



CHAPTER liii.

An Act to authorise the construction of a new bridge over the haven of Great Yarmouth the construction of tramways and for other purposes. A.D. 1925.
[31st July 1925.]

WHEREAS the Great Yarmouth Port and Haven Commissioners (hereinafter called "the Commissioners") were incorporated by the Great Yarmouth Port and Haven Act 1866 and under the powers conferred upon them by the Great Yarmouth Port and Haven Acts and Order 1866 to 1924 are the authority for the conservation and improvement of the port and haven of Great Yarmouth :

And whereas the borough of Great Yarmouth in the county of Norfolk (hereinafter called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the corporation") :

And whereas the parishes of Great Yarmouth and Gorleston (which are both situate in the borough) are for the most part separated from one another by the haven of Great Yarmouth and the only roadway affording communication between the same passes across an opening bridge over the said haven known as the Haven Bridge which is vested in and under the control of the Commissioners as part of their undertaking :

And whereas the Haven Bridge is narrow and inconvenient and affords insufficient accommodation for

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And whereas the corporation are owners of a tramway system within and beyond the borough and the construction of tramways over the new bridge as by this Act provided would connect together portions of such system which are at present disconnected and would afford increased and more convenient traffic facilities and it is expedient that powers should be conferred upon the corporation for the construction of the tramways hereinafter described :

And whereas it is expedient that the Commissioners should be authorised to borrow moneys for the construction of the new bridge and works and other objects of this Act and that the corporation should be authorised to assist and contribute towards and to lend to the Commissioners moneys for carrying into execution the powers by this Act conferred upon the Commissioners and to apply their funds for that purpose and for the construction of the said tramways :

And whereas an estimate has been prepared by the Commissioners for the purposes hereafter mentioned and such estimate is as follows :—

For the construction of the new bridge and approaches by this Act authorised and works in connection therewith and for the acquisition of lands therefor - - - - -	£160,000
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And whereas an estimate has been prepared by the corporation for the purposes hereafter mentioned and such estimate is as follows :—

For the construction of the tramways by this Act authorised and works in connection therewith and for the provision and erection of apparatus works and conveniences for the purposes of the said tramways - - -	£9,723
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And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years : A.D. 1925.

And whereas it is expedient that the further provisions contained in this Act should be made :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands required or which may be taken for the purposes or under the powers of this Act with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county of Norfolk which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

And whereas in relation to the promotion of the Bill for this Act so far as relates to powers to be conferred on the corporation the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Great Yarmouth Haven Bridge Act 1925. Short title.

2. This Act is divided into Parts as follows (namely) :— Division of Act into Parts.

Part I.—Preliminary.

Part II.—New bridge.

Part III.—Lands.

Part IV.—Tramways.

Part V.—Financial.

Part VI.—Miscellaneous.

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Incorporation of
Acts.

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

The Lands Clauses Acts (except sections 127 to 131 and 133 of the Lands Clauses Consolidation Act 1845);

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the application of such provisions to the new bridge the term "railway" and the expression "the centre of the railway" shall respectively mean the new bridge;

The Harbours Docks and Piers Clauses Act 1847;

Section 3 (Interpretation of terms) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870.

Interpretation.

4. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—

"The Commissioners" means the Great Yarmouth Port and Haven Commissioners;

"The corporation" means the mayor aldermen and burgesses of the county borough of Great Yarmouth;

"The borough" means the county borough of Great Yarmouth;

"The haven" means the haven of Great Yarmouth as defined by section 5 of the Great Yarmouth Port and Haven Act 1866;

"The new bridge" means the new bridge and approaches and the works in connection therewith by this Act authorised but does not include the tramways;

"The temporary bridge" means the temporary bridge authorised by this Act;

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- “The existing Haven Bridge” means the bridge referred to in the Great Yarmouth Port and Haven Act 1866 as the Haven Bridge ;
- “The tramways” means the tramways by this Act authorised or any part thereof ;
- “The Lands Clauses Acts” means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919 ;
- “The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough ;
- “Street” has the meaning assigned to that term in the Public Health Act 1875 and the Acts amending the same ;
- “Two justices” means two justices acting together in petty sessions ;
- “Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction in respect thereof ;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the corporation ;
- “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to

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be passed or under any Provisional Order confirmed by Act of Parliament, passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

PART II.

NEW BRIDGE.

Power to
construct
bridge.

5.—(1) The Commissioners may subject to the provisions of this Act and in the line or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections construct the work hereinafter described with all necessary and proper footways carriageway works and conveniences connected therewith.

The work hereinbefore referred to and authorised by this Act will be situate in the borough and is—

A new bridge (with an opening span not less than ninety feet in length) and approaches across the haven commencing at a point four chains or thereabouts measured in an easterly direction from the point of junction of Mill Road and Bridge Road and terminating at a point two chains or thereabouts measured in an easterly direction from the south-east abutment of the existing Haven Bridge.

(2) The new bridge shall be constructed in such manner that the waterway under the same shall be in the aggregate not less than one hundred and seventy feet in width.

Subsidiary
works
affecting
river.

6. Subject to the provisions of this Act the Commissioners may within the limits of deviation defined on the deposited plans erect and maintain over the haven during the construction of the new bridge a temporary bridge with an opening span and works in connection therewith and may make place and keep on or in the banks bed soil and foreshore of the haven in connection with the new bridge or the temporary bridge all such temporary and permanent works and conveniences as they may deem proper.

7.—(1) The Commissioners may after the erection of the temporary bridge close for traffic and take down and remove the existing Haven Bridge together with any pipes wires lamps and apparatus therein or attached thereto and may use any part of the structure of the existing Haven Bridge or any materials thereof in or in connection with the construction of the new bridge or other works by this Part of this Act authorised.

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Removal of
existing
Haven
Bridge.

(2) The demolition of the existing Haven Bridge shall be carried out in such manner as the Board of Trade reasonably approve and the Commissioners shall remove entirely from the haven and from the bed thereof all temporary works erected or placed in the haven or on over or under the bed thereof in connection with such demolition and all materials resulting from such demolition and shall also take up and remove from the haven and from the bed thereof the piers and foundations of the existing Haven Bridge.

8. Subject to the provisions of this Act the Commissioners may in constructing the new bridge deviate to any extent not exceeding three feet downwards and five feet upwards from the levels defined on the deposited sections and may deviate laterally from the line of the new bridge to any extent within the limits of deviation defined on the deposited plans :

Power to
deviate.

Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Board of Trade.

