

**ELIZABETH II**



**1965 CHAPTER XI**

An Act to authorise the construction of a tunnel under the river Mersey between Liverpool and Wallasey, approaches to such tunnel and street works in connection therewith; to confer further powers on the lord mayor, aldermen and citizens of the city of Liverpool and the mayor, aldermen and burgesses of the county borough of Wallasey; to reconstitute the Mersey Tunnel Joint Committee; and for other purposes.

[5th August 1965]

**W**HEREAS by the Mersey Tunnel Act, 1925, the lord mayor, c. cx. aldermen and citizens of the city of Liverpool and the mayor, aldermen and burgesses of the county borough of Birkenhead (in this Act respectively referred to as "the Liverpool Corporation" and "the Birkenhead Corporation") were authorised to construct a tunnel for vehicular and pedestrian traffic under the river Mersey between the city of Liverpool and the county borough of Birkenhead:

And whereas the Mersey Tunnel Joint Committee, a joint committee of representatives of the Liverpool Corporation and the Birkenhead Corporation, was incorporated by the said Act for the purpose of exercising, for and on behalf of the said Corporations, the powers conferred on them in respect of the construction and operation of the said tunnel:

And whereas the volume of vehicular traffic on Merseyside has increased and continues to increase to such an extent that the construction of a further tunnel for vehicular traffic under the river Mersey between the city of Liverpool and the county borough of Wallasey would be of public and local advantage and it is expedient that the Liverpool Corporation, the Birkenhead Corporation, and the mayor, aldermen and burgesses of the county borough of Wallasey (in this Act referred to as "the Wallasey Corporation") should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas it is expedient that the Mersey Tunnel Joint Committee should be reconstituted to afford representation to the Wallasey Corporation and that it should be authorised to exercise, for and on behalf of the said Corporations, the powers in this Act mentioned in respect of the further tunnel and the approaches thereto:

And whereas it is expedient that the Liverpool Corporation, for and on behalf of the said Corporations, or for and on behalf of the Mersey Tunnel Joint Committee, or the said joint committee, should be empowered to borrow money for defraying capital expenditure to be incurred for the purposes of the further tunnel and the approaches thereto and that the other financial provisions contained in this Act should be enacted:

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

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

The construction of the works in respect of	
which borrowing powers are authorised	
by this Act ... ..	£15,720,000

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 it is expedient to confer further powers on the Liverpool Corporation and the Wallasey Corporation:

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerks of the several county boroughs within which the said works



will be constructed or the said lands are situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, c. 51. 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:—

**PART I**  
**PRELIMINARY**

1.—(1) This Act may be cited as the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965. Short and collective titles.

(2) The Mersey Tunnel Acts, 1925 to 1961, and this Act may be cited jointly as the Mersey Tunnel Acts, 1925 to 1965.

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

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Joint committee.

Part V.—Finance.

Part VI.—Protective provisions.

Part VII.—Miscellaneous.

Part VIII.—Provisions relating to Liverpool Corporation.

Part IX.—General.

3.—(1) In this Act, the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated by section 4 (Incorporation of general Acts) of this Act shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation

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

“ the Birkenhead Corporation ” means the mayor, aldermen and burgesses of the county borough of Birkenhead acting by the council of the said borough;

PART I  
—cont.

- “ the borough ” means the county borough of Wallasey;
- “ the city ” means the city of Liverpool;
- “ the Corporations ” means the Birkenhead Corporation, the Liverpool Corporation and the Wallasey Corporation and includes any of the said Corporations;
- “ financial year ” means the year ending 31st March;
- “ the joint committee ” means the Mersey Tunnel Joint Committee incorporated by the Act of 1925;
- “ land ” or “ lands ” includes land covered with water and 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, and by the Land Compensation Act, 1961;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ the Liverpool Corporation ” means the lord mayor, aldermen and citizens of the city acting by the council of the city;
- “ the Liverpool street improvements ” means Works Nos. 1 and 3, except the separate carriageways and works subsidiary thereto forming part of Work No. 3 and giving access to and from Work No. 2;
- “ the Minister ” means—
- (a) for the purposes of Part II (Lands) and Part V (Finance) of this Act, the Minister of Housing and Local Government; and
- (b) in all other cases, the Minister of Transport;
- c. 38. “ relocation of population or industry ” has, in relation to lands which may be acquired under this Act, the meaning assigned to that term in section 221 of the Town and Country Planning Act, 1962, in relation to an area of obsolete development;
- “ reserved area ” means any area for the time being set apart in the works for dividing lines of traffic or for separating footway and carriageway or, where no part of the works has been laid out as footway, for separating the carriageway from the adjoining lands;
- c. 25. “ street ” has the meaning assigned to that term in the Highways Act, 1959;
- c. 76. “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;
- “ the tribunal ” means the Lands Tribunal;
- “ the tunnel and approaches ” means Work No. 2, the separate carriageways and works subsidiary thereto



forming part of Work No. 3 and giving access to and from Work No. 2, and so much of Work No. 5 as lies between the commencement of that work and its junction with Work No. 6;

“ the tunnels ” means the tunnel and works authorised by the Mersey Tunnel Acts, 1925 to 1933, and the tunnel and approaches;

“ the Wallasey Corporation ” means the mayor, aldermen and burgesses of the borough acting by the council of the borough;

“ the Wallasey street improvements ” means Work No. 4, so much of Work No. 5 as does not form part of the tunnel and approaches, and Works Nos. 6 to 13;

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

(3) Unless the context otherwise requires, any reference in this Act to an Act of any of the years from 1925 to 1961 shall be construed as a reference to the Mersey Tunnel Act of that year. 1925 c. cx.  
1927 c. xcii.  
1928 c. iii.  
1933 c. xxxix.

(4) Where in this Act any distance or length is stated in the description of any work, the reference to that distance or length shall be construed as if the words “ or thereabouts ” were inserted after such distance or length. 1949 c. xxxii.  
1955 c. vii.  
1961 c. vii.

(5) Any reference in this Act to an 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.

(6) Any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number, together with the works subsidiary thereto, authorised by this Act.

4.—(1) The following Acts and parts of Acts, so far as the same are applicable for the purposes of, and are not inconsistent with or varied by the provisions of this Act, are hereby incorporated with and form part of this Act and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:— Incorporation of general Acts.

the Lands Clauses Acts (except sections 92, 127 to 133, and 150 and 151 of the Lands Clauses Consolidation Act, 1845, and section 5 of the Lands Clauses Consolidation Acts Amendment Act, 1860): c. 18.  
c. 106.

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;

PART I  
—cont.  
c. 20.

the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof.

(2) For the purposes of this Act the expressions “ the promoters of the undertaking ” and “ the company ” in the said Acts shall be construed to mean the Corporations and the expression “ the railway ” in the Railways Clauses Consolidation Act, 1845, shall be construed to mean the works and the expression “ the centre of the railway ” in the said Act shall be construed to mean any part of the works.

## PART II

### LANDS

Power to  
acquire lands.

5.—(1) Subject to the provisions of this Act the Corporations may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works or for other the purposes of the Mersey Tunnel Acts, 1925 to 1965.

(2) The powers of the Corporations for the compulsory acquisition of land under this section shall cease after the expiration of three years from the 31st December, 1965:

Provided that the Minister may by order extend for two years the period for the exercise of the powers of the Corporations for the compulsory purchase of land under this section.

(3) An order under subsection (2) of this section shall be subject to special parliamentary procedure.

(4) Subject to the provisions of this Act, the Corporations may enter upon, use and appropriate so much of the subsoil and under-surface of any street maintainable at the public expense within the limits of deviation as shall be necessary for the purposes of the works without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

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

6. If the Minister by order made under subsection (2) of the last foregoing section extends the period for the exercise of the powers of the Corporations 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 by this Act;

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



(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Corporations 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 Corporations 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 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 Corporations; or

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

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

(a) if the Corporations—

(i) fail to comply with that paragraph; or

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

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

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

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

7.—(1) If the deposited plans 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 Corporations, 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 place where the land is situated for the correction thereof. Correction of errors in deposited plans 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

PART II  
—cont.

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 town clerk of the city or county borough in which the land therein referred to is situate; and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporations to take the land and execute the works in accordance with the certificate.

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

Power to  
acquire  
easements  
only in  
certain cases.

8.—(1) Notwithstanding anything in this Act the Corporations may acquire such easements or rights as they may require for the purpose of constructing, maintaining, renewing and using the works in, under or over—

(a) any railway, tramway, tramroad, river, canal, navigation, watercourse, aqueduct, drain, dyke or sewer; or

(b) any of the lands described in Schedule 1 to this Act;

without being obliged or compellable to acquire any greater interest in, under or over the same respectively and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts.

(2) (a) If, in any case where the Corporations require an easement or right of using the subsoil of any of the lands described in the said schedule, they also require to take, use and pull down or open any cellar, vault, arch or other construction forming part of any such lands, they may enter upon, take and use such cellar, vault, arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar, vault, arch or other construction were lands within the meaning of those Acts.

(b) Section 9 (Acquisition of part only of certain properties) of this Act shall apply in respect of the acquisition by the Corporations under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.



9.—(1) 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—

PART II  
—cont.  
Acquisition of part only of certain properties.

- (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.

(2) 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 Corporations that part of the house, building, factory, park or garden.

10.—(1) At any time after serving a notice to treat in respect of any land 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 Corporations 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:

Power to expedite entry.

c. 18.

Provided that the Corporations 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.

(2) Any land of which possession is taken by the Corporations under the powers of this section shall be deemed, for the purposes of section 13 (Extinction of private rights of way) of this Act, to have been acquired by the Corporations.

