

ELIZABETH II



1973 CHAPTER xix

An Act to make further provision in relation to the bridge across the river Itchen authorised to be constructed under the Southampton Corporation Act 1960; and for other purposes. [18th July 1973]

WHEREAS—

(1) The city and county of the city of Southampton (hereinafter referred to as “the city”) is a county borough under the government of the mayor, aldermen and citizens of the city (hereinafter referred to as “the Corporation”):

(2) By the Southampton Corporation Act 1960 the Corporation 1960 c. xlii. were empowered to construct a bridge (hereinafter referred to as “the bridge”) across the river Itchen:

(3) It is expedient to confer upon the Corporation the power to take tolls in respect of the user of the bridge in accordance with the provisions of this Act:

(4) When the bridge is open for public traffic it will be desirable that the floating bridge (in this Act referred to as “the ferry”) across the river Itchen be discontinued:

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

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

(7) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

The provision and setting up of toll-houses, toll-gates, signals, offices and other conveniences authorised by section 19 (Power to provide toll-houses, etc.) of this Act	£200,000;
--	-----------

The additional cost of the construction of the works authorised by the Southampton Corporation Act 1960	£1,300,000:
---	-------------

1960 c. xlii.

(8) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a number of years:

1933 c. 51.

(9) 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:

(10) A plan showing the lands required or which may be taken under the powers of this Act and 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 in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the town clerk of the city, which plan and book of reference are in this Act referred to respectively as the deposited plan and the deposited 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:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Southampton Corporation Act 1973.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Tolls.

Part IV.—Abandonment of ferry.

Part V.—Finance.

Part VI.—Miscellaneous and general.

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

PART I
—cont.

Interpretation.

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

“ the Act of 1933 ” means the Local Government Act 1933; 1933 c. 51.

“ the Act of 1936 ” means the Public Health Act 1936; 1936 c. 49.

“ the Act of 1960 ” means the Southampton Corporation Act 1960; 1960 c. xlii.

“ the Act of 1965 ” means the Compulsory Purchase Act 1965; 1965 c. 56.

“ the Act of 1972 ” means the Local Government Act 1972; 1972 c. 70.

“ the bridge ” means the bridge (Work No. 5) authorised by the Act of 1960;

“ the bridge scheme ” means the bridge and the other works authorised by the Act of 1960 and any works constructed or to be constructed in association therewith and includes all the lands, easements, rights, toll-houses, toll-gates, signals, offices and other conveniences for the time being held or used by the Corporation for the purposes of or in relation to all or any of such works;

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

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

“ the council ” means the council of the city;

“ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of any enactment;

“ public service vehicle ” has the same meaning as in section 117 of the Road Traffic Act 1960; 1960 c. 16.

“ scheduled service ” means—

(a) any service of stage carriages or express carriages upon a timetabled journey; or

(b) any service of transport for—

(i) pupils to or from any school or other educational establishment; or

(ii) employees to or from any factory or other place of employment;

provided by any public service vehicle;

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

“ the tribunal ” means the Lands Tribunal;

PART I
—cont.

“ the works ” means all or any of the works authorised by Part III (Works) of the Act of 1960.

(3) Except where the context otherwise requires 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 enactment including this Act.

Application
of Part I of
Act of 1965.

1946 c. 49.

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

(2) In subsection (1) of section 11 of the Act of 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) as so applied, for the words “ fourteen days ” there shall be substituted the words “ three months ”.

1845 c. 18.

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

PART II

LANDS

Power to
acquire lands.

5.—(1) Subject to the provisions of the Act of 1960 and of this Act, the Corporation may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required—

- (a) for the purposes of the works and for providing space for the erection of houses and buildings adjoining or near to the works and for the purposes of recoupment, reinstatement or exchange and for other the purposes of the Act of 1960 or for any of those purposes; and
- (b) for the purposes of any works to be constructed under any other enactment by the Corporation in association with the works.

(2) Subject to the provisions of the Act of 1960 and of this Act, the Corporation may enter upon, take and use such of the lands delineated on the plans deposited in respect of the Bill for the Act of 1960 and described in the book of reference to those plans and such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required

for the provision and setting up of all or any of the structures and conveniences authorised by section 19 (Power to provide toll-houses, etc.) of this Act.