9. Subject to the provisions of this Act the new bridge and the temporary bridge shall be constructed in accordance with plans drawings and specifications approved by the corporation or in case of any difference between the corporation and the Commissioners determined by arbitration :

Approval of
plans &c. of
new bridge
by cor-
poration.

Provided always that if the corporation shall not for the period of twenty-eight days after the submission to them by the Commissioners of plans drawings and specifications of the new bridge or the temporary bridge, object to the same by notice in writing to the clerk to the Commissioners stating their requirements in relation to such plans drawings or specifications they shall be deemed to have approved of the same.

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Power to
make sub-
sidiary
works.

10. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Commissioners in connection with the works by this Part of this Act authorised may break up make junctions and interfere with and alter the line or level of any street way or watercourse interfered with by or contiguous to any portion of the said works and may alter and interfere with any steps walls railings and pavements and execute any works for the protection of any adjoining land or buildings In the exercise of the powers conferred by this section the Commissioners shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of such powers.

Alteration
of position
of water
gas and
other pipes.

11.—(1) Subject to the provisions of this Act the Commissioners may for any purpose in connection with the works by this Part of this Act authorised upon the lands shown upon the deposited plans and also in any street within the limits of deviation defined on the said plans raise sink or otherwise alter the position of any water pipe or gas pipe belonging to or connected with any house or building and also any main or other pipe laid down or used by any company or person for carrying a supply of water or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes or for supplying electricity (all or any of which mains pipes tubes wires or apparatus are in this section included in the expression "apparatus") and may remove any other obstruction making where necessary proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person who suffers damage by any such alteration.

(2) Before the Commissioners alter the position of any apparatus they shall (except in cases of emergency) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so Any such notice shall be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done (at the expense of the Commissioners) under the superintendence (if given) of the company or

person to whom such apparatus belongs and the Commissioners shall execute such work to the reasonable satisfaction of such company or person.

(3) If any such company or person shall before the time specified in the notice for the commencement of the work for effecting any such alteration of any apparatus of any such company or person give to the Commissioners notice in writing that they desire themselves to alter the position of such apparatus they may carry out such alteration under the superintendence (if given) and to the reasonable satisfaction of the Commissioners and the Commissioners shall repay the reasonable expenses incurred by such company or person in connection therewith. Provided always that if any company or person who has given any such notice as is mentioned in this subsection fails to commence the alteration forthwith or to proceed with the same with due despatch the Commissioners may carry out the same as if no such notice had been given to them.

(4) The Commissioners shall not cause any street to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main or other pipe in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Commissioners shall in such case protect the said main or pipe from frost or injury by artificial covering to the reasonable satisfaction of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Commissioners in such case provide special means of access to the said main or pipe to the reasonable satisfaction of such company or person.

(5) The Commissioners shall not raise sink or otherwise alter the position of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

(6) If any difference arises between the Commissioners and any such company or person under the foregoing provisions of this section or touching anything to be done or not to be done thereunder such difference shall be referred to and settled by arbitration.

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(7) Nothing in this section shall authorise any interference with electric lines and works of any undertakers under the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Power to
stop up or
interfere
temporarily
with streets.

12. The Commissioners for the purposes of this Act and during the execution of the works by this Part of this Act authorised may in or upon the lands shown upon the deposited plans temporarily stop up or interfere with alter or divert all or any part of any street place wharf quay tramway or railway siding and may cause to be put up sufficient palisades hoardings and other erections and may construct temporary works for keeping any such street place wharf quay tramway or railway siding open for traffic and may make such orders for regulating the traffic as to them shall seem proper and they may remove and alter any drinking troughs lamp-posts and other erections on the said lands :

Provided that the Commissioners shall not exercise any powers of this section with regard to any tramway or railway siding of the London and North Eastern Railway Company except with the consent of that company which consent shall not be unreasonably withheld and if any difference arises between the Commissioners and the said company as to whether such consent is in any case unreasonably withheld such difference shall be referred to arbitration.

The Commissioners shall provide reasonable access for all persons bonâ fide going to or returning from any house in any such street road way or place and for pedestrian and vehicular traffic to and from any station or depôt of the London and North Eastern Railway Company and shall in each case do as little damage as possible and shall make reasonable compensation to all persons injuriously affected by the exercise of the powers of this section.

Sewers or
drains to be
removed
arched over
or filled up.

13. The Commissioners may cause to be removed arched over or filled up all such culverts sewers or drains or parts thereof which shall be in or near any street which shall be interfered with for the purposes of the works by this Part of this Act authorised as shall appear to them necessary for executing the purposes of this Act

but no culvert sewer or drain (unless the same become unnecessary) shall be in any wise disturbed injured or prejudiced without another equally serviceable and convenient culvert sewer or drain being substituted therefor. All such substituted culverts sewers and drains when made and completed shall be under the same jurisdiction care management and direction as the culverts sewers or drains for which they were substituted.

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14. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Commissioners may for the purposes of and in connection with the powers granted to them by this Act stop up and appropriate the site and soil of any streets ways courts passages or alleys shown upon the said plans making all reasonable compensation to any person who suffers damage by any such stopping up as aforesaid.

Power to
stop up
streets.

15. Subject to the provisions of this Act the Commissioners may cause such part of the new bridge to be laid out for carriageways and such part thereof for footways as they and the corporation may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct and provide such works and conveniences as they may respectively think proper for the purposes of the new bridge and in laying out or forming such carriageways footways and works the Commissioners may in addition to the powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only in respect thereof as are imposed upon any urban or road authority when they stop up temporarily any road or thoroughfare or any part thereof in the repairing or repaving of any street.

Carriage-
ways and
footways on
new bridge.

16. Any sewers drains or works laid or constructed by the Commissioners in connection with the works by this Part of this Act authorised for the purpose of draining or carrying away surface water therefrom or otherwise may be connected with any available river stream or watercourse or with any sewer or drain of the corporation and the Commissioners may accordingly but within the limits of deviation shown on the deposited plans lay down maintain and alter or remove any conduits pipes and other works and make any convenient connections with any such river stream watercourse sewer or drain :

Connection
of drains &c.
with
streams &c.

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Provided always that the Commissioners shall not under the provisions of this section interfere with any sewers or drains of the corporation otherwise than in such manner as may be reasonably approved by the corporation or their engineer or as in case of difference may be determined by arbitration and under the supervision (if the same be given) of the said engineer.

Under-
pinning of
houses near
works.

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

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Commissioners shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Commissioners :
- (3) If any owner lessee or occupier of any such house or building or the Commissioners as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :
- (4) The arbitrator 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 Commissioners may and shall proceed forthwith so to underpin or strengthen the said house or building :

- (5) The Commissioners shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Commissioners such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Commissioners 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 Commissioners shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Commissioners 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 enactment shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

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Works
below high-
water mark
to be sub-
ject to
approval of
Board of
Trade.