11. Any person acting on behalf of the Corporations 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 which the Corporations are authorised by this Act to acquire compulsorily, or that may be affected by the construction of the works, for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

PART II  
—cont.

Provided that no land shall be entered under this section unless the Corporations, 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:

Provided also that no land outside the limits of deviation shall be entered under this section except in pursuance of an order of a magistrates' court authorising the Corporations to enter the land for the purpose aforesaid.

Disregard  
of recent  
improvements  
and interests.

12. 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—

(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.

Extinction of  
private rights  
of way.

13.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporations compensation to be determined in case of dispute by the tribunal.

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 Corporations 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.

Provision of  
substituted  
sites.

15. The power of the Corporations of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under this Act.



**16.—**(1) The Corporations may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act, or which may be in the neighbourhood of the works, with respect to his reinstatement elsewhere.

PART II  
—cont.  
Power to  
reinstale  
owners or  
occupiers  
of property.

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

**17.—**(1) The Corporations 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 Corporations to him of any land, including any part of a street, appropriated by the Corporations under this Act and not required for the works.

Agreements  
with adjoining  
owners.

(2) The Corporations 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 Corporations for the purposes of this Act or any easement or right so required.

**18.—**(1) The Corporations may purchase land by agreement in order to provide for the relocation of population or industry from any lands within the limits of deviation.

Acquisition of  
land for  
relocation of  
population  
or industry.

(2) The Corporations by means of an order made by the Corporations and submitted to the Minister and confirmed by him may be authorised to purchase compulsorily any land for the purposes aforesaid.

(3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to land proposed to be purchased compulsorily by an order under subsection (2) of this section as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946.

c. 49.

**19.—**(1) The Corporations may in connection with the relocation of population or industry from any lands within the limits of deviation lay out and develop—

Power to  
develop land  
for relocation  
of population  
or industry.

(a) any land acquired by them either by agreement or compulsorily under or in pursuance of this Act; and

PART II  
—cont.

- (b) any land belonging to them and not required for the purpose for which it was acquired;

and may erect and maintain houses, shops, offices, industrial buildings, warehouses and other buildings and construct, sewer, pave, flag, channel, kerb and light streets on any such lands and lay out any such lands as market gardens:

Provided that the powers of this subsection shall not be exercised with respect to any land outside the city or the borough without the consent of the council of the county borough or county district in which the land is situate, but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

(2) No power conferred upon the Corporations by the foregoing provisions of this section shall be exercised in such a manner—

- (a) as to be at variance with any trust subject to which any land or building is held, managed or controlled by the Corporations without an order of the High Court or of the Charity Commissioners or of the Secretary of State for Education and Science or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or
- (b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Corporations) subject to which a gift or lease of any land or building has been accepted by or granted to the Corporations without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

(3) Without prejudice to the powers conferred upon the Corporations by the foregoing provisions of this section the Corporations may enter into and carry into effect agreements with each other or with any other local authority or with any association, body or person for the provision by any such local authority, association, body or person of houses, shops, offices, industrial buildings, warehouses and other buildings for the relocation of population or industry from any lands within the limits of deviation and any such agreement may provide for the making of contributions by the Corporations towards the expense thereby incurred by any such local authority, association, body or person.



(4) In this section the expression “ industrial building ” includes a building used or designed or suitable for use for the carrying on of any process for or incidental to any of the following purposes:—

- (a) the making of any article or of part of any article; or
- (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning or adapting for sale or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs, the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of trade or business and for the purposes of this definition the expression “ article ” means an article of any description including a ship or vessel.

20. In addition to any other lands which they may acquire under the powers of this Act the Corporations may purchase, take on lease or acquire by agreement and may hold any lands not exceeding in the whole 50 acres in connection with and for the purposes of the tunnels. Purchase of lands by agreement.

PART III  
WORKS

21.—(1) Subject to the provisions of this Act, the Corporations may, in the lines or situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:— Power to construct works.

In the city—

Work No. 1 A new street being a widening on both sides, improvement, re-alignment and extension of Great Homer Street, commencing at the junction of Great Homer Street with Rose Vale and terminating by a junction with St. Anne Street and Christian Street at the existing junction of those streets:

In the city and in the borough—

Work No. 2 A tunnel for vehicular traffic under the river Mersey with approach roads at each end, commencing in the city by a junction with Work No. 3 at a point 20 yards north of the junction of Scotland Road with Bevington Hill and terminating in the borough by a junction with Works Nos. 4 and 5 at a point 200 yards south-east of the junction of Gorsey Lane with Gorsedale Road:

PART III  
—cont.

## In the city—

Work No. 3 A widening and improvement of Scotland Road on both sides, including the provision of separate carriageways giving access to or from Work No. 2, commencing at the junction of Scotland Road with Wright Street and terminating at the junction of Scotland Road with Ellenborough Street:

## In the borough—

Work No. 4 A diversion of Gorsey Lane to form a new street commencing at the junction of Gorsey Lane with Gorsedale Road and terminating by a junction with Dock Road 50 yards east of the existing junction of Gorsey Lane with Dock Road:

## In the borough and in the county borough of Birkenhead—

Work No. 5 A new street commencing in the borough at the termination of Work No. 2 passing through the county borough of Birkenhead and terminating in the borough by a junction with Works Nos. 7, 9 and 10 at a point 375 yards west of the signal box at Seacombe Railway junction;

Work No. 6 A new street commencing in the borough by a junction with Work No. 5 at a point 875 yards north-west of the junction of Poulton Bridge Road with Dock Road passing through the county borough of Birkenhead and terminating in the borough by a junction with Poulton Bridge Road at a point 20 yards south-west of its junction with Dock Road:

## In the borough—

Work No. 7 A new street commencing by a junction with Works Nos. 5, 9 and 10 at the termination of Work No. 5 and terminating at Leasowe Road at a point 200 yards west of its junction with Greenleas Road by a junction with Work No. 8 and with Leasowe Road;

Work No. 8 A new street commencing at the termination of Work No. 7 and terminating by a junction with Bayswater Road at a point 200 yards north of the junction of Bayswater Road with Green Lane;

Work No. 9 A new street commencing by a junction with Works Nos. 5, 7 and 10 at the termination of Work



No. 5 and terminating at the boundary between the borough and the county borough of Birkenhead at a point 200 yards east of the railway footbridge at the east end of Bidston Railway Station by a junction with a new street proposed to be constructed by the Birkenhead Corporation in accordance with the development plan prepared by that authority;

Work No. 10 A new street commencing by a junction with Works Nos. 5, 7 and 9 at the termination of Work No. 5 and terminating by a junction with Work No. 11 at a point 20 yards south of Fender Lane and 120 yards east of Fender Bridge;

Work No. 11 A new street commencing at the termination of Work No. 10 and terminating 1,150 yards south thereof at a point on the boundary between the borough and the county borough of Birkenhead by a junction with a new street proposed to be constructed by the Birkenhead Corporation in accordance with the development plan prepared by that authority;

Work No. 12 A new street commencing by a junction with Fender Lane at a point 220 yards west of Fender Bridge and terminating at a point on the boundary between the borough and the county borough of Birkenhead 250 yards north of the intersection of Fender Lane with the said boundary by a junction with a new street proposed to be constructed by the Birkenhead Corporation in accordance with the development plan prepared by that authority;

Work No. 13 A new street commencing by a junction with Work No. 12 at a point 250 yards south-west of the termination of that work and terminating by a junction with Fender Lane at a point 370 yards east of Fender Bridge.

(2) Where in any case the works involve the construction of a bridge, the Corporations shall erect a good and sufficient fence on each side of such bridge.

**22.** In executing the works the Corporations may deviate laterally from the lines or situations thereof to any extent within the limits of deviation relating thereto respectively and vertically from the levels thereof defined on the deposited sections to any extent not exceeding 25 feet upwards and to any extent downwards: Power to deviate.

PART III  
—cont.

Provided that in the execution of Work No. 2 the Corporations shall not without the consent of the Minister deviate upwards—

- (a) to an extent exceeding 2 feet where the said work is situate under the bed of the river Mersey or under the docks adjacent to the said river; or
- (b) so as to reduce the depth of cover of the said work beneath the bed of the said river to less than 27 feet.

Subsidiary  
works.

23. The Corporations may in connection with or for the purposes of this Act and as part of the works execute and do any of the following works or things within the limits of deviation:—

- (a) make and maintain all such approaches, subways, roundabouts, flyovers, underpasses, overpasses, lifts, stairs, escalators, ramps, passages, means of ingress or egress, shafts, stagings, buildings, apparatus, plant and machinery as may be necessary or convenient;
- (b) make junctions and communications (including the provision of steps or ramps for the use of persons on foot) with any existing or proposed streets intersected, crossed or interfered with by or contiguous to any of the works and divert, widen or alter the line or alter the level of any existing street, for the purpose of connecting the same with the works, or any of them, or with any existing or proposed street, or of crossing under or over the same;
- (c) construct and provide carriageways, footways, reserved areas, vaults, cellars, arches, sewers and drains;
- (d) construct and provide all such bridges, arches, piers, viaducts, embankments, aprons, tunnels, abutments, retaining walls, wing walls, culverts and other works as may be necessary or convenient for the works or for carrying the same over or under any railway, any stream or watercourse, any street or any land;
- (e) stop up any street or part thereof which they may consider unnecessary to retain or necessary to throw into the works;

together with all necessary or convenient subsidiary and incidental works.



**24.** The Corporations may for the purpose of and during the execution of the works over or under any railway, erect, place or execute and maintain upon, over or under such railway all such temporary structures, erections, works, apparatus and appliances as may be necessary or convenient and as will not prevent the safe use of such railway or interfere to any greater extent than is reasonably necessary with the traffic thereon.