PART II
—cont.

(3) (a) The powers of the Corporation for the compulsory purchase of land under this section shall not be exercised after 31st December, 1976.

(b) The power to acquire compulsorily any such land shall for the purposes of this subsection be deemed to have been exercised if notice to treat has been served in respect of that land not later than the date after which the powers for compulsory purchase under this section may not be exercised.

(4) (a) The Secretary of State may by order from time to time extend the period for the exercise of the powers of the Corporation for the compulsory purchase of land under this section.

(b) An order so made shall be subject to special parliamentary procedure.

6. If the Secretary of State by order made under section 5 (Power to acquire lands) of this Act extends the period for the exercise of the powers of the Corporation for the compulsory purchase of land the following provisions shall apply after the coming into operation of that order:—

Power to owners and lessees to give notice as to purchase of land.

(1) In this section—

“the land” means any land which is for the time being authorised to be acquired compulsorily by this Act;

“lessee” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under paragraph (2) of this section:

(2) If any person being the owner or lessee of the land shall give notice in writing to the Corporation of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Corporation shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Corporation; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice:

PART II
—cont.

(3) Where notice is given under the last foregoing paragraph by an owner or lessee of the land specified in the notice then—

(a) if the Corporation—

(i) fail to comply with that paragraph; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with sub-paragraph (b) of that paragraph; or

(iii) serve notice on him in compliance with sub-paragraph (c) of that paragraph;

the powers conferred by this Act for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

Correction of errors in deposited plan and book of reference.

7.—(1) If the deposited plan or the deposited book of reference is inaccurate in its description of any land or in its statement or description of the ownership or occupation of any land the Corporation 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 city for the correction thereof.

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

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

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

Acquisition of part only of certain properties.

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

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house together with any park or garden belonging thereto, then, if the person on whom the notice is served, within twenty-one days after the day on which the notice is served on him, serves on the Corporation a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereafter in this section referred to as "the land subject to the counter-notice"), the question whether he shall be required to sell the part shall, unless the Corporation agree to take the land subject to the counter-notice, be referred to the tribunal.

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

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

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

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

(a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder

PART II
—cont.

of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

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

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

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

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

Extinction of
private rights
of way.

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

1961 c. 33.

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

Disregard of
recent
improvements
and interests.

10. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on land acquired or on any other land with which the claimant is, or was at the time of the erection, executing or making of the building, works, improvement or alteration, directly or indirectly concerned, if

the tribunal are satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

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

12.—(1) The Corporation 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. **Power to reinstate owners or occupiers of property.**

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

13. Section 11 (Provision of substituted sites) and section 12 (Power to reinstate owners or occupiers of property) of this Act shall cease to have effect on 1st April, 1974. **Cesser of last two preceding sections.**

14.—(1) (a) The Corporation may stop up the whole or such portion or portions as they think fit of the streets in the city referred to in this subsection as are shown on the deposited plan as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the sites of the streets stopped up. **Stopping up of streets.**

(b) The streets hereinbefore referred to are—

Guillaume Terrace;

Ryde Terrace;

Upper Vicarage Road;

An unmade rear access road lying behind and east of The Colonnade in Bridge Road.

(2) No street or part of a street shall be stopped up under the powers of the foregoing subsection until the Corporation are in possession of all lands on both sides of such street or part of a street except so far as the owners, lessees and occupiers of those lands may otherwise agree.

PART II
—cont.

(3) (a) The Corporation may close to such vehicular and pedestrian traffic as they may determine the streets in the city referred to in this subsection at the points on such streets marked on the deposited plan "Access to be stopped up".

(b) The streets hereinbefore referred to are—
Albert Road;
Oak Road.

PART III

TOLLS

Tolls.

15.—(1) From and after the opening of the bridge for public traffic the Corporation may demand, take and recover in respect of all or any class of traffic passing over or on the bridge, tolls not exceeding those specified in an order (in this section referred to as "the order") made by the Corporation in accordance with the provisions of this section and for any other services rendered by the Corporation in connection with the bridge such reasonable charges as they may think fit:

Provided that—

(a) no tolls shall be demanded or received from any pedestrian using the bridge or in respect of any public service vehicle on a scheduled service;

(b) the Corporation may—

(i) cease to demand, take and recover tolls in respect of traffic or any class of traffic passing over or on the bridge; and

(ii) resume demanding, taking and recovering such tolls; and

(iii) allow traffic or any class of traffic to use the bridge without paying tolls or on payment of tolls at a reduced rate during such hours or on such occasions as they may from time to time determine; and

(iv) demand, take and recover tolls at a reduced rate in respect of traffic of a local character.