18.—(1) Subject to the provisions of this Act any work authorised by this Part of this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as that Board may prescribe.

(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 Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Survey of
works by
Board of
Trade.

19. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Commissioners under the powers of this Part 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 on which it is proposed to construct any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement
of work
abandoned
or decayed.

20.—(1) Where any work constructed by the Commissioners under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing require the Commissioners at their own expense either 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 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 Board of Trade may think proper. A.D. 1925.

(2) If during the period of thirty days from the date when the notice is served upon the Commissioners they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

21.—(1) In case of injury to or destruction or decay of the works by this Part of this Act authorised 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 Commissioners 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 Deptford Strond and shall apply to that corporation for directions as to the means to be taken. Provision against danger to navigation.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

22.—(1) The Commissioners shall at or near such part of the works by this Part of this Act authorised 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 Board of Trade shall from time to time require or approve. Lights on works during construction.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty

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Permanent
lights on
new bridge.

23.—(1) The Commissioners shall after the completion of the new bridge exhibit thereon and keep burning 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 shall from time to time direct.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to a daily penalty not exceeding two pounds for every day on which they so fail.

Period for
completion
of new
bridge.

24. If the new bridge be not completed within seven years from the passing of this Act then on the expiration of that period the powers of the Commissioners under this Act for the construction thereof shall cease except so far as the same shall have been completed.

Certificate
of comple-
tion.

25. When and so soon as the new bridge is completed a certificate thereof shall be issued under the seal of the Commissioners and any copy of such certificate certified under the hand of the clerk to the Commissioners shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate the new bridge shall subject to the provisions of this Act be open to the public accordingly.

Prohibiting
works on
new bridge.

26. Notwithstanding anything in any Act to the contrary it shall not except as by this Act expressly provided be lawful for any person to enter upon break up or interfere with any part of the new bridge or the carriageway and footways over the same for the purpose of executing any work whatsoever therein thereon or thereunder except with the consent of the Commissioners and the corporation in writing under their respective common seals and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the Commissioners and the corporation may determine ;

Provided that nothing in this section contained shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1924.

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27. The new bridge shall be managed and worked by the Commissioners under and subject to the provisions relating to the managing and working of the existing Haven Bridge (including those as to charges in respect of the opening thereof) and such provisions shall extend and apply and may be exercised by the Commissioners in relation to the new bridge accordingly.

As to
manage-
ment of
new bridge.

Any byelaws made by the Commissioners under section 95 of the Great Yarmouth Port and Haven Act 1866 regulating the opening and closing and user of the new bridge shall not take effect until confirmed by the Board of Trade after consultation with the Ministry of Transport but no other confirmation thereof shall be necessary.

28. The structure of the new bridge shall be maintained by and at the expense of the Commissioners and the carriageway and footways on the new bridge shall be deemed to be public highways and shall be lighted by the corporation and the said carriageway and footways and any sewers or drains therein or thereon shall be maintained repaired and cleansed by the corporation in the same manner as other public streets and roads sewers and drains in the borough are maintained repaired and cleansed by them.

As to
mainten-
ance of new
bridge.

29. The Commissioners may work the opening span of the new bridge by such electrical or other mechanical power as they may think fit and may for such purpose erect maintain provide work use and obtain all necessary or convenient machinery plant apparatus and power.

As to work-
ing of new
bridge.

30. The corporation shall at the request of the Commissioners supply to the Commissioners such electrical energy as the Commissioners may from time to time require for the purposes of working any electrical machinery or apparatus used for opening or closing the new bridge Any such supply may be given on such terms and conditions as shall be agreed between the corporation and the Commissioners and in the application to the

Electrical
energy for
working
bridge.

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For pro-
tection of
Postmaster-
General.

31. Any electrical plant or apparatus provided or maintained under this Act shall be so provided maintained worked and used as not to interfere or be likely to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such line.

Sale of
materials.

32. All materials removed by the Commissioners from any street road or other place altered by them under the powers of this Act or from the subsoil thereunder or otherwise obtained by them in the execution of any works under the powers of this Act shall vest in the Commissioners who may use the same or any part thereof for any purposes of any such works. The Commissioners shall sell or dispose of all such materials as aforesaid (including any part of the structure or any materials of the existing Haven Bridge) as may not be permanently required for any such purposes and shall credit the proceeds of any such sale or disposal against the costs and expenses of and in relation to the execution of any works authorised by this Part of this Act and the acquisition of any lands and easements therefor.

As to cost
of new
bridge.

33.—(1) All costs and expenses of and in relation to the execution of the works authorised by this Part of this Act and the acquisition of any lands or easements therefor shall be borne and paid by the Commissioners and the corporation in equal shares.

(2) In arriving at such costs and expenses credit shall be given for the proceeds (if any) of any such sale or disposal as is referred to in the sections of this Act of which the marginal notes are "Sale of materials" and "As to lands not permanently required" and for the value of the lands (if any) retained by the Commissioners under the provisions of the said section of this Act of which the marginal note is "As to lands not permanently required."

(3) Any question arising between the corporation and the Commissioners under this section shall be determined by arbitration.

34. For the protection of the mayor aldermen and citizens of the city of Norwich the following provisions shall apply and have effect (that is to say) :—

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For protection of
city of
Norwich.

- (1) On the completion of the new bridge and at all times thereafter the Commissioners shall dredge and maintain through the said bridge and for a distance of at least one hundred feet both upstream and downstream from the centre line thereof a waterway of a width of ninety feet and of a minimum depth of twenty-one feet below Ordnance datum.
- (2) The Commissioners shall not in the construction maintenance or management of the new bridge unnecessarily impede the free flow of the tidal or drainage waters under the said bridge or the drainage through the haven :
- (3) If any question or difference shall arise between the said mayor aldermen and citizens and the Commissioners touching this section such question or difference shall be referred to arbitration.

PART III.

LANDS.

35. Subject to the provisions of this Act the Commissioners may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of the new bridge or of recoupment or exchange or for other purposes of this Act.

Power to
Commis-
sioners to
take lands.

36. In addition to the other lands which the Commissioners are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of this Act any lands not exceeding ten acres or any rights or easements therein :

Purchase of
lands by
agreement.

Provided that nothing in this Act shall exonerate the Commissioners from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them under the provisions of this section.

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—
Owners may
be required
to sell parts
only of
certain
lands and
buildings.

37. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Commissioners of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Commissioners and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (1) The owner of and persons interested in the whole or any part of the properties numbered 6 7 and 8 on the deposited plans and whereof a portion only is required for the purposes of this Act or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Commissioners that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Commissioners such portion only without the Commissioners being obliged or compellable to purchase the whole the Commissioners paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Commissioners allege that such portion cannot be so severed the arbitrator to whom the question of compensation is referred under the Lands Clauses Acts (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the

portion over which the Commissioners have compulsory powers of purchase) can be so severed : A.D. 1925.

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Commissioners the portion which the tribunal shall have determined to be so severable without the Commissioners being obliged or compellable to purchase the whole the Commissioners paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Commissioners may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Commissioners in case they shall not withdraw the notice to treat shall pay to

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the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Persons
under
disability
may grant
easements
&c.

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

Correction
of errors in
deposited
plans and
book of
reference.

39. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Commissioners after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the borough for the correction thereof and if it shall appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county in which the

lands are situate and such certificate shall be kept by such clerk with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Commissioners to take the lands and execute the works in accordance with such certificate. A.D. 1925.

40. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of their acquisition be extinguished. Provided that the Commissioners shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

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

42. In settling any question of disputed purchase-money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in lands created after the fifteenth day of November one thousand nine hundred and twenty-four if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. Compensation in cases of recently altered buildings.

43. Notwithstanding anything contained in this Act or shown on the deposited plans the Commissioners Power to acquire easements.

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shall not be required to purchase or acquire any part of the haven or of the bed banks or foreshore thereof or to acquire any greater right or interest therein than the right to use such part of the same as they may deem necessary for the purpose of constructing and maintaining the new bridge and other works by this Act authorised but the Commissioners may purchase and acquire and the owners of and other persons interested in the haven and the said bed banks and foreshore shall sell to the Commissioners if required such right as aforesaid and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of any such right as fully as if the same were lands within the meaning of this Act.

Agreements
with owners
of property.

44. Subject to the provisions of this Act the Commissioners may enter into and carry into effect agreements with any owners of property or other persons interested in any lands or property shown or partly shown on the deposited plans with respect to the purchase by the Commissioners of any such lands or property or any rights or easements in or affecting the same for such consideration being a sum of money in gross or a grant of land or partly money and partly land as may be agreed upon between the Commissioners and such owners or other persons.

As to lands
not per-
manently
required.

45. The Commissioners shall if so required by the corporation by notice in writing given to the Commissioners not later than the expiration of three years from the passing of this Act transfer to the corporation any lands acquired by the Commissioners for the purposes of this Act but not permanently required by them for such purposes and the corporation shall pay to the Commissioners in respect of such transfer such amount as shall reimburse the amount of the cost to the Commissioners of the acquisition of such lands and all expenses incurred by them in connection with such acquisition. If the corporation shall not give to the Commissioners any such notice as is provided for by this section any such lands shall be retained by the Commissioners at a value to be agreed between the corporation and the Commissioners or failing agreement to be determined by arbitration.

Power to
retain and
sell lands.

46. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the

Tramway No. 3 (Double line 2·58 chains or thereabouts in length) commencing by a junction with Tramway No. 1 at its point of termination herein before described and terminating by a junction with Tramway No. 2 at a point 1·25 chains or thereabouts measured in a southerly direction from the before-mentioned point of termination of Tramway No. 2;

Tramway No. 4 (Double line 2·67 chains or thereabouts in length) commencing by a junction with Tramway No. 1 at its point of termination herein before described and terminating by a junction with Tramway No. 2 at a point 2 chains or thereabouts measured in a northerly direction from the before-mentioned point of commencement of Tramway No. 2;

and the corporation may abandon and discontinue the use for the purposes of traffic and may take up and remove so much of their existing tramway in Bridge Road as lies to the eastward of the point of commencement of Tramway No. 1 by this Act authorised and so much of their existing tramway in Hall Quay as lies between the commencement and termination of Tramway No. 2 by this Act authorised and are hereby relieved from all liability penalties forfeitures or obligations in respect of such abandonment and discontinuance.

50.—(1) Before the corporation commence the laying or placing of the tramways or any apparatus in connection therewith upon the new bridge they shall submit plans to the Commissioners for their approval (which approval shall not be unreasonably withheld) showing the manner in which it is intended to place or lay the same thereon and on such approval being given all works in connection with the laying or placing of the tramways or such apparatus shall be executed in accordance therewith and under the supervision (if the same be given) and to the reasonable satisfaction of the engineer to the Commissioners.

(2) The corporation shall maintain and repair the tramways and all apparatus laid or placed by them upon the new bridge.

(3) In the event of the corporation discontinuing the use of the tramways across the new bridge they shall

Commissioners or the corporation as the case may be may subject to the provisions of this Act retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or purchased by or transferred to them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

47.—(1) The corporation may (so far as they consider necessary) apply any capital moneys received by them on the sale exchange or disposal of or by leasing any lands acquired by or transferred to them under the authority of this Act in the purchase or acquisition of any other lands which may be acquired by or transferred to them under such authority but as to capital moneys so received and not so applied the corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided for by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

- (a) the amount to be applied under this section in the purchase or acquisition of lands shall not exceed the amount which the corporation may for the time being be entitled to borrow under the borrowing powers conferred by this Act for the purpose of such purchase or acquisition ;
- (b) the borrowing powers conferred by this Act for the purpose of such purchase or acquisition shall be reduced to the extent of the amount applied in the purchase or acquisition of lands under the provisions of this section.

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Proceeds of
sale by
corporation
of surplus
lands.

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—
Period for
compulsory
purchase of
lands.

48. The powers of the Commissioners for the compulsory purchase or taking of lands for this Act shall cease after the expiration from the passing of this Act.

PART IV.

TRAMWAYS.

Power to
corporation
to make
tramways.

49. Subject to the provisions of this Act, the Corporation may make form lay down work in the lines and according to the levels deposited plans and sections relating thereto hereinafter described with all proper apparatus works and conveniences therewith. Provided that nothing in this Act shall authorise any interference with electric works of any undertakers under the Electricity Act 1882 to 1922 to which the provisions of the Electric Lighting Act 1882 apply except with and subject to the provisions of that Act.

