

**ELIZABETH II**



**1965 CHAPTER xxxiii**

An Act to empower the Wardens and Assistants of Rochester Bridge in the county of Kent to construct works and to acquire lands; and for other purposes.  
[5th August 1965]

**W**HEREAS by letters patent granted by King Richard II in the twenty-second year of his reign confirmed by the statute passed in the ninth year of King Henry V all the persons, manors, places and bounds within the county of Kent severally limited and the landowners of the manors, places and bounds aforesaid which were theretofore bound and charged to make and repair the bridge between the city of Rochester and the town of Strood were ordained to be a commonalty for the support and governance of the said bridge with power to choose yearly from amongst themselves two persons to be wardens of the said bridge and the said wardens and commonalty and their successors were made able and capable to purchase and receive lands, tenements and rents of any persons whatever to have and to hold to them and their successors for ever in aid of the support and reparation of the said bridge and it was enacted that they might have a common seal and might plead and be impleaded:

c. 17. And whereas by an Act passed in the eighteenth year of the reign of Queen Elizabeth I it was enacted that twelve persons of the said commonalty should be chosen yearly by the persons contributory to the said bridge to be assistants to the said two wardens:

c. 25. And whereas by an Act passed in the twenty-seventh year of the reign of Queen Elizabeth I further provisions were enacted relating to the taxation of all the contributory lands and tenements by the said wardens and assistants:

c. 12. And whereas by an Act passed in the first year of the reign of Queen Anne further provisions were enacted relating to the constitution of the said wardens and assistants:

c. vi. And whereas by the Rochester Bridge Act, 1846, the wardens and commonalty were empowered to remove the old bridge and to construct a new bridge in place thereof and the liability of the owners of contributory lands to contribute to the maintenance and repair of the new bridge in case of the insufficiency of the rents and profits of the bridge estates for such purpose was affirmed:

And whereas the said new bridge has long since been completed:

And whereas in the year 1888 a scheme was made by the Charity Commissioners for the regulation of the property and endowments of the said bridge trust by the wardens and assistants therein called the Court:

And whereas for 400 years and upwards the said bridge has been maintained without expense to the public:

c. lvii. And whereas by the Rochester Bridge Act, 1908, the owners of the contributory lands were relieved from their liability to contribute to the maintenance and repair of the said bridge, the constitution of the Court of Wardens and Assistants was altered and the Court was incorporated by the name of "The Wardens and Assistants of Rochester Bridge in the county of Kent" and the property and endowments of the said bridge trust were vested in the Court in the manner provided by that Act:

And whereas the said bridge and the approaches thereto are no longer sufficient to accommodate vehicular traffic across the river Medway:

And whereas there is situated adjacent to the said bridge a railway bridge over the river Medway (hereinafter called "the railway bridge") constructed under the powers of the East Kent Railway Act, 1853:

c. cxxxii.

And whereas the railway bridge is vested in the British Railways Board but is no longer required for the purposes of their railway undertaking:

And whereas the construction of additional bridge accommodation for vehicular and pedestrian traffic across the river Medway would be of public and local advantage:

And whereas it is expedient to empower the said Wardens and Assistants to acquire the railway bridge from the British Railways Board, to construct the bridge and other works described in this Act and to acquire lands for that purpose:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas estimates have been prepared for and in connection with the purposes hereinafter mentioned and such estimates are as follows:—

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The construction of the bridge and other works authorised by Part III (Works, etc.) of this Act	170,000
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And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas a plan and section showing the lines and levels of the works by this Act authorised, such plan showing also the lands which may be acquired or used under the powers of this Act and for the purposes of this Act, together with a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been 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 county council of the administrative county of Kent and the town clerk of the city of Rochester and such plan, section and book of reference are respectively referred to in this Act as the deposited plan, section and book of reference:

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

## PART I

## PRELIMINARY

- Short title. 1. This Act may be cited as the Rochester Bridge Act 1965.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—  
 Part I.—Preliminary.  
 Part II.—Lands.  
 Part III.—Works, etc.  
 Part IV.—Finance and general.
- Incorporation of Acts. 3. The following enactments, so far as the same are applicable for the purposes of, and are not inconsistent with, the provisions of this Act, are hereby incorporated with this Act:—
- c. 18. (1) The Lands Clauses Acts (except sections 92, 127 to 133, 150 and 151 of the Lands Clauses Consolidation Act, 1845):  
 Provided that—  
 (a) 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; and  
 (b) the expression “the promoters of the undertaking” shall be construed to mean the Wardens:
- c. 20. (2) Sections 16 and 30 to 44 of the Railways Clauses Consolidation Act, 1845:  
 Provided that—  
 (a) the expression “the railway” shall be construed to mean the works and “the centre of the railway” shall be construed to mean any part of the works;  
 (b) any electrical works or apparatus constructed, erected, laid or maintained in pursuance of section 16 of the Railways Clauses Consolidation Act, 1845, shall be so constructed, erected or laid and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line;

(c) in section 32 of the Railways Clauses Consolidation Act, 1845, the words "the expiration of the period by the special Act limited for" shall be omitted; and

PART I  
—cont.  
c. 20.

