

Tamar Bridge Act, 1957

5 & 6 ELIZ. 2 Ch. xxviii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Incorporation of Acts.
4. Interpretation.

PART II

LANDS

5. Power to acquire lands.
6. Correction of errors in deposited plans and book of reference.
7. Acquisition of part only of certain properties.
8. Power to expedite entry.
9. Power to enter for survey or valuation.
10. Disregard of recent improvements and interests.
11. Set off of betterment against compensation.
12. Extinction of private rights of way and rights as to apparatus.
13. Power to acquire easements only.
14. Grant of easements by persons under disability.
15. Power to reinstate owners or occupiers of property.
16. Allowances to displaced persons.
17. Acquisition of land for relocation of population or industry.
18. Power to develop land.
19. Provision of car parks etc.
20. Acquisition appropriation and disposal of land.
21. Removal of human remains from Zetland Masonic Lodge Cemetery.

PART III

WORKS

22. Power to construct works.
23. Power to deviate.

Section

24. Power to make subsidiary works.
25. Subsidiary works in river.
26. Underpinning of houses near works.
27. Laying out and repair of carriageways and footways.
28. Vesting and maintenance of roads and bridge.
29. Stopping up of highways.
30. Power to prevent access to or from certain works.
31. Restriction on access by vehicular traffic.
32. No mains or pipes to be laid in bridge.
33. As to closing of bridge.
34. Power to sell materials.
35. Application of Public Utilities Street Works Act 1950.
36. Works below high-water mark to be subject to approval of Minister.
37. Provision against danger to navigation.
38. Abatement of work abandoned or decayed.
39. Survey of works by Minister.
40. Permanent lights on works.
41. Lights on works during construction.
42. Boundary for purposes of Act.

PART IV

TOLLS

43. Tolls.
44. Power to provide toll-houses etc.
45. List of tolls to be exhibited.
46. Regulations as to payment of tolls and charges.
47. Persons may be prevented from using bridge on refusal to pay tolls.
48. Power to compound for payment of tolls.
49. As to tickets.

PART V

FERRIES

50. Ferry undertaking to vest in Authorities.
51. Abandonment of Saltash ferry.
52. Compensation to existing officers.
53. Restriction on new ferries.

PART VI

FINANCE

54. Power to borrow.
55. Saving for powers of Treasury.
56. Suspension of payments into sinking fund.
57. Application of certain provisions.

Section

- 58. As to revenue and expenditure.
- 59. Power to create reserve funds.
- 60. Accounts and deficiencies.
- 61. Annual accounts to be sent to Minister.
- 62. Contributions by local authorities.
- 63. Superannuation.

PART VII

PROTECTIVE PROVISIONS

- 64. Saving rights of Duchy of Cornwall.
- 65. For protection of British Transport Commission.
- 66. For protection of certain statutory undertakers.
- 67. For further protection of certain statutory undertakers.
- 68. For protection of Saltash Corporation.
- 69. For protection of Postmaster-General.

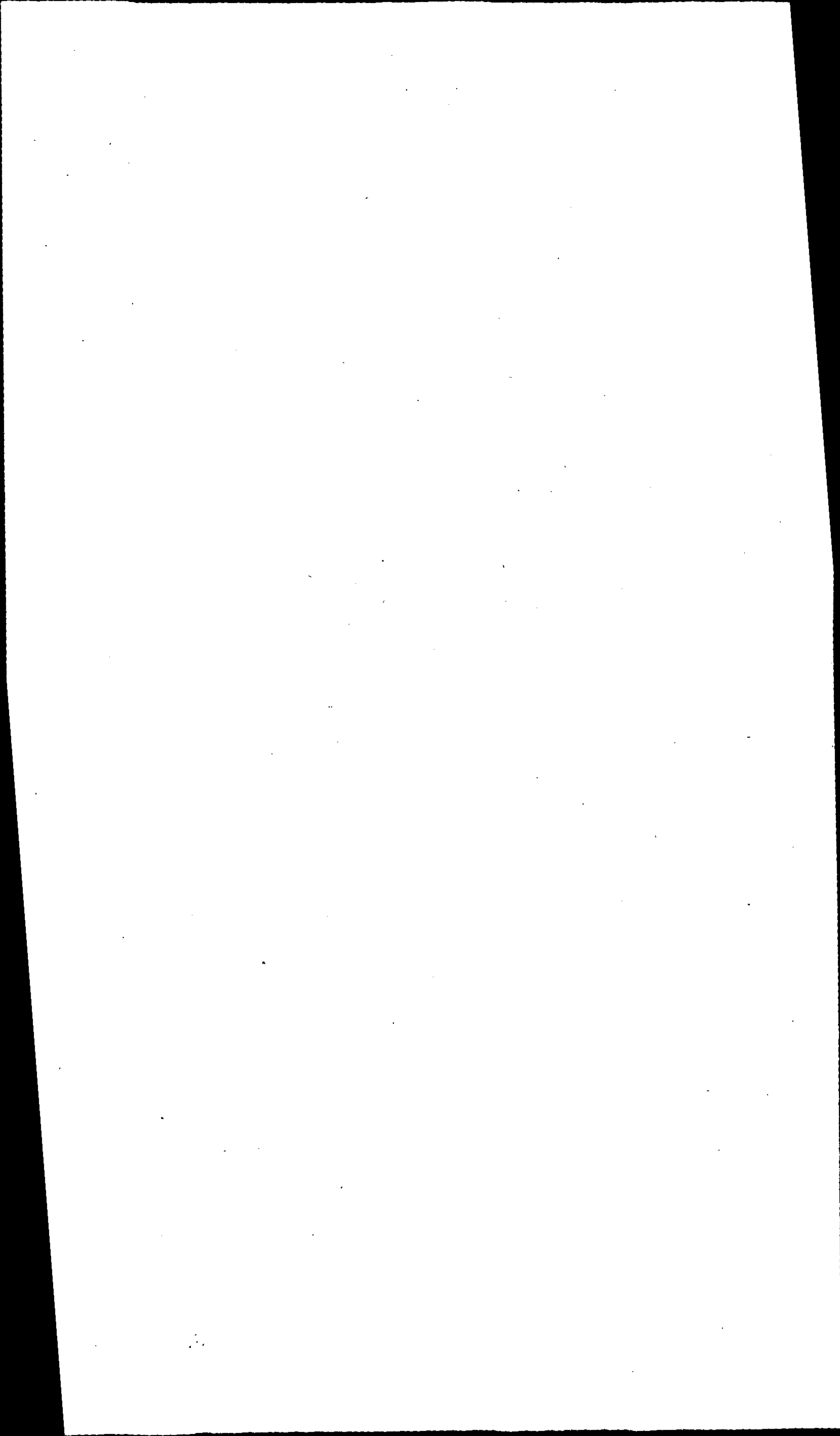
PART VIII

MISCELLANEOUS

- 70. Appointment and powers of joint committee.
- 71. Byelaws.
- 72. Bridge works to be exempt from rates.
- 73. Settlement of questions between Authorities.
- 74. Arbitration.
- 75. Determination of compensation.
- 76. Confirming authority for byelaws.
- 77. Local inquiries.
- 78. Application of general provisions of Act of 1936.
- 79. Saving for town and country planning.
- 80. Costs of Act.

SCHEDULE:

Sections of Public Health Act 1936 applied.





CHAPTER xxviii

An Act to empower the county council of the administrative county of Cornwall and the lord mayor aldermen and citizens of the city of Plymouth to construct a bridge across the river Tamar with approach roads and other works and to purchase lands compulsorily for those and other purposes to vest in the said county council and the said lord mayor aldermen and citizens jointly the Torpoint ferry undertaking of the said county council to discontinue the Saltash ferry and for other purposes. [31st July 1957.]

WHEREAS—

(1) The construction of a bridge for vehicular and pedestrian traffic over the river Tamar (in this Act called "the river") between the borough of Saltash in the county of Cornwall and the city of Plymouth would be of public and local advantage and it is expedient that the county council of the administrative county of Cornwall (in this Act called "the Council") and the lord mayor aldermen and citizens of the city of Plymouth (in this Act called "the Corporation" and "the city" respectively) should be empowered to construct the bridge and other works described in this Act:

(2) It is expedient to authorise the taking of tolls in respect of the user of the said bridge:

(3) It is expedient to confer on the Council and the Corporation the powers in this Act contained relative to the purchase and use of lands for the purposes mentioned in this Act:

(4) The Council are the owners of a ferry known as the Torpoint ferry across the portion of the river which is called Hamoaze between the urban district of Torpoint in the said county and the city and it is expedient to vest the said ferry in the Council and the Corporation jointly and that the provisions of this Act with regard to the said ferry be enacted:

(5) The mayor aldermen and burgesses of the borough of Saltash operate a ferry undertaking across the river from the said borough to the city and it is expedient to provide for the discontinuance and abandonment of the said undertaking and the extinguishment of the franchise in relation thereto:

(6) It is expedient that the other provisions contained in this Act be enacted:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

(8) Estimates have been prepared by the Council and the Corporation for and in connection with—

£

The construction of the bridge and other works
authorised by Part III (Works) of this Act 1,492,000

(9) The works included in such estimates are permanent works and it is expedient that the Council and the Corporation be empowered to borrow money for those and other purposes as provided by this Act:

(10) 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:

(11) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the Council and the town clerk of the city which plans sections and book of reference are in this Act referred to respectively as the deposited plans sections and book of reference:

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. This Act may be cited as the Tamar Bridge Act 1957.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Works.
- Part IV.—Tolls.
- Part V.—Ferries.
- Part VI.—Finance.
- Part VII.—Protective provisions.
- Part VIII.—Miscellaneous.

PART I
—cont.
Division of
Act into
Parts.

3.—(1) 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 hereby incorporated with this Act (namely):—

- (a) the Lands Clauses Acts except sections 92 127 to 133 and 150 and 151 of the Lands Clauses Consolidation Act 1845;
- (b) sections 16 and 30 to 44 of the Railways Clauses Consolidation Act 1845 and sections 78 to 85 of the same Act as the said sections were originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 and in the construction of those provisions “the railway” shall mean the works authorised by this Act and “the centre of the railway” shall mean any part of those works.

(2) In the construction of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions “the promoters of the undertaking” and “the Company” mean respectively the Authorities.