The tramways hereinbefore referred to and authorised by this Act will be situate wholly in the town of Great Yarmouth and are—

Tramway No. 1 (Double line 9·41 chains in length) commencing by the existing tramways of the Corporation at a point in Bridge Road 3·3 chains measured in a westerly direction from the point of termination of the existing tramways of the Corporation and terminating at a point 2 chains measured in a westerly direction from the point of termination of the new bridge;

Tramway No. 2 (Double line 6·65 chains in length) commencing by the existing tramways of the Corporation at a point 3·25 chains or thereabouts in a northerly direction from the corner of the town hall and terminating at a junction with the existing tramways of the Corporation therein at a point thereabouts measured in a southerly direction from the point of junction of Hall Quay Road ;

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— within twelve months after such discontinuance remove such tramways and all apparatus and other works used in connection therewith and shall re-lay the carriageway and place the same in good condition to the reasonable satisfaction of the engineer to the Commissioners.

(4) If the Commissioners at any time require to strengthen alter or repair the new bridge and it shall be necessary for such purpose that the working thereon of the tramways or any apparatus in connection therewith should wholly or in part be stopped or delayed or that the tramways or such apparatus should be temporarily taken up diverted or removed then upon twenty-eight days' notice in writing being given to the Corporation by the Commissioners under the hand of their clerk (or in the case of emergency such notice as may be reasonably practicable) requiring such stopping or delay or of the intention of the Commissioners to take up divert or remove any part of the tramways or such apparatus the working of the tramways or such apparatus shall be stopped or delayed or such part of the tramways and such apparatus may be taken up diverted or removed by the Commissioners under the supervision of the Corporation (if they shall give the same) but no such working shall be stopped or delayed for a longer period than may be reasonably necessary for such strengthening alteration or repair and the tramways or such apparatus taken up diverted or removed shall be restored with all practicable despatch but the Commissioners shall not be liable to pay to the Corporation any compensation in respect of such stopping delay taking up diversion or removal.

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

As to
electrical
standards
in streets.

51. No post or other apparatus erected by the Corporation under the powers of this Part of this Act in any street or road shall be erected on the carriageway except with the consent of the Minister of Transport.

Tramways
to form
part of
tramway
under-
taking of
corporation.

52. The tramways shall for all purposes form part of the tramway undertaking of the Corporation and the unrepealed provisions of the Great Yarmouth Corporation Act 1899 and the provisions of the Great Yarmouth Corporation Act 1904 and of the enactments incorporated therewith respectively and any byelaws and

regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the tramways and to the corporation in respect thereof as if the tramways had formed part of the tramways and works authorised by the said Act of 1899 and of the tramway undertaking of the corporation authorised by the said Acts of 1899 and 1904 respectively Provided that nothing in this section contained shall prevent any rescission revocation amendment or variation of the said byelaws and regulations.

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 —

53.—(1) The Commissioners and the corporation or either of them may within the limits of deviation shown on the deposited plans divert the lines of rails or sidings of the London and North Eastern Railway Company (in this section called “the company”) in Hall Quay between a point $2\frac{1}{2}$ chains or thereabouts measured in a northerly direction from the north-west corner of the Great Yarmouth Town Hall and a point $\frac{1}{4}$ chain or thereabouts measured in a southerly direction from the junction of North Quay Road with Hall Quay and may execute and carry out all such ancillary or incidental works as may be necessary or convenient for such purpose.

Diversion of sidings of London and North Eastern Railway Company.

(2) The diversion authorised by this section shall be carried out in such manner that in no case shall there be for a distance of thirty feet or upwards a less space than ten feet and six inches between the outside of the footpath on either side of the streets or roads or part thereof along which the said lines of rails or sidings as diverted are laid and the nearest rail of the lines of rails or sidings.

(3) The Commissioners and the corporation or either of them on the one hand and the company on the other hand may enter into and carry into effect agreements and arrangements for or with respect to the said diversion and matters incidental thereto including the payments to be made by either party to any such agreement or arrangement to the other of them.

54. The corporation shall at all times so exercise the powers conferred upon them by this Part of this Act as not to prevent or unduly impede the opening or closing of the new bridge.

For protection of Commissioners.

55. If the tramways be not completed within two years from the date of a certificate under the section of this Act of which the marginal note is “Certificate of

Period for completion of tramways.

A.D. 1925. — completion" that the new bridge has been completed then on the expiration of that period the powers by this Act granted to the corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to deviate in constructing tramways.

56. Subject to the provisions of this Act the corporation may in constructing the tramways and any works in connection therewith deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on the said plans and may deviate from the levels thereof to such extent as may be necessary to conform with any vertical deviation of the new bridge permitted by this Act or with the raising or lowering for the purposes of this Act of any street road or place within the said limits but nothing herein contained shall authorise the corporation to construct any of the tramways so that for a distance of thirty feet or upwards there shall be a less space than nine feet and six inches between the outside of the footpath on either side of the streets or roads or part thereof along which the tramways are laid and the nearest rail of the tramway.

PART V.

FINANCIAL.

Power to Commissioners to borrow.

57.—(1) The Commissioners may from time to time borrow and re-borrow at interest in addition to any sums which they are authorised to borrow by the Great Yarmouth Port and Haven Acts 1866 to 1911 and the Great Yarmouth Port and Haven Order 1874 (including the debt of the Old Commissioners mentioned in section 134 of the Great Yarmouth Port and Haven Act 1866):—

- (a) for the purposes of this Act such sums as may be required for those purposes not exceeding in the aggregate eighty thousand pounds;
- (b) with the consent of the Ministry of Transport such further sums as may from time to time be required for the purposes of the undertaking of the Commissioners (other than the purposes of the River Yare the River Bure and the River Waveney);

(c) for paying one half of the costs charges and expenses of this Act the sum requisite for that purpose ;

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—

and all sums so borrowed shall be carried to the credit of the general account of the Commissioners.

(2) For the purpose of securing the repayment of any sums which the Commissioners may hereafter borrow under any powers conferred upon them in that behalf by or in pursuance of the before-mentioned Acts and this Act or any of them the Commissioners may mortgage all or any of their property revenues and tolls (other than river tolls) under the Great Yarmouth Port and Haven Acts and Order 1866 to 1924 and this Act or any of them.

(3) All sums borrowed by the Commissioners before the passing of this Act under or by virtue of the Great Yarmouth Port and Haven Acts and Order 1866 to 1924 or any of them and for the time being owing by them and the interest on such sums and all mortgages and charges on the property revenues and tolls of the Commissioners (other than river tolls) existing at the passing of this Act shall have priority over all moneys borrowed and all mortgages and charges made by the Commissioners under or by virtue of this Act.

(4) For the purposes of this section the expression "river tolls" means and includes all tolls rates dues rents duties and charges payable under section 72 of and the Fourth Schedule to the Great Yarmouth Port and Haven Act 1911 as amended by the Great Yarmouth Port and Haven Order 1924.