(d) the expression "the company" shall be construed to mean the Wardens.

4.—(1) 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 (save as is otherwise expressly provided in this Act) the same respective meanings, and—

Interpretation.

"the bridge" means the bridge and approach roads authorised by section 18 (Power to construct works) of this Act and includes all improvements thereto and the carriageways and footways thereon and other works and conveniences connected therewith or incidental thereto;

"the city" means the city and borough of Rochester;

"the conservators" means the Conservators of the River Medway;

"the date of transfer" means the date on which the railway bridge is transferred to and vested in the Wardens under the powers of section 17 (Transfer of railway bridge) of this Act;

"enactment" means any provision of a public general Act, of a local, private or personal Act, of a Provisional Order confirmed by an Act or of any regulation or order made under an Act;

"land" includes land covered by water, any interest in land and any easement or right in, to or over land;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Land Compensation Act, 1961, c. 33. and by this Act;

"the Minister" means the Minister of Transport;

"the railway bridge" means the bridge authorised by the East Kent Railway Act, 1853, for carrying across the river the railway authorised by that Act and includes all lands, works and conveniences belonging to or held or used by the railways board in connection therewith immediately before the date of transfer;

"the railways board" means the British Railways Board;

"the river" means the river Medway;

c cxxxii.

PART I  
—cont.

c. vi.

“ Rochester Bridge ” means the road bridge authorised by section VI (Power to build a new Bridge according to the Provisions in this and the recited Acts) of the Rochester Bridge Act, 1846;

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

c. 76.

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

“ 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 mean high-water springs;

“ the tribunal ” means the Lands Tribunal;

“ the Wardens ” means the Wardens and Assistants of Rochester Bridge in the county of Kent;

“ the works ” means the works authorised by Part III of this Act.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

## PART II

## LANDS

Power to  
acquire  
lands.

5.—(1) Subject to the provisions of this Act, the Wardens may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for or in connection with the construction and maintenance of the works and for other the purposes of this Act or for any of those purposes.

(2) Subject to the provisions of subsection (3) of this section, the powers of compulsory acquisition of land under this section shall cease after the expiration of three years from the 1st December, 1965.

(3) (a) The Minister may on the application of the Wardens by order extend the period referred to in subsection (2) of this section for such further period, not exceeding two years, as he may think fit.

(b) An order made under this subsection shall be subject to special parliamentary procedure.

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

6. If the Minister by order made under subsection (3) of the last foregoing section extends the period for the exercise of the powers of the Wardens for the compulsory purchase of land, the following provisions shall apply after the coming into operation of that order:—

(1) In this section “ the land ” means any land which is for the time being authorised to be acquired compulsorily under the last foregoing section;

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

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

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

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

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

(a) if the Wardens—

(i) fail to comply with that paragraph; or

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

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

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

(b) if his interest in part only of the land so specified is acquired in pursuance of a contract or notice to treat under sub-paragraphs (a) or (b) of that paragraph the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

7.—(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 Wardens, 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 city for the correction thereof.

Correction  
of errors in  
deposited  
plan and  
book of  
reference.

PART II  
—cont.

(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 Kent County Council and the town clerk of the city 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 Wardens to take the land and execute the works in accordance with the certificate.

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

Acquisition  
of part  
only of  
certain  
properties.  
c. 18.

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

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

- (a) in the case of a house, building or factory, that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or
- (b) in the case of a park or garden, that such part as 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 proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the Wardens that part of the house, building, factory, park or garden.

Power to  
expedite  
entry.

9. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act or in respect of any easement or right over or in any such land, but not less than three months after giving the owner and occupier of the land written notice of their intention to exercise the powers of this section, the Wardens may enter on and take possession



of the land, or such part thereof as is specified in the last-mentioned notice, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845: c. 18.

PART II  
—cont.

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

**10.** Any person acting on behalf of the Wardens 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 Wardens are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land: Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Wardens, 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 written notice to the owner and occupier of the land in manner provided by section 285 of the Public Health Act, 1936. c. 49.

**11.** In determining any question of disputed compensation or purchase money in respect of land acquired under this Act, the tribunal shall not take into account— Disregard of recent improvements and interests.

- (a) any improvements or alteration made, building erected, or work done after the 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, done or created with a view to obtaining or increasing the compensation or purchase money.

**12.—(1)** Any private right of way over, and any right of laying down, erecting, continuing or maintaining any apparatus on, under or over any land that may be acquired compulsorily under this Act, shall, if the Wardens so resolve and give notice in writing 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 or as from the time when the Wardens take possession of the land under section 9 (Power to expedite entry) of this Act. Extinction of private rights of way and apparatus.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Wardens compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961. c. 33.

PART II  
—cont.

Power to  
acquire  
easements  
only.