PART III  
—cont.

Power to execute temporary works on railways.

**25.—(1)** Subject to the provisions of this Act, the Corporations may stop up the whole or such portion or portions as they think fit of so much of the streets or portions thereof as is shown on the deposited plans as intended to be stopped up, and thereupon all rights of way over the said streets, or portions thereof, shall be extinguished and the Corporations may appropriate and use the sites of the streets so stopped up.

Power to Corporations to stop up, etc., streets.

(2) No portion of any street shall be stopped up under the powers of this section until the Corporations are in possession of all lands on both sides of such portion except so far as the owners, lessees and occupiers of those lands may otherwise agree.

**26.—(1)** The Wallasey Corporation may stop up so much of the footpath leading from Bidston to Wallasey in the borough as lies between the points marked "A" and "C" and "B" and "D" on the deposited plans as they think fit, and thereupon all rights of way over or along the said portions of footpath shall be extinguished and the Wallasey Corporation may appropriate and use the site and soil thereof so far as they are the owners of the land on both sides thereof.

Stopping up and diversion of footpath.

(2) Notwithstanding anything in subsection (1) of this section, the Wallasey Corporation shall not stop up (except temporarily under section 27 (Temporary stoppage of streets) of this Act) any part of the said footpath until a substituted footpath between the points marked "A", "E" and "D" on the deposited plans has been provided and is open for public use.

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

c. 33.

**27.—(1)** The Corporations during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any street, and may for any reasonable time divert

Temporary stoppage of streets.

PART III  
—cont.

the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the street from passing along and using the same.

(2) The Corporations shall provide reasonable access for foot-passengers bona fide going to or from any such land, house or building.

(3) The Corporations shall not exercise the powers of this section—

- (a) as respects any trunk road without giving to the Minister reasonable notice of the times at which interference with the trunk road is intended to take place and complying with such reasonable conditions as he may require; or
- (b) as respects any other street without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister; or
- (c) as respects any street upon which public service vehicles are authorised by a road service licence to operate unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the operators of the public service vehicles so licensed.

(4) The exercise by the Corporations of the powers conferred by this section in relation to any street shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, in, upon, over, along or across the street; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that street.

Power to  
prevent access  
to or from  
works.

28.—(1) For the purpose of facilitating the movement of vehicular traffic along, or the safety of the public on, the route of any of the works, the Minister, on the application of the Corporations, may from time to time authorise the Corporations at or in the vicinity of the junction of any street with any of the works to erect or remove—

- (i) walls, barriers or kerbs for the prevention, prohibition or limitation of access by vehicular or pedestrian traffic to or from such route from or to any such street; or
- (ii) notices prohibiting or limiting such access.



(2) The Corporations shall give public notice of the making of an application under subsection (1) of this section in such manner as the Minister may direct.

PART III  
—cont.

(3) Any person removing or interfering with any such wall, barrier or kerb, or removing, defacing or failing to comply with any such notice, shall be liable on summary conviction to a fine not exceeding ten pounds.

29.—(1) If the tunnel and approaches are not completed within seven years from the 1st October, 1965, then, as from the expiration of that period, the powers by this Act granted to the Corporations for making and completing the tunnel and approaches or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of tunnel and approaches.

(2) On the application of the Corporations the Minister may by order extend the period referred to in subsection (1) of this section.

(3) An order under subsection (2) of this section shall be subject to special parliamentary procedure.

30.—(1) The Corporations may make trial borings at such places within the lands which may be acquired compulsorily under this Act as they may think fit, for the purpose of ascertaining the nature of the soil:

Power to make trial borings.

Provided that—

(a) no land shall be entered for the purpose of making trial borings under this section unless the Corporations, not less than seven days before the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier of the land; and

(b) no trial borings shall be made under the powers of this section in the carriageway of any street without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be determined by the Minister.

(2) Where land is damaged in the exercise of the powers conferred by subsection (1) of this section, any person interested in the land may recover from the Corporations 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.

## PART IV

## JOINT COMMITTEE

Reconstitution  
of joint  
committee.

31.—(1) As from the passing of this Act and without prejudice to the provisions of subsection (4) of this section the Mersey Tunnel Acts, 1925 to 1965, shall have effect as if the following subsection were substituted for subsection (2) of section 60 (Establishment of Joint Committee) of the Act of 1925:—

“(2) (a) The Joint Committee shall be a body corporate with perpetual succession and a common seal and with power to acquire, hold and dispose of lands.

(b) For a period of three years from the passing of the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965, the Joint Committee shall consist of fourteen members to be appointed by the Liverpool Corporation, seven members to be appointed by the Birkenhead Corporation and six members to be appointed by the Wallasey Corporation, and from the expiration of the said period of three years the Joint Committee shall consist of fourteen members to be appointed by the Liverpool Corporation, seven members to be appointed by the Birkenhead Corporation and seven members to be appointed by the Wallasey Corporation.

(c) A Chairman of the Joint Committee shall be appointed by the members of the Joint Committee from the members appointed to the Joint Committee by the Liverpool Corporation and a Vice-Chairman shall be appointed by the members of the Joint Committee from the members appointed to the Joint Committee by the Birkenhead Corporation or by the Wallasey Corporation.”

(2) The appointment of members of the joint committee in accordance with the provisions of subsection (2) of section 60 (Establishment of Joint Committee) of the Act of 1925 as amended by subsection (1) of this section shall be made by the Liverpool Corporation, the Birkenhead Corporation and the Wallasey Corporation respectively at meetings to be held not later than two months after the passing of this Act and the members so appointed shall take office on the day of the meeting of the joint committee held in accordance with subsection (3) of this section or on the expiration of the said period of two months whichever shall be the earlier and shall continue in office, subject to the provisions of the Fifth Schedule to the Act of 1925, until the annual meeting of the Corporation appointing them in the year 1966.

(3) A meeting of the joint committee shall be held as soon as convenient after the appointment of the members of the joint committee referred to in subsection (2) of this section has been



made and as from the date of such meeting or as from the expiration of the period of two months after the passing of this Act, whichever shall be the earlier, the joint committee shall, subject to the provisions of the Mersey Tunnel Acts, 1925 to 1965, exercise for and on behalf of the Corporations the powers conferred, and discharge the duties imposed, upon the Corporations by the said Acts, except so far as such powers and duties relate to the Liverpool street improvements and the Wallasey street improvements, and for that purpose references in the said Acts to the Corporations shall be deemed to be references to the Corporations as defined in this Act, the references in subsections (1) and (3) of section 60 (Establishment of Joint Committee) of the Act of 1925 to the provisions of that Act shall be deemed to be references to the provisions of the Mersey Tunnel Acts, 1925 to 1965, and the references in subsection (1) of the said section 60 to the powers in that Act conferred upon the Corporations shall be deemed to be references to the powers conferred upon the Corporations by the Mersey Tunnel Acts, 1925 to 1965.

(4) The members of the joint committee holding office as such at the passing of this Act shall, subject to the provisions of the Fifth Schedule to the Act of 1925, continue to hold such office until the day preceding the meeting of the joint committee referred to in subsection (3) of this section or the expiration of the period of two months after the passing of this Act, whichever shall be the earlier, and they shall then cease to hold office:

Provided that any member of the joint committee ceasing to hold office under this subsection shall subject to the provisions of section 60 (Establishment of Joint Committee) of the Act of 1925 and the said Fifth Schedule be eligible for appointment to the joint committee as reconstituted by this section.

## PART V

### FINANCE

32.—(1) The Liverpool Corporation for and on behalf of the Corporations, or for and on behalf of the joint committee, or the joint committee by way of loan from the Minister of Transport, may (in addition to any moneys which they are now authorised to borrow or which they may hereafter be authorised to borrow) borrow at interest without the consent of any sanctioning authority for the respective purposes set forth in column (1) of the following table any sums not exceeding in the aggregate for each such purpose the sum set forth in column (2) thereof in respect of that purpose and all moneys so borrowed shall be repaid within the respective periods set forth in column (3) of the said table and any sums so borrowed may be applied for the said purposes

Power to Liverpool Corporation or joint committee to borrow and repayment of borrowed moneys.

PART IV  
—cont.

PART V  
—cont.  
c. lxxiv.

respectively and all moneys so borrowed by the Liverpool Corporation shall be chargeable on the “revenues of the Corporation” as defined by the Liverpool Corporation Act, 1921:—

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) For paying the costs, charges and expenses of this Act	The sum requisite	Five years.
(b) For the purchase of lands for the tunnel and approaches	The sum requisite	Sixty years.
(c) For the construction of the tunnel and approaches (except machinery, plant and equipment)	£11,810,000	Sixty years.
(d) For machinery, plant and equipment for the tunnel and approaches	£1,840,000	Twenty-five years.
(e) For the payment out of capital of interest on borrowed moneys referred to in section 33 (Power to suspend annual provision for repayment of borrowed moneys) of this Act during the period of such suspension	The sum requisite	Sixty years.
(f) Provision of housing accommodation for rehousing persons displaced and the exercise of the powers of section 18 (Acquisition of land for relocation of population or industry) and section 19 (Power to develop land for relocation of population or industry) of this Act in relation to the tunnel and approaches	The sum requisite	Sixty years.

(2) The Liverpool Corporation for and on behalf of the Corporations, or for and on behalf of the joint committee, may also with the sanction of the Minister borrow such further moneys as may be necessary for any of the purposes aforesaid, and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister and the revenues chargeable for any moneys so borrowed shall be such as the Minister shall prescribe.

