

Bristol Corporation Act 1971

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ELIZABETH II



1971 CHAPTER xliii

An Act to authorise the lord mayor, aldermen and burgesses of the city of Bristol to construct works and acquire lands; to authorise the abandonment of part of the City Docks of the Corporation; to confer further powers on the Corporation; and for other purposes.

[27th July 1971]

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

And whereas the Corporation are the owners of the docks known respectively as the City Docks, the Avonmouth Docks and the Portishead Docks and are the port and harbour authority of the port and harbour of Bristol and the conservators having jurisdiction in and the local lighthouse authority for an area co-terminous with the said port and harbour:

And whereas it is expedient that the Corporation should be empowered to abandon the greater part of the City Docks and certain other works in the city and that the powers and provisions with reference thereto which are contained in this Act should be enacted:

And whereas it is expedient that the Corporation should be authorised to construct the works described in this Act and to acquire lands for that purpose:

And whereas estimates have been prepared by the Corporation of the expense of the said works and such estimates amount to the sum of five million pounds:

And whereas the works included in such estimates are permanent works and it is expedient that the Corporation be empowered to borrow money for the purpose of constructing those works as provided by this Act:

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 effected without the authority of Parliament:

And whereas plans and sections showing the lines or situations of the works by this Act authorised (other than the substituted Work No. 6 as defined in this Act, hereinafter referred to as "the substituted Work No. 6") and showing also the limits within which those works may be carried out together with a book of reference to the lands on which those works may be carried out and to the lands which may be taken or used under the powers of this Act (other than the lands required for the purposes of the substituted Work No. 6) 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 were in the month of November, 1969, deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the city, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, the deposited sections and the deposited book of reference:

And whereas a plan and section showing the line or situation of the substituted Work No. 6 by this Act authorised and showing also the limits within which that work may be carried out together with a book of reference to the lands on which that work may be carried out and to the lands which may be taken or used under the powers of this Act for or in connection with that work 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 were in the month of July, 1970, deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the city which plan, section and book of reference are in this Act referred to respectively as the substituted plan, the substituted section and the substituted 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:

1933 c. 51.

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

PART I PRELIMINARY

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

Short and
collective
titles.

(2) The Bristol Dock Acts, 1848 to 1961, so much of the Bristol Corporation (General Powers) Act 1971, as relates to the removal of vehicles left on the dock estate, as therein defined, and this Act may be cited together as the Bristol Dock Acts, 1848 to 1971.

1971 c. ix.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Abandonment of works, etc.

Part V.—Miscellaneous and general.

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

Application
of Part I of
Act of 1965.

1946 c. 49.

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

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

1845 c. 18.

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

Interpretation.

“the Act of 1803” means the Act 43 Geo. 3 c. 140;

“the Act of 1933” means the Local Government Act, 1933;

PART I
—cont.

1965 c. 56.

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

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

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

“Cumberland Basin” means the canal or entrance basin and locks authorised by the Act of 1803, as altered from time to time, and known as Cumberland Basin;

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

“the Feeder Canal” means the canal or cut authorised by the Act of 1803, as altered from time to time, and known as the Feeder Canal, including all basins and other works constructed in connection therewith;

“the first appointed day” means the day on which the canal and lock (Work No. 2) is brought into use;

“the Floating Harbour” means the City Docks of the Corporation known as the Floating Harbour and all basins and other works constructed in connection therewith;

1865 c. xxxiii.

“Junction Lock” means the lock known as Junction Lock authorised by the Bristol Dock Act, 1865;

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

“the limits of deviation” means the limits of deviation authorised by section 14 (Power to deviate) of this Act;

“Netham Dam” means the dam, overfall, gates and sluices at Engine Mills authorised by the Act of 1803, as altered from time to time;

“Netham Lock” means the lock between the Feeder Canal and the portion of the river Avon upstream of Netham Dam authorised by the Act of 1803, as altered from time to time;

“the prescribed dimensions” means a length of 75 feet, a width of 16 feet, an overall height of 9 feet reckoned from water level and a draught of 4 feet 6 inches;

“the prescribed level” means 20 feet above ordnance datum (Newlyn);

“the river authority” means the Bristol Avon River Authority;

“the second appointed day” means 1st January, 1980;

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

1936 c. 49.

“statutory undertakers” has the same meaning as in the Public Health Act, 1936;

“ substituted Work No. 6 ” means the substituted Work No. 6 described in section 13 (Power to construct works) of this Act;

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

“ the tribunal ” means the Lands Tribunal;

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

“ the works ” means the works authorised by section 13 (Power to construct works) of this Act and any works constructed under section 15 (Subsidiary works) of this Act and includes any of those works as extended, enlarged, altered, replaced or relaid under subsection (2) of the said section 13 and “ work ” shall be construed accordingly.