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

(2) Accordingly the Wardens 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 Wardens have acquired an easement or right only over, in or affecting any land under this section—

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

(b) the owner or occupier of the land for the time being shall, after the construction of the works thereon has been completed and 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 Wardens to acquire the land, the Wardens shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Wardens 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.

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

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

PART II  
—cont.

15.—(1) The Wardens may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired by the Wardens under this Act with respect to the reinstatement elsewhere of such owner or occupier. Power to reinstate owners or occupiers of property.

(2) For the purpose of reinstating elsewhere an owner or occupier of any land mentioned in subsection (1) of this section, the Wardens, in addition to the powers conferred upon them by subsection (1) of section 5 (Power to acquire lands) of this Act, may purchase by agreement any land in the city and may on any land acquired by them erect and maintain buildings.

(3) Any such agreement as is mentioned in subsection (1) of this section may provide for the exchange of land and for that purpose the Wardens may pay or receive money for equality of exchange.

16.—(1) The Wardens may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion either of the works or of land that may be acquired under this Act with respect to the sale by the Wardens to him of any land. Agreements with adjoining owners.

(2) The Wardens may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Wardens for the purposes of this Act or any easement or right so required.

### PART III

#### WORKS, ETC.

17.—(1) The Wardens and the railways board may enter into and carry into effect agreements providing for the transfer to and vesting in the Wardens of the railway bridge and (except as may be provided by any such agreement) on and after the date of transfer the Wardens shall, subject to the provisions of this section, be entitled in lieu of the railways board to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations of the railways board in relation to the railway bridge subsisting immediately before that date. Transfer of railway bridge.

(2) On and from the date of transfer the railway bridge shall for all purposes form part of the undertaking of the Wardens.

PART III  
—cont.  
c. cxxxii.

(3) Subject to the provisions of this subsection, so much of the East Kent Railway Act, 1853, as relates to the railway bridge shall cease to have effect on the date of transfer:

Provided that—

- (a) the provisions of section XXIX (Lights to be exhibited during construction of bridge) of the said Act of 1853 shall continue in force until the date on which the Wardens commence the construction of the bridge;
- (b) the provisions of section XXXIV (Admiralty may order local survey) and section XXXV (If works abandoned, Admiralty may remove same) of the said Act of 1853, in so far as they relate to the railway bridge, shall continue in force until the date on which the bridge is completed.

Power to  
construct  
works.

18.—(1) Subject to the provisions of this Act, the Wardens may, on and from the date of transfer, make and maintain in the lines and situations and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited section the following work in the city together with all necessary and proper works and conveniences connected therewith or incidental thereto, that is to say, a fixed bridge over the river (incorporating a reconstruction of the railway bridge) and approach roads, commencing at a point 20 feet or thereabouts measured in a north-westerly direction from the face of the abutment of the railway bridge situated on the left bank of the river and terminating at a point 20 feet or thereabouts measured in a south-easterly direction from the face of the abutment of the railway bridge situated on the right bank of the river.

(2) In the construction of the bridge—

- (a) the face line of the abutments and piers shall not extend into the river beyond the face line of the abutments and piers of Rochester Bridge;
- (b) the underside of the bridge shall be constructed in accordance with the level shown on the deposited section unless otherwise agreed in writing between the Wardens and the conservators;
- (c) the Wardens shall erect on each side of the bridge a good and sufficient parapet.

(3) The bridge shall for all purposes be deemed to form part of Rochester Bridge.

Power to  
deviate.

19. Subject to the provisions of subsection (2) of section 18 (Power to construct works) of this Act, the Wardens in constructing the works 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 10 feet either upwards or downwards:

PART III  
—cont.

Provided that no lateral or vertical deviation below the level of mean high-water springs shall be made without the consent in writing of—

- (a) the Board of Trade; and
- (b) the conservators;

and that, in the event of any inconsistency between any requirement of the Board of Trade and of the conservators, or, in the event of the conservators refusing to give consent, the Wardens shall be deemed to have complied with the provisions of this section if they have complied with the requirement or obtained the consent of the Board of Trade.

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

Power to  
make  
subsidiary  
works.

- (a) execute any works for the protection of any adjoining land or buildings;
- (b) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings or structures;
- (c) alter or remove, divert or reconstruct any structure and any wires, mains, pipes and apparatus erected upon, under or over any street or land;
- (d) raise, sink or otherwise alter the position of any of the steps, areas, cellars, windows and pipes or spouts belonging to any house or building and remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit; and
- (e) provide alternative means of access to premises the existing access to which has been or will be stopped up or interfered with by or as a result of the carrying out of the works.

(2) Any person who suffers loss by the exercise of powers conferred by this section may recover from the Wardens compensation for the damage to be determined in case of dispute by the Lands Tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in any land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

c. 33.

## PART III

—cont.

Subsidiary  
works in  
river and  
elsewhere.