(3) The annual provision from time to time required to be made by the Liverpool Corporation for interest on and redemption of any money borrowed or to be borrowed by them under this section shall be provided by the joint committee and all sums so provided shall be deemed to be for all purposes a debt of the joint committee and be chargeable to and paid out of the revenue account of the joint committee and the joint committee shall be deemed to be the person by or through whom the interest is paid,



(4) The Liverpool Corporation shall from time to time in a minute of the council of the city, estimate the amount of money required by them for the purposes of such provision and every such minute shall state the purpose or purposes for which such money is required and shall fix the time at which such money is to be paid to the treasurer of the city and a copy of every such minute signed by the town clerk of the city shall be sent to the clerk to the joint committee addressed to his office.

(5) The amount specified in the minute shall at or before the time so fixed be paid by the joint committee to the treasurer of the city and shall be deemed to be a debt due from the joint committee to the Liverpool Corporation as from the date fixed for the payment thereof.

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

33. Notwithstanding anything in any Act it shall be lawful for the sums to be provided for the redemption of borrowed moneys for or in respect of the purposes (b), (c) and (e) referred to in subsection (1) of the last preceding section of this Act to be suspended until the opening of the tunnel and approaches for public traffic:

Power to suspend annual provision for repayment of borrowed moneys.

Provided that such suspension shall not be for a longer period than ten years from the 31st March, 1965.

34.—(1) The Liverpool Corporation may borrow, without the consent of any sanctioning authority, for any of the purposes specified in column (1) of the following table, the sum specified in relation thereto in column (2) of that table:—

Power to Liverpool Corporation to borrow.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands for the Liverpool street improvements	The sum requisite £220,000	Sixty years.
(b) The Liverpool street improvements		Thirty years.
(c) Provision of housing accommodation for rehousing persons displaced and the exercise of the powers of section 18 (Acquisition of land for relocation of population or industry) and section 19 (Power to develop land for relocation of population or industry) of this Act in relation to the Liverpool street improvements	The sum requisite	Sixty years.

PART V  
—cont.

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

(3) The Liverpool Corporation may also with the sanction of the Minister borrow such further moneys as may be necessary for any of the purposes aforesaid, and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister and the revenues chargeable for any moneys so borrowed shall be such as the Minister shall prescribe.

c. 51.

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

c. 58.

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

Power to  
Wallasey  
Corporation  
to borrow.

35.—(1) In this section “the specified street improvements” means the following parts of the Wallasey street improvements, that is to say, Work No. 4, so much of Work No. 5 as lies between the junction of that work with Work No. 6 and the termination of the proposed Mid-Wirral trunk road, and Works Nos. 6 to 9, 12 and 13.

(2) The Wallasey Corporation may borrow, without the consent of any sanctioning authority, for any of the purposes specified in column (1) of the following table, the sum specified in relation thereto in column (2) of that table:—

(1)	(2)	(3)
Purpose for which money may be borrowed	Amount	Maximum period for repayment of loan
(a) The purchase of lands for the specified street improvements	The sum requisite	Sixty years.
(b) The specified street improvements	£1,850,000	Thirty years.
(c) Provision of housing accommodation for rehousing persons displaced and the exercise of the powers of section 18 (Acquisition of land for relocation of population or industry) and section 19 (Power to develop land for relocation of population or industry) of this Act in relation to the specified street improvements	The sum requisite	Sixty years.



(3) Every sum borrowed under subsection (2) of this section shall be repaid within such period from the date of borrowing as the Wallasey Corporation, without the consent of any sanctioning authority, may determine not exceeding the period specified in relation thereto in column (3) of the foregoing table.

PART V  
—cont.

(4) The Wallasey Corporation may also with the sanction of the Minister borrow such further moneys as may be necessary for any of the purposes aforesaid, and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister and the revenues chargeable for any moneys so borrowed shall be such as the Minister shall prescribe.

(5) Subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part. c. 51.

(6) It shall not be lawful to exercise the powers of borrowing conferred by this section 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.

36.—(1) As from the 1st April, 1966, where in any financial year the amount of the tolls received shall exceed the aggregate of tolls of—

- (a) the cost of collecting the said tolls in that year;
- (b) the cost of policing the tunnels in that year;
- (c) the amount of the charges payable in that year in respect of interest on and repayment of principal of the loans raised by the Liverpool Corporation for and on behalf of the Corporations and for and on behalf of the joint committee for the purposes of the Mersey Tunnel Acts, 1925 to 1965;
- (d) the amount of the charges payable in that year in respect of interest on and repayment of any loans made by the Minister of Transport for the purposes of the Mersey Tunnel Acts, 1925 to 1965;
- (e) the appropriate amount of income tax, profits tax and any other taxation levied on profits paid or payable (by deduction or otherwise) by the joint committee;
- (f) any excess of expenditure over income in that year payable by the joint committee in respect of the ferries undertaking of the Birkenhead Corporation pursuant to section 63 (Birkenhead ferry undertaking to be worked under direction of Joint Committee) of the Act of 1925; and

PART V  
—cont.

- (g) any amounts set aside in that year and paid into any renewals fund or reserve fund which the joint committee may be required or authorised to provide;

out of such excess there shall be paid to the Liverpool Corporation, the Birkenhead Corporation and the Wallasey Corporation for the credit of the general rate fund of the city and of the general rate fund of the county borough of Birkenhead and of the general rate fund of the borough respectively, sums equal to the respective amounts provided by the Corporations in the year pursuant to section 81 (Expenditure on revenue account) of the Act of 1925, and if in any year such excess shall be insufficient for the payment of sums calculated as aforesaid, such sums shall be abated and reduced proportionately.

(2) If, after the sums calculated in the manner provided by subsection (1) of this section have been paid in full, there shall remain any balance of such excess, there may be paid out of the said balance to the Liverpool Corporation, the Birkenhead Corporation and the Wallasey Corporation for the credit of the general rate fund of the city and of the general rate fund of the county borough of Birkenhead and of the general rate fund of the borough respectively, such further sums (if any) as the joint committee may determine, bearing to each other the same proportion as the amount which would be produced by a general rate of one penny in the pound in the city, the county borough of Birkenhead and the borough respectively, and any excess then remaining shall be applied by the joint committee in the repayment of the loans raised by the Liverpool Corporation for and on behalf of the Corporations and for and on behalf of the joint committee for the purposes of the Mersey Tunnel Acts, 1925 to 1965 or in the repayment of any loans made by the Minister of Transport for the said purposes.

Amendment  
of section 10  
of Act of 1933.

37.—(1) The Mersey Tunnel Acts, 1925 to 1965, shall have effect as if the following subsection were substituted for subsection (1) of section 10 (Renewals fund) of the Act of 1933:—

“(1) The Joint Committee shall provide a renewals fund by setting aside in each year out of revenue such sum as they think fit until the fund so formed amounts to the sum of £2,500,000.”

(2) Subsection (2) of the said section 10 shall have effect as if the word “year” was substituted for the word “half-year” wherever that word occurs.

(3) This section shall come into operation on 1st April, 1966.



38.—(1) The Mersey Tunnel Acts, 1925 to 1965, shall have effect as if the following subsection were substituted for subsection (1) of section 11 (Reserve fund) of the Act of 1933:—

PART V  
—cont.

Amendment  
of section 11  
of Act of 1933.

“(1) The Joint Committee shall provide a reserve fund by setting aside in each year out of revenue such sum as they think fit until the fund so formed amounts to the sum of £1,250,000.”

(2) Subsection (2) of the said section 11 shall have effect as if the word “year” was substituted for the word “half-year” wherever that word occurs.

(3) This section shall come into operation on 1st April, 1966.

39. On 31st March, 1966, the moneys standing to the credit of the loans equalisation fund of the joint committee, established in pursuance of section 83 (Application of tolls) of the Act of 1925, shall be transferred to the Liverpool Corporation and applied in the repayment of the principal of the loans raised by the Liverpool Corporation for and on behalf of the Liverpool Corporation and the Birkenhead Corporation and for and on behalf of the joint committee for the purposes of the Mersey Tunnel Acts, 1925 to 1961.

As to moneys  
standing to  
credit of loans  
equalisation  
fund.

40.—(1) It shall be lawful for the Corporations and the joint committee at any time and from time to time to enter into and carry into effect agreements whereby any of such parties shall undertake to bear in whole or in part and for so long as may be specified in such agreements, any liabilities under or arising out of or consequent upon the operation of the Mersey Tunnel Acts, 1925 to 1965, of any of the other parties (including any liabilities in respect of the cost of any street improvements which may be necessary to facilitate the flow of traffic into or through the tunnels) or whereby any such agreement shall be varied.

Agreements  
between  
Corporations  
and joint  
committee.

(2) Any payment made in pursuance of an agreement entered into under this section for the reimbursement of loan charges (not being a payment in respect of the liability for the redemption of a loan) shall be deemed to be an annual payment.

PART VI

PROTECTIVE PROVISIONS

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 in this Act authorises the Corporations to take, use or in any manner interfere with any portion of the shore or bed of any river, channel, creek, bay or estuary or any land, hereditaments,

Crown rights.

PART VI  
—cont.

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.

Saving rights  
of Duchy of  
Lancaster.

42. In particular, and without prejudice to the general law concerning the applicability of statutes to the Duchy of Lancaster, nothing in this Act contained shall extend or operate to authorise the Corporations to take, use, enter upon or in any manner interfere with any land, soil, water or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent may be given either unconditionally or subject to such conditions and upon such terms as the said Chancellor shall deem necessary or appropriate) or take away, prejudice or diminish any estate, right, privilege, power or authority vested in or enjoyed or exercisable by Her Majesty, Her Heirs and Successors in right of Her said duchy.

For  
protection of  
Postmaster  
General.