(2) Any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(3) All distances and lengths stated in any description of works in this Act shall be construed as if the words “ or thereabouts ” were inserted after each such distance or length.

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

PART II

LANDS

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

(2) (a) The powers of the Corporation for the compulsory acquisition of land under this section shall not be exercised after 31st December, 1973.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 31st December, 1973, notice to treat has been served in respect of that land.

PART II
—cont.

(3) The Corporation shall not under the powers of this Act enter upon, take or use—

- (a) so much of the lands delineated on the deposited plans or the substituted plan and described in the deposited book of reference or the substituted book of reference and in both such books of reference numbered 47 in the city as is owned by the Post Office; and
- (b) the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 48 in the city;

or any part of those lands.

Correction
of errors
in deposited
plans and
book of
reference.

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

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the town clerk of the city and thereupon the deposited plans or the substituted plan and the deposited book of reference or the substituted book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

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

Acquisition
of part only
of certain
properties.

7.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Act of 1965, as applied by this Act, the following provisions of this section shall apply to the land subject to the notice instead of subsection (1) of section 8 of that Act.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house, together with any park or garden belonging thereto then, if the person on whom the notice is served, within twenty-one days

after the day on which the notice is served on him, serves on the Corporation a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereinafter in this section referred to as “the land subject to the counter-notice”), the question whether he shall be required to sell the part shall, unless the Corporation agree to take the land subject to the counter-notice, be referred to the tribunal.

(3) If the said person does not serve such a counter-notice as aforesaid within twenty-one days after the day on which the notice to treat is served on him, or if on such a reference to the tribunal the tribunal determine that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, or, in the case of part of land consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(4) If on such a reference to the tribunal the tribunal determine that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(5) If on such a reference to the tribunal the tribunal determine that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Corporation are authorised to acquire compulsorily under this Act.

(6) If the Corporation agree to take the land subject to the counter-notice, or if the tribunal determine that—

(a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

PART II
—cont.

- (b) the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the Corporation are authorised to acquire compulsorily under this Act.

(7) In any case where, by virtue of a determination by the tribunal under subsection (4), (5) or (6) of this section, a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice the Corporation may, within six weeks after the tribunal make their determination, withdraw the notice to treat, and if they do so shall pay to the said person compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

(8) Where a person is under this section required to sell part only of a house, building or factory, or of land consisting of a house together with any park or garden belonging thereto, the Corporation shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

Power to
acquire
easements
only.

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

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

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

- (a) they shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

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

PART II
—cont.

Disregard of recent improvements and interests.

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

Grant of easements by persons under disability.

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

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

Agreements with adjoining owners.

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

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

Extinction of private rights of way.

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

1961 c. 33.

PART III

WORKS

Power to
construct
works.

13.—(1) (a) Subject to the provisions of this Act the Corporation may make and maintain the works referred to in this subsection in the lines or situations and according to the levels and upon the lands following, namely:—

- (i) as regards the substituted Work No. 6 the line or situation and level delineated on the substituted plan and section and the lands delineated on the substituted plan and described in the substituted book of reference; and
- (ii) as regards the remainder of the works hereinafter in this section described the lines or situations and levels delineated on the deposited plans and sections and the lands delineated on the deposited plans and described in the deposited book of reference.

(b) The works referred to in this subsection are the following works in the city:—

Work No. 1 A barrage and lock across the river Avon (New Cut) commencing at ordnance survey national grid reference ST 57117207 and terminating at ordnance survey national grid reference ST 57107198;

Work No. 2 A canal and lock between the Floating Harbour and the river Avon (New Cut) commencing at ordnance survey national grid reference ST 57287218 and terminating at ordnance survey national grid reference ST 57307207;

Work No. 3 A fixed bridge over the portion of the Floating Harbour known as St. Augustine's Reach, commencing at ordnance survey national grid reference ST 58467247 and terminating at ordnance survey national grid reference ST 58617245;

Work No. 4 The removal of Netham Dam together with the alteration of the level of the bridge over the river Avon known as Lysaght's Bridge;

Substituted Work No. 6 A waterway with control gates between the Floating Harbour and the river Avon at or near Totterdown Lock.

(2) The Corporation may within the limits of deviation of Works Nos. 1 to 3 and substituted Work No. 6 extend, enlarge, alter, replace or relay the same.

(3) In the construction of the bridge (Work No. 3) the Corporation shall erect on each side thereof a good and sufficient parapet.

PART III
—cont.Power to
deviate.