4.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context or in this section repugnant to such construction.

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

- “the Act of 1929” means the County of Cornwall Act 1929;
- “the Act of 1933” means the Local Government Act 1933;
- “the Act of 1936” means the Public Health Act 1936;
- “the Authorities” means the Council and the Corporation and includes either the Council or the Corporation;

PART I
—cont.

“ the bridge ” means the bridge and approach roads (Work No. 3) authorised by this Act and includes all improvements thereto and the carriageway and footways thereon and the toll gates and toll keepers’ lodges and offices and other conveniences provided in connection therewith;

“ the bridge undertaking ” means the bridge and includes all the lands works erections appliances cash investments stocks stores and other real and personal property assets and effects rights powers privileges liabilities and obligations for the time being held or used by the Authorities for the purposes of or in relation to the bridge undertaking or to which they are for the time being subject for or in relation to that undertaking;

“ the bridge works ” means the bridge and the other works authorised by this Act;

“ the city ” means the city of Plymouth;

“ the Corporation ” means the lord mayor aldermen and citizens of the city;

“ the Council ” means the county council of the county;

“ the county ” means the administrative county of Cornwall;

“ the county clerk ” means the clerk of the Council;

“ daily penalty ” means a penalty for each day on which an offence is continued after conviction therefor;

“ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force;

“ the ferry ” means the Torpoint ferry;

“ the ferry undertaking ”—

(a) means for the purposes of the provisions of this Act relating to the vesting of the ferry undertaking in the Authorities and for the purposes of subsection (2) of section 59 (Power to create reserve funds) of this Act the Torpoint ferry undertaking of the Council as existing immediately before the date on which the bridge is opened for public traffic and includes—

(i) all the lands works erections appliances cash investments stocks stores and other real and personal property assets and effects rights powers privileges liabilities and obligations held or used by the Council for the purposes of or in relation to the ferry undertaking immediately before that date or to which they were then subject for or in relation to that undertaking;

(ii) the benefit of all contracts in force on the said date in respect of that undertaking subject to any obligations thereunder; and

(iii) all books of account maps plans specifications engineering reports and other documents relating solely to that undertaking;

(b) means for the purposes of any other provision in this Act the Torpoint ferry undertaking vested in the Authorities by this Act and includes all the lands works erections appliances cash investments stocks stores and other real and personal property assets and effects rights powers privileges liabilities and obligations for the time being held or used by the Authorities for the purposes of or in relation to the ferry undertaking or to which they are for the time being subject for or in relation to that undertaking;

“ financial year ” means any period of twelve months ending on the thirty-first day of March;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;

“ the Minister ” means the Minister of Transport and Civil Aviation;

“ relocation of population or industry ” means in relation to lands within the limits of deviation shown on the deposited plans the rendering available elsewhere than within those limits of accommodation for residential purposes or for the carrying on of business or other activities together with all appropriate public services being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities within those limits;

“ the river ” means the river Tamar;

“ the Saltash Corporation ” means the mayor aldermen and burgesses of the borough of Saltash;

“ the Saltash ferry ” means the ferry across the river commonly known as the Saltash ferry;

“ statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security

PART I
—cont.

representing or granted in lieu of consideration money for the time being existing under any enactment 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;

“statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery;

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

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

“the tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949;

“the undertakings” means the bridge undertaking and the ferry undertaking and includes either the bridge undertaking or the ferry undertaking and references in this Act to the revenue (however described) of the undertakings or to expenditure (however described) upon or in relation to the undertakings shall include—

(a) revenue derived from any real or personal property rights or advantages forming part of the undertakings or acquired by the Authorities under the powers of this Act; and

(b) any expenditure incurred by the Authorities jointly or by either Authority in concurrence with the other in relation to the undertakings or to any such property rights or advantages as aforesaid or otherwise in the exercise of the powers of this Act;

but such references shall not include expenditure upon or revenue received in relation to the maintenance or improvement of any road after the time when by virtue of section 28 (Vesting and maintenance of roads and bridge) of this Act such road has become repairable by the Council as a county road or by the Corporation as a highway repairable by the inhabitants at large or of the bridge at a time when by virtue of the said section the bridge is so repairable as to the parts thereof within the county and the city respectively.

(3) 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 I
—cont.

PART II

LANDS

5.—(1) Subject to the provisions of this Act the Authorities may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the bridge works and for providing space for the erection of houses and buildings adjoining or near to the bridge works and for the purposes of recoupment reinstatement or exchange and for other the purposes of this Act or for any of those purposes: Power to acquire lands.

Provided that nothing in this Act shall authorise the Authorities to purchase compulsorily any interest of the Crown or to carry out any works on any land in which the Crown has an interest without the consent of the Crown.

(2) The powers of the Authorities for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December nineteen hundred and fifty-seven.

6.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Authorities after giving ten days' notice to the owner lessee and occupier 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. Correction of errors in deposited plans and book of reference.

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

(3) Any such certificate shall be deposited with the county clerk or the town clerk (as the case may be) and a copy thereof shall be deposited with every clerk of a local authority with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Authorities to take the land and execute the works in accordance with the certificate.

PART II
—cont.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

Acquisition
of part only
of certain
properties.

7.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

- (a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or
- (b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Authorities that part of the house building factory park or garden.

Power to
expedite
entry.

8. At any time after serving a notice to treat in respect of any land or easement that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Authorities may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Authorities shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to
enter for
survey or
valuation.

9. Any person acting on behalf of the Authorities and duly authorised by the county clerk or the town clerk may at all reasonable times enter on any land which the Authorities are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Authorities not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

10. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

PART II
—cont.

Disregard
of recent
improvements
and interests.

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-six; or

(b) any interest in the land created after the said date; which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

11. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired or in land in respect of which an easement or right is acquired under this Act in a case where—

Set off of
betterment
against
compensation.

(a) he has an interest in any other land contiguous with or adjacent to the land so acquired or the land in respect of which an easement or right is so acquired; and

(b) the value of his interest in any such contiguous or adjacent land is or has been enhanced by reason of the execution or the prospect of the execution of the bridge works or any of them;

the amount of the enhancement in value shall be set off against the compensation or purchase money.

12.—(1) Any private right of way over and any right of laying down erecting continuing or maintaining any apparatus on under or over any land that may be acquired compulsorily under this Act shall if the Authorities so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later and any such apparatus shall vest in the Authorities:

Extinction of
private rights
of way
and rights as
to apparatus.

Provided that this section shall not apply to any apparatus belonging to any statutory undertakers.

(2) Any person who suffers loss by the extinguishment of any right or the vesting of any apparatus under this section shall be entitled to be paid by the Authorities compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(3) For the removal of doubt it is hereby provided that this section shall not apply to any telegraphic line belonging to or used by the Postmaster-General.

13.—(1) In lieu of acquiring any land that may be acquired under this Act the Authorities may for the purposes of constructing using and maintaining the bridge works and doing anything

Power to
acquire
easements only.

PART II
—cont.

necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes.

(2) Accordingly the Authorities may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

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

- (a) they shall not be required or (except by agreement or during the execution of the said 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 Act had not been passed.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Authorities to acquire the land the Authorities shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

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

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

Grant of easements by persons under disability.

14.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Authorities any easement or right required for the purposes of this Act in or over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts 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.

Power to reinstate owners or occupiers of property.

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

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

16.—(1) The Authorities may pay to any person displaced from any building acquired under this Act and carrying on a trade or business therein such reasonable allowance as they may think fit towards the loss which in their opinion he will sustain by reason of the disturbance of his trade or business or of his having to quit the building.

PART II
—cont.

Allowances
to displaced
persons.

(2) In estimating the said loss the Authorities may have regard to the period for which the premises occupied by that person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

(3) The provisions of this section shall be in addition to and not in derogation of any enactment or any rule of law relating to compensation for disturbance.

17.—(1) The Authorities may purchase land by agreement in any part of the county or the city in order to provide for the re-location of population or industry from any lands within the limits of deviation shown on the deposited plans.

Acquisition
of land for
relocation of
population
or industry.

(2) The Authorities by means of an order made by the Authorities and submitted to the Minister of Housing and Local Government and confirmed by him may be authorised to purchase compulsorily any land in any part of the county or the city for the purposes aforesaid.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946 and the Authorities shall be deemed to be a local authority within the meaning of that Act.

18.—(1) The Authorities may—

Power to
develop land.

(a) lay out and develop any of the lands delineated on the deposited plans and described in the deposited book of reference; and

(b) in connection with the relocation of population or industry from any lands within the limits of deviation shown on the deposited plans lay out and develop—

(i) any land acquired by them either by agreement or compulsorily under or in pursuance of this Act not being land referred to in paragraph (a) of this subsection; and

(ii) any land belonging to them and not required for the purpose for which it was acquired;

and may erect and maintain houses shops offices industrial buildings warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any such

PART II
—cont.

lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Authorities may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as they may deem fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any house or premises on any land acquired by them which they may consider it necessary or desirable to alter or pull down.

(3) The Authorities in selling or disposing of such lands may convey or lease the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and the use to which such buildings may be put.

(4) Where capital money received by the Authorities on the disposal of any lands referred to in sub-paragraph (ii) of paragraph (b) of subsection (1) of this section is applied for a purpose other than that for which such land was held such adjustment shall be made to the accounts of the Authorities as the Minister of Housing and Local Government may direct.

(5) The powers conferred by this section shall not be exercised without the consent of the Minister of Housing and Local Government except in relation to the lands referred to in paragraph (a) of subsection (1) of this section.

(6) No power conferred upon the Authorities by the foregoing provisions of this section shall except in relation to the lands referred to in paragraph (a) of subsection (1) of this section be exercised in such a manner—

- (a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Authorities without an order of the High Court or of the Charity Commissioners or of the Minister 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 the donor or that other person; or
- (b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Authorities) subject to which a gift or lease of any land or building has been accepted by or granted to the Authorities without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

(7) In this section the expression "industrial building" includes a building used or designed or suitable for use for the carrying on of any process for or incidental to any of the following purposes namely:—

PART II
—cont.

- (a) the making of any article or of part of any article; or
- (b) the altering repairing ornamenting finishing cleaning washing packing or canning or adapting for sale or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs the getting dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of trade or business and for the purposes of this definition the expression "article" means an article of any description including a ship or vessel.

