans fund account shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund account such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that account and separate account shall be kept of these sums and their application.

(4) The Corporation may transfer to the consolidated loans fund account any moneys in any reserve renewals repairs depreciation working capital contingency insurance accident superannuation or

other fund or account (in this section respectively referred to as "the lending fund") and not for the time being required for the purposes for which the lending fund was established and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be retransferred to the lending fund as and when required for meeting the obligations for which the lending fund was established; and

(b) There shall be transferred from the consolidated loans fund account to the appropriate account of the general rate fund an amount equal to the interest on any moneys so used and for the time being not retransferred to the lending fund at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under statutory borrowing power and for the purpose of any statutory provisions governing the lending fund such interest shall be deemed to be interest on investments.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation except in accordance with a scheme to be made by the Corporation and approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund account. Any such scheme may be altered amended or revoked by a subsequent scheme made by the Corporation and approved by the Minister.

(8) In and for the purposes of this section the expression "authorised security" means any mortgage



A.D. 1938. bond bill stock or other security which the Corporation have been or are for the time being authorised to create or issue or upon or by means of which the Corporation are for the time being authorised to raise money. 5

(9) Section 88 (Consolidated Loans Fund) of the Act of 1930 is hereby repealed.

Closing of  
transfer  
books.

62.—(1) The Corporation may close any transfer book or register of transfers of registered securities during the whole period of thirty days or any shorter period next before the date on which interest on the registered securities to which such transfer book or register relates is payable. 10

(2) The interest on any registered security payable next after the date on which the transfer book or 15 register relating to that security is closed shall be paid by the Corporation to the persons whose names are recorded as the holders of the security at the date on which such book or register was closed.

(3) In and for the purposes of this section the 20 expression "registered securities" means any mortgage bond stock (other than any stock to which the Local Authorities (Stock) Regulations 1934 apply) or other security which the Corporation have been or are for the time being authorised to create or issue or 25 upon or by means of which the Corporation are for the time being authorised to raise money.

44 & 45 Vict.  
c. clxviii.

56 & 57 Vict.  
c. clxxxiv.

60 & 61 Vict.  
c. ciii.

(4) Paragraph 3 of section 54 (Transfer of stock) of the Bristol Dock Act 1881 is hereby repealed and notwithstanding anything contained in section 38 30 (Power to create and issue stock) of the Bristol Dock Act 1893 or section 46 (Power to create and issue stock) of the Bristol Dock Act 1897 the provisions of the said paragraph shall cease to apply to or in relation to any stock created under the powers of the said 35 Acts of 1881 1893 and 1897 or any of them.

(5) Section 32 (Closing of transfer books) of the Saint Philip's Bridge (Bristol) Transfer Act 1875 shall be read and have effect as if the words "thirty days" were substituted therein for the words "fourteen 40 days."

63.—(1) The Corporation may at any time by A.D. 1938. resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a 5 quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing 10 with the rating authority) as are applicable to owners under that section.

(2) During such time as any such resolution as aforesaid shall remain in force the Corporation shall make such adjustments of their accounts as shall be 15 appropriate to the circumstances of the case.

## PART VIII.

## MISCELLANEOUS.

64.—(1) If and when the Corporation shall have 20 put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 they may make and enforce bye-laws for preventing meat or any part of the carcase of an animal brought into the city and intended for food from being offered for sale or sold or deposited for 25 sale or for preparation for sale until after inspection by an officer of the Corporation and for requiring any such meat or carcase to be taken for inspection to the abattoir of the Corporation or to such place as may be specified in the bye-laws.

30 (2) No bye-law made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1937 apply or which has been inspected and passed as fit for food by the 35 medical officer of health for the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable 40 proof that the meat has been inspected and passed as aforesaid.