14. In the construction of the works authorised by section 13 (Power to construct works) of this Act the Corporation may deviate from the lines or situations of those works shown on the deposited plans or, as the case may be, on the substituted plan to any extent not exceeding the limits of deviation and may deviate vertically from the levels of those works shown on the deposited sections or, as the case may be, on the substituted section to any extent either upwards or downwards:

Provided that in the exercise of the powers of this section the Corporation shall provide—

- (a) in altering the level of any road or railway in connection with the construction of the canal and lock (Work No. 2), a headroom of not less than 11 feet above the prescribed level;
- (b) in the construction of the bridge (Work No. 3), a headroom under the central part of the said bridge of not less than 11 feet above the prescribed level; and
- (c) in the alteration of the level of Lysaght's Bridge (part of Work No. 4), a headroom of not less than 11 feet above the prescribed level under the southern span of the said bridge.

15.—(1) Subject to the provisions of this Act the Corporation as part of or in connection with Works Nos. 1, 2, 3 and 4 and substituted Work No. 6 or for the purposes thereof may within the limits of deviation of those works—

- (a) make and maintain all necessary and convenient walls, embankments, tunnels, locks, fish ladders or passes or other apparatus for enabling the passage of fish, piling, fences, culverts, sewers, drains, weirs, sluices, wharves, railways, roads, bridges, footpaths, approaches, subways, roundabouts, stairs, ramps and passages and all such plant, apparatus and machinery as may be necessary or convenient;
- (b) make junctions and communications with any existing roads, bridleways and footpaths;
- (c) make diversions, widenings or alterations of the lines or levels of any existing roads, bridleways, footpaths and railways;
- (d) stop up so much of any road, bridleway or footpath as shall be rendered unnecessary by the exercise of the powers of this Act;
- (e) execute any works for the protection of any adjoining land or buildings;

PART III
—*cont.*

- (f) remove, alter, divert or stop up any drain, sewer, channel or watercourse providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse;
- (g) construct or place and maintain, use, divert, alter or remove electric, gas, water and other mains, pipes, lines, wires or other works other than those belonging to statutory undertakers;
- (h) raise, sink or otherwise alter the position of any steps, areas, cellars, boundary walls, railings, fences, windows, pipes or spouts belonging to any house or building and remove all other obstructions.

(2) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as circumstances admit and shall make reasonable compensation for any damage caused to any person by the exercise of such powers, such compensation to be determined in default of agreement by the tribunal.

Provision of
fish passes.
1923 c. 16.

16.—(1) Notwithstanding anything in the Salmon and Fresh-water Fisheries Act, 1923, but subject to the provisions of this Act the Corporation as part of or in connection with the barrage and lock (Work No. 1) shall within the limits of deviation of that work provide and maintain such fish ladders or passes or other apparatus as may be reasonably necessary for enabling fish to pass the barrage.

(2) Subject to the provisions of this Act the number, position and design of the fish ladders or passes or apparatus so to be provided shall be agreed between the Corporation and the river authority or in default of agreement determined as hereinafter provided and the Corporation shall provide water for and operate the fish ladders or passes or apparatus at such times and in such manner as the river authority may reasonably require.

(3) The Corporation shall at all times afford to the river authority reasonable facilities for access free of charge to the fish ladders or passes or apparatus provided under this section and shall supply the river authority with all such information as the river authority may reasonably require in relation to the fish ladders or passes or apparatus.

(4) Any difference arising under this section between the Corporation and the river authority shall be determined by the Minister of Agriculture, Fisheries and Food.

Period for
completion
of works.

17. Subject to the provisions of this Act, if Works Nos. 1, 2, 3 and 4 and substituted Work No. 6 are not completed before the second appointed day, then on that date the powers by this Act

granted to the Corporation for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed:

PART III
—cont.

Provided that nothing in this section shall prejudice or affect the powers of the Corporation to maintain, use, extend, enlarge, alter, replace or relay the said works at any time and from time to time as occasion may require.

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

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

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

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

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

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

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

Provision against danger to navigation.

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

20.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Corporation at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

Abatement of works abandoned or decayed.

PART III
—cont.

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

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

Survey of
tidal works.

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

Permanent
lights on
tidal works.

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

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

Lights on
tidal works
during
construction.

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

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

PART IV

ABANDONMENT OF WORKS, ETC.

24.—(1) Subject to the provisions of this Act, the Corporation may abandon and discontinue the maintenance and use of— Abandonment of works.

- (a) the portion of the Floating Harbour known as St. Augustine's Reach, on or after the date of the passing of this Act;
- (b) the remainder of the Floating Harbour (other than Cumberland Basin and Junction Lock), on and after the second appointed day;
- (c) the Feeder Canal, on and after the second appointed day; and
- (d) Netham Lock, on and after the second appointed day;

and, subject as aforesaid, all powers, rights, liabilities and obligations relating to any portion of the said harbour, canal and lock so abandoned (whether conferred or imposed under any enactment or otherwise) shall cease.