21.—(1) The Wardens in connection with and at or near any works to be executed or constructed under the powers of this Act may execute, place and keep in the river and elsewhere either permanently or temporarily all such caissons, cofferdams, piles, piers, abutments, embankments, approaches, ways, access works, pumping works, wharves, walls, fences, drains, sewers, tunnels, fenders, mooring posts, bollards, booms, dolphins, pontoons, stagings, stairs, subways, buildings and other works and conveniences as they may find necessary or expedient for or in connection with the construction, maintenance or use of the works:

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

(2) On the completion of the bridge the Wardens shall, unless otherwise agreed in writing between the Wardens and the conservators, remove all temporary works placed by them in the river under the powers of this section and shall, at their own expense, keep repaired any other works placed by them in the river under the powers of this section.

(3) Any person who suffers loss by the exercise of powers conferred by this section may recover from the Wardens compensation for the damage to be determined in case of dispute by the Lands Tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in any land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

c. 33.

Under-  
pinning of  
buildings and  
structures  
near works.

22. If, in the execution and maintenance of the works, it becomes necessary to underpin or otherwise strengthen any houses, buildings or structures within 100 feet of the works in order to avoid injury to such house, building or structure, the Wardens, at their own costs and charges, may, and, if required by the owners or lessees of any such house, building or structure, 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 fourteen days' notice shall, except in case of emergency, be given to the owners, lessees and occupiers or by the owners or lessees of the house, building or structure so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice, if given by the Wardens, shall be served in manner provided 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 clerk to the Wardens:

c. 18.

(3) If any owner, lessee or occupier of any such house, building or structure, or the Wardens, as the case may require, shall within seven days after the giving of such notice give a counter-notice disputing the necessity of such underpinning or strengthening the question of the necessity shall be referred to an arbitrator (in this section referred to as "the referee"):

(4) The referee shall forthwith upon the application of either party proceed to inspect such house, building or structure, and determine the matter referred to him, and—

(a) 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 Wardens may and shall proceed forthwith so to underpin or strengthen the said house, building or structure;

(b) in the event of his deciding that such underpinning or strengthening is not necessary the Wardens shall not be under any obligation to underpin or strengthen the said house, building or structure:

(5) The Wardens shall be liable to compensate the owners, lessees and occupiers of every such house, building or structure for any loss or damage which may result to them by reason of the exercise of the powers granted by this section, if the claim for compensation in respect of such loss or damage is made within three months from the date upon which any such owner, lessee or occupier either first discovered the loss or damage or by which he ought reasonably to have discovered it (whichever is the earlier):

(6) (a) In any case in which any house, building or structure has been underpinned or strengthened under the powers of this section, the Wardens may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done, or within five years after the completion of that work, enter upon and survey such house, building or structure and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as, in case of dispute between the Wardens on the one hand and the owner, lessee or occupier of the house, building or structure on the other hand, shall be referred to and determined:

PART III  
—cont.

by an arbitrator who shall in relation to the dispute have the powers and duties of the referee under paragraph (4) of this section;

- (b) If in any case in which any house, building or structure has been underpinned or strengthened on the requisition of the Wardens such underpinning or strengthening at any time within five years from the completion of the work in connection with which such underpinning or strengthening was done proves inadequate for the support or protection of the house, building or structure against further injury arising from the execution or maintenance of such work, then, and in every such case unless such underpinning or strengthening has been done in pursuance of and in the mode prescribed by the referee or the arbitrator, as the case may be, at the requirement of the owner, lessee or occupier of such house, building or structure, the Wardens shall make compensation to the owners, lessees and occupiers of such house, building or structure for such injury if the claim for compensation in respect thereof is made by such owners within twelve months, and by such lessees or occupiers within six months, from the discovery of such injury:

- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Wardens from the liability to compensate under section 68 of the Lands Clauses Consolidation Act, 1845, or under any other Act but any work done or compensation paid under this section shall be taken into account in assessing the compensation payable under the said section 68:

- (8) Every case of compensation to be ascertained under this section shall be determined in case of dispute by the Lands Tribunal, and, so far as the compensation is properly to be calculated by reference to the depreciation of the value of the interest of the owner, lessee or occupier of the house, building or structure, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

c 18.

c. 33.

Lighting of  
bridge.

23. Subject to the provisions of this Act, the Wardens may light the bridge and may enter into and carry into effect any agreement with any other body or person with respect to lighting the bridge.

No mains  
or pipes to  
be laid in  
bridge.

c. 39.

24.—(1) Subject to the provisions of subsection (5) of section 38 (Accommodation for apparatus of Postmaster General and statutory undertakers, etc.) of this Act but notwithstanding anything contained in the Public Utilities Street Works Act,



1950, or in any other enactment, no person shall be entitled to enter upon, break up or interfere with the bridge or the carriage-ways and footways of the same for the purpose of laying down any main, pipe or wire or executing any work therein, thereon or thereunder except with the consent of the Wardens and in accordance with such terms and conditions as the Wardens may determine.

PART III  
—cont.