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(3) With a view to facilitating the carrying into effect of any bye-laws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the city but within a circle having a radius of twenty miles from the Council House for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the city.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 the Agriculture Act 1937 (Part IV) or any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(5) Before making any such bye-laws the Corporation shall give to the Bristol Master Butchers' Association and to the local branch of the Farmers' Union not less than one month's notice of the intention of the Corporation to make such bye-laws and such notice shall be accompanied by a copy of the draft bye-laws and the Corporation shall confer with the said association and branch thereon before they submit them to the Minister for confirmation and such association and branch shall be entitled to make representations to the Minister with regard thereto.

(6) Section 103 (Bye-laws as to inspection of meat) of the Act of 1926 is hereby repealed.

Noise nuisance.

**65.**—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Act of 1936: Provided that no complaint to a justice under section 99 of the said Act shall be of any effect unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise which is injurious or dangerous to health.

(3) In any proceedings under the Act of 1936 in respect of a noise nuisance occasioned in the course of any trade business or occupation it shall be a good

defence for the person charged to show that he has used the best practicable means of preventing or mitigating the nuisance having regard to the cost and to other relevant circumstances.

(4) Nothing contained in this section shall apply to a railway company or the Bristol Waterworks Company or their respective servants exercising statutory powers.

(5) Nothing in this section shall affect the power of the Corporation to make bye-laws under section 249 of the Act of 1933.

**66.**—(1) The power to make bye-laws conferred on the Corporation by section 249 of the Act of 1933 shall be deemed to enable the Corporation to make bye-laws as to the leading or driving of such animals as may respectively be mentioned therein—

(i) prohibiting the leading or driving of such animals in specified streets within the city; and

(ii) requiring that such animals shall not be led or driven in specified streets or in any street within the city save in such manner as shall be prescribed in the bye-laws:

Provided that any such bye-laws—

(a) shall not at any time prevent the passage of cattle by a reasonably short and efficient route between any market on the one hand and any railway station or landing wharf in the city or any place beyond the city on the other hand when such animals are merely passing between such market and railway station landing wharf or other place aforesaid;

(b) shall only operate between the hours of nine in the morning and nine in the evening;

(c) shall not prevent the owner of any animals driving the same to or from his own premises; and

(d) shall not interfere with the leading or driving of any animals to any duly licensed or registered slaughter-house.



A.D. 1938.

5 Edw. 7  
c. cexi.Regulation  
of  
petroleum  
filling  
stations.  
18 & 19  
Geo. 5 c. 32.Power to  
provide  
&c. enter-  
tainments.

(2) Section 62 (As to leading or driving animals) of the Bristol Corporation Act 1905 is hereby repealed.

67. Section 11 (Bye-laws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the city shall be extended so as to empower the Corporation to make bye-laws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

68.—(1) The Corporation may use or allow to be used or let the Colston Hall or any other building or premises belonging to or acquired by them for concerts entertainments exhibitions athletic meetings and amusements and may themselves provide or arrange for the provision of or contribute towards the expenses of any such concerts entertainments exhibitions athletic meetings and amusements and may make or allow to be made such charges as they think fit in connection therewith:

Provided that—

(a) the Corporation shall not themselves use the Colston Hall or any other building or premises under the powers of this section for a cinematograph theatre except for the exhibition of a cinematograph film relating to the functions of county councils or other local authorities nor shall they grant or let the use of the Colston Hall or any other building or premises under the powers of this section for the purposes of a theatre music-hall or cinematograph theatre except on the best terms that can be obtained;

(b) the power of the Corporation themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether theatrical costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the Corporation shall not provide or arrange for the provision of stage plays performed by persons other than members of any

amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music-hall;

(c) the net amount of the expenses incurred by the Corporation under this section when added to the net amount of the expenses incurred by them in connection with the provision of entertainments under section 56 of the Public Health Act 1925 shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny and a third of a penny in the pound:

Provided that the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925;

(d) no power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any charitable trust subject to which any lands or buildings are held managed or controlled by the Corporation without an Order of the High Court or of the Charity Commissioners or the Board of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any concerts or entertainments given in pursuance of this

section.