43.—(1) (a) The Corporations shall, in constructing the tunnel and approaches, provide for the telegraphic lines of the Postmaster General such reasonable accommodation as may be sufficient for four cables, each with an external diameter of three inches, and for any apparatus ancillary thereto, and shall also provide a means by which the Postmaster General may have access to the said telegraphic lines, after the same are laid or installed, without breaking up or interfering with the carriageways and footways of the tunnel forming part of Work No. 2 or the carriageways of the approach roads to such tunnel. The accommodation and means of access shall be provided in accordance with plans, sections and particulars previously submitted to and reasonably approved by the Postmaster General:

Provided that if within one month of the receipt of the said plans, sections and particulars the Postmaster General does not intimate to the Corporations his approval thereof or make any requirement with respect thereto he shall be deemed to have approved the same.

(b) The additional cost reasonably incurred by the Corporations in providing such accommodation and means of access shall be repaid to the Corporations by the Postmaster General in a single payment or in such other manner as may be agreed between the Corporations and the Postmaster General.

(c) For the purposes of this subsection the additional cost of providing accommodation or means of access shall be the difference between the cost of constructing the tunnel and



approaches designed with such accommodation and means of access and the cost of constructing the tunnel and approaches designed without making provision for such accommodation and means of access.

PART VI  
—cont.

(d) The Postmaster General shall conform with the reasonable requirements of the Corporations as to the time or times at which, and the manner in which, he is to lay down or instal in the accommodation provided the said telegraphic lines or carry out any other work in relation thereto and the Corporations shall be entitled to superintend such laying down, installation or other work. The costs reasonably incurred by the Corporations in such superintendence shall be repaid to them by the Postmaster General.

(e) Any question or difference which may arise between the Postmaster General and the Corporations under this subsection (other than a question or difference as to the meaning or construction of this subsection) shall be determined by arbitration.

(2) Where in pursuance of the powers conferred by paragraph (e) of section 23 (Subsidiary works) or section 25 (Power to Corporations to stop up, etc., streets) of this Act the Corporations stop up or divert the whole or any portion of a street the following provisions of this subsection shall, unless otherwise agreed in writing between the Corporations and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion ceases to be a street (in this subsection referred to as "the affected line"), that is to say:—

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion of the street or part of the street so, however, that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of one month from the date of the sending of the notice referred to in the next following subsection, unless before the expiration of that period the Postmaster General has given notice to the Corporations of his intention to remove the affected line, or that part thereof, as the case may be;
- (b) The Postmaster General may by notice in that behalf to the Corporations abandon the affected line, or any part thereof, and shall be deemed as respects the affected line, or any part thereof, to have abandoned it at the expiration of the said period of one month, unless before the expiration of that period he has removed it or given notice of his intention to remove it;

PART VI  
—cont.

- (c) The Postmaster General shall be entitled to recover from the Corporations the expense of providing, in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may reasonably require;
- (d) Where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Corporations and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) As soon as practicable after the whole or any portion of a street has been stopped up or diverted in pursuance of the powers referred to in subsection (2) of this section the Corporations shall send by post to the Postmaster General a notice informing him of such stopping up or diversion.

For  
protection of  
British  
Railways  
Board.

44. For the protection of the British Railways Board (in this section referred to as “the board”) the following provisions shall, unless otherwise agreed in writing between the Corporations and the board, apply and have effect:—

(1) In this section—

“railway property” means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

“the specified works” means so much of the works as may be situated upon, across, under or over or within 50 feet of railway property and includes the construction, maintenance (other than the maintenance of a street) and renewal of such works;

“the engineer” means an engineer to be appointed by the board;

“plans” includes sections, particulars and specifications:

(2) The Corporations shall not under the powers of this Act (except as provided in this section) acquire compulsorily any railway property but they may in accordance with the provisions of section 8 (Power to acquire easements only in certain cases) of this Act acquire such easements and rights in any railway property delineated on the deposited plans as they may reasonably require for the purposes of the exercise of the powers of this Act:



- (3) Paragraph (2) of this section shall not apply to the following lands of the board and such lands shall cease to be railway property for the purposes of this section upon the service of a notice to treat for the acquisition thereof under section 5 (Power to acquire lands) of this Act:—

PART VI  
—cont.

In the city—

So much of the lands numbered 7 on the deposited plans as may be reasonably required for the construction by the Corporations of a ventilation station, appurtenances and shafts and any necessary access thereto:

In the borough—

So much of the lands numbered 117 on the deposited plans as comprise the former Seacombe branch railway and the former Slopes branch railway and so much of the remainder of the said lands as may be reasonably required by the Corporations for the construction of Work No. 5; so much of the lands numbered on the deposited plans 117A and 117B as may be reasonably required by the Corporations for the construction of Works Nos. 10 and 12; the lands numbered on the deposited plans 119, 144, 145, 208, 211, 238A, 242, 248, 249, 252, 253, 258, 259, 303, 304, 307 to 311 inclusive, 316 to 318 inclusive and 325; and so much of the lands numbered 394 on the deposited plans as may be reasonably required by the Corporations for the construction of Work No. 12:

In the county borough of Birkenhead—

the lands numbered 2 on the deposited plans:

Provided that the foregoing provisions of this paragraph shall not apply to any lands required by the Corporations for the construction of Works Nos. 5, 10 or 12 which are situate within 12 feet of the nearest rail of the track of an operational railway of the board:

- (4) Notwithstanding the provisions of section 22 (Power to deviate) of this Act the Corporations shall not, where the works cross beneath the board's Great Howard Street branch railway, deviate laterally in a southerly direction from the centre line of the works as shown on the deposited plans to any greater extent than may be agreed by the engineer to be reasonable having regard to the need to ensure the safety of bridge No. 93 of the

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—cont.

board, or vertically from the levels of the works defined on the deposited sections to any extent exceeding 10 feet upwards:

(5) The Corporations shall not construct the viaducts forming part of Works Nos. 5, 10, 12 and 13 so as to cross the board's railways otherwise than in the positions shown on the deposited plans or in such other positions as may be reasonably agreed by the engineer:

(6) The Corporations shall before commencing the specified works (other than works of maintenance or repair) furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

(7) If within twenty-eight days after such plans have been furnished to the board the board shall give notice to the Corporations that in consequence of the nature of any part of the specified works it is reasonably necessary that the board should themselves construct such part of the specified works, then, if the Corporations desire such part of the specified works to be constructed, the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Corporations in accordance with the plans approved or deemed to be approved or settled as aforesaid:

Provided that, in the event of the board not constructing or completing such part of the specified works with reasonable dispatch and to the reasonable satisfaction of the Corporations, the Corporations may, after giving twenty-eight days' notice to the engineer, themselves construct or complete such part of the specified works:

(8) Upon signifying his approval or disapproval of the said plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the specified works in order reasonably to ensure the safety or stability of railway property, and such protective works as may be reasonably necessary for those purposes shall be constructed by the Corporations or by the board, if the board so elect, with all reasonable



dispatch and the Corporations shall not commence the construction of the specified works until the engineer shall have notified the Corporations that such protective works have been completed:

Provided that in the event of the board not constructing or completing such protective works as they have elected to construct with reasonable dispatch the Corporations may, after giving twenty-eight days' notice to the engineer, themselves construct or complete such works and on the completion thereof may commence the construction of the specified works:

- (9) The Corporations shall give to the engineer twenty-eight days' notice of their intention to commence the specified works and, except in emergency (when they shall give such notice as may be reasonably practicable), also of their intention to carry out any works for the repair or maintenance of the specified works:
- (10) The specified works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer, and in such manner as to cause as little damage to railway property as may be, and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property, and if any damage to railway property or any such interference or obstruction shall be caused or take place by reason of the specified works the Corporations shall, notwithstanding any such approval as aforesaid, forthwith make good such damage and pay to the board all reasonable expenses to which they may be put, and reasonable compensation for any loss which they may sustain, by reason of any such damage, interference or obstruction other than damage, interference or obstruction caused by the neglect or default of the board, their servants or agents:
- (11) The Corporations shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to such works or the method of construction thereof:
- (12) The board shall at all times afford reasonable facilities to the Corporations and their agents for access to any

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—cont.

works carried out by the board under this section during their construction and shall supply the Corporations with such information as they may reasonably require with regard to such works or the method of construction thereof:

- (13) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the specified works, or during a period of twelve months after completion thereof, in consequence of the construction of the specified works such alterations and additions may be effected by the board after not less than twenty-eight days' notice (or in case of emergency such notice as may be reasonably practicable) has been given to the Corporations and the Corporations shall pay to the board the reasonable cost thereof, including, in respect of permanent alterations and additions, a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving may be set off against any sum payable by the Corporations to the board under this section:

- (14) The Corporations shall repay to the board all costs, charges and expenses reasonably incurred by the board—

(a) in constructing any part of the specified works on behalf of the Corporations as provided by paragraph (7) of this section, or in constructing any protective works under the provisions of paragraph (8) of this section, including in respect of any permanent protective works a capitalised sum representing the increased or additional cost of maintaining and renewing such works:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of such protective works, a capitalised sum representing such saving may be set off against any sum payable by the Corporations to the board under this section;

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing as far as may be all interference,



obstruction, danger or accident arising from the construction, maintenance, repair or failure of the specified works;

(c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the specified works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

(d) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary as a result of the specified works or the failure thereof:

- (15) If at any time after the completion of the specified works, not being works vested in the board, the board shall give notice to the Corporations informing them that the state of repair of the specified works appears to be such as to affect prejudicially railway property, the Corporations shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the specified works in such state of repair as not to affect prejudicially railway property and if and whenever the Corporations fail to do so, the board may make and do in and upon the lands of the board or of the Corporations all such works and things as shall be requisite to put the specified works in such state of repair as aforesaid, and the costs and expenses reasonably incurred by the board in doing such works as were reasonably necessary for such purpose shall be repaid to them by the Corporations:
- (16) All temporary structures, erections, works, apparatus and appliances erected or placed by the Corporations under the powers of section 24 (Power to execute temporary works on railways) of this Act upon, over or under any railway of the board shall as soon as reasonably practicable be removed by the Corporations to the reasonable satisfaction of the engineer and in such a way as to cause as little damage to railway property and as little interference with, or interruption to, the traffic on the railways of the board as may be, and if any damage to railway property or such interference, delay or interruption shall be caused by any such failure to remove any such temporary structures, erections, works, apparatus or appliances the Corporations shall forthwith make good such damage and pay

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—cont.

to the board the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage, interference, delay or interruption:

(17) Any additional expense which the board may reasonably incur, after giving twenty-eight days' notice to the Corporations, in altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the specified works shall be repaid by the Corporations to the board:

(18) The Corporations shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board—

(a) by reason of the specified works or the failure thereof; or

(b) by reason of any act or omission of the Corporations or of any persons in their employ or of their contractors or others whilst engaged upon the specified works;

and the Corporations shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Corporations, or in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision, shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or agents) excuse the Corporations from any liability under the provisions of this section:

Provided that the board shall give to the Corporations reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporations:

(19) Any difference arising between the Corporations and the board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.



