

ELIZABETH II



1965 CHAPTER xxvii

An Act to empower the Flintshire County Council to construct a footbridge over the river Dee; to authorise the discontinuance and abandonment of the ferry across that river commonly known as the Higher Ferry Saltney; and for other purposes. [5th August 1965]

WHEREAS—

(1) The county council of the administrative county of Flint (hereinafter referred to as “the Council” and “the county” respectively) are the owners of a ferry across the river Dee, commonly known as the Higher Ferry, Saltney, which is situate in the rural district of Hawarden in the county about 3 miles above the bridge constructed in pursuance of the Queen’s Ferry Bridge Act, 1924 (which ferry is hereinafter referred to as “the c. viii. ferry”):

(2) The ferry is worked and maintained by the Council as a free ferry for foot-passengers only in pursuance of the Queen’s Ferry Bridge Act, 1894:

c. clxxx.

(3) It is expedient to authorise the Council to construct a bridge over the river Dee for foot-passengers in substitution for the ferry and to empower the Council to discontinue and abandon the ferry:

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

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

(6) Estimates have been prepared by the Council for and in connection with the following purpose:—

The construction of the work authorised by this	
Act	£35,000

(7) The work included in such estimates is a permanent work and it is expedient that the Council be empowered to borrow money for that purpose as provided by this Act:

(8) A plan and section showing the lines and levels of the work authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and occupiers of those lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office House of Commons and with the clerk of the Council which plan, section and book of reference are in this Act respectively referred to as the deposited plan, section and book of reference:

c. 51. (9) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

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

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Flintshire County Council (Higher Ferry Saltney Footbridge) Act 1965.

Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Lands.
 Part III.—Footbridge.
 Part IV.—Abandonment of ferry.
 Part V.—Finance and miscellaneous.

3. The following enactments, so far as the same are applicable for the purposes of, and are not varied by or inconsistent with this Act, are hereby incorporated with and form part of this Act, namely:—

PART I
—cont.

Incorporation
of Acts.

- (1) the Lands Clauses Acts (except section 92, sections 127 to 132 and sections 150 and 151 of the Lands Clauses Consolidation Act, 1845): c. 18.

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section;

- (2) sections 16 and 30 to 44 of the Railways Clauses Consolidation Act, 1845, and sections 78 to 85 of the same Act as the said sections were originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act, 1923: c. 20.

Provided that—

(a) the expression “the company” shall be construed to mean the Council;

(b) the expression “the railway” shall be construed to mean the work; and

(c) the expression “the centre of the railway” shall be construed to mean any part of the work.

4.—(1) In this Act the several words and expressions to which meanings are assigned by section 295 of the Highways Act, 1959, have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation. c. 25.

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

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

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

“the county” means the administrative county of Flint;

“enactment” includes an enactment in this Act or in any public, general, local or private Act and any order or other instrument having the force of an Act;

“the ferry” means the ferry across the river situate in the rural district of Hawarden in the county about 3 miles above the bridge constructed in pursuance of the Queen’s Ferry Bridge Act, 1924, and commonly known as the Higher Ferry, Saltney; c. viii.

PART I
 —cont.

“ the ferry works ” means—

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

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

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

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

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

c. 42.
 c. 33.

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, the Land Compensation Act, 1961, and this Act;

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

c. 55.

“ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952;

“ the river ” means the river Dee;

“ tidal work ” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of high water;

“ the tribunal ” means the Lands Tribunal;

“ the work ” means the work authorised by section 14 (Power to construct footbridge) of this Act.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or by virtue of any subsequent enactment, including this Act.

PART II

LANDS

Power to
 acquire lands.

5.—(1) Subject to the provisions of this Act, the Council may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purpose of the work.

(2) The powers of compulsory acquisition of land under this section shall cease after the expiration of three years from 1st December, 1965.

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

PART II
—cont.

Correction of errors in deposited plan and book of reference.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the clerk of the Council and with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plan or so much thereof as includes the land to which the certificate relates has been deposited in accordance with the Standing Orders of the Houses of Parliament or who has the custody of any such copy so deposited, and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the land and execute the work in accordance with the certificate.