(3) The Corporation may make bye-laws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

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(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition. 5

(5) Nothing in this section shall be taken to dispense with the consent of the Board of Education to any appropriation lease or other disposition of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted.

As to appeals.

69.—(1) Any person aggrieved by any requirement or other decision of the Corporation or of any officer thereof under the section of this Act of which the marginal note is "Crossings for horses or vehicles over footways" may appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings. 20

(3) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the requirement or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal. 25

(4) The document notifying the requirement or decision as aforesaid shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought. 30

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may appeal to such a court. 35

(6) Where any requirement order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action—

5 (a) no proceedings in respect of any failure to execute the work or take the action shall be taken; and

(b) the Corporation shall not execute such work or take such action

10 until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued. 15

70. The provisions of the sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):— 20

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

25 Section 293 (Recovery of expenses &c.);

Section 296 (Summary proceedings for offences);

Section 297 (Continuing offences and penalties);

Section 299 (Inclusion of several sums in one complaint &c.);

30 Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative).

71. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act

Damages and charges to be settled by court.



A.D. 1938. mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Compensation how to be determined. **72.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) of the Act of 1936.

Confirming authority for bye-laws. **73.** As respects bye-laws made under the sections of this Act of which the marginal notes are respectively "Bye-laws as to inspection of meat" and "Power to provide &c. entertainments" the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

Arbitration. **74.** Where under this Act any question or dispute is referred to an arbitrator or to arbitration (except where otherwise expressly stated and except questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be to a single arbitrator to be appointed by the President of the Institution of Civil Engineers and otherwise subject to the provisions of the Arbitration Acts 1889 to 1934.

Restriction on right to prosecute. **75.** Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under the sections of this Act of which the marginal notes are respectively "Bye-laws as to leading or driving of animals" and "Regulation of petroleum filling stations."

Saving for indictments &c. **76.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this

Act: Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

**77.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment relating to the Corporation or the city (including the provisions of this Act) as if the same were re-enacted therein.

**78.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

**79.** Except as hereinafter expressly provided nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular 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 His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

**80.** Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public Statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Corporation authorised to be taken or constructed by this Act but in the event of any such right being at any time intended to be exercised sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as amended by the

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13 & 14 and the first second and third schedules to such  
Geo. 5 c. 20. last-mentioned Act shall apply as if the same were in  
relation to such minerals incorporated in this Act  
and as if the Corporation were a railway company and 5  
the said lands and works were the railway and works  
of such railway company and as if the Commissioners  
of Crown Lands were the mine owners or royalty  
owners as the case may be and so that any compensa-  
tion payable by the Corporation to or for the benefit 10  
of His Majesty as the mine owner or royalty owner  
or payable to the Corporation by His Majesty as such  
owner shall be payable to or by the Commissioners of  
Crown Lands as the case may be.

Costs of  
Act.

81. All the costs charges and expenses preliminary 15  
to and of and incidental to the preparing 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  
general rate fund and the general rate or out of moneys 20  
to be borrowed under this Act for that purpose.

## The SCHEDULES referred to in the foregoing Act.

### FIRST SCHEDULE.

#### LANDS TO BE ACQUIRED FOR THE PURPOSES OF THE DOCK UNDERTAKING.

##### (A) Lands and premises in the city comprising—

###### (i) the premises known respectively as—

Nos. 1 2 3 4 5 6 7 and 8 Crown Terrace ;

Nos. 1 2 3 4 5 and 6 Glass Street ; and

Nos. 1 and 6 Victoria Terrace ;

###### (ii) the private lane situate at the rear of the said premises in Crown Terrace ;

###### (iii) the pair of semi-detached dwelling-houses and the curtilages thereof abutting on the north- western side of the said private lane ;

###### (iv) the enclosure shown on the 1/2500 Ordnance Map (Edition of 1916) (as revised by local authorities in 1931) Gloucestershire Sheet LXXI.6 Somerset Sheets II.8.12 and III.9 (parts of) and thereon numbered 532 in the city.