19.—(1) The Authorities may on any land for the time being forming part of the undertakings provide maintain and manage car parks shelters cloak-rooms toilets refreshment places and other facilities for the use or convenience of travellers using the bridge or the ferry and the Authorities may make such reasonable charges for the facilities so provided as they may determine.

(2) The Authorities may purchase land by agreement in the county or the city for the purposes aforesaid.

(3) The Authorities by means of an order made by the Authorities and submitted to the Minister and confirmed by him may be authorised to purchase compulsorily any land in the county or the city for the purposes aforesaid.

(4) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946 and the Authorities shall be deemed to be a local authority within the meaning of that Act.

20.—(1) The Authorities may purchase from the Council or the Corporation and the Council or the Corporation as the case may be may sell to the Authorities any land which the Authorities may require for any of the purposes of this Act.

Acquisition
appropriation
and disposal
of land.

(2) Section 163 of the Act of 1933 shall apply to any land acquired by the Authorities under this Act and to any land shown on the deposited plans and owned by either of the Authorities and required for the purposes of this Act whether or not the land is required for the purposes for which it was acquired or has since been appropriated or is being used.

(3) Notwithstanding anything in subsection (1) of the said section the purpose for which the Authorities may appropriate any such land shall not require the approval of the Minister of Housing and Local Government.

PART II
—cont.

(4) The Authorities may sell lease exchange (paying or receiving or without paying or receiving money for equality of exchange) or otherwise dispose of any such land as aforesaid in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form).

(5) Nothing in this section shall authorise the disposal of any land by the Council or the Corporation whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the Council or the Corporation.

(6) Sections 164 and 165 of the Act of 1933 shall not apply to any land acquired by the Authorities under this Act.

Removal of
human
remains
from Zetland
Masonic Lodge
Cemetery.

21.—(1) If and when the Authorities shall acquire Zetland Masonic Lodge Cemetery they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed therefrom the remains of all deceased persons interred therein.

(2) Before proceeding to remove any such remains the Authorities shall publish in one or more local newspapers circulating in the county a notice of intention so to do at least once during each of two successive weeks with an interval between each publication of at least six days and display a like notice in a conspicuous place in the said cemetery and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) At any time within two months after the first publication of such notice any person who is a personal representative or relative of any deceased person in respect of whose remains the Authorities have published a notice under subsection (2) of this section may give notice in writing to the Authorities of his intention to undertake the removal of such remains and the disposal of any memorial stone relating thereto and thereupon he shall be at liberty to cause such remains to be removed to and reinterred in any burial ground or cemetery in which burials may legally take place and dispose of such memorial stone.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Authorities that he is such personal representative or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the Plymouth county court and such county court shall have power to make an order specifying who shall remove the remains and dispose of the memorial stone.

(5) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the

sum of twenty-five pounds and as respects any memorial stone the sum of fifteen pounds) shall be defrayed by the Authorities and such sums shall if necessary be apportioned equally according to the number of remains in the grave.

PART II
—cont.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Authorities in respect of the remains in any grave or if after giving such notice the person giving the same or (as the case may be) the person specified in any order made under subsection (4) of this section shall fail to comply with the provisions of this section the Authorities may remove the remains of the deceased person and cause them to be interred in such a burial ground or cemetery in which burials may legally take place as the Authorities think suitable for the purpose.

(7) (a) Any memorial stone relating to the remains of any deceased person removed under this section may where reasonably practicable be removed and re-erected by the Authorities over the grave in the burial ground or cemetery where the remains are reinterred or on some other appropriate site.

(b) Any such memorial stone not disposed of in accordance with subsection (3) or subsection (4) of this section or paragraph (a) of this subsection shall be offered by the Authorities to such person or persons as shall be designated for the purpose by the controlling body of the religious denomination for whose purposes the Zetland Masonic Lodge Cemetery has been used for disposal as such person or persons may think fit and if not accepted by such person or persons shall be broken or defaced before being disposed of otherwise.

(c) Where any memorial stone is removed in pursuance of this section the Authorities shall make a record of the removal with sufficient particulars to identify the memorial stone and showing the date and manner of its removal and disposal and the place (if any) to which it is transferred and such record shall be deposited with the Registrar-General.

(8) Any jurisdiction or power conferred on the county court by this section may be exercised by the registrar of the court.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county.

PART III

WORKS

22.—(1) Subject to the provisions of this Act the Authorities may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections Power to construct works.

PART III
—cont.

the works referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto (that is to say):—

In the county—

Work No. 1 A widening of North Road (B.3370) in the borough of Saltash on both sides commencing at the junction of North Road and New Road and terminating at a point fifty yards or thereabouts south-east of the junction of North Road and Ellwell Road;

Work No. 2 A new street in the borough of Saltash commencing at a junction with Work No. 1 by this Act authorised and terminating at the junction of North Road and Fore Street;

Partly in the county and partly in the city—

Work No. 3 A fixed bridge over the river with approach roads commencing at the termination of Work No. 1 by this Act authorised and terminating in the city at a point one hundred and forty yards or thereabouts north of the junction of Normandy Way with Pemros Road;

In the city—

Work No. 4 A new street commencing at the termination of Work No. 3 by this Act authorised and terminating at a junction with Normandy Way two hundred and fifty yards or thereabouts east of Stanhope Road;

Work No. 5 A new street commencing by a junction with Work No. 4 by this Act authorised and terminating at the junction of Normandy Way and Pemros Road.

(2) In the construction of the bridge the Authorities shall erect on each side thereof a good and sufficient fence at least four feet high.

Power to deviate.

23. The Authorities in constructing the bridge works may deviate from the lines thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate from the levels shown on the deposited sections to any extent not exceeding twenty-five feet either upwards or downwards but in the exercise of the powers of this section the Authorities shall not as respects any work affecting the navigation of the river deviate downwards from those levels below the level of the span of the bridge constructed across the river under the powers of the Cornwall Railway Act 1846:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Minister.

PART III
—cont.

24. Within the limits of deviation shown on the deposited plans the Authorities in connection with and as part of the bridge works may execute or do any of the following things:—

Power to
make
subsidiary
works.

- (a) make junctions and communications with any existing streets (whether or not they are dedicated to the public use or repairable by the inhabitants at large) intersected or interfered with by or contiguous to the bridge works and divert widen or alter the line or alter the level of any such existing street for the purpose of connecting the same with the bridge works;
- (b) execute any works for the protection of any adjoining land or buildings;
- (c) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (d) alter or remove any monument drinking trough lamp-post refuge railings or other structure erected upon any street or land; and
- (e) raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

and shall make compensation for any damage done by them in exercise of the powers of this section.

25. The Authorities may make on or in the banks bed soil and foreshore of the river and elsewhere in connection with the bridge works and at or near any works or erections to be made or put up by the Authorities for or connected with the construction user and maintenance of the bridge works and may place and keep in the river and elsewhere permanently all such caissons piers fenders mooring posts and bollards and temporarily all such piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs subways buildings and other works and conveniences as they may find necessary or expedient for or in connection with the construction maintenance or use of the bridge works:

Subsidiary
works in
river.

Provided that the Authorities shall ensure that any such temporary works shall not unnecessarily narrow or obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water.

PART III
—cont.
Underpinning
of houses
near works.

26. Whereas in order to avoid in the execution and maintenance of the bridge works injury to the houses and buildings within one hundred feet of the bridge works it may be necessary to underpin or otherwise strengthen the same therefore the Authorities 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 except 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 Authorities 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 if such premises are in the county to the county clerk and if such premises are in the city to the town clerk;
- (3) If any owner lessee or occupier of any such house or building or the Authorities as the case may require shall within seven days after the giving of such notice give a counter-notice 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 an arbitrator (in this section referred to as "the referee");
- (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 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 Authorities may and shall proceed forthwith so to underpin or strengthen the said house or building;
- (5) The Authorities shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof;
- (6) (a) In any case in which any house or building shall have been underpinned or strengthened under the

powers of this section the Authorities may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the completion of that work enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the Authorities on the one hand and the owner lessee or occupier of the house or building on the other hand shall be settled by arbitration;

- (b) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Authorities such underpinning or strengthening shall at any time within twelve months from the completion of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or maintenance of such work 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 Authorities shall make compensation to the owners lessees and occupiers of such house or building for such injury provided that the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or 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 Authorities 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 according to the provisions of the Lands Clauses Acts.

27. The Authorities may lay out the bridge and any land acquired by them under the powers of this Act or any part thereof for carriageways and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriageways and footways and subject to the provisions of the next following section may from time to time execute all such works and do all such acts in under or upon any of the carriageways and footways forming part of the bridge works as they may from time to time think proper for preserving

Laying out and repair of carriageways and footways.

PART III
—cont.

repairing or improving the bridge works and may for that purpose enter upon and break open the soil and pavement of such carriageways and footways and any sewers drains or tunnels within or under the same causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways footways sewers drains or tunnels as nearly as practicable to the same condition as they were in before such breaking open.

Vesting and
maintenance
of roads and
bridge.

28.—(1) On the completion of the widening of North Road (Work No. 1) and of the new street (Work No. 2) by this Act authorised or any part thereof such widened portion of North Road and such new street or part shall be a county road within the meaning of the Local Government Act 1929 and be repairable accordingly.

(2) On the completion of the new streets (Work No. 4 and Work No. 5) by this Act authorised or any part thereof such new streets or part shall be highways repairable by the inhabitants at large.

(3) (a) Subject to the provisions of this subsection the bridge shall vest in and be maintained by the Authorities.

(b) If and so long as the Authorities in pursuance of the powers contained in paragraph (c) of the proviso to subsection (1) of section 43 (Tolls) of this Act cease to demand take and recover tolls in respect of all traffic passing over or on the bridge—

- (i) so much of the bridge as is situate in the county shall become a county road and be repairable accordingly; and
- (ii) so much of the bridge as is situate in the city shall be repairable by the inhabitants at large; and
- (iii) for the purposes of section 8 of the Development and Road Improvement Funds Act 1909 the maintenance of the bridge (as well as the maintenance of the road on the bridge) shall be deemed to be maintenance of an existing road and for the purposes of Part II of that Act the bridge shall be deemed to be a road:

Provided that if the Authorities resume the demanding taking and recovering of tolls in respect of traffic passing over or on the bridge the provisions of this paragraph shall cease to apply and the provisions of paragraph (a) shall apply until the Authorities again cease to demand take and recover tolls in respect of all traffic passing over or on the bridge.