(2) Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act, 1845, or any other enactment, 1845 c. 18. the Corporation may—

- (a) retain, use and appropriate for the general purposes of the Corporation the whole or such part as they may think fit of any lands, property or works forming the site of or acquired, constructed or used in connection with the said harbour, canal and lock; or
- (b) exercise with reference to the said harbour, canal, lock, lands, property and works the powers exercisable by them with reference to surplus lands:

Provided that—

- (i) on and after the second appointed day the Corporation shall, subject to the provisions of any byelaws for the time being in force, afford a passage through so much of the Floating Harbour as lies between Junction Lock and Totterdown Lock and through the waterway with control gates (substituted Work No. 6) to the river Avon (New Cut) which is not less than is required to accommodate vessels of the prescribed dimensions;
- (ii) the Corporation shall not diminish the surface area of water in the said portion of the Floating Harbour as existing at the passing of this Act, except in so far as it may be necessary to do so for the purpose of maintaining existing works or for constructing or maintaining Works Nos. 1, 2, 3 and 4 and substituted Work No. 6 and any other works authorised by section 15 (Subsidiary works)

PART IV
—cont.

of this Act and except in so far as it may be necessary to do so in constructing, reconstructing or maintaining the abutments of any bridge crossing the said portion of the Floating Harbour or in effecting minor improvements within the said portion of the Floating Harbour, and accordingly the said portion of the Floating Harbour shall, subject as aforesaid, be available for the passage of vessels of the prescribed dimensions and, subject as aforesaid, there shall be a right of entry into, passage through and egress from the said portion of the Floating Harbour for vessels of the prescribed dimensions;

- (iii) subject to the provisions of any byelaws for the time being in force (including byelaws for the purpose of ensuring that Cumberland Basin Lock and Junction Lock Bridges are opened at times convenient to road traffic) and to the following provisions of this subsection the Corporation shall when and so far as is practicable permit non-commercial vessels of an overall height not exceeding 70 feet reckoned from water level and of a draught not exceeding 12 feet to enter into so much of the Floating Harbour as lies between Junction Lock and the specified line and shall also when and so far as is practicable (but without prejudice to section 28 (Relief from obligation to open Redcliffe Bridge) of this Act) permit non-commercial vessels of an overall height not exceeding 11 feet reckoned from water level and of a draught not exceeding 6 feet 6 inches to enter into so much of the Floating Harbour as lies to the east of the specified line;
- (iv) where under paragraph (iii) of this proviso non-commercial vessels of dimensions exceeding the prescribed dimensions are permitted to enter into any portion of the Floating Harbour such vessels shall enter into such portion and shall navigate and moor at such times, in such positions and in accordance with such reasonable terms and conditions as may be prescribed from time to time by the Corporation and the Corporation shall be under no obligation, whether statutory or otherwise, regarding the safety of such vessels, or of persons therein or thereon, or to carry out any works for the purpose of accommodation of such vessels.

(3) For the purposes of paragraphs (iii) and (iv) of the proviso to subsection (2) of this section—

“ the specified line ” means the line of the western side of the bridge to be constructed across the Floating Harbour in the vicinity of Jacobs Wells when the position of that bridge has been determined and until such time means the line of the Mardyke Ferry;

“ non-commercial vessel ” means any vessel employed in the service of Her Majesty, any vessel used for the purposes of nautical training and any yacht or launch (other than a yacht or launch used for the carriage, accommodation or entertainment of persons for hire or reward).

PART IV
—cont.

(4) (a) In the exercise of the powers of this section the Corporation shall ensure that the British Railways Board have all necessary access to the railway viaducts crossing the Floating Harbour and the bridge carrying the railway across the Feeder Canal and Feeder Road for the purposes of maintenance and repair of the said viaducts and the said bridge and shall not do or permit to be done any works with reference to the Floating Harbour or the Feeder Canal which may affect the stability of the said viaducts or the said bridge under or in the immediate vicinity of the said viaducts or the said bridge without first giving written notice to the British Railways Board and without their consent, such consent not to be unreasonably withheld.

(b) Any question whether the consent of the British Railways Board under paragraph (a) of this subsection has been unreasonably withheld shall be settled by a single arbitrator to be agreed between the Corporation and the British Railways Board or, failing such agreement, to be appointed on the application of either of the parties (after notice in writing to the other) by the President of the Institution of Civil Engineers.