##### (B) Lands and premises situate partly in the parish of Redwick and Northwick (as constituted at the date of the passing of this Act) in the rural district of Thornbury in the county of Gloucester and partly in the city and comprising—

###### (i) the enclosures in the said parish of Redwick and Northwick which are shown on the 1/2500 Ordnance Map (Edition of 1920) Gloucestershire Sheet LXVII.6 and the 1/2500 Ordnance Map (Edition of 1915) Gloucestershire Sheet LXVII.10 or one of those maps and thereon respectively numbered as 340 341 342 343 344 345 346 347 348 349 353 354 373 374 375 376 377 378 382 387 393 394 395 396 397 398 399 401 402 403 404 417 419 420 421 422 423 424 425 426 427 427A and 431 in the parish of Henbury ;

###### (ii) so much of the enclosures so shown and respectively numbered as 339 and 381 in the said parish of Henbury as are situated on the northward of an imaginary



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straight line commencing at a point on the north-western boundary of the Avonmouth Branch Railway of the Great Western Railway Company seven chains or thereabouts northward of the northernmost point at which the boundary of the city and the south-eastern boundary of the said Branch Railway coincide and drawn thence in a north-westerly direction to a point on the north-western boundary of the said enclosure numbered 339 thirteen decimal two chains or thereabouts north-westward of the said northernmost point ;

- (iii) the site of so much of the public road or roads in the said parish of Redwick and Northwick which is or are so shown and respectively numbered as 352 405 413 and 418 in the parish of Henbury as lies between the centre of such road or roads and the said enclosures respectively numbered 340 348 349 353 354 373 404 403 417 422 420 and 419 ;
- (iv) the site of so much of Severn Road in the city or partly in the city and partly in the said parish of Redwick and Northwick as adjoins the south-western boundaries of the enclosures so shown and respectively numbered as 388 390 391 392 395 396 426 427 427A and 419 in the parish of Henbury ;
- (v) so much of the enclosure so shown and numbered as 380 in the parish of Henbury as is situate in the said parish of Redwick and Northwick and is south-westward of the southern side of the ditch or rhine adjoining the southern boundary of the enclosure so shown and numbered as 333 in the parish of Henbury and an imaginary straight line drawn in a north-westerly direction in continuation of the southern side of the said ditch or rhine.

## SECOND SCHEDULE.

A.D. 1938.

### ADDITIONS TO EXISTING CANFORD CEMETERY.

(A) Lands in the city containing three and a half acres or thereabouts and comprising so much of the enclosure numbered 744 on the 1/2500 Ordnance Map (Edition of 1916) (as revised by local authorities in 1931) Gloucestershire Sheet LXXI.7 Somerset Sheet III.9 (part of) as is situate south-eastward of an imaginary straight line commencing at a point on the south-western boundary of the said enclosure two hundred and eighteen yards or thereabouts north-westward of the western end of the Mortuary Chapel in Canford Cemetery and drawn thence in a north-easterly direction to a point on the north-eastern boundary of the said enclosure nineteen yards or thereabouts measured in a south-easterly direction along that boundary from the southern boundary of Canford Lane.

(B) Lands in the city belonging or reputed to belong to the Corporation and containing three and a quarter acres or thereabouts bounded on the north by Canford Lane on the south-east by lands belonging or reputed to belong to the Corporation and forming part of their existing Canford Cemetery and on the south-west by the north-eastern boundary of the enclosure numbered 744 on the 1/2500 Ordnance Map (Edition of 1916) (as revised by local authorities in 1931) Gloucestershire Sheet LXXI.7 Somerset Sheet III.9 (part of).

(C) Lands in the city belonging or reputed to belong to the Corporation and containing one and a half acres or thereabouts bounded on the north by Canford Lane on the south-east by the footpath leading from Canford Lane to Red House Lane on the south-west by lands belonging or reputed to belong to the Corporation and forming part of their existing Canford Cemetery and on the north-west by the entrance approach to that cemetery.