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

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

Acquisition of part only of certain properties.

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

c. 18.

(a) in the case of a house, building or factory that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or

(b) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part

PART II
 —cont.

proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the Council that part of the house, building, factory, park or garden.

Power to expedite entry.

c. 18.

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

Provided that the Council shall pay the like compensation for land entered under this section, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

9.—(1) Any person acting on behalf of the Council and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times, enter on any land that the Council are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

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

(2) The power of survey conferred by the last foregoing subsection includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention to do so was included in the notice required by the last foregoing subsection.

(3) Where land is damaged in the exercise of a right of entry or survey conferred under this section, any person interested in the land may recover from the Council compensation for the damage to be determined in case of dispute by the tribunal and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

c. 33.

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

PART II
—cont.

Disregard of recent improvements and interests.

(a) any improvements or alteration made or building erected after 5th December, 1964; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

11.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall, if the Council so resolve and give notice of their resolution to the owner of the right, be extinguished as from the acquisition of the land, whether compulsorily or by agreement, or as from the expiration of one month from the service of the notice, whichever is the later.

Extinction of private rights of way.

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

c. 33.

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

Power to acquire easements only.

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

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

(a) they shall not be required or, except by agreement or during the execution of the work, entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Council to acquire the land, the Council shall not be entitled under this section to acquire the

PART II
—cont.

easement or right unless the tribunal determines that the easement or right can be granted, without material detriment to the land or in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Council may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

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

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

Grant of easements by persons under disability.

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

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

PART III

FOOTBRIDGE

Power to construct footbridge.

14.—(1) Subject to the provisions of this Act the Council may in the rural district of Hawarden in the county make and maintain as a county road in the line and situation and according to the levels shown on the deposited plan and section the work referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say—

A footbridge over the river with footway approaches thereto commencing in the parish of East Saltney by a junction with the highway leading from Saltney Ferry Station to the ferry and terminating in the parish of Sealand by a junction with the highway known as Ferry Lane.

(2) Subject to the provisions of this Act the Council may improve, renew or replace the work at any time and from time to time as occasion may require.

Power to deviate.

15. The Council, in constructing the work, may deviate from the lines thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan, and may

deviate from the levels shown on the deposited section to any extent not exceeding two feet either upwards or downwards, but shall not, as respects any part of the work affecting the navigation of the river, deviate downwards from those levels.

PART III
—cont.

16.—(1) Within the limits of deviation shown on the deposited plan the Council in connection with and as part of the work may execute or do any of the following works or things:—

Power to
make
subsidiary
works.

- (a) make junctions and communications with any existing streets (whether or not they are dedicated to the public use or maintainable at the public expense) intersected or interfered with by or contiguous to the work and divert, widen or alter the line or alter the level of any such existing street for the purpose of connecting the same with the work;
- (b) execute any works for the protection of any adjoining land or buildings;
- (c) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (d) alter or remove any structure erected upon any street or land;

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

(2) Any dispute arising under this section as to the fact of damage or as to the amount of compensation shall be determined by arbitration:

Provided that if the compensation claimed does not exceed fifty pounds all questions as to the fact of damage, liability to pay compensation and the amount of compensation may, on the application of either party be determined by, and any compensation awarded may be recovered before a magistrates' court.

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

Subsidiary
works in
river and
elsewhere.

PART III
 —cont.

Provided that—

- (a) the Council shall ensure that so far as reasonably practicable any such works shall not narrow or obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or obstruct the flow of water;
- (b) no materials raised under the provisions of this section shall be deposited in any place below the level of high water except in such a position and under such restrictions and regulations as may be fixed by the Board of Trade.

(2) On the completion of the work the Council shall remove all temporary works placed by them in the river under the powers of this section.

(3) The Council shall make compensation for any damage done by them in the exercise of the powers of this section.

(4) Any dispute arising under this section as to the fact of damage or as to the amount of compensation shall be determined by arbitration:

Provided that if the compensation claimed does not exceed fifty pounds all questions as to the fact of damage, liability to pay compensation and the amount of compensation may, on the application of either party, be determined by, and any compensation awarded may be recovered before a magistrates' court.