(2) Nothing in this section shall alter, prejudice or affect the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962.

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

Power to sell  
materials.

Provided that the Wardens shall not under the powers of this section sell or dispose of any matter or thing if any person other than the Wardens proves to the satisfaction of the Wardens that he is the owner thereof.

26.—(1) A tidal work shall not be constructed 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 the work is begun.

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

(2) If a tidal work is constructed 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 Wardens 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 Wardens, 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 Wardens as a simple contract debt.

## PART III

—cont.

Provision  
against  
danger to  
navigation.

27.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Wardens shall forthwith notify the conservators and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the conservators shall from time to time direct.

(2) If the Wardens fail to notify the conservators 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.

Abatement  
of works  
abandoned  
or decayed.

28.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade or the conservators may by notice in writing require the Wardens at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade or the conservators, as the case may be, 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 mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water springs 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 shores of the river, the Board of Trade or the conservators, as the case may be, may include that part of the work, or any portion thereof, in any notice under this section.

(3) If there shall be any inconsistency between a requirement of the Board of Trade and a requirement of the conservators under this section, the requirement of the Board of Trade shall prevail.

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

Survey of  
tidal works.

29. 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 Wardens or of the site upon which it is proposed to construct the work and any expenditure incurred by the Board in any such survey and examination shall be recoverable from the Wardens as a simple contract debt.

30.—(1) After the completion of a tidal work, the Wardens shall on each side 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 conservators shall from time to time direct.

PART III  
—cont.

Permanent  
lights on  
tidal works.

(2) If the Wardens 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.

31.—(1) The Wardens shall at or near a tidal work during the whole time of the construction 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 and the conservators or as, failing agreement between the Board of Trade and the conservators, the Board of Trade shall from time to time direct.

Lights on  
tidal works  
during  
construction.

(2) If the Wardens 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.

32.—(1) On and after the date on which the Wardens commence the construction of the bridge section 31 (Lights on tidal works during construction) of this Act shall have effect as if any portions of the railway bridge to be incorporated in the bridge were works to be constructed by the Wardens under the powers of this Act.

For further  
protection of  
navigation.

(2) On and after the date on which the bridge is completed section 27 (Provision against danger to navigation), section 28 (Abatement of works abandoned or decayed) and section 29 (Survey of tidal works) of this Act shall have effect as if any portions of the railway bridge incorporated in the bridge were works constructed by the Wardens under the powers of this Act.

#### PART IV

##### FINANCE AND GENERAL

33. The Wardens may apply any of their funds for the purpose of paying the costs, charges and expenses preliminary to and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto and for the purpose of defraying the expenses of carrying this Act into execution and the Wardens may for the said purposes raise money by borrowing on mortgage of the bridge estates and accordingly

Power to  
apply funds  
and to  
borrow.

PART IV  
—cont.

c. vi.

sections XVII to XXV of the Rochester Bridge Act, 1846, shall extend and apply mutatis mutandis as if references to the purposes of that Act included a reference to the purposes of this Act:

Provided that in section XVII (Power to raise Money by Mortgage) of the said Act of 1846 for the words "Sixty thousand Pounds" there shall be substituted the words "one hundred and ninety thousand pounds".

Inquiries by  
Minister and  
Board of  
Trade.

c. 51.

34. The Minister or the Board of Trade may hold such inquiries as he or they may consider necessary in regard to the exercise of any powers conferred upon him or them or required to be exercised by him or them or by the giving of consents under this Act and subsections (2), (3), (4) and (5) of section 290 of the Local Government Act, 1933, shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Wardens were a local authority.

Arbitration.

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

(1) Provision of Act	(2) Person appointing arbitrator
Section 22 (Underpinning of buildings and structures near works)	The President of the Institution of Civil Engineers.
Section 38 (Accommodation for apparatus of Postmaster General and statutory undertakers, etc.)	The President of the Institution of Civil Engineers.
Section 39 (For protection of South Eastern Gas Board)	The President of the Institution of Civil Engineers.
Section 40 (For protection of Conservators of River Medway)	The Board of Trade.

Penalty for  
obstructing  
execution of  
Act.

36. A person who wilfully obstructs any person acting in the execution of this Act shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding five pounds.

Summary  
proceedings  
for offences.

37. All offences under this Act may be prosecuted in a summary manner.

38.—(1) In this section, unless the subject or the context otherwise requires—

PART IV  
—cont.

“ apparatus ” means—

Accommoda-  
tion for  
apparatus of  
Postmaster  
General and  
statutory  
undertakers,  
etc.

(a) in relation to the Postmaster General, telegraphic lines;

(b) in relation to the South Eastern Electricity Board or the Central Electricity Generating Board, electric cables;

(c) in relation to the South Eastern Gas Board, a gas main;

(d) in relation to the Medway Water Board, a water main;

(e) in relation to the Rochester Corporation, a sewer or pumping main;

and includes any necessary works ancillary thereto;

“ the undertakers ” means the Postmaster General, the South Eastern Gas Board, the South Eastern Electricity Board, the Central Electricity Generating Board, the Medway Water Board and the Rochester Corporation, or any of them, and, in relation to any accommodation or apparatus, means the Postmaster General or the body corporate, as the case may be, for whom the accommodation is provided or to whom the apparatus belongs.