(2) In determining the level of tolls to be specified in the order the Corporation shall have regard to—

first, the financial position and future prospects of the bridge scheme;

secondly, the need to control the composition and flow of traffic over the bridge so as to avoid causing traffic congestion in areas adjacent to the bridge and so as to preserve the character and amenities of those areas; and

thirdly, the question of whether to allow any class of traffic to use the bridge without payment of tolls or on payment of tolls at a reduced rate—

PART III
—cont.

(a) where the grant of any such concession would assist the disabled or aged;

(b) where, in the opinion of the Corporation, the grant of any such concession for a limited period would be desirable in the interests of assisting the establishment of industry or commerce in the city;

(c) where the traffic is of a local character.

(3) The Corporation may make a further order revising all or any of the tolls authorised in pursuance of this Act or any classification of traffic specified in any order for the time being in force under this Act and the provisions of subsection (2) of this section shall apply to the making of any such further order:

Provided that if an order for the time being in force has been made by the Secretary of State in pursuance of section 16 (Revision of tolls) of this Act the Corporation may not make a further order revising all or any of the tolls or any classification of traffic specified in any such order unless—

(a) a period of not less than twelve months has elapsed since the making of the order by the Secretary of State; and

(b) the Corporation have notified the Secretary of State of their intention to make such an order and considered any observations of the Secretary of State; and

(c) in the opinion of the Corporation there has been, since the date of the making of the order by the Secretary of State, a material change in any of the circumstances relating to any of the matters referred to in subsection (2) of this section.

(4) Before making an order under this section, the Corporation shall give notice by advertisement in one or more local newspapers circulating in the city stating the contents of the proposed order and shall take into consideration any objections or representations in respect of the proposed order made within twenty-eight days of the first publication of the notice.

16.—(1) If at any time—

(a) it is represented in writing to the Secretary of State—

(i) by any person or any body sufficiently representative of persons appearing to the Secretary of State to have a substantial interest in the use of the bridge; or

Revision of
tolls.

PART III
—cont.

- (ii) by the Corporation; or
(b) it appears to the Secretary of State after consultation with the Corporation to be expedient;

that in the circumstances then existing all or any of the tolls authorised in pursuance of this Act or any classification of traffic specified in any order for the time being in force under this Act should be revised, the Secretary of State may, if he thinks fit, make an order revising all or any of such tolls or any classification of traffic as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or revised by a further order of the Secretary of State or of the Corporation made in pursuance of this Part of this Act.

(2) As soon as may be after the receipt by the Secretary of State of a representation pursuant to subsection (1) of this section from any person or any body other than the Corporation the Secretary of State shall send a copy of the representation to the Corporation.

(3) Before making an order under this section the Secretary of State shall, if required by—

- (a) any such person or body as is referred to in subparagraph (i) of paragraph (a) of subsection (1) of this section, being a person or body who either has made a representation to the Secretary of State pursuant to that subsection or has pursuant to section 17 (Further provisions as to prescription or revision of tolls) of this Act objected to the representation made to, or the proposals of, the Secretary of State and has not withdrawn the objection; or
(b) the Corporation;

and may 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.

(4) In deciding whether to make an order under this section, the Secretary of State shall have regard to—

- (a) the matters referred to in subsection (2) of section 15 (Tolls) of this Act; and
(b) such other matters as he thinks proper.

Further provisions as to prescription or revision of tolls.

17.—(1) If representation is made to the Secretary of State under section 16 (Revision of tolls) of this Act or if it appears to the Secretary of State to be expedient to revise the tolls or any classification of traffic pursuant to paragraph (b) of subsection (1) of the said section 16, the Corporation shall furnish the Secretary of State with such information and particulars as the Secretary of State may require and shall upon being required to do so by

the Secretary of State publish in the London Gazette and in such one or more newspapers as the Secretary of State may specify a notice stating—

- (a) the general effect of the representation or the proposals of the Secretary of State;
- (b) the place or places at which copies of the representation or the proposals of the Secretary of State, as the case may be, may be inspected free of charge and copies thereof purchased and the price of such copies;
- (c) the date, being forty-two days after the first publication of the notice, by which objections to the representation or the proposals of the Secretary of State, as the case may be, may be made in writing to the Secretary of State.