No mains or pipes to be laid in bridge.
 c. 39.

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

Stopping up and diversion of footpath.

19.—(1) The Council may stop up so much of the portion of the footpath as lies between the points marked C and D on the deposited plan as they think fit, and thereupon all rights of way over or along the said portion of the footpath shall be extinguished.

(2) Notwithstanding anything in subsection (1) of this section, the Council shall not stop up (except temporarily under section 20 (Temporary stoppage of highways) of this Act) any portion of the footpath until a substituted footpath between the points marked E and D on the deposited plan has been constructed and is open for public use.

c. 97.

(3) In this section "the footpath" means the public footpath in the parish of Sealand numbered 2 on the definitive map and statement of public rights of way relating to the rural district of Hawarden prepared by the Council under Part IV of the National Parks and Access to the Countryside Act, 1949.

20.—(1) The Council during and for the purpose of the execution of the work may temporarily stop up and divert and interfere with any highway and may for any reasonable time divert the traffic therefrom and prevent persons using the same.

PART III
—cont.

Temporary stoppage of highways.

(2) The Council shall not exercise the powers of this section so as to deprive foot-passengers bona fide going to or from any building or land abutting on the highway of reasonable access to the building or land.

21.—(1) A tidal work shall not be constructed or altered except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the board before that work is begun.

Tidal works not to be executed without approval of Board of Trade.

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

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

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

and any expenditure incurred by the board in so doing shall be recoverable from the Council as a simple contract debt.

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

Provision against danger to navigation.

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

23.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Council at their own expense either to repair and restore that

Abatement of work abandoned or decayed.

PART III
—cont.

work or any part thereof, or to remove that work and restore the site thereof to its former condition, to such an extent and within such limits as the board think proper.

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

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

Survey of
tidal works.

24. The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work constructed by the Council or of the site upon which it is proposed to construct that work and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the Council as a simple contract debt.

Permanent
lights on
tidal works.

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

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

Lights on
tidal works
during con-
struction.

26.—(1) The Council shall at or near a tidal work during the whole time of the construction or alteration thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct.

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

27.—(1) The Council may make byelaws for the regulation, control and protection of the work and of persons resorting to or using the same.

PART III
—cont.
Byelaws.

(2) The confirming authority for the purpose of section 250 of the Act of 1933 shall as respects byelaws made under this section be the Secretary of State.

PART IV

ABANDONMENT OF FERRY

28.—(1) (a) As from the date of the opening of the work for pedestrian traffic the Council may discontinue and abandon the ferry.

(b) As from such date as the Council by resolution fix for such discontinuance and abandonment the Council shall by virtue of this Act be relieved from all or any obligations (statutory or otherwise) to maintain the ferry.

(c) The Council shall cause to be published in a local newspaper circulating in the rural district of Hawarden notice of the passing of any such resolution and of the date fixed thereby for the discontinuance and abandonment of the ferry and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(2) Either—

(a) a copy of any such newspaper containing any such notice; or

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

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

29. As from the date on which the ferry is discontinued and abandoned the provisions of section 22 (Provision against danger to navigation), section 23 (Abatement of works abandoned or decayed), section 24 (Survey of tidal works) and section 25 (Permanent lights on tidal works) of this Act shall apply in respect of any of the ferry works situated on, under or over tidal waters or tidal lands below the level of high water as if such works had been referred to therein instead of a tidal work and as if in the case of subsection (2) of the said section 23 that subsection had referred to the ferry works consisting partly of works situated on, under or over tidal waters or tidal lands below the level of high water and partly of works on or over land above the level of

Provision
against
danger to
navigation
applicable to
ferry works.

PART IV
—cont.

high water instead of to a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water.

Retention
and disposal
of ferry
works and
lands.