Stopping up of
highways

29.—(1) The Authorities may stop up the whole or such portion or portions as they think fit of so much of Waterloo Road in the borough of Saltash and Admiralty Road in the city as is shown on the deposited plans as intended to be stopped up and

thereupon all rights of way over or along the same shall be extinguished and the Authorities may appropriate and use the site thereof:

PART. III
—cont.

Provided that the Authorities shall not under the powers of this section stop up any part of the said roads under this Act unless—

- (a) such part is bounded on both sides by lands belonging to the Authorities; or
- (b) the Authorities obtain the consent of the owners lessees and occupiers of the houses and lands on both sides thereof.

(2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Authorities compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

30. For the purposes of facilitating the movement of vehicular traffic along the routes of Works Nos. 1 2 and 3 authorised by this Act and for securing the safety of the public or otherwise the Authorities may at the points marked on the deposited plans “ Access to be stopped up ” erect walls or barriers for the prevention or limitation of access to or from any such route.

Power to prevent access to or from certain works.

31.—(1) The Minister may by order on the application of the Corporation—

Restriction on access by vehicular traffic.

- (a) prohibit the driving of vehicles along Normandy Way in the city at such point or points as the Minister may think fit in the interest of the safety of vehicles using Normandy Way or the new street Work No. 4 or the new street Work No. 5 authorised by this Act; and
- (b) authorise the Corporation to provide and erect kerbs fences or other barriers across the carriageway of Normandy Way at such point or points as aforesaid:

Provided that no order under this section shall come into operation before the opening of the bridge for public traffic.

(2) Before making application to the Minister for an order under this section the Corporation shall publish in a local newspaper circulating in the city a notice—

- (a) stating the general effect of their proposals; and
- (b) stating that during a period of twenty-eight days from the date of the first publication of the notice any person may object to the application for the order by giving notice to the Minister and sending a copy of his notice of objection to the town clerk.

PART III
—cont.

(3) If objection is duly made and not withdrawn the Minister shall before making an order cause a local inquiry to be held and consider any objection not withdrawn and the report of the person holding the inquiry.

(4) An order under this section may be varied or revoked by another order made by the Minister in like manner and subject to the like provisions.

(5) As soon as may be after an order under this section has been made by the Minister the Corporation shall—

(a) publish in a local newspaper circulating in the city a notice stating that the order has been made and that a copy of the order may be inspected at all reasonable hours at a place in the city specified in the notice; and

(b) serve a like notice on every person who having given notice to the Minister of his objection to the application appeared at the local inquiry in support of his objection.

(6) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under this section shall be liable in the case of a first conviction to a penalty not exceeding five pounds and in the case of an offence committed after a previous conviction of such an offence to a penalty not exceeding ten pounds.

No mains
or pipes to
be laid in
bridge.

32. Notwithstanding anything contained in the Public Utilities Street Works Act 1950 or in any other enactment no person shall be entitled to enter upon break up or interfere with the bridge or the carriageways and footways of the same for the purpose of laying down any main pipe or wire or executing any work therein thereon or thereunder except with the consent of the Authorities and in accordance with such terms and conditions as the Authorities may determine.

As to closing
of bridge.

33.—(1) The Authorities may whenever in their opinion it is necessary so to do for the purposes of the maintenance repair or improvement of the bridge wholly or partially close the bridge or any portion thereof.

(2) The Authorities may provide and use boats barges and other vessels—

(a) during any time when the bridge is wholly or partially closed under subsection (1) of this section for carrying or conveying persons vehicles animals and articles across the river; and

(b) at any time for carrying or conveying across the river such persons vehicles animals and articles as are not admitted on the bridge;

and may make such reasonable charges in respect thereof as they may think fit.

34. The Authorities may sell or dispose of all matters or things excavated or obtained in the construction of the bridge works and all building and other materials of any houses buildings or structures acquired by them under the powers of this Act and not required for the purposes of this Act and also all matters or things in under or upon any road street or other place altered by them for the purposes of this Act and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act.

PART III
—cont.
Power to sell materials.

35. Section 21 of the Public Utilities Street Works Act 1950 shall apply to any work to be executed by or on behalf of the Authorities under the powers of this Act in any street or controlled land abutting on any street within the meaning of that section as if the Authorities were one of the bodies specified in paragraph (a) of subsection (1) of that section and the works so executed were for road purposes within the meaning of that paragraph and were of the kind referred to in that section.

Application of Public Utilities Street Works Act 1950.

36.—(1) Subject to the provisions of this Act any work authorised by this Act so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall only be constructed in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

Works below high-water mark to be subject to approval of Minister.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Authorities and the amount of such cost shall be a debt due from the Authorities to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

37.—(1) In case of injury to or destruction or decay of any work constructed by the Authorities under the powers of this Act or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Authorities shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

Provision against danger to navigation.

PART III
—cont.

(2) If the Authorities fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

Abatement
of work
abandoned
or decayed.

38.—(1) Where any work constructed by the Authorities under the powers of this Act and situate wholly or partially on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Authorities at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Authorities they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Authorities and the amount of such expense shall be a debt due from the Authorities to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

Survey of
works by
Minister.

39. If at any time the Minister deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Authorities under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Authorities shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Authorities to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Permanent
lights on
works.

40.—(1) After the completion of the bridge the Authorities shall on each side thereof exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the corporation of Trinity House of Deptford Strond shall from time to time direct.

(2) If the Authorities fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

PART III
—cont.

41.—(1) The Authorities shall at or near such part of any work constructed by them under the powers of this Act as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister shall from time to time require or approve.

Lights on
works during
construction.

(2) If the Authorities fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

42. For the purposes of this Act the boundary between the county and the city shall be the boundary shown on the deposited plans and the Authorities shall in the construction of the bridge cause to be affixed thereon a mark indicating the point at which the bridge passes over such boundary and the said boundary shall be deemed to be the boundary as so indicated.

Boundary
for purposes
of Act.

PART IV

TOLLS

43.—(1) From and after the opening of the bridge for public traffic the Authorities may demand take and recover—

Tolls.

- (a) in respect of all traffic passing over or on the bridge; and
- (b) in respect of the ferry undertaking;

tolls not exceeding those specified in an order (in this section referred to as "the order") made by the Authorities and confirmed by the Minister in accordance with the provisions of this section and for any other services rendered by the Authorities in connection with the bridge or the ferry such reasonable charges as they may think fit:

Provided that—

- (a) different tolls may be demanded taken and recovered in respect of the bridge and the ferry undertaking respectively;
- (b) no tolls shall be demanded or received from any pedestrian using the bridge;
- (c) the Authorities may by resolutions of the Council and of the Council of the city (if and when they think fit)—
 - (i) cease to demand take and recover tolls in respect of traffic passing over or on the bridge; and
 - (ii) resume demanding taking and recovering such tolls;

PART IV
—cont.

- (d) the Authorities may also (if and when they think fit) allow traffic to use the bridge without paying tolls during such hours or on such occasions as they may from time to time determine but the exercise by the Authorities of the powers by this paragraph conferred shall not for the purpose of paragraph (b) of subsection (3) of section 28 (Vesting and maintenance of roads and bridge) of this Act be deemed to be a ceasing by the Authorities of demanding taking and recovering tolls; and
- (e) nothing in this section contained shall operate in derogation of the rights in relation to the ferry preserved by the second proviso to subsection (1) of section 22 (Extension of powers in relation to Torpoint ferry) of the Act of 1929 as applied by section 50 (Ferry undertaking to vest in Authorities) of this Act.

(2) The order when made by the Authorities shall be submitted to the Minister for confirmation and shall be confirmed by the Minister with or without modification not more than twelve months nor less than six months before the expected opening of the bridge for public traffic.

(3) After submitting the order to the Minister for confirmation the Authorities shall furnish the Minister with such information and particulars certified in such manner as the Minister may require and shall publish in the London Gazette and in such newspapers as the Minister may require a notice stating—

- (a) the general effect of the order; and
- (b) that within a period of forty-two days from the date of the first publication of the notice any person having a substantial interest may object to the order by giving notice to the Minister accompanied by the grounds of his objection and sending a copy thereof to the Authorities.

(4) Before confirming the order the Minister shall if required by the Authorities or by any person who has objected to the order and has not withdrawn his objection and in any other case if he thinks fit cause a local inquiry to be held by such person as he may appoint for the purpose.

(5) In confirming the order with or without modification the Minister shall have regard to the financial position and future prospects of the undertakings and the order shall prescribe such maximum tolls as in the Minister's opinion shall not exceed by more than is reasonable the tolls estimated to be required to be demanded taken and recovered when the bridge is first opened for public traffic to produce an annual revenue not substantially less nor substantially more than adequate to meet such expenditure as is authorised for the several purposes mentioned in paragraphs (a) (b) (c) (d) and (e) of subsection (1) of section 60 (Accounts and deficiencies) of this Act:

Provided that the bridge undertaking and the ferry undertaking shall be regarded as one undertaking for the purpose of this subsection.

PART IV
—cont.

(6) The power of the Minister to confirm the order shall be exercisable by statutory instrument.

(7) If after the opening of the bridge for public traffic application is made to the Minister under the Transport Charges &c. (Miscellaneous Provisions) Act 1954 for the revision of any tolls or charges which the Authorities are for the time being authorised to demand and take under this Act in respect of either the bridge or the ferry undertaking the bridge undertaking and the ferry undertaking shall be regarded as one undertaking for the purpose of subsection (3) of section 6 of the said Act of 1954 in its application to any order made in respect of either of the undertakings.

44. The Authorities may from time to time provide set up maintain and remove such toll-houses toll-gates offices and other conveniences in connection with the undertakings as may be necessary or convenient.

Power to provide toll-houses etc.

45. A list of the tolls by this Act authorised to be demanded and taken and which shall from time to time be charged by the Authorities shall at all times be exhibited in a conspicuous place at or near the places where such tolls shall be payable.

List of tolls to be exhibited.