(5) Any person having an interest in any land adjoining the Floating Harbour (other than Cumberland Basin and Junction Lock), the Feeder Canal or the river Avon (New Cut) shall, if the value of his interest is diminished as a result of the exercise by the Corporation of their powers under subsection (1) of this section, be entitled to be paid by the Corporation compensation in respect of the diminution to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961, 1961 c. 33. and in assessing the compensation payable to any person by virtue of this subsection the tribunal shall take into account any compensation paid or payable under the Act of 1965, as applied by this Act.

25.—(1) Where, immediately before the second appointed day, As to any body or person being the owner, lessee or occupier of or otherwise interested in any land, building or works adjoining or near to the Feeder Canal are entitled, otherwise than under an agreement which the Corporation have power to terminate, to abstract water from or to discharge water or effluent into any part of the said canal, such entitlement shall, notwithstanding anything in section 24 (Abandonment of works) of this Act, continue until that part of the said canal is filled in and the Corporation, or other

PART IV
—cont.

the owner for the time being of that part of the said canal, shall not (unless otherwise agreed with any such body or person) fill in the same until provision has been made to the reasonable satisfaction of any such body or person for the abstraction of such water from another source of supply or the conveyance of such water or effluent to an alternative channel instead of the said canal, and the cost of providing such other source and alternative channel shall be borne by the Corporation or such owner for the time being, as the case may be.

(2) Any difference which may arise under this section between the Corporation or the owner for the time being of any part of the Feeder Canal and any such body or person as aforesaid (other than a difference as to the construction of this section) shall be settled by a single arbitrator to be agreed between the parties or, failing such agreement, to be appointed on the application of either of the parties thereto (after notice in writing to the other) by the President of the Institution of Civil Engineers.

As to supplies
of water to
Floating
Harbour
and Feeder
Canal.

26. Without prejudice to their obligations under the proviso to subsection (2) of section 24 (Abandonment of works) of this Act, on and after the second appointed day the Corporation shall maintain such supplies of water and make such provision for the conveyance of water or effluent in the Floating Harbour and the Feeder Canal for the benefit of any body or person entitled to abstract water therefrom or to convey water or effluent thereto immediately before that day (whether under an agreement or otherwise) as shall be sufficient to satisfy that entitlement.

As to certain
canal bridges.

27.—(1) On or after the second appointed day the Corporation as regards any bridge vested in them carrying a highway over the Feeder Canal or Netham Lock may at any time and from time to time repair, renew, alter, widen or improve the bridge or remove the bridge and substitute a solid embankment or structure therefor and alter the level of such highway and widen or otherwise improve any such highway, and for that purpose may make up and dedicate as part of the highway so much of the said canal or lock and the lands connected therewith as they consider necessary or expedient:

Provided that where under the powers of this section the Corporation remove a bridge and substitute a solid embankment or structure therefor the Corporation shall in any case in which it is reasonably necessary to permit the flow of water or effluent under the solid embankment or structure construct such conduits and other works as may be reasonably required.

(2) In this section “bridge” includes the approaches thereto.

28. Notwithstanding anything in any enactment, on and after the second appointed day the Corporation shall cease to be under any obligation to open Redcliffe Bridge, being Work No. 1, authorised by section 6 (Power to construct works) of the Bristol Corporation Act, 1938.

PART IV
—cont.
Relief from obligation to open Redcliffe Bridge.
1938 c. lxxix.

29. Subject to the provisions of section 24 (Abandonment of works) of this Act—

Modification of certain navigation rights, etc.

- (1) during the construction of the barrage and lock (Work No. 1) the Corporation shall not execute any works which interfere with any existing rights of navigation until after the first appointed day;
- (2) on and after the first appointed day and until the completion of the barrage and lock (Work No. 1), access to and from the river Avon (New Cut) from and to the portion of the river Avon lying below the barrage and lock (Work No. 1) not less than is required to accommodate vessels of the prescribed dimensions shall be afforded through Cumberland Basin, Junction Lock, the Floating Harbour and the canal and lock (Work No. 2) and not otherwise;
- (3) on and after the first appointed day the portion of the river Avon (New Cut) and of the river Avon lying above the barrage and lock (Work No. 1) and below Lysaght's Bridge shall be maintained by the Corporation in a condition not less than is required to accommodate vessels of the prescribed dimensions;
- (4) after the completion of the barrage and lock (Work No. 1) access to and from the river Avon (New Cut) from and to the portion of the river Avon lying below the barrage and lock (Work No. 1) not less than is required to accommodate vessels of the prescribed dimensions shall be afforded through the said barrage and lock;
- (5) the Corporation shall complete the alteration of the level of Lysaght's Bridge (part of Work No. 4) not later than the completion of the barrage and lock (Work No. 1);
- (6) the Corporation shall complete the removal of Netham Dam (part of Work No. 4) before the second appointed day and they shall before that day carry out such other works as may be reasonably necessary to provide a passage between the portion of the river Avon lying below the site of the said dam and the portion of the

PART IV
—cont.

river lying above that site which is not less than is required to accommodate vessels of the prescribed dimensions;

- (7) the Corporation shall complete the waterway with control gates (substituted Work No. 6) before the second appointed day.