(2) The power of the Secretary of State to make an order under the said section 16 shall be exercisable by statutory instrument and the Secretary of State may by any order made by him under the said section 16 amend, vary or revoke any order made by the Corporation under section 15 (Tolls) of this Act or made by him under the said section 16.

Exclusion from application of section 6 of Transport Charges, &c. (Miscellaneous Provisions) Act 1954. 1954 c. 64.

18. Section 6 of the Transport Charges, &c. (Miscellaneous Provisions) Act 1954 shall not apply in relation to the tolls and charges by this Act authorised to be demanded and taken.

Power to provide toll-houses, etc.

19. The Corporation may from time to time provide, set up, maintain and remove such toll-houses, toll-gates, signals, offices and other conveniences in connection with the bridge as may be necessary or convenient.

20. 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 Corporation 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.

21. The tolls and charges by this Act authorised to be demanded and taken shall be paid at such places and in such manner and under such regulations as the Corporation may appoint and make and the Corporation may recover such tolls and charges by action in any court of competent jurisdiction or, where the amount does not exceed twenty pounds, summarily as a civil debt, and when any such toll or charge is not paid before or at the time the bridge is used or the services provided the Corporation may recover an additional sum not exceeding one pound to cover

Regulations as to payment of tolls and charges.

PART III
—cont.

administrative expenses in addition to the toll or charge payable and may recover in addition any legal costs properly recoverable by the Corporation in any legal proceedings which they may institute.

Failure to
pay tolls.

22.—(1) If any person refuses or neglects to pay any toll or part thereof lawfully due from him, the persons appointed to receive tolls may refuse to permit the person so in default to pass through or by any toll-gate or other place at which such toll might be paid and may, by themselves or with assistance as they shall think necessary, stop and prevent the person so refusing or neglecting from passing through or by the same.

(2) A person who—

(a) operates or attempts to operate a machine provided by the Corporation for the collection of tolls authorised in pursuance of this Act by the insertion of objects other than current coins of the realm of the appropriate denomination or tokens authorised by the Corporation to be used for the payment of such tolls; or

(b) otherwise interferes with such a machine as is mentioned in paragraph (a) of this subsection with the intention of dishonestly obtaining for himself a pecuniary advantage;

shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Power to
compound
for payment
of tolls.

23. The Corporation 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.

Tickets.

24. The Corporation may in exchange for the payment of any toll hand a ticket to any person intending to pass through or by any toll-gate or other place at which the toll is payable and any person to whom a ticket is so handed may be required on demand to deliver up such ticket to the person appointed by the Corporation to collect the same at such place or places as the Corporation may determine.

Exemption
from tolls.

1955 c. 18.
1955 c. 19.

25.—(1) Nothing in this Act shall prejudice any existing right of Her Majesty including the exemptions and rights contained in section 184 of the Army Act 1955 and section 184 of the Air Force Act 1955.

(2) Nothing in this Act shall extend to authorise any tolls to be demanded or received from any person—

(a) when on duty as a member of the naval forces of the Crown;

(b) in charge of a mail bag as defined by the Post Office Act 1953.

1953 c. 36.

(3) The exemption conferred by this section shall also apply to—

(a) any animal or vehicle when being used in the service of the naval forces of the Crown or returning after being so used; and

(b) any other animal or vehicle when being used in the service of the Crown or of the authority in whose service the person is engaged (as the case may be) by a person to whom exemption is granted by the last foregoing subsection or returning after being so used.

(4) If any person wilfully and with intent to defraud claims or takes the benefit of any exemption conferred by this section as aforesaid without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding twenty pounds.

PART IV

ABANDONMENT OF FERRY

26. In this Part of this Act, unless the subject or context otherwise requires—

Interpretation
for Part IV
of Act.