(2) (a) In constructing the bridge, the Wardens shall within the limits of deviation shown on the deposited plan provide accommodation and support for—

(i) twelve steel ducts of the Postmaster General for the housing of telegraphic lines, each duct having an external diameter not exceeding 5 inches and together having a weight (including the weight of any telegraphic lines housed therein) of not more than 156 pounds per foot run;

(ii) ten steel ducts of the South Eastern Electricity Board for the housing of electric cables, eight of these ducts having an internal diameter not exceeding 4 inches and the remaining two having an internal diameter not exceeding 6 inches and together having a weight (including the weight of any electric cables housed therein) of not more than 132 pounds per foot run;

(iii) six steel ducts of the Central Electricity Generating Board for the housing of electric cables, four of these ducts having an internal diameter not exceeding 6 inches

PART IV  
—cont.

and the remaining two having an internal diameter not exceeding 4 inches and together having a weight (including the weight of any electric cables housed therein) of not more than 100 pounds per foot run;

- (iv) a steel gas main of the South Eastern Gas Board, having an external diameter not exceeding 24 inches and having a weight of not more than 125 pounds per foot run;
- (v) a steel water main of the Medway Water Board, having an internal diameter not exceeding 9 inches and having a weight (including the weight of any water therein) of not more than 50 pounds per foot run;
- (vi) a steel sewer or pumping main of the Rochester Corporation, having an internal diameter not exceeding 24 inches and having a weight (including the weight of any sewage therein) of not more than 267 pounds per foot run;

and shall also provide a means by which the undertakers may have access to their apparatus after the same is laid without breaking up, interfering with or obstructing the surface of the carriageways and footways of the bridge.

(b) The accommodation so provided and the means of access thereto shall be of such nature and in such position as may be agreed between the Wardens and the undertakers, taking into account the accommodation and means of access to be provided for other apparatus.

(3) (a) The accommodation and support and means of access provided by the Wardens under subsection (2) of this section shall be maintained by the Wardens in good repair and to the reasonable satisfaction of the undertakers.

(b) Except in a case of emergency the Wardens shall give to the undertakers not less than ten days' notice in writing of their intention to execute any works pursuant to this subsection and shall in or during the execution of any such work take such measures as may be necessary or the undertakers may reasonably require for the protection of, or for preventing interference with, the apparatus of the undertakers, and the undertakers shall be entitled to superintend the execution of such works.

(4) The cost reasonably incurred by the Wardens in providing and maintaining accommodation and support and means of access under subsection (2) or subsection (3) of this section shall be repaid to the Wardens by the undertakers in the proportions specified in the second column of the following table, and any sum payable by the undertakers under this subsection shall be

paid to the Wardens in such manner (whether as a single payment or otherwise) as may be agreed between the Wardens and the undertakers:—

PART IV  
—cont.

(1) Undertakers	(2) Percentage
Postmaster General ... ..	18·8
South Eastern Gas Board ... ..	15·1
South Eastern Electricity Board ... ..	15·9
Central Electricity Generating Board ... ..	12·0
Medway Water Board ... ..	6·0
Rochester Corporation ... ..	32·2

(5) Subject to the provisions of subsection (4) of this section, the undertakers shall be entitled at all times after the construction of the bridge is completed to use free of charge the accommodation and means of access provided pursuant to the foregoing provisions of this section for the purposes of laying and placing therein and inspecting, repairing, maintaining, removing or renewing apparatus:

Provided that—

- (a) nothing in this section contained shall entitle the undertakers to break up, interfere with or obstruct the surface of the carriageways and footways of the bridge or to fix in, on or to the bridge anything other than the apparatus in the accommodation so provided;
- (b) the apparatus, other than telegraphic lines, shall at all times conform in its design, construction and use with the reasonable requirements of the Wardens;
- (c) except in a case of emergency, the undertakers shall give to the Wardens not less than ten days' notice in writing of their intention to execute works authorised by this section and except as aforesaid shall conform with the reasonable requirements of the Wardens as to the time or times at which the undertakers may exercise the right of entering upon and executing works on the bridge, and as to the manner in which such works are executed, and the Wardens shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Wardens in such superintendence shall be repaid to them by the undertakers;

PART IV  
—cont.

(d) the undertakers shall not (except with the previous consent of the Wardens) in the exercise of their rights under this subsection, be entitled to increase the burden to be borne by the bridge above the weight for which the Wardens are to provide under subsection (2) of this section.