45. For the protection of the Mersey Docks and Harbour Board (in this section referred to as "the board") the following provisions shall, unless otherwise agreed in writing between the Corporations and the board, apply and have effect:—

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—cont.

For  
protection of  
Mersey  
Docks and  
Harbour  
Board.

(1) In this section—

"the dock estate" means the lands, docks, buildings and other works and property whatsoever of the board;

"plans" includes sections, particulars and specifications and includes, as respects so much of Work No. 2 as is situate under the dock estate and the bed, banks and foreshore of the river Mersey, particulars in regard to the proposed use of explosives in the construction of the said work;

"specified work" means so much of the works as may be situated upon, across, under or over the river Mersey or the bed, banks or foreshore thereof or the dock estate and includes the construction of any such work:

(2) Notwithstanding anything in this Act or shown on the deposited plans and sections the Corporations shall not under the powers of this Act—

(a) acquire compulsorily for the purposes of Work No. 2 any lands of the board;

(b) acquire compulsorily for the purposes of Work No. 4 any of the lands of the board forming part of Dock Road and numbered on the deposited plans 254 in the borough; or

(c) acquire compulsorily for the purposes of Work No. 6 the lands of the board numbered on the deposited plans 327 in the borough or any such portion of the lands of the board numbered on the deposited plans 330 and 340 in the borough and 3 in the county borough of Birkenhead as lies within thirty feet of the railways of the board situate to the south of the lands so numbered;

but they may in accordance with the provisions of section 8 (Power to acquire easements only in certain cases) of this Act acquire such easements and rights in the said lands as they may reasonably require for the purposes of the said works:

(3) (a) Before commencing a specified work the Corporations shall submit plans of the work to the board for their reasonable approval and shall not commence the

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—cont.

specified work until the plans have been approved by the board or, in the case of difference, until they have been settled by arbitration:

Provided that if the board do not within twenty-eight days after the receipt of any such plans signify to the Corporations their disapproval thereof and the grounds for their disapproval, they shall be deemed to have approved thereof;

- (b) Not less than twenty-one days before commencing any work of maintenance or renewal of a specified work (other than a minor work of maintenance or the maintenance of a street) the Corporations shall, except in case of emergency, submit to the board for their information notice of their intention to commence the work and a description thereof:
- (4) Upon signifying their approval or disapproval of the said plans the board may specify any protective works which in their opinion should be constructed by the Corporations during the construction of the specified work and, where necessary for reasonable cause, the time at which such protective works shall be constructed, and such of the protective works so specified as may be reasonably necessary shall be constructed by the Corporations at the time, if any, reasonably specified, at their own expense and under the supervision, if given, and to the reasonable satisfaction of the board:
- (5) (a) Subject to the provisions of this section a specified work shall not be constructed except in accordance with the plans approved or deemed to be approved by the board as aforesaid or settled by arbitration;
- (b) The Corporations shall at all reasonable times afford to the engineer of the board and his duly authorised representatives access to a specified work during the construction, maintenance or repair thereof for the purposes of inspection;
- (c) As soon as is reasonably practicable after the completion of any specified work, upon, across, under or over the dock estate the Corporations shall remove so much of the specified work as consists only of temporary works carried out for the purposes of its construction, and make good the site thereof to the reasonable satisfaction of the engineer to the board:
- (6) In the exercise of the powers conferred by this Act the Corporations shall, before removing or demolishing any structure or erection of the board, provide a proper



substitute to the reasonable satisfaction of the board, and shall repay to the board all reasonable expenses incurred by the board in connection therewith, including any expenses which the board may thereafter reasonably incur in re-equipping such substituted structure or erection:

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—cont.

- (7) Notwithstanding the provisions of paragraphs (3), (4) and (5) of this section the Corporations shall not under the powers of this Act construct any works on or over the bed, banks or foreshore of the river Mersey except with the written consent of the board which shall not be unreasonably withheld:
- (8) Notwithstanding the provisions of section 22 (Power to deviate) of this Act the Corporations shall not in the construction of Work No. 2 or any work connected therewith deviate upwards without the consent of the board (which shall not be unreasonably withheld)—
  - (a) to an extent exceeding 2 feet where the said work is situate under the bed, banks and foreshore of the river Mersey or under the dock estate; or
  - (b) so as to reduce the depth of cover of the said work beneath the bed, banks and foreshore of the said river to less than 27 feet:
- (9) The Corporations shall not in the construction or maintenance—
  - (a) of Work No. 4 unreasonably restrict the use of Dock Road; or
  - (b) of Work No. 6 interfere with or alter the level of the railway lines crossing Poulton Bridge Road from Dock Road to Bidston Dock except with the written consent of the board, which shall not be unreasonably withheld, or unreasonably restrict the use by rail traffic of the said lines:
- (10) Without prejudice to anything contained in any other enactment the Corporations shall not without the consent of the board, which shall not be unreasonably withheld, pump or discharge directly or indirectly any water or effluent whatsoever into the marginal sewer of the board which runs under Dock Road in the borough:
- (11) The Corporations shall not exercise the power conferred by section 30 (Power to make trial borings) of this Act within the dock estate without first obtaining the consent of the board, which shall not be unreasonably withheld, and the board may attach thereto such reasonable terms and conditions as they think fit:

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—cont.

(12) Any additional expense which the board shall reasonably incur, after giving twenty-eight days' notice to the Corporations, in maintaining any property of the board existing at the passing of this Act as the direct result of the construction of a specified work shall be repaid by the Corporations to the board:

(13) The Corporations shall be responsible for and shall make good to the board all losses, costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the undertaking or property of the board or which the board may reasonably incur—

(a) by reason of the construction or maintenance of a specified work, or the failure of that work, or of the Corporations to maintain it, or by reason of vibration caused in the user of Work No. 2; or

(b) by reason of any act or omission of the Corporations, or of any persons in their employ, or of their contractors or others whilst engaged upon the construction or maintenance of a specified work;

and the Corporations shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the construction or maintenance of the said works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done in accordance with plans approved by the board, or in a manner approved by the board or under the supervision of their engineer, shall not excuse the Corporations from any liability under the provisions of this section:

Provided that—

(i) save as aforesaid nothing in this paragraph shall impose any liability on the Corporations with respect to any losses, costs, charges, damages or expenses so far as the same may be attributable to the neglect, default or breach of duty of the board, its servants or agents;

(ii) the board shall give to the Corporations reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporations:

(14) Any difference arising between the Corporations and the board under this section (other than a difference as to the construction of this section) shall be settled by arbitration.



46. For the protection of the Mersey and Weaver River Authority (in this section referred to as "the river authority") the following provisions shall, unless otherwise agreed in writing between the Corporations and the river authority, apply and have effect:—

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—cont..  
For  
protection of  
Mersey and  
Weaver River  
Authority.

(1) In this section—

"construction" includes execution and placing and "construct" and "constructed" have corresponding meanings;

"plans" includes particulars and specifications;

"protective works" means any works constructed or measures taken in accordance with paragraph (3) of this section;

"specified work" means any work (whether temporary or permanent) authorised by section 21 (Power to construct works) or section 23 (Subsidiary works) of this Act which will affect any existing pumping station or other work belonging to the river authority or any watercourse;

"watercourse" has the meaning assigned to that term in the Water Resources Act, 1963:

c. 38.