(D) Lands in the city belonging or reputed to belong to the Corporation and containing four and a half acres or thereabouts bounded on the north-west in part by the footpath leading from Canford Lane to Red House Lane and in part by lands belonging or reputed to belong to the Corporation and forming part of their existing Canford Cemetery on the east in part by Canford Park and in part by lands belonging or reputed to belong to the Corporation and situate in the rear of the premises known as Nos. 95 97 99 101 and 103 Abbey Road and on the south in part by the premises known as Nos. 103 105 107 109 111 and 113 Abbey Road in part by the said lands belonging or reputed to belong to the Corporation and in other part by the recreation ground belonging or reputed to belong to the Clergy Daughters School.

A.D. 1938.

THIRD SCHEDULE.

LIMITS OF PORT AND HARBOUR OF BRISTOL AND OF  
AREA OF CORPORATION'S JURISDICTION AS CONSER-  
VANCY AUTHORITY AND AS LOCAL LIGHTHOUSE  
AUTHORITY.

An area bounded by an imaginary straight line drawn from Portishead Point Lighthouse in the county of Somerset to the Beacon on Denny Island thence by an imaginary straight line drawn to the point on the coast of the county of Gloucester at which high water mark of ordinary spring tides is intersected by the parallel of  $51^{\circ} 33' 0''$  north latitude and thence by a line extending from the last-mentioned point along high water mark of ordinary spring tides to the said Portishead Point Lighthouse together with—

- (a) so much of the River Avon up to Hanham Mills as is not comprised within the said area and all other rivers or parts of rivers harbours canals pills and creeks for the time being within the city which are not so comprised;
- (b) the banks of the River Avon from its mouth up to Hanham Mills and a space of five yards in width on each bank above high water mark of ordinary spring tides;
- (c) all docks and locks for the time being within the city or abutting on any part of the said area.

A.D. 1938.

FOURTH SCHEDULE.

BEDMINSTER DOWN BURIAL GROUND.

Lands in the city belonging or reputed to belong to the Corporation containing eighty-two acres or thereabouts and comprising—

- (a) the enclosures shown on the 1/2500 Ordnance Map (Edition of 1931) Somerset Sheet VI.9 and Somerset Sheet VI.10 (as revised by local authorities in 1932) or on one of those sheets and thereon respectively numbered 56 57 58 88 89 90 100 101 103 104 105 109 110 and 111;
- (b) so much of the enclosure so shown and numbered 87 as is situate north-eastward of an imaginary straight line drawn in a north-westerly direction in continuation of the south-western boundary of the enclosure so shown and numbered 113;
- (c) so much of the enclosures so shown and respectively numbered 112 and 113 as is situate north-westward of an imaginary straight line drawn between a point in the south-western boundary of the said enclosure numbered 113 fifty-two yards or thereabouts measured along that boundary from the southern extremity thereof and a point in the south-western boundary of the enclosure so shown and numbered 109 one hundred and twenty-two yards or thereabouts measured along that boundary from the northern extremity thereof; and
- (d) the enclosure so shown containing one and one-third acres or thereabouts and situate north-eastward of the said enclosure numbered 105 and south-eastward of the said enclosure numbered 104.





In Parliament—SESSION 1937-1938.

# BRISTOL CORPORATION

## BOOK OF REFERENCE.

### AN ACT

To authorise the Lord Mayor Aldermen and Burgesses of the City of Bristol to execute works and to acquire lands; to alter the limits of the Port and Harbour of Bristol and to constitute the Corporation a local lighthouse authority; to confer further powers upon the Corporation and to make further and better provision for the health local government improvement and finance of the City; to authorise the use of certain lands in the City as burial grounds; and for other purposes.

[ROYAL ASSENT, 29TH JULY 1938.]

1 & 2 GEO. VI.—SESSION 1937-38.

JOSIAH GREEN,  
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Bristol.  
*Town Clerk*

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