“the appointed day” means such date as the council by resolution fix for the discontinuance and abandonment of the ferry, subject to and in accordance with the provisions of section 27 (Abandonment of ferry) of this Act;

“the ferry” means the floating bridge across the river Itchen situate in the city about 200 feet to the south of the centre line of the bridge shown on the plans deposited in respect of the Bill for the Act of 1960;

“the ferry works” means—

(a) all piers, jetties, quays, landing and shipping places and other works and conveniences;

(b) all roads, approaches, wires, hawsers, sewers, drains and mooring posts, sheds, waiting and other rooms, buildings, works and conveniences;

held, constructed or provided by the Corporation in connection with or for the purposes of the ferry;

“the ferry works and lands” means the ferry works and all lands, rights and privileges held or enjoyed by the Corporation in connection with or for the purposes of the ferry.

PART IV
—cont.

Abandonment
of ferry.

27.—(1) (a) The council may by resolution determine the appointed day, being a date not before the date of the opening of the bridge for public traffic and not earlier than the expiration of one month from the date of publication of the notice referred to in paragraph (c) of this subsection, and as from the appointed day the Corporation may discontinue and abandon the ferry.

(b) As from the appointed day—

- (i) the Corporation shall by virtue of this Act be relieved from all or any obligations (statutory or otherwise) to maintain the ferry; and
- (ii) the enactments set out in Schedule 1 to this Act are hereby repealed.

(c) The Corporation shall cause to be published in a local newspaper circulating in the city notice of the passing of such resolution and of the date fixed thereby.

(2) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

Provision
against danger
to navigation
applicable
to ferry
works.

28. As from the appointed day the provisions of section 30 (Provision against danger to navigation), section 31 (Abatement of work abandoned or decayed), section 32 (Survey of works by Minister of Transport and harbour board) and section 33 (Permanent lights on works) of the Act of 1960 shall apply in respect of any of the ferry works situated on, under or over tidal waters or tidal lands below the level of mean high-water springs as if such works had been referred to therein instead of any work constructed by the Corporation and as if in the case of subsection (2) of the said section 31 that subsection had referred to the ferry works consisting of works situated on or over land above the level of mean high-water springs.

Retention and
disposal of
ferry works
and lands.

29.—(1) Notwithstanding anything contained in section 27 (Abandonment of ferry) of this Act the Corporation may as from the appointed day—

- (a) continue to maintain the ferry works and lands and retain, hold, adapt and use the same or any part thereof or interest therein for such time and for such purposes as they think fit;

- (b) sell, lease, exchange or otherwise dispose of the ferry works and lands or any part thereof or any interest therein 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);
- (c) appropriate the ferry works and lands or any part thereof for any other purpose;
- (d) sell, exchange or dispose of any rents reserved on the sale, lease, exchange or other disposition of the ferry works and lands or any part thereof or interest therein;
- (e) make, do and execute any deed, act or thing proper for effectuating any such sale, lease, exchange or other disposition;
- (f) on any such exchange pay or receive money for equality of exchange.

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring the ferry works and lands or any part thereof or interest therein from the Corporation under this section from any rents, covenants, restrictions, reservations, terms or conditions made payable by or contained in any conveyance, lease or other deed or instrument by which the ferry works and lands or any part thereof or interest therein has been conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation have derived title thereto.

30.—(1) Any capital money received by the Corporation in respect of a transaction under the last foregoing section (other than capital money received on the sale, exchange or leasing of land) or in respect of the sale or disposal of the boats, plant or appliances used for the working of the ferry shall be applied in or towards the extinguishing of any loan raised by the Corporation under any enactment or for any other purpose to which capital money may properly be applied. Proceeds of disposal of ferry boats, etc.

(2) Any capital money received by the Corporation on the sale, exchange or leasing of land under the last foregoing section may be applied in such manner as the Secretary of State may approve for the purposes mentioned in subsection (1) of this section:

Provided that section 27 of the Town and Country Planning Act 1959 shall apply in relation to any application of capital money under this subsection as if this subsection had been in force immediately before the commencement of that Act. 1959 c. 53.

PART V

FINANCE

Power to
borrow.