(2) (a) Not less than twenty-eight days before commencing a specified work the Corporations shall submit plans of such work to the river authority for their reasonable approval and shall not commence the specified work until such plans have been approved by the river authority or in the case of difference until they have been settled by arbitration:

Provided that if the river authority do not within twenty-eight days after the receipt of any such plans signify to the Corporations their disapproval thereof and the grounds for their disapproval they shall be deemed to have approved thereof;

(b) Not less than fourteen days before commencing any work of maintenance or renewal of a specified work (other than a minor work of maintenance or the maintenance of a street) the Corporations shall, except in the case of emergency, submit to the river authority for their information a notice of intention to commence the work and a description of the work:

(3) (a) Upon signifying their approval or disapproval of the said plans the river authority may specify any temporary or permanent protective works which in their opinion should be carried out or undertaken by

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—cont.

the Corporations during the construction of the specified work and, where necessary by reason of tide, weather or for other cause, a period within which or time at which such protective works shall be carried out or undertaken, and such of the works so specified as may be reasonably necessary shall be constructed by the Corporations within the period or at the time (if any) reasonably specified, at their own expense and under the supervision (if given) and to the reasonable satisfaction of the river authority;

(b) Any approval given by the river authority under this section in respect of a specified work shall also be deemed to be an approval given by the river authority under the Land Drainage Acts, 1930 and 1961 and any byelaws made thereunder:

(4) (a) Subject to the provisions of this section a specified work shall not be constructed except in accordance with such plans as may be approved or are deemed to be approved by the river authority as aforesaid or settled by arbitration and shall be constructed to the reasonable satisfaction of the engineer of the river authority who shall be given reasonable notice of the date on which the specified work is to be commenced;

(b) The Corporations shall at all reasonable times afford to the engineer of the river authority and his duly authorised representatives access to such specified work for the purpose of inspection:

Provided that the right conferred by this sub-paragraph shall not be exercised so as to obstruct or interfere with the free flow of traffic on the works or the construction, maintenance or repair of the works by the Corporations;

(c) As soon as is reasonably practicable after the completion of the construction of the works the Corporations shall remove so much of any specified work as consists only of temporary works carried out for the purposes of such construction:

(5) Notwithstanding the provisions of section 22 (Power to deviate) of this Act or anything shown on the deposited plans and sections the Corporations shall—

(a) construct the culvert forming part of and situated 300 yards north of the commencement of Work No. 7 of such diameter as the river authority consider reasonably necessary to allow the free passage of water through it at all times;



(b) construct the bridge over the river Birket forming part of Work No. 10 so that no part thereof over the said river is below the level of 14.70 feet above ordnance datum (Newlyn):

- (6) Before executing any of the works which will interfere with any part of any watercourse so as to reduce the area within the limits of deviation shown on the deposited plans at present available for use by the river authority as a storage reservoir for flood waters, the Corporations shall provide to the reasonable satisfaction of the river authority and as near as may be to the existing watercourse so interfered with such widening or extension thereof as shall be necessary to provide a storage area of not less capacity than is available to the river authority at the commencement of this Act:
- (7) If and when the portion of Fender Lane which includes the bridge crossing over the river Fender is permanently stopped up under the provisions of this Act the Corporations shall demolish and remove the said bridge and shall restore the site thereof to the reasonable satisfaction of the river authority:
- (8) Any additional expense which may be reasonably incurred by the river authority in maintaining any protective works or a watercourse as the result of the construction of a specified work shall be repaid to the river authority by the Corporations:

Provided that if the cost of maintaining any watercourse is reduced in consequence of any such protective works a capitalised sum representing such saving may be set off against any sum payable by the Corporations to the river authority under this section:

- (9) (a) Where any lands acquired by the Corporations under this Act, or on, in or over which they construct a specified work, abut upon a watercourse, the river authority and their officers, servants, workmen, contractors and agents together with any vehicles, plant or machinery shall be entitled at all reasonable times to enter upon the said lands for the purpose of obtaining access to the watercourse;
- (b) A specified work shall not be constructed so as to prevent access to a watercourse by the river authority and their officers, servants, workmen, contractors and agents together with any vehicle, plant and machinery as may be reasonably necessary:
- (10) If by reason or in consequence of—
- (a) the construction or maintenance or user of a specified work; or

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—cont.

(b) the failure of that work or of the Corporations to maintain it;

any injury, damage or interference is caused or results to or with a watercourse then the Corporations shall indemnify and hold harmless the river authority from all claims, demands or expenses which may be made on or against them or which they may have to pay by reason or in consequence of any such injury, damage or interference:

Provided that the river authority shall give to the Corporations reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement of the Corporations:

- c. 20. (11) The fact that any work or thing has been constructed or done in accordance with a plan approved or deemed to be approved by the river authority or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Corporations from any liability under the provisions of this section:
- (12) The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof as incorporated with this Act shall not apply or extend so as to authorise the occupation by the Corporations of any watercourse:
- c. 38. (13) Nothing in this section shall be deemed to restrict the river authority in the exercise of their powers of carrying out works under the Land Drainage Acts, 1930 and 1961, or the Water Resources Act, 1963:
- (14) Any difference arising between the Corporations and the river authority under this section (other than a difference as to the construction of this section) shall be referred to and settled by arbitration.

For protection of certain statutory undertakers.

**47.** For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Corporations and the undertakers concerned, apply and have effect:—

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

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



“ apparatus ” means—

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—cont.

(a) electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Merseyside and North Wales Electricity Board or the Central Electricity Generating Board; c. 56.

(b) mains, pipes, valves, siphons, stopcocks, pillars or other apparatus belonging to or maintained by the North Western Gas Board;

(c) hydraulic mains, pipes or other apparatus belonging to the Liverpool Hydraulic Power Company;

and includes any building, structure or works constructed for the lodging therein of apparatus;

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

“ position ” includes depth;

“ the undertakers ” means the Central Electricity Generating Board, the Merseyside and North Wales Electricity Board, the North Western Gas Board and the Liverpool Hydraulic Power Company, or any of them, and in relation to any apparatus or property means the undertakers to whom the apparatus or property belongs or by whom the apparatus is maintained, and in relation to the supply of electricity, gas or hydraulic power means the undertakers by whom the supply is provided:

(2) (a) Notwithstanding anything in this Act or shown on the deposited plans the Corporations shall not acquire any apparatus under the powers of this Act otherwise than by agreement, nor shall the Corporations carry out any works on any of the lands respectively numbered on the deposited plans 132 and 218 in the city and 28, 205, 291, 238A and 307 in the borough which might prevent the effective use of apparatus on those lands until adequate alternative apparatus has been provided and is in operation to the reasonable satisfaction of the undertakers;

(b) The Corporations shall not under the powers of this Act acquire compulsorily any of the lands respectively numbered on the deposited plans 27, 82 and 369A in the borough but they may in accordance with the provisions of section 8 (Power to acquire easements only in certain cases) of this Act acquire such easements and rights in the said lands numbered on the deposited

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—cont.

plans 27 and 82 in the borough as they may reasonably require for the purposes of the exercise of the powers of this Act:

- (3) Notwithstanding anything in this Act no apparatus shall be removed from any land or street in which it is situated, nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land or street be extinguished, until any necessary adequate alternative apparatus has been provided and is in operation to the reasonable satisfaction of the undertakers:
- (4) (a) If the Corporations, for the purpose of or in connection with the construction of any of the works, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus (if any) to be provided;
- (b) If the Corporations require the undertakers to remove any apparatus permanently from any land or street, or if in consequence of the exercise of the powers of this Act the undertakers shall reasonably require the permanent removal of any apparatus, the Corporations shall, if practicable, afford to the undertakers the necessary facilities and rights for the laying down or erection of adequate alternative apparatus in other lands of the Corporations 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 laid down or erected elsewhere than in other lands of the Corporations, and the Corporations 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 laid down or erected, the undertakers shall, on receipt of a written notice to that effect from the Corporations, forthwith use their best endeavours to obtain the necessary facilities and rights;
- (c) Any alternative apparatus to be laid down or erected in lands of the Corporations in pursuance of this paragraph shall be laid down or erected in such manner and in such line or situation as may be agreed between the undertakers and the Corporations or, in default of agreement, settled by arbitration;
- (d) The undertakers shall, after the line and situation of any necessary alternative apparatus and manner in which



the alternative apparatus shall be laid down or erected have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in sub-paragraph (b) of this paragraph, proceed with all reasonable dispatch to lay down or erect and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporations to be removed under the provisions of this section and, in default, the Corporations may remove the apparatus;

- (e) Notwithstanding anything in the preceding provisions of this paragraph, if the Corporations give notice in writing to the undertakers 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 Corporations, such work in lieu of being executed by the undertakers shall be executed by the Corporations with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this sub-paragraph shall authorise the Corporations to execute the actual placing, installation, bedding, packing, removal, connection or disconnection of any apparatus of the Central Electricity Generating Board or the Merseyside and North Wales Electricity Board or any filling around such apparatus (where the apparatus is laid in a trench) within twelve inches above the apparatus;

- (f) Where in accordance with the provisions of this paragraph the Corporations afford to the undertakers facilities and rights in lands of the Corporations for the laying down or erection, maintenance, repair, renewal and inspection 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 Corporations and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(i) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through any of the works the arbitrator shall—

(A) give effect to all reasonable requirements of the Corporations for ensuring the safety and effective use of the works; and

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—cont.

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

(ii) if the facilities and rights to be afforded by the Corporations in respect of any alternative apparatus, and 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 undertakers 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 Corporations by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (5) (a) Not less than twenty-eight days before commencing to execute any of the works which is near to or is likely to affect any apparatus the removal of which has not been required by the Corporations under sub-paragraphs (a) and (b) of paragraph (4) of this section, the Corporations shall submit to the undertakers a plan, section and particulars of the work to be executed;
- (b) Such work shall be executed substantially in accordance with the plan, section and particulars submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers within fourteen days after the submission to them of any such plan, section and particulars shall, in consequence of the work proposed by the Corporations, reasonably require the removal of any apparatus and give written notice to the Corporations 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 Corporations under sub-paragraphs (a) and (b) of paragraph (4) of this section; and

(ii) nothing in this sub-paragraph shall preclude the Corporations 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 particulars in lieu of the plan, section and particulars previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and particulars;

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—cont.