PART V

MISCELLANEOUS AND GENERAL

Power to
borrow.

30.—(1) The Corporation may borrow—

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

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

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

(4) Subject to the provisions of this section Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

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

1946 c. 58.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands, easements and rights under the powers of this Act	The sum requisite	Sixty years.
(b) The construction of the works authorised by this Act	£4,900,000	Sixty years.
(c) The payment of the costs, charges and expenses of this Act	The sum requisite	Ten years.

PART V
—cont.Local
inquiries.

31.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act, as well as the Ministers therein mentioned.

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

1946 c. 31.

32.—(1) Any electrical works or apparatus constructed, erected, laid, maintained, worked or used under the provisions of this Act shall be so constructed, erected or laid and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Post Office or with telecommunication by means of any such line.

For
protection of
Post Office.

(2) Where, in pursuance of the powers conferred by section 15 (Subsidiary works) of this Act the Corporation stop up or divert the whole, or any portion, of a road, bridleway or footpath, the following provisions of this subsection shall, unless otherwise agreed in writing between the Corporation and the Post Office, have effect in relation to so much of any telegraphic line belonging to, or used by, the Post Office as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion ceases to be a road, bridleway or footpath (in this subsection referred to as “the affected line”), that is to say:—

- (a) The power of the Post Office to remove the affected line shall be exercisable notwithstanding the stopping up or diversion of the road, bridleway or footpath or portion thereof so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (3) of this section unless, before the expiration of that period, the Post Office has given notice to the Corporation of its intention to remove the affected line or that part thereof (as the case may be):
- (b) The Post Office may by notice in that behalf to the Corporation abandon the affected line, or any part thereof, and shall be deemed, as respects the affected line, or any part thereof, to have abandoned it at the expiration of the said period of three months, unless before the expiration of that period the Post Office has removed it or given notice of its intention to remove it:

PART V
—cont.

(c) The Post Office shall be entitled to recover from the Corporation the expense of providing in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as it may require:

(d) Where under paragraph (b) of this subsection the Post Office has abandoned the whole or any part of the affected line it shall vest in the Corporation and the provisions of the Telegraph Acts, 1863 to 1916, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) As soon as practicable after the whole or any portion of a road, bridleway or footpath has been stopped up or diverted in pursuance of the powers referred to in subsection (2) of this section the Corporation shall send to the Post Office a notice informing the Post Office of the stopping up or diversion.

(4) In the exercise of the powers conferred by paragraphs (g) and (h) of subsection (1) of section 15 (Subsidiary works) of this Act the Corporation shall not use, divert, alter, remove or interfere with any telegraphic line belonging to or used by the Post Office except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878.

1878 c. 76.

(5) In this section the expressions “telegraphic line” and “alter” have the same meanings as in the Telegraph Act, 1878.

For
protection
of certain
statutory
undertakers.

1960 c. 1.

33. The provisions of section 57 (For protection of certain statutory undertakers) and section 58 (Arbitration) of the Bristol Corporation Act, 1960, are incorporated with and form part of this Act:

Provided that the provisions of the said section 57, as so incorporated, shall have effect as if—

(a) in sub-paragraph (b) of the definition of “apparatus” in paragraph (1) thereof, after the words “gas board” there were inserted the words “or the Gas Council” and for the words “that board” there were substituted the words “either of such undertakers”;

(b) after the said sub-paragraph (b) there were inserted the following sub-paragraph:—

“ (c) in relation to the Bristol Waterworks Company mains, pipes or other apparatus belonging to or maintained by that company; ”

- (c) for the reference in the definition of “ authorised work ” in paragraph (1) thereof to section 15 (Power to construct works) or section 19 (Power to make subsidiary works) of that Act there were substituted a reference to section 13 (Power to construct works), section 15 (Subsidiary works), section 16 (Provision of fish passes) or section 27 (As to certain canal bridges) of this Act;
- (d) in the definition of “ the undertakers ” in the said paragraph (1), for the words “ and the gas board ” there were substituted the words “ the Gas Council, the gas board and the Bristol Waterworks Company ”;
- (e) for the reference in paragraph (8) thereof to section 57 (For protection of certain statutory undertakers) of the Bristol Corporation Act, 1960, there were substituted a 1960 c. 1. reference to section 33 (For protection of certain statutory undertakers) of the Bristol Corporation Act 1971;
- (f) for the reference in paragraph (9) thereof to section 27 (Power to stop up certain highways, etc.) of that Act there were substituted a reference to section 15 (Subsidiary works) of this Act; and
- (g) for the reference in paragraph (10) thereof to any street there were substituted a reference to any road or footpath.