30.—(1) Notwithstanding anything contained in the last foregoing section the Council may as from the date on which the ferry is discontinued and abandoned—

- (a) continue to maintain the ferry works and lands and retain, hold, adapt and use the same or any part thereof or interest therein for such time and for such purposes as they think fit;
- (b) sell, lease, exchange or otherwise dispose of the ferry works and lands or any part thereof or any interest therein in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form);
- (c) appropriate the ferry works and lands or any part thereof for any other purpose;
- (d) sell, exchange or dispose of any rents reserved on the sale, lease, exchange or other disposition of the ferry works and lands or any part thereof or interest therein;
- (e) make do and execute any deed, act or thing proper for effectuating any such sale, lease, exchange or other disposition;
- (f) on any such exchange pay or receive money for equality of exchange.

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

Proceeds of
disposal of
ferry boats,
etc.

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

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

PART IV
—cont.

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

PART V

FINANCE AND MISCELLANEOUS

32.—(1) The Council may borrow without the consent of any sanctioning authority for any of the purposes specified in the first column of the following table the sum specified in relation thereto in the second column of that table:— Power to borrow.

(1)	(2)	(3)
Purpose for which money may be borrowed	Amount	Maximum period for repayment of loan calculated from the date or dates of borrowing
(a) The purchase of lands and easements for the purposes of this Act	The sum requisite	Sixty years.
(b) The construction of the work ...	£35,000	Thirty years.
(c) The payment of the costs, charges and expenses of this Act	The sum requisite	Five years.

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

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

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946. c. 58.

PART V
 —cont.

Application
 of Higher
 Ferry Fund.
 c. viii.

33. As from the date on which the ferry is discontinued and abandoned the Council may apply for the purposes of this Act the whole or part of any moneys standing to the credit of the Higher Ferry Fund formed by the Council under the powers of section 25 (Application of funds and formation of Higher Ferry Fund) of the Queen's Ferry Bridge Act, 1924.

Repeals.

c. clxxx.

34.—(1) Section 19 (Vessels not to be detained at bridge) and section 20 (Road traffic not to be unreasonably delayed) of the Queen's Ferry Bridge Act, 1894, and so much of section 17 (Incorporation of provisions of Act of 1894) of the Queen's Ferry Bridge Act, 1924, as incorporates those sections are hereby repealed.

(2) Without prejudice to the generality of the provisions of paragraph (b) of subsection (1) of section 28 (Abandonment of ferry) of this Act as from the date on which the ferry is discontinued and abandoned the following enactments shall be repealed:—

(a) subsection (3) of section 48 (Provisions as to transfer of the ferries to County Council) of the Queen's Ferry Bridge Act, 1894;

(b) subsection (4) of section 25 (Application of funds and formation of Higher Ferry Fund) of the Queen's Ferry Bridge Act, 1924.

Adaptations
 of enactments
 relating to
 bridges over
 river.

35.—(1) The Minister of Transport may on the application of the person in whom any bridge across the river is vested by order repeal or amend any enactment in respect of that bridge so far as it relates to the navigation and traffic of the river.

(2) As soon as may be after making an order under this section the said Minister shall cause to be published in such manner as appears to him to be best adapted for informing persons affected a notice stating that the order has been made and specifying a place where copies thereof may be obtained.

(3) An order under this section shall be subject to special parliamentary procedure.

Removal of
 obligation to
 maintain part
 of river.

36. As from the passing of this Act the Dee and Clwyd River Authority shall cease to be under any obligation (whether statutory or otherwise) to maintain the stretch of the river between the city of Chester and Connah's Quay in such a condition (whether by reference to a particular depth of water or otherwise) as to permit navigation by any vessel having an overall height (including the superstructure and any fixed mast) measured from the surface of the water exceeding 10 feet.

37. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then, unless other provision is made, the reference shall be to a single arbitrator to be agreed upon between the parties or, failing agreement, appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

PART V
—cont.

Arbitration.

38. Section 265 of the Public Health Act, 1875, shall apply to the Council as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee of a local authority.

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

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

Application of general provisions of Act of 1936.
c. 49.

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

Saving for town and country planning.
c. 38.

41. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Council to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Crown rights.

42. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Council.

Costs of Act.

SCHEDULE

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c. 49.

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Flintshire County Council (Higher Ferry Saltney Footbridge) Act 1965

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