46. The tolls and charges by this Act authorised to be demanded and taken shall be paid to such persons and at such places—

(a) on or near the bridge; or

(b) upon or near to the ferry beaches or upon the floating bridges vessels or boats;

Regulations as to payment of tolls and charges.

and in such manner and under such regulations as the Authorities may appoint and the Authorities may recover such tolls and charges in a summary manner as a civil debt or by action in any court of competent jurisdiction and when such tolls and charges are not paid at the time the bridge or ferry is used or the services provided the Authorities may recover an additional sum of one shilling to cover administration expenses in addition to the toll or charge otherwise payable and any legal costs properly recoverable by the Authorities in any legal proceedings which they may institute.

47. If the tolls payable by any person desirous of using the bridge be demanded from him before using the same and such person shall after demand from him of such tolls (such demand being made by any collector or other person appointed to receive the same) knowingly and wilfully refuse or neglect to pay the same or any part thereof the collector or other person so appointed may refuse to permit the person so in default to use the bridge

Persons may be prevented from using bridge on refusal to pay tolls.

PART IV
—cont.

and may by himself or with such assistance as he shall think necessary stop and prevent the person so in default from using the same.

Power to compound for payment of tolls.

48. The Authorities may enter into a composition with any person with respect to the payment of any tolls or charges under this Act but so that no preference be in any case given to any person and may issue season tickets.

As to tickets.

49. The Authorities may in exchange for the payment of any toll hand a ticket to any person intending to pass over or on the bridge or to use the ferry and any person to whom a ticket is so handed may be required on demand to deliver up such ticket to the toll collector or other person appointed by the Authorities to collect the same at such place or places as the Authorities may from time to time determine.

PART V

FERRIES

Ferry undertaking to vest in Authorities.

50. From and after the opening of the bridge for public traffic—

(1) the ferry undertaking shall vest in the Authorities and may be worked and managed by them;

(2) the following provisions of the Act of 1929 (namely):—
Subsections (1) and (2) of section 22 (Extension of powers in relation to Torpoint Ferry);
Section 24 (Penalty on non-payment of tolls);
Section 25 (Power to charge for accommodation in connection with ferry);
Section 28 (Byelaws as to ferry); and
Subsection (2) of section 32 (New road at Devonport);

shall apply to the Authorities and shall have effect as if for references therein to the Council there were substituted references to the Authorities;

(3) the following provisions of the Act of 1929 (namely):—
Subsections (3) and (4) of section 22 (Extension of powers in relation to Torpoint Ferry);
Section 23 (Taking and recovery of tolls);
Section 26 (Power to enter into composition for payment of tolls);
Section 27 (Season tickets);
Section 29 (General provisions as to byelaws); and
Section 30 (As to tickets for ferry passengers);

shall cease to have effect.

51.—(1) As from the date of the opening of the bridge for public traffic the Saltash Corporation shall by virtue of this Act be relieved from all or any obligations (statutory or otherwise) to maintain work or use the Saltash ferry.

PART V
—cont.

Abandonment
of Saltash
ferry.

(2) As from the said date the Saltash ferry undertaking shall be discontinued and abandoned by the Saltash Corporation and all rights in or relating to the franchise of the Saltash ferry shall be extinguished.

(3) As from the said date the provisions of section 38 (Abatement of work abandoned or decayed) of this Act shall apply to the Saltash Corporation and to any works below high-water mark in connection with the Saltash ferry as if the Saltash Corporation and such works had been referred to therein instead of the Authorities and any work constructed by the Authorities under the powers of this Act.

(4) If until the opening of the bridge for public traffic the Saltash Corporation shall continue to provide a ferry service between Saltash and St. Budeaux substantially the same as that provided for the year ended the thirty-first day of March nineteen hundred and fifty-seven the Authorities shall pay to the Saltash Corporation the sum of thirty thousand pounds within two months after the discontinuance and abandonment of the Saltash ferry and the Saltash Corporation shall accept the said sum as full compensation in respect of the discontinuance and abandonment of the Saltash ferry and any matters arising therefrom including any loss of revenue and rates and any expense incurred by the Saltash Corporation in removing any building structure or works forming part of the Saltash ferry undertaking or in complying with any requirement under section 38 (Abatement of work abandoned or decayed) of this Act as applied by the last foregoing subsection.

52.—(1) Every existing officer of the Saltash Corporation who suffers loss of employment or diminution of emoluments which is attributable to the discontinuance and abandonment of the Saltash ferry shall be entitled to have his case considered for the payment of compensation by the compensating authority in accordance with the provisions of the Local Government (Compensation) Regulations 1948 and subject to the provisions of this section those regulations shall apply accordingly.

Compensation
to existing
officers.

(2) For the purpose of this section and the said regulations as applied thereby—

- (a) the expression “compensating authority” means the Council;
- (b) the expression “existing officer” means a person who immediately before the date of the opening of the

PART V
—cont.

bridge for public traffic devoted the whole of his time and had devoted the whole of his time for a period of not less than eight years previously after attaining the age of eighteen years without a break of more than twelve months at any one time either—

(i) to any of the following employments or to two or more or to any combination of such employments (namely):—

(A) employment under the Crown or in the local government service; or

(B) employment under any officer engaged in any such employment as aforesaid for the purposes of the functions of the employing authority; or

(ii) partly to any such employment as aforesaid or to two or more or to any combination of such employments and partly to war service as defined by the said regulations undertaken on ceasing to follow any of the employments mentioned in paragraph (i) of this subsection or any combination thereof;

(c) the expression “material date” means the date of the discontinuance and abandonment of the Saltash ferry; and

(d) the expression “service” includes service with the Saltash Corporation and such war service as aforesaid.

Restriction on
new ferries.

53. From and after the date of the opening of the bridge for public traffic no ferry shall without the consent of the Authorities be set up or used across the river within the distance of one mile from the bridge and if any person other than the Authorities shall without such consent use any boat barge or other vessel in carrying or conveying for hire any vehicle across the river within the said distance of one mile from the bridge he shall without prejudice to any other remedy of the Authorities for every such offence be liable to a penalty not exceeding ten pounds.

PART VI

FINANCE

Power to
borrow.

54.—(1) The Authorities shall have power in addition and without prejudice to their powers of 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 thereof and they shall repay any sum so borrowed within such periods as the Authorities

may jointly determine not exceeding those respectively mentioned in the third column of the said table (namely):—

PART VI
—cont.

1	2	3
Purpose	Amount	Period for repayment calculated from the date or dates of borrowing
(a) The purchase of lands under the powers of this Act and the payment of any expenses under section 21 (Removal of human remains from Zetland Masonic Lodge Cemetery) of this Act	The sum requisite	Forty years.
(b) The construction of the bridge and other works authorised by Part III (Works) of this Act	£1,492,000	Forty years.
(c) The payment of the sum payable to the Saltash Corporation under section 51 (Abandonment of Saltash ferry) of this Act	£30,000	Forty years.
(d) The payment out of capital of interest on moneys borrowed for the above-mentioned purposes (a) (b) and (c) during the period of suspension authorised by section 56 (Suspension of payments into sinking fund) of this Act	The sum requisite	Forty years.
(e) Provision of housing accommodation for rehousing persons displaced and the provision of buildings for the relocation of population or industry	The sum requisite	Sixty years.
(f) The payment of the costs charges and expenses of this Act	The sum requisite	Five years.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of 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 by this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

(3) The Authorities may also with the sanction of the Minister of Housing and Local Government borrow such further moneys as may be necessary for any of the purposes of this Act and any moneys borrowed under the powers of this subsection shall be repaid within such periods as the Authorities may jointly determine not exceeding such periods as may be prescribed by that Minister.

PART VI
—cont.

(4) The Authorities shall (unless they shall otherwise agree) out of moneys borrowed under the powers of this section make in the aggregate equal contributions for the several purposes for which such moneys are borrowed.

(5) Section 72 (Consolidated loans fund) of the Act of 1929 and any scheme made under that section shall not apply to any moneys borrowed under the powers of this Act.

Saving for
powers of
Treasury.

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

Suspension of
payments into
sinking fund.

56. Notwithstanding anything contained in any Act it shall be lawful for the sums to be provided for the redemption of borrowed moneys for or in respect of purposes (a) (b) (c) and (d) referred to in section 54 (Power to borrow) of this Act to be suspended until the opening of the bridge for public traffic and in the event of such sums being suspended the periods mentioned in the third column of the table set out in subsection (1) of the said section 54 shall commence from the date or dates at which the provision of such sums for such redemption is commenced:

Provided that such suspension shall not be for a longer period from the date of borrowing than five years or such longer period as the Minister of Housing and Local Government may approve.

Application
of certain
provisions.

57. The following provisions of this Act (namely):—

Section 58 (As to revenue and expenditure);

Section 59 (Power to create reserve funds);

Section 60 (Accounts and deficiencies);

Section 61 (Annual accounts to be sent to Minister);

shall not have effect in relation to the ferry undertaking until the date of the opening of the bridge for public traffic and from and after that date the following provisions of the Act of 1929 (namely) :—

Section 76 (Application of revenue and payment of expenses of undertakings);

Section 77 (Deficiencies in revenue of ferry undertaking);

Section 78 (Power to create reserve funds);

Section 79 (Accounts);

shall cease to apply to the ferry undertaking.

As to revenue
and
expenditure.

58.—(1) The Authorities shall each be entitled to receive one-half of the revenue of the undertakings and shall each in the aggregate pay one-half of the annual expenditure upon or in

relation to the undertakings and notwithstanding that capital moneys for the purposes of the undertakings may have been raised or be held by the Authorities in unequal shares the interest on any loans raised by the Authorities for or in connection with the undertakings shall be deemed to be paid by or through the Authorities in equal parts.

PART VI
—cont.

(2) The Authorities may (if they think fit) apply money received by them on account of the revenue of the undertakings in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings or in the provision of funds for working capital for such undertakings or in the provision of reserve funds in accordance with the provisions of section 59 (Power to create reserve funds) of this Act.

59.—(1) The Authorities may if they so decide each provide a reserve fund in respect of the undertakings by setting aside such amounts as they may from time to time determine from the revenue of the undertakings and investing the same in statutory securities until the funds so formed together amount to twenty per centum or such greater percentage as the Minister may from time to time approve of the aggregate capital expenditure incurred by the Authorities on the undertakings.

Power to
create reserve
funds.