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

(1) In this section—

“ banks ” has the same meaning as in the Land Drainage Act, 1930;

1930 c. 44.

“ construct ” includes execute, place, alter, replace, enlarge and relay and “ constructed ” and “ construction ” have corresponding meanings;

“ plans ” includes sections and specifications;

“ river work ” means any work carried out under the provisions of section 13 (Power to construct works) or section 15 (Subsidiary works) of this Act which is on or in the bed, banks or shores of the river Avon or the river Avon (New Cut):

- (2) (a) Before commencing to construct a river work the Corporation shall submit plans thereof to the river authority for their reasonable approval;
- (b) If within twenty-eight days after the submission to them of such plans the river authority do not signify in

PART V
—cont.

writing their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof:

- (3) (a) Subject to the provisions of this section a river work shall not be constructed otherwise than in accordance with such plans as may be approved or deemed to be approved by the river authority as aforesaid or settled by arbitration;
- (b) The Corporation shall at all reasonable times afford to the engineer to the river authority, or his duly authorised representative, access to a river work during the construction thereof for the purpose of inspection:
- (4) If there shall be any inconsistency between any plans approved or deemed to be approved by the river authority or settled by arbitration under the provisions of this section and the plans approved by the Secretary of State under section 18 (Tidal works not to be executed without approval of Secretary of State) of this Act the river work shall be constructed in accordance with the plans approved by the Secretary of State:
- (5) Except in case of emergency, the Corporation shall give not less than twenty-eight days' notice in writing to the river authority before commencing to construct a river work:
- (6) Nothing in this Act shall exempt the Corporation from any land drainage byelaws of the river authority which may for the time being be in force:
- (7) Any difference arising between the Corporation and the river authority under this section (other than a difference as to the construction of this section or as to any matter for which provision is made by section 16 (Provision of fish passes) of this Act) shall be settled by a single arbitrator to be agreed between the Corporation and the river authority or, failing such agreement, to be appointed on the application of either of the parties (after notice in writing to the other) by the President of the Institution of Civil Engineers.

For
protection
of British
Railways
Board.

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

- (1) In this section—

"railway property" means any railway of the board and any works connected therewith for the

maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works and the board's Wapping Wharf line of the railway;

“ the works ” means so much of the works as may be situated upon, across, under or over or may in any way affect railway property and includes the construction, maintenance and renewal of such works;

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

“ plans ” includes sections, drawings and specifications:

- (2) The Corporation shall not under the powers of this Act acquire compulsorily any railway property delineated on the deposited plans but they may in accordance with the provisions of section 8 (Power to acquire easements only) of this Act acquire such easements and rights in any such property as they may reasonably require for the purposes of the works:

- (3) In the construction of the works the Corporation shall—

(a) notwithstanding the provisions of section 14 (Power to deviate) of this Act so construct Works Nos. 1 and 2 as to provide that the gradient of the railway on each side of the bridge carrying it across Work No. 2 shall not be steeper than 1 in 125 and any change in the vertical level of the railway line shall be by way of a curve of a radius of not less than 25 chains;

(b) indemnify the board in respect of all costs and expenses incurred as a result of any additional user of Underfall Level Crossing during the construction of Works Nos. 1 and 2 including the cost of such attendance and supervision as the board may consider necessary:

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

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

PART V
—cont.

- (5) If within twenty-eight days after such plans have been furnished to the board the board shall give notice to the Corporation that the board desire themselves to construct any part of the works which in the opinion of the engineer will or may affect the stability of railway property then if the Corporation desire such part of the works to be constructed the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Corporation in accordance with the plans approved or deemed to be approved or settled as aforesaid:
- (6) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the Corporation shall not commence the construction of the works until the engineer shall have notified the Corporation that the protective works have been completed:
- (7) The Corporation shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works, except in cases of emergency, when they shall give such notice as may be reasonably practicable:
- (8) The works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property and if any damage to railway property or any such interference or obstruction shall be caused or take place the Corporation shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:
- (9) The Corporation shall at all times afford reasonable facilities to the engineer for access to the works during

their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

PART V
—cont.