31.—(1) The Corporation may borrow—

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

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

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

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

(5) In respect of any money borrowed in pursuance of this section on or after 1st April, 1974, this section shall have effect as if—

(a) for the words “any sanctioning authority” and “the sanctioning authority” there were substituted the words “the Secretary of State”; and

(b) in subsection (4), for the words “Part IX of the Act of 1933” there were substituted the words “Part I of Schedule 13 to the Local Government Act 1972”.

1972 c. 70.

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

1946 c. 58.

PART V
—cont.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands and easements and rights under the powers of this Act	The sum required	Sixty years
(b) The provision and setting up of toll-houses, toll-gates, signals, offices and other conveniences authorised by section 19 (Power to provide toll-houses, etc.) of this Act	£200,000	Fifty years
(c) The additional cost of the construction of the works	£1,300,000	Fifty years
(d) The costs, charges and expenses of this Act	The sum required	Ten years

32. All moneys taken under section 15 (Tolls) of this Act shall be carried to and form part of the general rate fund of the city and all payments and expenses made and incurred by the Corporation in connection with the works (including interest on moneys borrowed by the Corporation) shall be paid out of the said fund. Receipts and expenses.

33.—(1) The Corporation may (if they think fit) provide a reserve fund by setting aside such amounts as they may determine from the tolls taken under section 15 (Tolls) of this Act and investing the same in any securities in which trustees are for the time being authorised by law to invest trust moneys until the fund so formed amounts to a sum (in this section referred to as the prescribed maximum) equal to 20 per centum or such greater percentage as the Secretary of State may from time to time approve of the aggregate capital expenditure incurred by the Corporation on the bridge scheme. Power to create reserve fund.

(2) A reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the tolls taken under section 15 (Tolls) of this Act or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the bridge scheme or for payment of the cost of renewing, improving or extending any part of the bridge scheme or otherwise for the benefit of the bridge scheme 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 occurs.

(3) Resort may be had to the 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.

PART V
—cont.Annual
account.

34.—(1) The Corporation shall keep an annual account of their income from and of their expenditure in connection with the bridge scheme.

(2) The Corporation shall within four months of the close of the financial year, or such longer period as the Secretary of State may allow, send to the Secretary of State a copy of the account kept under subsection (1) of this section.

PART VI

MISCELLANEOUS AND GENERAL

Byelaws
relating to
bridge.

35.—(1) The Corporation may make byelaws—

- (a) for preventing injury and damage to the bridge or persons or vehicles including any class of vehicles using or intending to use the bridge;
- (b) for regulating the conduct of all persons using the bridge;
- (c) for regulating the traffic along and over 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 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 Corporation, 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:

Provided that—

- (a) no such byelaw shall extend to impose any restriction upon navigation in the river Itchen;
- (b) no such byelaw, unless made for any of the purposes specified in paragraphs (a) and (d) of this subsection, shall extend to impose any prohibition on the operation over the bridge of any public service vehicle on a scheduled service or to regulate any public service vehicle in such a manner as to prevent compliance with the terms of a road service licence authorising a service over the bridge.

(2) As respects byelaws made under this section the confirming authority for the purpose of section 236 of the Act of 1972 shall be the Secretary of State and any such byelaws may be confirmed with or without modifications:

PART VI
—cont.

Provided that if so directed by the Secretary of State, the Corporation shall cause notice of any proposed modification to be given in accordance with such directions before any byelaw is confirmed with modifications.

36. Notwithstanding anything contained in any enactment the bridge 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 rate. Bridge to be exempt from rates.

37. Section 103 (For protection of certain statutory undertakers) of the Act of 1960 shall have effect as if— Amendment of section 103 of Act of 1960.

(a) in paragraph (1), there were inserted at the end of the definition of “ authorised work ” the words “ or under the powers of section 19 (Power to provide toll-houses, etc.) of the Southampton Corporation Act 1973 ”;

(b) in paragraph (2), there were inserted after the word “ Act ” in both places where that word occurs the words “ or the Southampton Corporation Act 1973 ” and there were inserted after the word “ plans ” the words “ or the plan deposited in respect of the Bill for the said Act of 1973 ”;

(c) in paragraph (9), there were inserted after the word “ Act ” the words “ or of section 14 (Stopping up of streets) of the Southampton Corporation Act 1973 ”;

(d) in paragraph (21), there were inserted after the word “ Act ” the words “ or of the Southampton Corporation Act 1973 ”.