58. The Commissioners may create and issue debenture stock and for the purposes of this section the provisions of Part III. of the Companies Clauses Act 1863 shall so far as the same are applicable apply to the Commissioners as if they were a company to which those provisions apply.

Debenture
stock.

59. All moneys borrowed by the Commissioners under this Act shall be repaid within the respective periods following (that is to say):—

Periods for
repayment
of borrowed
money.

(a) As to moneys borrowed under paragraph (a) of subsection (1) of the section of this Act whereof the marginal note is "Power to Commissioners to borrow" within fifty years from the date or dates of borrowing the same ;

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- (b) As to moneys borrowed under paragraph (b) of the said subsection within such period from the date or dates of borrowing the same as the Minister of Transport may prescribe;
- (c) As to moneys borrowed under paragraph (c) of the said subsection within five years from the passing of this Act.

Application of financial provisions of Great Yarmouth Port and Haven Act 1911.

60. The following provisions of the Great Yarmouth Port and Haven Act 1911 shall subject to the provisions of this Act extend and apply mutatis mutandis in respect of any moneys borrowed by the Commissioners under this Act as if the same with the necessary modifications were expressly re-enacted in this Act with reference thereto (namely):—

- Section 81 (Commissioners not to regard trusts);
- Section 82 (Lenders not bound to inquire);
- Section 84 (Mode of repayment of money borrowed);
- Section 85 (Sinking fund);
- Section 87 (Power to re-borrow);

and in construing the said provisions for the purposes of this Act the expression "prescribed period" therein shall mean the period within which the Commissioners are by or shall be under this Act required to repay moneys borrowed by them under this Act.

Application of money borrowed.

61. All sums borrowed by the Commissioners under this Act shall be applied only to purposes to which capital is properly applicable.

Application of certain moneys by Commissioners.

62. Subject to the provisions of the section of this Act of which the marginal note is "As to cost of new bridge" the Commissioners shall apply all moneys from time to time received by them in exercise of the powers conferred by the section of this Act of which the marginal note is "Power to retain and sell lands" in or towards paying off moneys borrowed by them under this Act and for the time being owing and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act.

Loans by corporation to Commissioners.

63.—(1) The corporation shall lend to the Commissioners for the purposes of defraying the share of the Commissioners under this Act of any costs charges and

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expenses of and in relation to the execution of any works which the Commissioners are authorised to execute by this Act and the acquisition of any lands or easements therefor all such moneys as the Commissioners may require for those purposes or any of them but not exceeding eighty thousand pounds and all such moneys as the Commissioners may require for the purposes of defraying the share of the Commissioners under this Act of the costs charges and expenses of the Commissioners preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act Any such money shall be lent on the security of all or such part as shall be agreed between the Commissioners and the corporation of the property revenues and tolls which the Commissioners are authorised to mortgage by the section of this Act of which the marginal note is "Power to Commissioners to borrow" and subject to the priorities mentioned in that section For the purposes of this Act any moneys lent to the Commissioners in pursuance of this section shall be deemed to be borrowed by them in exercise of the powers conferred by the said section of which the marginal note is as aforesaid.

(2) Save so far as the Commissioners and the corporation may otherwise agree all moneys lent under the provisions of this section shall be lent at the rate of interest at which the corporation are able to borrow the same and on such terms as will reimburse to the corporation all expenses incurred by them in such borrowing and on such other terms and conditions as may be agreed upon between the Commissioners and the corporation or as failing agreement may be determined by the Minister of Health.

(3) The following provisions shall apply to moneys borrowed by the corporation for the purpose of the said loan to the Commissioners :—

(a) Such moneys shall be lent by the corporation to the Commissioners for the period prescribed by this Act for the repayment of money borrowed by the Commissioners for the purpose for which such moneys are lent and with a provision for repayment by equal annual instalments of principal or of principal and interest combined;

(b) If any sum payable to the corporation for principal in respect of any sum lent to the

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Commissioners shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart the whole or any part of the said sum payable by the Commissioners to the corporation shall be received by the corporation the sum so received shall be carried to the credit of the borough fund;

- (c) Any moneys so borrowed shall be repaid by the corporation within a period to expire not more than one year after the expiration of the period for which the same was lent by them to the Commissioners;
- (d) All sums received by the corporation from the Commissioners for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed by the corporation and the balance (if any) shall be carried to the credit of the borough fund;
- (e) All sums received from the Commissioners for principal (except sums which are to be carried to the credit of the borough fund under the provisions of paragraph (b) of this subsection) and all sums set apart out of the borough fund under the said paragraph shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities and the corporation shall be at liberty from time to time to vary and transpose such investments. The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested which may arise by depreciation of the investments or otherwise and if not required for that purpose shall so far as is necessary be applied as if the same had been received for interest from the Commissioners.

(4) If any doubt shall arise as to how much of any sum received by the corporation from the Commissioners is to be regarded as principal or interest the question shall be determined by the Minister of Health.

64.—(1) The corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods mentioned in the fourth column thereof (namely) :—

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Power to corporation to borrow.

Purpose.	Amount.	Charge.	Period of Repayment.
(a) For defraying the share of the costs and expenses payable by the corporation under the section of this Act whereof the marginal note is "As to cost of new bridge."	£ 80,000	The district fund and general district rate or either of them.	Fifty years from the date or dates of borrowing.
(b) For and in connection with the construction of the tramways and the provision and erection of apparatus works and conveniences for the purpose of the tramways.	10,000	The revenue of the tramway undertaking of the corporation and the borough fund and borough rate or either of them.	Twenty years from the date or dates of borrowing.
(c) For making a loan or loans to the Commissioners for defraying the share of the costs and expenses payable by the Commissioners under the section of this Act whereof the marginal note is "As to cost of new bridge."	80,000	The borough fund and borough rate and district fund and general district rate or either of them.	Fifty years from the date or dates of borrowing.
(d) For paying one-half the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.
(e) For making a loan to the Commissioners of one-half of the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

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(2) (a) The corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the corporation and may with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act (other than purposes of that undertaking).

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of the interest thereon the corporation may mortgage or charge—

As regards money borrowed with the consent of the Minister of Transport the revenue of the tramway undertaking of the corporation and the borough fund and borough rate;

As regards money borrowed with the consent of the Minister of Health such fund rate or revenue as the Minister may prescribe.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent it is borrowed.

Application
of financial
provisions
of Great
Yarmouth
Corporation
Act 1897.