(2) Any moneys standing to the credit of any reserve fund formed by the Council in respect of the ferry undertaking at the date on which the bridge is opened for public traffic shall as to one-half be carried to and form part of the reserve fund formed by them under this section and as to the other half be carried to and form part of the reserve fund formed by the Corporation under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Authorities from the undertakings or to meet any extraordinary claim or demand at any time arising against the Authorities in respect of the undertakings or for payment of the cost of renewing improving or extending any part of the works forming part of the undertakings or otherwise for the benefit of the undertakings and so that if that fund 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) Resort may be had to a reserve fund formed under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) The income of any reserve fund shall be treated as part of the revenue of the undertakings.

PART VI
—cont.
Accounts and
deficiencies.

60.—(1) The Authorities shall keep their accounts in respect of the undertakings so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts in respect of the undertakings and on the other side all payments and expenses in respect of the undertakings such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) the working and establishment expenses and cost of maintenance of the undertakings;
- (b) the interest on moneys borrowed by the Authorities for the purposes of or connected with the undertakings;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertakings;
- (d) all other expenses (if any) of the undertakings properly chargeable to revenue;
- (e) the amount (if any) applied for the purposes authorised by subsection (2) of section 58 (As to revenue and expenditure) of this Act.

(2) Any deficiency in the revenue of the undertakings in any financial year shall be made good in the first instance out of the reserve funds (if any) formed in connection with the undertakings and if there be no such reserve funds or if such reserve funds shall be insufficient for the purpose then out of the other moneys of the Authorities and in such case any amount made good out of such other moneys shall be repayable out of any future revenue of the undertakings unless and to the extent that the Authorities may otherwise jointly determine.

(3) The Authorities may apply money received by them in any financial year on account of the revenue of the undertakings in the payment of interest calculated at the rate of five per centum per annum with half-yearly rests on the amounts repayable out of the revenue of the undertakings referred to in the last preceding subsection.

(4) Whenever the money received by the Authorities from the undertakings on account of revenue in any financial year shall exceed the amount expended or set aside in connection with the undertakings in respect of the several purposes mentioned in subsection (1) of this section then the surplus of such revenue shall be used in and for the purposes of the undertakings and for no other purpose.

Annual
accounts to
be sent to
Minister.

61. The Authorities shall within three months of the close of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the undertakings.

PART VI
—cont.

62. The council of any county or county borough or county district may contribute towards expenditure incurred or to be incurred by the Authorities for the purposes of this Act.

Contributions
by local
authorities.

63.—(1) For the purposes of the Local Government Superannuation Acts 1937 to 1953 the administering authority in relation to any employee of the undertakings shall be deemed to be such one of the Authorities as the Authorities may from time to time determine and the employing authorities in relation to every such employee shall be deemed to be the Authorities acting together through the joint committee appointed under section 70 (Appointment and powers of joint committee) of this Act:

Superannua-
tion.

Provided that the Council shall remain the employing authority in relation to any person employed for the purposes of the ferry undertaking unless and until the Authorities otherwise determine.

(2) In exercising their functions as employing authorities under the said Acts in relation to employees of the undertakings the Authorities shall not be bound by any decisions which they may have separately made in regard to other employees nor shall decisions made in relation to employees of the undertakings have effect in relation to other employees notwithstanding that such other employees may fall within the same class or description as employees of the undertakings.

(3) If by reason of any determination under subsection (1) of this section a contributory employee to the superannuation fund of one of the Authorities becomes a contributory employee to the fund of the other the provisions of the Local Government Superannuation Acts 1937 to 1953 and of the regulations made thereunder in regard to the reckoning of service and the payment of transfer values shall have effect as if the employee had ceased to be employed by that one of the Authorities and had commenced to be employed by the other:

Provided that no such determination shall have effect so as to render less beneficial the entitlement to participate in the Council's superannuation fund of any contributory employee of the Council employed for the purpose of the ferry undertaking on the date on which the bridge is opened for public traffic.

(4) In this section—

(a) the several words and expressions to which meanings are assigned by the Local Government Superannuation Acts 1937 to 1953 have the same respective meanings unless there be something in the subject or context repugnant to such construction; and

(b) the expression "employee of the undertakings" means a person employed for the purposes of the undertakings.

PART VII

PROTECTIVE PROVISIONS

Saving rights
of Duchy of
Cornwall.

64. Nothing in this Act shall authorise the Authorities to enter upon take use or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by Her Majesty in right of the said Duchy) the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under section 39 of the Duchy of Cornwall Management Act 1863 to exercise all or any of the rights powers privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said Duchy or (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

For protection
of British
Transport
Commission.

65. For the protection of the British Transport Commission (in this section referred to as "the commission") the following provisions shall unless otherwise agreed in writing between the Authorities and the commission apply and have effect:—

(1) In this section—

"property of the commission" means any lands belonging to or occupied by the commission shown on the deposited plans and any railway or railway bridge of the commission and the works connected therewith;

"the works" means so much of Work No. 3 authorised by this Act and of any other works constructed by the Authorities under the powers of this Act as may be situated upon across under or over the property of the commission or may affect the same and includes the construction maintenance and removal of such works;

"the engineer" means an engineer to be appointed by the commission;

"plans" includes sections drawings and specifications;

(2) The Authorities shall not under the powers of this Act acquire compulsorily any property of the Commission except so much of the properties numbered respectively

16 and 18 in the city on the deposited plans as is not situate within a less distance than eight feet from the nearest rail of the Exeter and Devonport railway of the commission and as is required for the construction of the anchorage of the bridge and they may in accordance with the provisions of section 13 (Power to acquire easements only) of this Act acquire such easements and rights in relation to the property of the commission within the limits of deviation shown on the deposited plans as they may require for the purposes of the works;

- (3) The Authorities shall not in the construction of so much of the works as crosses the river deviate laterally southwards from the line of the works shown on the deposited plans so that there shall be a less distance than one hundred and fifty feet between the respective centre lines of the bridge and the commission's Royal Albert Bridge;
- (4) The Authorities shall not in constructing the easternmost abutment or anchorage of the works make the footings thereof within a less distance than eight feet from the nearest rail of the Exeter and Devonport railway of the commission;
- (5) Before providing any illumination on the bridge the Authorities shall consult with the commission and shall comply with any reasonable requirements of the commission in regard thereto;
- (6) The Authorities shall before commencing the works (other than works of maintenance and repair) furnish to the commission plans thereof for the approval of the engineer (which approval shall not be unreasonably withheld) and shall not commence the works until such plans shall have been approved in writing by the engineer or if he shall not approve the plans until the same shall have been settled by arbitration:

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

- (7) Upon signifying his approval or disapproval of the said 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 stability of the property of the commission or to protect it from injury and

PART VII
—cont.

- such protective works (if any) as may be reasonably necessary for those purposes shall be constructed by the commission within a reasonable time after receiving from the Authorities a request to do so and the Authorities shall not commence the construction of the works until such reasonable time has elapsed or such protective works have been completed;
- (8) (a) The Authorities shall give to the engineer twenty-eight days' notice in writing of their intention to commence any of the works except in case of emergency when they shall give such notice thereof as may be reasonably practicable;
- (b) Blasting operations in connection with the works shall not be carried out except at such times and in such a manner as the engineer may approve;
- (9) The works shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans 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 the property of the commission as may be and so as not to interfere with delay or interrupt the traffic on any railway of the commission and if any damage to the property of the commission or any such interference delay or interruption shall be caused or take place by reason of the works the Authorities shall when called upon so to do notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage interference delay or interruption other than any damage interference delay or interruption caused by the neglect or default of the commission their servants or agents;
- (10) The Authorities shall at all times afford reasonable facilities to the engineer for access to the works and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof;
- (11) If any alterations or additions either permanent or temporary to the property of the commission shall be reasonably necessary in consequence of the works such alterations and additions may be effected by the commission after giving notice to the Authorities and the Authorities shall repay to the commission the reasonable cost thereof including a capitalised sum

representing any increased or additional cost of maintaining working and when necessary renewing any such alterations or additions;

PART VII
—cont.

(12) The Authorities shall when called on so to do repay to the commission all costs charges and expenses reasonably incurred by the commission by reason of the works—

(a) in constructing any protective works under the provisions of paragraph (7) of this section;

(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 the property of the commission and for preventing as far as may be all interference obstruction danger or accident arising from the works;

(c) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services;

(d) in lighting the property of the commission in the vicinity of the works ;

(13) If at any time after the completion of the construction of the works the commission shall give notice to the Authorities informing them that the state of repair of the works is such as to affect prejudicially the property of the commission the Authorities shall take such steps (if any) as may be reasonably necessary to put the works into such a state of repair as not to affect prejudicially the property or traffic of the commission and if and whenever the Authorities fail to do so the commission may make and do in and upon the lands of the commission or of the Authorities all such works and things as shall be requisite to put the works into such state of repair as aforesaid and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Authorities;

(14) The Authorities shall be responsible for and make good to the commission all costs charges damage and expenses not otherwise provided for in this section which may be occasioned to the commission—

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

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

PART VII
—cont.

and the Authorities shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the works or any failure or act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any requirement of the engineer or under his supervision shall not excuse the Authorities from any liability under the provisions of this section unless such costs damage or expenses shall be occasioned or such claims and demands shall arise by reason of the neglect or default of the commission their servants or agents:

Provided that the commission shall give reasonable notice to the Authorities of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the consent of the Authorities;

- (15) Any additional expense which the commission may reasonably incur after giving one month's notice to the Authorities in widening altering reconstructing or maintaining any railway of the commission 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 Authorities to the commission;
- (16) Any difference arising between the Authorities and the commission or the engineer under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection
of certain
statutory
undertakers.

66. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Authorities and the undertakers concerned apply and have effect:—

- (1) In this section unless the subject or context otherwise requires "undertakers" means the South Western Gas Board the South Western Electricity Board and the Saltash Corporation or any of them:
- (2) In constructing the bridge the Authorities shall provide therein accommodation and support for—
- (i) two steel gas mains of the South Western Gas Board each having an internal diameter not exceeding eight inches and together having a weight of not less than forty-seven pounds per foot run nor more than fifty-seven pounds per foot run;
- (ii) four electric cables of the South Western Electricity Board two of these each having a diameter not exceeding three inches and the remaining two

each having a diameter not exceeding one and one-quarter inches and together having a weight of not less than twenty-five pounds per foot run nor more than thirty-five pounds per foot run; and

(iii) a water main of the Saltash Corporation having an internal diameter not exceeding nine inches and having a weight (including the weight of the water if any in the main) of not less than twenty-five pounds per foot run nor more than sixty-five pounds per foot run;

and shall also provide a means by which the undertakers may have access to such mains and cables after the same are laid without breaking up or interfering with the surface of the road and footway of the bridge:

- (3) Such accommodation and support and means of access shall be of such nature and in such position as may be agreed between the Authorities and the undertakers or in default of agreement settled by arbitration:
- (4) The additional cost (if any) reasonably incurred by the Authorities in providing such accommodation and support and means of access shall be repaid to the Authorities by the undertakers in a single payment or in such other manner as may be agreed between the Authorities and the undertakers:
- (5) (a) The undertakers shall before the Authorities complete the construction of the bridge lay down in the accommodation provided either the said mains and cables or an equivalent weight of other material as the Authorities may reasonably approve;
- (b) The work to be done by the undertakers under this paragraph shall be carried out within three months of a notice from the Authorities that the accommodation provided for the said mains and cables is ready and in default the Authorities may at the expense of the undertakers provide and lay in the said accommodation or otherwise such weight of material as the Authorities may reasonably decide to be required;
- (c) The undertakers shall conform with the reasonable requirements of the Authorities as to the time or times at which and the manner in which the undertakers are to carry out work under this section and the Authorities shall be entitled to superintend such work. The costs reasonably incurred by the Authorities in such superintendence shall be repaid to them by the undertakers:
- (6) The undertakers shall be entitled at all times to use free of charge the accommodation and means of access

PART VII
—cont.

provided pursuant to the foregoing provisions of this section for the purpose of laying and placing therein the said gas mains electric cables and water main with any necessary apparatus ancillary thereto and for the purpose of inspecting repairing maintaining removing or renewing such mains cables and apparatus:

Provided that—

(a) nothing in this section contained shall entitle the undertakers to break up interfere with or obstruct the surface of the road and footway of the bridge;

(b) the said mains cables and apparatus shall at all times conform in their design construction and use with the reasonable requirements of the Authorities;

(c) except in case of emergency the undertakers shall give to the Authorities not less than ten days' notice in writing of their intention to execute works on the bridge and shall conform with the reasonable requirements of the Authorities as to the time or times at which the undertakers may exercise the right of entering upon and executing works on the bridge and as to the manner in which such works are executed and the Authorities shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Authorities in such superintendence shall be repaid to them by the undertakers;

(d) the undertakers shall not in the exercise of their rights under this paragraph be entitled to increase the burden to be borne by the bridge structure above the maximum weights for which the Authorities are to provide under paragraph (2) of this section nor to distribute such burden unequally and if the undertakers shall desire to reduce the burden below the minimum for which provision is to be made as aforesaid they shall provide and maintain an equivalent weight of material as the Authorities may reasonably require:

- (7) (a) The undertakers shall maintain in good repair and to the reasonable satisfaction of the Authorities all mains cables apparatus and material placed on the bridge by the undertakers and shall from time to time carry out and maintain such works as the Authorities may reasonably require to be done or provided for ensuring the safety and stability of the bridge and the safety and convenience of those using the bridge being works reasonably required to be done in consequence of the exercise by the undertakers of the rights conferred upon them by this section and in default the Authorities

may at the expense of the undertakers carry out and maintain such works and the undertakers shall repay to the Authorities any expenses reasonably incurred by the Authorities in carrying out any such works;

- (b) The undertakers shall repay to the Authorities any loss damage or expenses suffered or incurred by the Authorities by reason of the failure of the undertakers to comply with the provisions of this section or by reason of any fault in or accident occurring in relation to any mains cables apparatus or material placed on the bridge by the undertakers and shall indemnify the Authorities against any actions proceedings costs claims or demands arising out of or in any way attributable to the exercise by the undertakers of the rights conferred upon them by this section unless such actions proceedings costs claims or demands shall arise by reason of the neglect or default of the Authorities their servants or agents:

Provided that whenever any loss or damage occurs which might give rise to a claim against the undertakers under this section the Authorities shall as soon as possible give notice thereof to the undertakers and shall not concede or compromise any claim made upon the Authorities without the concurrence of the undertakers:

- (8) The Authorities shall afford to the undertakers all such facilities as the undertakers may reasonably require for the purpose of connecting the said mains cables and apparatus with any other mains cables or apparatus of the undertakers:
- (9) Any question or difference which may arise between the Authorities and the undertakers under this section (other than any question or difference as to the meaning or construction of this section) shall be settled by arbitration.

67. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Authorities and the undertakers concerned apply and have effect:—

For further protection of certain statutory undertakers.

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

“ apparatus ” means—

(a) in relation to the South Western Electricity Board or the Central Electricity Authority electric

PART VII
—cont.

lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by either of such undertakers;

(b) in relation to the South Western Gas Board mains pipes or other apparatus belonging to or maintained by such board;

(c) in relation to the Saltash Corporation mains pipes or other works used for the purpose of or in connection with the provision of a supply of water and belonging to or maintained by the Saltash Corporation;

(not being in any case apparatus in respect of which the relations between the Authorities and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950 and not being apparatus required only to serve property owned or acquired by the Authorities) and includes any works constructed for the lodging therein of apparatus;

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

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

“position” includes depth;

“undertakers” means—

the South Western Electricity Board;

the Central Electricity Authority;

the South Western Gas Board;

the Saltash Corporation;

or any of them:

- (2) Nothing in the following sections of this Act shall relieve the Authorities from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the Authorities shall so exercise those powers as not to obstruct or render less convenient (so far as is reasonably practicable) the access to any apparatus:—

Section 22 (Power to construct works);

Section 24 (Power to make subsidiary works);

Section 26 (Underpinning of houses near works);

Section 31 (Restriction on access by vehicular traffic);

Section 44 (Power to provide toll-houses etc.);

(3) If the Authorities in exercise of the powers of this Act acquire any land in which any apparatus is placed that apparatus shall not be removed under this section nor shall any right of the undertakers to use maintain repair renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers;

PART VII
—cont.

(4) If the Authorities for the purpose of executing any works in on or under any land acquired held appropriated or used under this Act require the removal of any apparatus placed in that land and shall give to the undertakers prior notice in writing of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed or if in consequence of the exercise of any of the powers of this Act the undertakers shall reasonably require to remove any apparatus the Authorities shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other land of the Authorities and thereafter for the maintenance repair renewal and inspection of such apparatus:

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

(5) (a) Any alternative apparatus to be constructed in land of the Authorities in pursuance of this section shall be constructed in such manner and in such line or position as may be agreed between the undertakers and the Authorities or in default of agreement settled by arbitration;

(b) The undertakers shall after the alternative apparatus to be provided or constructed shall be agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in the last foregoing paragraph proceed with all reasonable dispatch to construct and bring

PART VII
—cont.

into operation the alternative apparatus and thereafter to remove any apparatus required by the Authorities to be removed under the provisions of this section;

- (6) (a) Not less than twenty-eight days before commencing to execute any such works as are referred to in paragraph (4) of this section and are near to or will or may affect any apparatus the removal of which has not been required by the Authorities under the said paragraph (4) the Authorities shall submit to the undertakers a plan and section and description of the works to be executed;
- (b) Such works shall be executed only in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officers to watch and inspect the execution of such works:

Provided that if the undertakers within fourteen days after the submission to them of any such plan section and description shall in consequence of the works proposed by the Authorities reasonably require the removal of any apparatus and give written notice to the Authorities of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Authorities under paragraph (4) thereof;

- (c) The Authorities shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan section and description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:
- (7) Notwithstanding the stopping up temporarily or permanently of any road or street or part of a road or street under the powers of section 29 (Stopping up of highways) or section 30 (Power to prevent access to or from certain works) of this Act the prohibition of the driving of vehicles along Normandy Way by any order made under section 31 (Restriction on access by vehicular traffic) of this Act the closing of the bridge or any portion thereof under the powers of section 33 (As to closing of bridge) of this Act or any byelaw made under section 71 (Byelaws) of this Act the undertakers their engineers

or workmen and others in their employ shall at all times have such right of access to all or any apparatus situate in or under any such road or street or the bridge or portion thereof as they had immediately before such stopping up prohibition or closing or the making of such byelaw and shall be at liberty to execute and do all such works or things in upon or under such road or street or the bridge or portion thereof as may be necessary for inspecting repairing maintaining renewing or removing such apparatus:

Provided that this paragraph shall not apply in any case in which any road or street or part of a road or street is permanently stopped up and the apparatus therein is replaced by adequate alternative apparatus by or at the cost of the Authorities:

- (8) The Authorities shall on demand pay to the undertakers the costs and expenses reasonably incurred by the undertakers in or in connection with the inspection removal alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of any such works as are referred to in paragraph (4) of this section less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal) and shall also make compensation to the undertakers—

(a) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(b) for any other expenses loss damages penalty or costs incurred by the undertakers;

by reason or in consequence of the execution maintenance use or failure of any such works:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Authorities under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or

PART VII
—cont.

settled by arbitration under section 67 (For further protection of certain statutory undertakers) of the Tamar Bridge Act 1957 ”:

- (9) Any question or difference which may arise between the Authorities and the undertakers under this section (other than any question or difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection
of Saltash
Corporation.

68. For the protection of the Saltash Corporation the following provisions unless otherwise agreed in writing between the Authorities and the Saltash Corporation shall apply and have effect:—

- (1) Notwithstanding anything in this Act or shown on the deposited plans and sections the Authorities shall provide and keep open at all times access for pedestrians between North Road and Ellwell Road at or near the junction of the said two roads both during the construction of Work No. 1 by this Act authorised and after the completion of such work:

- (2) Notwithstanding anything in this Act or shown on the deposited plans and sections the Authorities shall not stop up Ellwell Road at or near to its junction with North Road until either—

(i) the Saltash Corporation shall have acquired the necessary land and constructed a road (hereinafter referred to as “ the connecting road ”) with a carriage-way twenty feet wide and two footways each five feet wide from the north-eastern end of Tavy Road so as to connect that road with the north-western end of Ellwell Road and with the access at the rear of certain premises in Home Park Road; or

(ii) the expiration of two years after the date on which the Authorities give notice to the Saltash Corporation of their intention to commence Works Nos. 1 and 3 by this Act authorised;

whichever is the earlier:

- (3) (a) Not less than two months before stopping up vehicular access or interfering with pedestrian access between North Road and Ellwell Road the Authorities shall submit to the Saltash Corporation for their reasonable approval plans sections and particulars of the pedestrian access to be provided in accordance with paragraph (1) of this section;

- (b) If the Saltash Corporation shall not within two months after the submission to them of such plans sections and

particulars signify their disapproval thereof and the grounds of such disapproval they shall be deemed to have approved the same;

PART VII
—cont.