(6) (a) The undertakers shall maintain in good repair and to the reasonable satisfaction of the Wardens all apparatus placed by the undertakers pursuant to the provisions of this section and shall from time to time carry out and maintain such works as the Wardens may reasonably require by notice in writing to the undertakers (except in a case of emergency) to be done or provided for ensuring the safety and stability of the bridge and the safety and convenience of those using the bridge, being works reasonably required to be done in consequence of the exercise by the undertakers of the rights conferred upon them by this section, and, in default, the Wardens may after giving not less than ten days' notice in writing to the undertakers (except in a case of emergency) at the expense of the undertakers carry out and maintain such works, and the undertakers shall repay to the Wardens any expenses reasonably incurred by the Wardens in carrying out any such works.

(b) The undertakers shall make good any damage suffered and repay to the Wardens any loss or expenses incurred by the Wardens by reason of the failure of the undertakers to comply with the provisions of this section or by reason of any fault in or accident occurring in relation to any apparatus or material placed by the undertakers pursuant to the provisions of this section unless such fault or accident was occasioned by any wrongful act or default of the Wardens and shall indemnify the Wardens against any actions, proceedings, costs, claims or demands arising out of or in any way attributable to the exercise by the undertakers of the rights conferred upon them by this section unless such actions, proceedings, costs, claims or demands shall arise by reason of the neglect or default of the Wardens, their servants or agents:

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

(7) The Wardens shall afford to the undertakers all such facilities as the undertakers may reasonably require for the purpose of connecting the apparatus placed by the undertakers pursuant to the provisions of this section with any other apparatus of the undertakers.



(8) Any difference which may arise between the Wardens and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

PART IV  
—cont.

39. For the protection of the South Eastern Gas Board (in this section referred to as "the board") the following provisions shall, unless otherwise agreed in writing between the Wardens and the board, apply and have effect:—

For protection  
of South  
Eastern Gas  
Board.

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

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

"apparatus" means mains, pipes or other apparatus belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus;

"authorised work" means any work carried out or thing done under the powers of section 18 (Power to construct works), section 20 (Power to make subsidiary works), section 21 (Subsidiary works in river and elsewhere) or section 22 (Underpinning of buildings and structures near works) of this Act;

"in" in a context referring to apparatus includes under, over, across, along or upon;

"position" includes depth:

- (2) Not less than two months before commencing the construction of the works, the Wardens shall give to the board written notice thereof, and the board shall, within twenty-eight days from the receipt of any such notice, by written notice to the Wardens specify any apparatus which will be, or is likely to be, affected by the proposed works:
- (3) Notwithstanding anything in this Act or shown on the deposited plan, the Wardens shall not, under the powers of this Act, acquire any apparatus otherwise than by agreement:
- (4) If the Wardens in the exercise of the powers of this Act acquire any land in which any apparatus is placed, that apparatus shall not be removed under this section, nor shall any right of the board to use, maintain, repair,

PART IV  
—cont.

renew or inspect any apparatus in that land be extinguished until any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the board:

- (5) (a) If the Wardens, for the purpose of or in connection with the construction of any authorised work, require the removal of any apparatus, they shall give to the board written notice of such requirement with a plan and section of the proposed work;
- (b) If the Wardens require the board to remove any apparatus, or if in consequence of the construction or carrying out of an authorised work the board shall reasonably require to remove any apparatus, the Wardens shall, if practicable, afford to the board the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the Wardens (other than land comprised in or forming part of the bridge) and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Wardens, and the Wardens are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the board shall, on receipt of a written notice to that effect from the Wardens, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (6) (a) Any alternative apparatus to be constructed in lands of the Wardens in pursuance of paragraph (5) of this section shall be constructed in such manner and in such line or situation as may be agreed between the board and the Wardens or, in default of agreement, settled by arbitration;
- (b) The board shall after the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or settled by arbitration as aforesaid, and after the grant to the board of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus, and thereafter to remove any apparatus required by the Wardens to be removed under the provisions of this section and, in default, the Wardens may remove the apparatus:

- (7) Notwithstanding anything in paragraph (6) of this section, if the Wardens give notice in writing to the board that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Wardens, such work, in lieu of being executed by the board, shall be executed by the Wardens with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the board:

Provided that nothing in this paragraph shall authorise the Wardens to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

- (8) Where in accordance with the provisions of this section the Wardens afford to the board facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Wardens of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Wardens and the board or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through an authorised work, the arbitrator shall—

(i) give effect to all reasonable requirements of the Wardens for ensuring the safety and efficient operation of the authorised work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus constructed through the lands of the Wardens for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Wardens in respect of any alternative apparatus, and

PART IV  
—cont.

the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the board than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Wardens by or to the board in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (9) (a) Not less than twenty-eight days before commencing to execute an authorised work which is near to or is likely to affect any apparatus the removal of which has not been required by the Wardens under paragraph (5) of this section, the Wardens shall submit to the board a plan, section and description of the work to be executed;
- (b) Such work shall be executed substantially in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the board for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the board shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the board within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the work proposed by the Wardens, reasonably require the removal of any apparatus and give written notice to the Wardens of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Wardens under paragraph (5) thereof; and