38. Section 105 (For protection of Postmaster-General) of the Act of 1960 shall have effect as if— Amendment of section 105 of Act of 1960.

(a) in subsection (1) references to “ a highway ” included references to “ a street ” and there were inserted after the word “ Act ” the words “ or section 14 (Stopping up of streets) of the Southampton Corporation Act 1973 ”;

(b) in paragraph (d) of subsection (1) for the word “ 1954 ” there were substituted the word “ 1916 ”.

39. The sections of the Act of 1936 mentioned in Schedule 2 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.

PART VI
—cont.

Inquiries by
Secretary of
State.

40. The Secretary of State may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or required to be exercised by him under this Act, and subsections (2) to (5) of section 250 of the Act of 1972 shall apply to any such inquiry.

Restriction on
right to
prosecute.

41. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation or a constable.

Protection
of members
and officers
from personal
liability.
1875 c. 55.

42. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee or a sub-committee of a local authority.

Costs of Act.

43. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation.

SCHEDULES

SCHEDULE 1

Section 27.

ENACTMENTS REPEALED

Session and chapter	Title or short title	Extent of repeal
4 & 5 Will. 4 c. lxxxv	The Itchen Bridge and Roads Act 1834	The whole Act
5 & 6 Will. 4 c. lxxi	The Itchen Bridge and Roads Act Amendment 1835	The whole Act
2 & 3 Vict. c. lxviii	The Itchen Bridge and Roads Acts Amendment 1839	The whole Act
26 & 27 Vict. c. cii	The Itchen Floating Bridge Act 1863	The whole Act
31 & 32 Vict. c. xc	The Itchen Floating Bridge Act 1868	The whole Act
35 & 36 Vict. c. xxxix	The Itchen Floating Bridge Act 1872	The whole Act
21 & 22 Geo. 5 c. xcix	Southampton Corporation Act 1931	Part VII

SCHEDULE 2

Section 39.

SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

— — — — —

PRINTED IN ENGLAND BY OYEZ PRESS LTD.

FOR C. H. BAYLIS, 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

18½p net

SBN 10 511973 3



Southampton Corporation Act 1973

CHAPTER xix

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Application of Part I of Act of 1965.

PART II

LANDS

5. Power to acquire lands.
6. Power to owners and lessees to give notice as to purchase of land.
7. Correction of errors in deposited plan and book of reference.
8. Acquisition of part only of certain properties.

Section

9. Extinction of private rights of way.
10. Disregard of recent improvements and interests.
11. Provision of substituted sites.
12. Power to reinstate owners or occupiers of property.
13. Cesser of last two preceding sections.
14. Stopping up of streets.

PART III

TOLLS

15. Tolls.
16. Revision of tolls.
17. Further provisions as to prescription or revision of tolls.
18. Exclusion from application of section 6 of Transport Charges, &c. (Miscellaneous Provisions) Act 1954.
19. Power to provide toll-houses, etc.
20. List of tolls to be exhibited.
21. Regulations as to payment of tolls and charges.
22. Failure to pay tolls.
23. Power to compound for payment of tolls.
24. Tickets.
25. Exemption from tolls.

PART IV

ABANDONMENT OF FERRY

26. Interpretation for Part IV of Act.
27. Abandonment of ferry.
28. Provision against danger to navigation applicable to ferry works.
29. Retention and disposal of ferry works and lands.
30. Proceeds of disposal of ferry boats, etc.

PART V

FINANCE

31. Power to borrow.
32. Receipts and expenses.
33. Power to create reserve fund.
34. Annual account.

PART VI

MISCELLANEOUS AND GENERAL

Section

35. Byelaws relating to bridge.
36. Bridge to be exempt from rates.
37. Amendment of section 103 of Act of 1960.
38. Amendment of section 105 of Act of 1960.
39. Application of general provisions of Act of 1936.
40. Inquiries by Secretary of State.
41. Restriction on right to prosecute.
42. Protection of members and officers from personal liability.
43. Costs of Act.

SCHEDULES:

Schedule 1—Enactments repealed.

Schedule 2—Sections of Act of 1936 applied.

2012

...

...

...

...

...

...

...

...

...

...

...

...

...

...