- (10) The board shall at all times afford reasonable facilities to the Corporation and their agents for access to any works carried out by the board under this section during their construction and shall supply the Corporation with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (11) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary in consequence of the construction of the works, such alterations and additions may be effected by the board after notice has been given to the Corporation and the Corporation shall pay to the board on demand the reasonable cost thereof as certified by the engineer, including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:
- (12) The Corporation shall repay to the board all costs, charges and expenses reasonably incurred by the board—
- (a) in constructing any part of the works on behalf of the Corporation as provided by paragraph (5) of this section or in constructing any protective works under the provisions of paragraph (6) of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works;
- (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing, as far as may be reasonably practicable, all interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the works;
- (c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the works and which may, in the opinion of the engineer, be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

PART V.
—cont.

(d) in respect of any additional temporary lighting of railway property in the vicinity of the works being lighting made reasonably necessary as a result of the works or the failure thereof;

(e) in respect of the approval by the engineer of plans submitted by the Corporation and the supervision by him of the works:

- (13) If at any time after the completion of the works not being works vested in the board the board shall give notice to the Corporation informing them that the state of repair of the works appears to be such as to affect prejudicially railway property, the Corporation shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the works in such state of repair as not to affect prejudicially railway property and, if and whenever the Corporation fail to do so, the board may make and do in and upon the lands of the board or of the Corporation all such works and things as shall be requisite to put the works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Corporation:
- (14) Before providing any illumination or illuminated traffic sign on or in connection with the works or in the vicinity of the railway the Corporation shall consult with the board and comply with any reasonable requirements of the board in regard thereto with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:
- (15) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the Corporation in widening, altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Corporation to the board:
- (16) The Corporation shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board—
- (a) by reason of the works or the failure, bursting or leakage thereof; or

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

PART V
—cont.

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

- (17) Any difference arising between the Corporation and the board or the engineer under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either of them (after notice in writing to the other) by the President of the Institution of Civil Engineers.

36.—(1) In this section “the protected companies” means For T. R. Brown & Sons, British Dredging (Bristol) Limited, British Dredging (Shipping) Limited and Charles Hill & Sons Limited and any of their subsidiary companies carrying on business on land adjoining the Floating Harbour. protection of certain companies.

(2) The provisions of the Act of 1965 with respect to compensation for lands injuriously affected, as applied by this Act, shall extend so as to require the Corporation to make compensation to each of the protected companies for such injury to their business as is occasioned by reason of the exercise or proposed exercise by the Corporation of their powers under subsection (1) of section 24 (Abandonment of works) of this Act notwithstanding that no land of theirs is taken by the Corporation:

Provided that—

- (a) each of the protected companies shall take all reasonable steps to reduce any such injury; and

PART V
—cont.

(b) in assessing the compensation to be made to any of the protected companies by virtue of this subsection the tribunal shall have regard to any facilities which are or may be reasonably available to that company for the reduction of any such injury and shall take no account of any depreciation of the value of the business of any of the protected companies which is attributable to the conferment or proposed exercise of the powers contained in the said subsection (1).

For further
protection
of Charles
Hill & Sons
Limited.

37.—(1) On and after the relevant date Charles Hill & Sons Limited, and their successors and assigns shall cease to be entitled to use the Floating Harbour and accordingly that date shall, for the purposes of subsection (5) of section 24 (Abandonment of works) and subsection (2) of section 36 (For protection of certain companies) of this Act, in their application to that company, their successors and assigns but not otherwise, be deemed to be the date on which the Corporation exercise their powers under subsection (1) of the said section 24.

(2) In this section “the relevant date” means a date before the second appointed day to be agreed between the Corporation and Charles Hill & Sons Limited.

For further
protection of
British
Dredging
(Bristol)
Limited.

38. If the Corporation provide a wharf and other facilities at Shirehampton in the city for the purpose of relocating the business of British Dredging (Bristol) Limited by virtue of arrangements agreed between the Corporation and that company, or determined by arbitration, then the date on which those facilities become available for use by that company shall, for the purposes of subsection (5) of section 24 (Abandonment of works) and subsection (2) of section 36 (For protection of certain companies) of this Act, in their application to that company, but not otherwise, be deemed to be the date on which the Corporation exercise their powers under subsection (1) of the said section 24.

Crown rights.

39. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular, and without prejudice to the generality of the foregoing, nothing herein contained authorises the Corporation to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in

writing of those commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose.

PART V
—cont.

40. Nothing in this Act shall exempt the Corporation or any other person from the provisions of the Rivers (Prevention of Pollution) Acts, 1951 to 1961, or the Water Resources Act, 1963. Saving for certain enactments. 1963 c. 38.

41. The provisions of the Town and Country Planning Acts, 1962 to 1968, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act. Saving for town and country planning.

42. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act and otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the Corporation out of the general rate fund of the city or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

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