- (c) If the Saltash Corporation shall signify their disapproval of the said plans sections and particulars or any of them and the grounds of such disapproval within the said period of two months and the Authorities and the Saltash Corporation fail to agree with regard thereto the difference shall be referred to arbitration and the Authorities shall not interfere with the existing pedestrian access between North Road and Ellwell Road until plans sections and particulars of the said pedestrian access shall have been approved or deemed to have been approved by the Saltash Corporation or such difference shall have been settled by arbitration;
- (d) The said pedestrian access shall be constructed in accordance with the plans sections and particulars thereof so approved or deemed to have been approved by the Saltash Corporation or settled by arbitration and to the reasonable satisfaction of the Saltash Corporation:
- (4) The pedestrian access to be provided under paragraph (1) of this section shall be maintained by and at the expense of the Authorities for a period of twelve months from the completion of such access to the reasonable satisfaction of the Saltash Corporation and thereafter the said access shall be maintained as a highway repairable by the inhabitants at large by and at the expense of the Saltash Corporation:
- (5) Within three months of the completion of the connecting road the Authorities shall repay the Saltash Corporation their reasonable costs and expenses of acquiring the necessary land (including any costs and expenses in connection with any compulsory purchase order) and of constructing and maintaining for a period of twelve months the connecting road together with a charge of seven and one-half per centum on such costs and expenses to cover administrative charges:
- (6) Notwithstanding anything in this Act the Authorities shall not exercise the powers conferred on them by section 17 (Acquisition of land for relocation of population or industry) or section 18 (Power to develop land) of this Act within the borough of Saltash without the consent in writing of the Saltash Corporation which consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be determined by the Minister of Housing and Local Government.

PART VII
—cont.For protection
of Postmaster-
General.

69.—(1) If any street or part of a street is stopped up in pursuance of the power to divert streets conferred on the Authorities by paragraph (a) of section 24 (Power to make subsidiary works) of this Act the following provisions shall unless otherwise agreed in writing between the Authorities and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such street or part of a street at the time of such stopping up:—

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the street or part of the street so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Authorities of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the Authorities in that behalf abandon the said line or any part thereof and shall be deemed as respects the 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 he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Authorities the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Authorities and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any part of any street has been stopped up the Authorities shall give notice to the Postmaster-General of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run on the date on which such notice is given.

(3) Nothing in section 32 (No mains or pipes to be laid in bridge) of this Act shall alter prejudice or affect any of the rights and powers of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1954.

(4) (a) The Authorities shall in constructing the bridge provide for the telegraphic lines of the Postmaster-General accommodation under the deck of the bridge not less than two feet wide by one foot deep or of such other dimensions affording a cross-sectional area of not less than two square feet as may be agreed between the Postmaster-General and the Authorities or failing agreement be determined in manner provided by this subsection. The Authorities shall also provide a means by which the Postmaster-General may have access to such telegraphic lines after the same are laid without breaking up or interfering with the surface of the road and footway of the bridge. The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General:

Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Authorities his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

(b) The weight of the said telegraphic lines and the ducting cables and supports therefor for which the Authorities are to provide accommodation under this subsection shall be not less than forty-two pounds per foot run nor more than eighty-two pounds per foot run.

(c) The additional cost (if any) reasonably incurred by the Authorities in providing such accommodation and means of access shall be repaid to the Authorities by the Postmaster-General in a single payment or in such other manner as may be agreed between the Authorities and the Postmaster-General.

(d) The Postmaster-General shall before the Authorities complete the construction of the bridge—

- (i) lay down all such ducting cables and supports as may be required for the purposes of the telegraphic lines in the bridge; or
- (ii) lay down in the space provided for the telegraphic lines a weight of such materials as the Authorities shall reasonably approve and maintain such weight in position until he shall lay down the said ducting cables and supports.

(e) The work to be done by the Postmaster-General under paragraph (d) of this subsection shall be carried out within three months of a notice from the Authorities that the accommodation provided for the said telegraphic lines is ready and in default the Authorities may at the expense of the Postmaster-General provide and lay in the said accommodation or otherwise such weight of material as the Authorities may reasonably decide to be required.

PART VII
—cont.

(f) The Postmaster-General shall conform with the reasonable requirements of the Authorities as to the time or times at which and the manner in which the Postmaster-General is to carry out work under paragraph (d) of this subsection and the Authorities shall be entitled to superintend such work. The costs reasonably incurred by the Authorities in such superintendence shall be repaid to them by the Postmaster-General.

(g) Any question which may arise between the Postmaster-General and the Authorities under this subsection shall be determined in manner provided by the Telegraph Act 1878.

PART VIII

MISCELLANEOUS

Appointment
and powers
of joint
committee.

70.—(1) A joint committee of the Authorities shall be appointed under and subject to the provisions of the Act of 1933 relating to joint committees and—

(a) all matters relating to the discharge of the functions of the Authorities under this Act shall stand referred to such joint committee for consideration; and

(b) there shall be delegated to such joint committee all the powers of this Act conferred upon the Authorities except—

(i) those relating to the acquisition appropriation leasing or disposal of land;

(ii) those relating to the ceasing to demand and take and recover tolls and those relating to resuming the demanding taking and recovering of tolls;

(iii) those contained in Part VI (Finance) of this Act.

(2) Any joint committee appointed as aforesaid shall consist of ten members five members appointed by the Council and five members appointed by the Corporation.

(3) The joint committee shall not without the consent of the Authorities authorise any material alteration in the construction or design of the bridge works.

(4) If any question as to any matter in which the interests of the Authorities are not identical (as to which a memorandum in writing under the hands of a majority of the members of the joint committee representing the same authority shall be conclusive) arises at a meeting of the joint committee then on the request in writing of the representatives or of the majority of the representatives of either of the Authorities signified under

their hands and delivered to the chairman of the meeting at such meeting such question shall be referred to the Authorities and in that case no action shall be taken on that question unless and until the same shall have been approved by the Authorities or in case of difference settled by arbitration.

PART VIII
—cont.

(5) Should any vacancy arise on the joint committee the Council or the Corporation (as the case may be) shall appoint another person to fill such vacancy and such person shall occupy the same position and have the same power as the other members of the joint committee.

(6) A quorum of the joint committee shall consist of two members from each of the Authorities.

71. The Authorities may make byelaws—

Byelaws.

- (a) for preventing injury and damage to the bridge;
- (b) for regulating the conduct of all persons using the bridge;
- (c) for regulating the traffic along over and under the bridge and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines carriages vehicles and animals or other classes of traffic and for providing that the bridge may be temporarily closed to road traffic for repairs or other emergencies and for ensuring that road traffic shall not be unreasonably delayed;
- (d) for prohibiting the conveyance upon the bridge of any goods which may in the opinion of the Authorities be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon or endanger the safety of the bridge or the passenger and other traffic carried thereon;
- (e) relating to the issue and inspection of tickets and the collection of tolls; and
- (f) generally for regulating and controlling the use of the bridge.

72. Notwithstanding anything contained in any Act the bridge and the carriageways and footways thereof and the buildings (not being dwelling-houses or office buildings) machinery apparatus and works used in connection therewith shall not either during or after their construction be assessed to any local rate.

Bridge works
to be exempt
from rates.

73. Any question arising between the Council and the Corporation under any of the provisions of this Act shall be referred to and determined by arbitration.

Settlement
of questions
between
Authorities.

PART VIII
—cont.
Arbitration.

74. In arbitration under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

Provision of Act	Person appointing arbitrator
Subsection (3) of section 26 (Underpinning of houses near works)	The President of the Institution of Civil Engineers.
Subsection (6) of section 26 (Underpinning of houses near works)	The President of the Institution of Civil Engineers.
Paragraph (16) of section 65 (For protection of British Transport Commission)	The President of the Institution of Civil Engineers.
Paragraph (9) of section 66 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Paragraph (9) of section 67 (For further protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Paragraph (3) of section 68 (For protection of Saltash Corporation)	The President of the Institution of Civil Engineers.
Subsection (4) of section 70 (Appointment and powers of joint committee)	The President of the Law Society.
Section 73 (Settlement of questions between Authorities)	The President of the Law Society.

Determination of compensation.

75. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for 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 of the Act of 1936.

Confirming authority for byelaws.

76. As respects byelaws made under this Act or under any provisions of the Act of 1929 as applied by this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister.

Local inquiries.

77.—(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 the expression "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 the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

PART VIII

—cont.

78. The sections of the Act of 1936 mentioned in the schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application of general provisions of Act of 1936.

79. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.

80. All the costs charges and expenses preliminary 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 Authorities in equal shares and shall be deemed to be expenses of the bridge undertaking.

Costs of Act.

SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices &c.
284	Authentication of documents.
285	Service of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

— — — — —

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845	8 & 9 Vict. c. 20.
Cornwall Railway Act 1846	9 & 10 Vict. c. cccxxxv.
Duchy of Cornwall Management Act 1863	26 & 27 Vict. c. 49.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Development and Road Improvement Funds Act 1909	9 Edw. 7 c. 47.
Acquisition of Land (Assessment of Com- pensation) Act 1919	9 & 10 Geo. 5 c. 57.
Mines (Working Facilities and Support) Act 1923	13 & 14 Geo. 5 c. 20.
Local Government Act 1929	19 Geo. 5 c. 17.
County of Cornwall Act 1929	19 & 20 Geo. 5 c. lxxxii.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Pro- cedure) Act 1946	9 & 10 Geo. 6 c. 49.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Income Tax Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 10.
Transport Charges &c. (Miscellaneous Provisions) Act 1954	2 & 3 Eliz. 2 c. 64.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 3s. 6d. net

PRINTED IN GREAT BRITAIN