



Avon Weir Act 1992

1992 CHAPTER v

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Avon Weir Act 1992.

2 Interpretation

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

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

“the city” means the city of Bristol;

“the City Council” means the council of the city;

“the Corporation” means The Bristol Development Corporation;

“the Feeder Canal” means the canal or cut authorised by the Act 43 Geo. 3 c. cxl as altered from time to time, and known as the Feeder Canal, including all basins and other works constructed in connection therewith, but excluding any land within the limits of deviation for Work No. 3 which lies to the riverside of a line drawn between reference points ST59960 72359 and ST59994 72314;

“the fire authority” has the meaning given by the Fire Services Act 1947;

“the Floating Harbour” means the City Docks of the City Council known as the Floating Harbour and all basins and other works constructed in connection therewith, but not including any land within the limits of deviation for Work No. 2;

“the highway authority” means Avon County Council in its capacity as highway authority;

“the impounded river” has the meaning given by subsection (2) below;

“the level of high water” means the level of mean high-water springs;

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“the limits of deviation” means the limits of deviation shown on the deposited plans;

“mooring” includes any buoy, pile, post, chain, pillar or like apparatus or convenience used for the mooring of vessels;

“new rights” means rights to be created in favour of the Corporation, including rights restrictive of the user of land;

“the port” means the port and harbour of Bristol;

“the port authority” means the City Council as port authority for the port and, for the purpose of any provision in this Act which affects any part of the river, includes any successor of the City Council as port authority for that part;

“reference point” means Ordnance Survey National Grid Reference Point;

“the river” means the river Avon;

“the rivers authority” means the National Rivers Authority;

“tidal works” means, subject to section 24 (Status of works in impounded river) of this Act, so much of the works as is on, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the urban development area” means the area from time to time designated as the area in respect of which the Corporation is urban development corporation;

“vessel” means every description of vessel, whether with or without means of propulsion of any kind, and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act 1968;

“water company” means Wessex Water Services Limited;

“the weir” means the weir and other works forming Work No. 1; and

“the works” means the works authorised by this Act.

(2) “The impounded river” means—

- (a) that part of the river lying between the downstream limit of deviation for Work No. 1 and Hanham Mills;
- (b) such widening or lateral extension of the part of the river referred to in paragraph (a) above, and such canals, cuts, inlets, pools, lakes or other watercourses, as may from time to time be created, formed or constructed along the banks thereof or as are connected therewith, whether immediately or otherwise;
- (c) the waterways leading to and the waters within the limits of deviation for Works Nos. 2 and 3; and
- (d) the banks of the part of the river and of the widenings, watercourses, waterways and other things referred to in paragraphs (a), (b) and (c) above and a space of 4·57 metres in width on each bank above the line of high-water mark of ordinary spring tides as existing on 1st July 1972 being that width of the land adjoining those banks which is comprised in the port;

not being, in the case of the waterways and other things referred to in paragraphs (b), (c) and (d) above, any part of the Feeder Canal or the Floating Harbour.

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- (3) All directions, distances and reference points stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after such direction, distance and reference point.
- (4) Unless the context otherwise requires, any reference to a work identified by a number of such work shall be construed as a reference to the work of that number authorised by this Act.

3 Incorporation of general enactments

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof, so far as the same are applicable for the purposes of and are not inconsistent with this Act, are incorporated with this Act and, as so incorporated, shall have effect as if—

- (a) for the words “the period by the special Act limited for the completion of the railway” there were substituted the words “the period of five years from the commencement of the construction of the works authorised by the special Act”;
- (b) the expression “the company” meant the Corporation; and
- (c) the expression “the railway” meant the works authorised by this Act and “the centre of the railway” meant the centre line of the works respectively.

4 Application of Part I of Compulsory Purchase Act 1965, etc

- (1) (a) Part I of the Act of 1965 (except sections 4 and 27 thereof, and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies
to a compulsory purchase to which Part II of the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.
 - (b) In section 11 (1) of the Act of 1965, as so applied, for the words “fourteen days” there shall be substituted the words “three months”.
 - (c) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.
- (2) Part II of Schedule 2 to the Acquisition of Land Act 1981 shall apply to the compulsory acquisition of land under this Act as if this Act were a compulsory purchase order.
- (3) (a) The Compulsory Purchase (Vesting Declarations) Act 1981 shall apply to the compulsory acquisition of land under this Act as if this Act were a compulsory purchase order.
 - (b) The notice required by section 3 (1) of the said Act of 1981 as so applied shall be a notice containing the particulars specified in section 3 (3) and given at any time following the coming into operation of this Act.
 - (c) In section 3 (2) of the said Act of 1981 as so applied, for “(1) (b)” there shall be substituted “(1)”.