65. The following sections of the Great Yarmouth Corporation Act 1897 shall extend and apply to the exercise of the powers of borrowing by this Act conferred upon the corporation as if those sections were with any necessary modification re-enacted in this Act namely:—

- Section 101 (Mode of raising money);
- Section 102 (Certain regulations of Public Health Act as to borrowing not to apply);
- Section 103 (Provisions of Public Health Act as to mortgages to apply);
- Section 105 (Mode of payment off of money borrowed);
- Section 106 (Sinking fund);
- Section 107 (Protection of lender from inquiry);
- Section 108 (Corporation not to regard trusts);
- Section 109 (Appointment of receiver);
- Section 111 (Annual return to Local Government Board);

Section 112 (Application of money borrowed); A.D. 1925.

Section 120 (Audit of accounts);

Section 129 (Inquiries by Local Government Board):

Provided that subsection (2) of the said section 129 shall in its application for the purposes of this Act have effect as if the words " five guineas " were substituted for the words " three guineas " therein :

Provided also that in construing the said provisions for the purposes of this Act the expression " prescribed period " therein shall mean the respective periods within which the corporation are by or under this Act required to repay moneys borrowed by them under this Act :

Provided further that the provisions contained in section 106 of the said Act of 1897 shall apply to the formation of sinking funds for the repayment of money borrowed under the Local Loans Act 1875 instead of section 15 of the last mentioned Act.

66. The corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

Accounts to be furnished to Minister of Transport.

67.—(1) The corporation shall have power—

Power to re-borrow.

(a) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions

A.D. 1925. — which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

PART VI.

MISCELLANEOUS.

For protec-
tion of
London and
North
Eastern
Railway
Company.

68. For the protection of the London and North Eastern Railway Company (in this section referred to as “the railway company”) the following provisions shall apply and have effect (that is to say):—

- (1) (a) Neither the new bridge nor the temporary bridge shall be open within ten minutes before the time fixed for the departure of any passenger train from the Vauxhall or Southtown railway stations of the railway company within the borough;
- (b) The Commissioners shall contemporaneously with the construction of the new bridge pull down and clear away the buildings now existing on the land numbered 11 on the deposited plans and shall not at any time thereafter erect or permit to be erected thereon any building or other structure;
- (2) Before the Commissioners or the corporation for the purpose of the temporary bridge take away or render unusable for the time being any of the sidings of the railway company on Hall

A.D. 1925.

Quay they shall provide by temporary sidings accommodation equivalent to that so taken away and such temporary sidings shall be constructed and maintained and thereafter removed at the expense of the Commissioners or the corporation as the case may be to the reasonable satisfaction of the railway company's engineer and at such times as he shall reasonably require :

- (3) (a) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the diversion of the lines of rails or sidings of the railway company described in the section of this Act whereof the marginal note is "Diversion of sidings of London and North Eastern Railway Company" shall be constructed only in accordance with the plan (in this section referred to as "the signed plan") signed by Harold Chamberlin on behalf of the Commissioners by William Edgar Stephens on behalf of the corporation and by Charles John Brown on behalf of the railway company ;

(b) Such diversion and all works in connection therewith shall be executed by the Commissioners or the corporation under the superintendence (if given) and to the reasonable satisfaction of the engineer of the railway company and at such times as he may reasonably require and in accordance with detailed plans sections and specifications previously submitted to and approved by the said engineer or in the event of any difference between the said engineer and the Commissioners or the corporation in accordance with detailed plans sections and specifications settled by arbitration as hereinafter provided and the Commissioners or the corporation shall not commence the construction of the said diversion or for the purposes thereof enter upon or interfere with any tramway siding or property belonging to or used by the railway company until such plans sections and specifications have been so submitted and approved or settled ;

(c) The Commissioners or the corporation shall bear and on demand pay to the railway company the reasonable expense incurred by

A.D. 1925.

the railway company of and in connection with the superintendence by the engineer of the railway company of any works of the Commissioners or the corporation affecting any property of the railway company and of and in connection with the employment by the railway company of a sufficient number of inspectors watchmen and signalmen for watching and protecting their tramways lines of rails and sidings with reference to and during the execution repair or renewal of the works of the Commissioners or the corporation affecting the same and for minimising as far as may be all obstruction and preventing all danger or accident which may arise during the execution repair or renewal of any works authorised by this Act from any of the operations or from the acts or defaults of the Commissioners or the corporation or their contractors or any person or persons in the employment of the Commissioners or the corporation or their contractors with reference thereto;

(d) Upon completion of the diversion the diverted lines of rails shall vest in the railway company and shall become and be for the purposes of tolls rates and charges and all other purposes a part of the tramway authorised to be made by the Norfolk Railway Company under the provisions of the Norfolk Railway (Yarmouth Extension) Act 1847 and subject to the provisions contained in sections 186 to 196 of the Great Eastern Railway Act 1862 as fully and effectually as any part of the said tramway Provided that the Commissioners or the corporation shall for a period of twelve months after the diversion shall have been completed and opened for traffic keep and maintain the same in good and substantial repair to the reasonable satisfaction of the engineer of the railway company:

- (4) (a) The corporation shall subject as hereinafter mentioned construct such parts of Tramways No. 3 and No. 4 as may affect any property of the railway company in the positions and in the manner shown on the signed plan and the

provisions of subsections 3 (a) (b) and (c) of this section shall extend to and apply to the corporation in respect of such parts of the said Tramways No. 3 and No. 4 as if the said parts of the said tramways were mentioned in the said subsections in lieu of the diversion;

A.D. 1925.

(b) The corporation shall at all times during the existence of the said Tramways No. 3 and No. 4 maintain the same where they respectively cross or run alongside or near the tramways lines of rails sidings and lands of the railway company and also if required by the railway company so to do maintain the tramways lines of rails sidings and other works of the railway company where the same will be interfered with by the said Tramways No. 3 and No. 4 or any works of the corporation in connection therewith in substantial repair and good order to the reasonable satisfaction in all respects of the engineer of the railway company and if and whenever the corporation fail so to do or if the railway company themselves elect to do the work the railway company may make and do in and upon as well the lands of the corporation as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the reasonable amount of such expenditure shall be repaid to the railway company by the corporation;

(c) The working of the tramcars and other vehicles of the corporation over the portions of Hall Quay along or over which the said Tramways No. 3 and No. 4 will respectively be laid shall be subject in all respects to such reasonable regulations as the railway company may from time to time make with regard to the said tramways or to vehicular traffic thereon and the driver or drivers of tramcars and carriages of the corporation passing along the said portions of Tramways No. 3 and No. 4 shall observe any such regulations the intent and meaning of this provision being that the traffic of the railway company on their lines shall have precedence of the traffic of the corporation on the lines of the