(ii) nothing in this sub-paragraph shall preclude the Wardens from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan, section and description in lieu of the plan, section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

- (c) The Wardens shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency

but, in such a case, they shall give to the board notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

(10) The Wardens shall repay to the board the reasonable expenses incurred by the board in or in connection with—

(a) the removal and relaying or replacing of any apparatus and the provision and construction of any new apparatus under the provisions of paragraph (5) of this section; and

(b) the subsequent alteration or adaptation of apparatus required under the provisions of proviso (a) (i) to paragraph (8) of this section;

and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act, 1950, shall c. 39. so far as applicable extend and apply to any payment to be made by the Wardens under this paragraph as if the works hereinbefore in this paragraph mentioned were such board's works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 39 (For protection of South Eastern Gas Board) of the Rochester Bridge Act 1965":

(11) (a) Any difference which may arise between the Wardens and the board under this section shall be referred to and determined by arbitration;

(b) In settling any difference under this section the arbitrator may, if he thinks fit, require the Wardens to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of the apparatus.

PART IV  
—cont.  
For  
protection of  
Conservators  
of River  
Medway.

40. For the protection of the conservators the following provisions shall, unless otherwise agreed in writing between the Wardens and the conservators, apply and have effect:—

- (1) (a) Before commencing the construction of a tidal work, plans, sections and particulars of the work to be constructed shall be delivered by the Wardens to the conservators for their approval (such approval not to be unreasonably withheld) and, except as provided by paragraph (8) of this section, such work shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be approved by the conservators or settled by arbitration;
- (b) Any such tidal work shall be executed to the reasonable satisfaction of the conservators:
- (2) If within twenty-eight days after the receipt by the conservators of any plans, sections or particulars they have not intimated their disapproval thereof, and the reasons for their disapproval, they shall be deemed to have approved the same:
- (3) After the purpose for which any temporary structure placed in the river in connection with the construction of any of the works has been accomplished, the Wardens shall, with all reasonable dispatch, and in any case after reasonable notice from the conservators requiring them to do so, remove any such temporary structure or any materials for the same which may have been placed in the river by the Wardens and, on their failing to do so within thirty days after receipt of such notice, the conservators may remove the same at the expense of the Wardens; and the amount of any expense reasonably so incurred shall be a debt due from the Wardens to the conservators and shall be recoverable by the conservators in any court of competent jurisdiction:
- (4) From the time when the construction of the bridge is commenced the Wardens shall proceed with such work with all reasonable diligence and without unreasonable delay until the bridge is completed and all temporary works removed from the river:
- (5) The Wardens shall allow at such times as may be necessary access by water and by land to the conservators, their officers and servants on, to and over any part of the bridge without hindrance whilst in the execution of their duties in relation to the bridge:
- (6) The Wardens shall afford all reasonable facilities to the conservators to place and maintain on the bridge all

such signals, tide-gauges or other apparatus for the benefit of navigation as the conservators may from time to time reasonably require:

PART IV  
—cont.

- (7) The Wardens shall not carry out any repairs to, or alteration of, the bridge involving any obstruction in the river or on the shores thereof except with the prior consent in writing of the conservators, which consent shall not be unreasonably withheld, and subject to such reasonable conditions as the conservators may impose:
- (8) If there shall be any inconsistency between any plans or sections approved by the conservators or settled by arbitration under this section and the plans and sections approved by the Board of Trade under section 26 (Tidal works not to be executed without approval of Board of Trade) of this Act the works shall be executed in accordance with the plans and sections so approved by the Board of Trade:
- (9) Any difference arising between the Wardens and the conservators under this section (other than a difference as to the construction of this section) shall except as provided by paragraph (8) of this section be settled by arbitration.

41. Notwithstanding the provisions of Part II of this Act the Wardens shall not acquire any lands of the railways board otherwise than in accordance with an agreement made under the powers of section 17 (Transfer of railway bridge) of this Act.

For  
protection  
of British  
Railways  
Board.

42. Nothing in this Act shall affect the provisions of the Rochester Oyster Fishery Act, 1865.

Saving for  
Rochester  
fisheries.  
c. ccxxvii.

43. 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.

44. Nothing in this Act shall prejudice or derogate from the powers, rights and privileges of the Corporation of Trinity House of Deptford Strond.

Saving for  
Trinity  
House.

PART IV  
—cont.Repeal.  
c. vi.

45. The following provisions of the Rochester Bridge Act, 1846, are hereby repealed:—

Section XI (Errors and Omissions in Plans may be corrected);

Section XIV (Compulsory Powers for taking Land to cease in Three Years);

Section XV (Bridge to be completed in Seven Years);

Section XVI (Power to take down the old Bridge and sell the Materials, &c.);

Section XXVIII (Penalty for obstructing Surveyors, &c. in the Performance of their Duty).

Costs of Act.

46. All costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be defrayed by the Wardens.

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# Rochester Bridge Act 1965

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