A.D. 1925.

corporation crossing the lines of the railway company and any such regulations shall if not agreed between the railway company and the corporation be settled by the Minister of Transport due regard being had to the safety of the public and the convenient operation of the traffic both of the railway company and the corporation;

(d) No posts standards brackets attachments conductors wires tubes mains plates boxes or apparatus shall without the consent in writing of the railway company be constructed upon or be affixed to any house or building belonging to the railway company:

- (5) The Commissioners and the corporation as the case may be shall be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company or to any of their tramways lines of rails sidings works or property or to the traffic thereon or otherwise by reason of the construction of the diversion or the construction use or failure of the said Tramways No. 3 and No. 4 or any works in connection therewith or by the acts or defaults of any of the persons in the employ of the Commissioners or the corporation or of their contractors or others and the Commissioners and the corporation as the case may be shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such construction use failure act or default:
- (6) The Commissioners and the corporation as the case may be and the railway company may agree to any variation or alteration of the works or matters in this section provided for or in the manner in which the same shall be executed or carried into effect:
- (7) If any difference shall arise between the Commissioners and the corporation as the case may be and the railway company as to the reasonableness of any plans sections or specifications hereinbefore provided for (other than the signed plan or as to the true intent and meaning of any

of the provisions of this section) or as to the mode of giving effect thereto such difference shall unless otherwise agreed between the railway company and the Commissioners or the corporation as the case may be determined by an arbitrator to be agreed upon between the parties or in cases of difference to be appointed on the application of either party by the President of the Institution of Civil Engineers.

A.D. 1925.

69. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the provisions of the section of this Act of which the marginal note is " For protection of London and North Eastern Railway Company " so far as such provisions are applicable to the portion of the sidings used by the Midland and Great Northern Railways Joint Committee on Hall Quay shall apply and have effect for the benefit of the said committee.

For protection of Midland and Great Northern Railways Joint Committee.

70. The Commissioners and the corporation may enter into and carry into effect agreements and arrangements for and in relation to the construction by the Commissioners on behalf of the corporation of the tramways and any works in connection therewith and for and in relation to the acquisition or execution by the corporation on behalf of the Commissioners of any lands or works for the purposes of or with respect or incidental to the construction of the new bridge and as to the payments to be made to either of them by the other of them in respect to any such matters.

Agreements between Commissioners and corporation.

71. The Commissioners shall (if and so far as may be necessary) keep separate accounts of the costs and expenses incurred by them in or in relation to the construction of the works by Part II. of this Act authorised and the purchase or acquisition of any lands by them under the powers of this Act and for the purpose of ascertaining the sums to be paid by the corporation to the Commissioners in respect of such matters under this Act the Commissioners shall credit as against such costs and expenses all sums (if any) from time to time paid to the Commissioners on account of the sale or letting of lands acquired under this Act and all sums from time to time received by the Commissioners in respect of the sale of any of the materials of the existing Haven Bridge or

Separate accounts.

A.D. 1925. forming part of the temporary bridge or other materials under the powers of this Act and all other sums which may recoup to the Commissioners any part of such costs and expenses and shall furnish to the corporation copies of such accounts.

Compensation how to be determined.

72. When any compensation costs damages or expenses is or are by this Act directed to be paid by the Commissioners or the corporation as the case may be 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 the Public Health Acts.

Arbitration.

73. Where under this Act any matter is to be referred to an arbitrator or arbitration (other than matters to which the provisions of the Lands Clauses Acts apply) the reference shall (save so far as may be otherwise expressly provided by this Act) be to an arbitrator to be agreed upon between the parties or failing such agreement appointed by the Minister of Transport and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

Provisions as to general Tramway Acts.

74. Nothing in this Act contained shall exempt the corporation or their tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Saving rights of corporation.

75. Nothing contained in this Act shall operate to take away or abridge any right title or interest of the corporation in to or over the foreshore or bed of the River Yare Provided always that nothing herein contained shall be held to recognise or confirm any right title or claim of the corporation to the foreshore or bed aforesaid but the right and title to such foreshore or bed shall remain in the same state as if this Act had not been passed.

For protection of corporation.

76. Except as is by this Act expressly provided nothing in this Act shall take away prejudice lessen or alter any of the estates rights interests jurisdictions franchises powers authorities customs immunities or privileges of the corporation.

77.—(1) The following provisions are hereby re- A.D. 1925.
pealed :—

The Great Yarmouth Haven Bridge and Navigation
Improvement Act 1849 :

Section 19 (Commissioners not to be liable for
the future repairs of the approaches
to the bridge) ;

Section 20 (Certain road may be lighted by
trustees).

The Great Yarmouth Port and Haven Act 1866 :

The proviso to section 59 (Opening Haven
Bridge).

The Great Yarmouth Port and Haven Act 1900 :

Section 6 (Debenture stock).

The Great Yarmouth Port and Haven Act 1911 :

Section 80 (Debenture stock).

(2) Section 60 (Light to be provided on Haven
Bridge) of the Great Yarmouth Port and Haven Act
1866 is hereby repealed as from the date of the removal of
the existing Haven Bridge.

78. Except as hereinafter expressly provided nothing Crown
rights.
in this Act affects prejudicially any estate right power
privilege or exemption of the Crown and in particular
nothing herein contained authorises the Commissioners
to take use or in any manner interfere with any portion
of the shore or bed of the sea or of any river channel creek
bay or estuary or any land hereditaments subjects or
rights of whatsoever description belonging to His Majesty
in right of His Crown and under the management of the
Commissioners of Crown Lands or of the Board of Trade
respectively without the consent in writing of the Com-
missioners of Crown Lands or the Board of Trade as the
case may be on behalf of His Majesty first had and
obtained for that purpose.

79. Notwithstanding the provisions contained in the Crown
minerals.
section of this Act of which the marginal note is " Crown
rights " or in any public statute His Majesty and His
lessees for their respective interests may work any
minerals belonging to His Majesty in right of His Crown
under and adjacent to lands and works of the Com-
missioners authorised to be taken or constructed by this

A.D. 1925. — Act but in the event of any such right being at any time intended to be exercised sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 shall apply as if the same were in relation to such minerals incorporated in this Act and as if the Commissioners were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Commissioners to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Commissioners by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

Costs of
Act.

80. 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 borne by the Commissioners and the corporation in equal shares and any moneys payable by the corporation under this section shall be paid by them out of the revenue of their tramway undertaking or out of the borough fund or out of moneys borrowed by them under the provisions of this Act.

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