- (c) The Corporations shall not be required to comply with sub-paragraph (a) of this paragraph in case of emergency, but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable, and a plan, section and particulars 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:
- (6) The expenses of all repairs and renewals of any apparatus which may be rendered necessary by reason or in consequence of the construction of any of the works or any subsidence resulting from the works shall be borne by the Corporations and paid by them to the undertakers:
- (7) Where in consequence of this Act any street or part of a street in which any apparatus is situate is stopped up or diverted, other than temporarily stopped up or diverted under the powers of section 27 (Temporary stoppage of streets) of this Act, the undertakers shall, notwithstanding such stopping up or diversion, have the same powers and rights in respect of any apparatus remaining in the street so stopped up or diverted as if the same had remained a street, and no such powers or rights shall be extinguished by virtue of section 17 (Vesting of soil of streets stopped up) of the Act of 1925 as applied by this Act, but the undertakers may and, if reasonably required by the Corporations, shall—
- (a) remove the apparatus and relay or replace it in the street, if any, substituted for the street so stopped up or diverted or in such other position as the undertakers may reasonably determine; or
- (b) provide and lay or place in the street, if any, so substituted, or in such other position as aforesaid, other apparatus in place of the existing apparatus:
- (8) The Corporations shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with—
- (a) the removal and relaying or replacing of any apparatus and the provision, laying down, erection or placing of any new apparatus under the provisions

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—cont.

of paragraph (4) of this section, or of that paragraph as applied by sub-paragraph (i) of the proviso to sub-paragraph (b) of paragraph (5) of this section, or under the provisions of paragraph (7) of this section, less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal);

(b) the cutting-off of any apparatus from any other apparatus;

(c) the superintendence, or watching and inspection under the provisions of paragraph (5) of this section, of any works executed by the Corporations; and

(d) any other work or thing rendered reasonably necessary in consequence of the operations referred to in this paragraph:

Provided that—

(i) if the undertakers provide, lay down, erect or place apparatus of better type or of greater capacity or (otherwise than at the request of the Corporations or in accordance with the award of an arbitrator) at a greater depth than the existing apparatus, the undertakers shall bear such proportion of the cost of such provision, laying down, erection or placing as represents the amount by which such cost exceeds the cost which would have been incurred if the type or capacity or depth of the apparatus so provided, laid down, erected or placed had been the same as that of the existing apparatus;

(ii) any amount payable by the Corporations to the undertakers under this paragraph in respect of the provision, laying down, erection or placing of new apparatus in substitution for apparatus provided, laid down, erected or placed more than seven-and-a-half years earlier, shall be reduced by the amount of any financial benefit which may be derived by the undertakers from the deferment of the time for the renewal of the apparatus in the ordinary course:

- (9) Where by reason or in consequence of the exercise of the powers of this Act any apparatus, for which alternative apparatus is not substituted under this section, is rendered derelict or unnecessary, the Corporations shall pay to the undertakers the then value of such apparatus, which shall thereupon become the property of the Corporations, and the reasonable cost of and incidental to, the cutting off of the apparatus from any other apparatus and the execution or doing of any works or



things rendered necessary or expedient by reason or in consequence of the apparatus being so rendered derelict or unnecessary:

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— cont.

- (10) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 27 (Temporary stoppage of streets) of this Act, the undertakers shall be at liberty at all times to execute and do all such works and things in, upon or under any such street as may be reasonably necessary for inspecting, repairing, maintaining, renewing, or removing any apparatus which at the time of the stopping up or diversion was in that street:
- (11) The Corporations shall, so far as is reasonably practicable, so exercise the powers conferred by section 28 (Power to prevent access to or from works) of this Act and section 18 (Underpinning of houses near works) of the Act of 1925 as applied by this Act as not to obstruct or render less convenient the access to any apparatus:
- (12) The consent of the Corporations under section 25 (No mains or pipes to be laid in tunnel) of the Act of 1925, as applied by this Act—

(i) to the entering upon or breaking up of or interfering with the tunnel or approaches, or the carriageways or footways thereof, for the purpose of inspecting, maintaining, adjusting, repairing, altering or renewing or the changing of position or the removal of any apparatus laid therein at the passing of this Act and not required by the Corporations or by the undertakers to be removed under the provisions of this section, or any apparatus laid therein with the consent of the Corporations or as a result of the award of an arbitrator, shall not be withheld; and

(ii) to the entering upon or breaking up or interfering with so much of the tunnel and approaches, or the carriageways or footways thereof, as is not substantially below the level of the adjoining land for the purpose of laying or placing new apparatus in such part of the tunnel and approaches shall not be unreasonably withheld:

Provided that the Corporations shall not as a condition of any consent which may be given under the said section 25 in respect of such apparatus as is referred to in this paragraph require the payment of any rent or other valuable consideration:

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—cont.

(13) If by reason or in consequence of any of the works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the undertakers or any interruption in the supply of electricity, gas or hydraulic power, as the case may be, shall be caused, the Corporations shall—

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Corporations with respect to any damage or interruption which may be attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the Corporations reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporations:

(14) (a) Except as otherwise expressly provided by this section any difference which may arise between the Corporations and the undertakers thereunder shall be referred to and determined by arbitration;

(b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation the undertakers may be under in respect of any apparatus and may if he thinks fit require the Corporations to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used.

Accommodation for apparatus of certain statutory undertakers.

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

“ apparatus ” means—

in relation to the generating board, the cables and other works comprising the circuits referred to in sub-paragraph (ii) of paragraph (a) of subsection (2) of this section together with any apparatus ancillary thereto; and



in relation to the gas board, the gas main referred to in sub-paragraph (i) of paragraph (a) of subsection (2) of this section together with any apparatus ancillary thereto;

“the generating board” means the Central Electricity Generating Board;

“the gas board” means the North Western Gas Board; and

“the undertakers” means the generating board and the gas board or either of such boards.

(2) (a) If requested in writing by the undertakers within fifty-six days after this Act passes into law the Corporations shall, in constructing the tunnel and approaches, provide therein accommodation for—

(i) a gas main of the gas board having an external diameter not exceeding 24 inches;

(ii) the generating board to instal two circuits, each circuit being designed to operate at a pressure not exceeding 400,000 volts and the cables and other works comprising the two circuits to have a cross-sectional area which at a cable joint will not be more than 15 square feet and at any other point will not be more than 10 square feet;

and for any apparatus ancillary thereto and shall also provide a means by which the undertakers may have access to the apparatus after the same is laid without breaking up or interfering with the surface of the carriageways and footways of the tunnel forming part of Work No. 2 or the carriageways of the approach roads to such tunnel:

Provided that the undertakers shall when making a request under this subsection furnish the Corporations with such information (including in the case of the gas board information as to the number, size and situation of the expansion joints suggested by the gas board as necessary to be provided) as the Corporations may reasonably require to enable them properly to determine the extent of the accommodation required for the installation and operation of the apparatus.

(b) The undertakers shall give to the Corporations not less than twelve months' notice in writing of their intention to instal the apparatus provided however that the work of installing the apparatus shall not begin until—

(i) the nature, position and (as far as the same has not been determined at the time of the request by the undertakers under paragraph (a) of subsection (2) of this section) the extent of the accommodation so provided and the means of access thereto;

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—cont.

- (ii) the type, spacing, characteristics and proposed use of the apparatus; and
- (iii) any other works and any machinery, plant or equipment necessary to be provided to enable the apparatus to be installed and effectively used without interference with or danger to traffic or persons using the tunnel and approaches;

shall be agreed between the Corporations and the undertakers or, in default of agreement, settled by arbitration; and in any arbitration proceedings which may be taken under this subsection between the Corporations and either of the undertakers the other undertakers shall be entitled to be heard in such proceedings.

(3) (a) The undertakers shall repay to the Corporations the additional cost (if any) incurred by the Corporations in providing the accommodation and means of access provided pursuant to the foregoing provisions of this section together with the additional cost of any enlarged or additional machinery, plant or equipment which the Corporations may consider to be reasonably necessary in consequence of the provision of such accommodation or means of access or the installation of the apparatus.

(b) For the purposes of this subsection the additional cost of providing accommodation or means of access shall be the difference between the cost of constructing the tunnel and approaches designed with such accommodation and means of access and the cost of constructing the tunnel and approaches designed without making provision for such accommodation and means of access.

(4) The undertakers shall conform with the reasonable requirements of the Corporations as to the time or times at which and the manner in which the undertakers are to lay down or instal in the accommodation provided the apparatus or carry out any other work under this section and the Corporations shall be entitled to superintend such laying down, installation or other work. The costs reasonably incurred by the Corporations in such superintendence shall be repaid to them by the undertakers.

(5) The undertakers shall be entitled at all times to use the accommodation and means of access provided pursuant to the foregoing provisions of this section for the purposes of laying and placing therein the apparatus and for the purpose of inspecting, repairing, maintaining, removing or renewing the apparatus:

Provided that—

- (a) the apparatus shall at all times conform in its installation, design, construction and use with the reasonable requirements of the Corporations;



(b) except in case of emergency, the undertakers shall give to the Corporations not less than ten days' notice in writing of their intention to execute works in the tunnel and approaches, and shall conform with the reasonable requirements of the Corporations as to the time or times at which the undertakers may exercise the right of entering upon and executing works in the tunnel and approaches, and as to the manner in which such works are executed, and the Corporations shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Corporations in such superintendence shall be repaid to them by the undertakers;

(c) the undertakers shall pay to the Corporations the increased costs reasonably incurred by the Corporations in operating and maintaining the tunnel and approaches (including the operation, maintenance and renewal of machinery, plant and equipment) in consequence of the provision of the said accommodation and means of access and the installation of the apparatus and the use thereof by the undertakers.

(6) The undertakers shall not be entitled to break up, interfere with or obstruct the surface of the carriageways and footways of the tunnel forming part of Work No. 2 or the carriageways of the approach roads to such tunnel nor to obstruct or interfere in any way with the free flow of traffic in the tunnel and approaches except at such times and in accordance with such terms and conditions as may be agreed between the Corporations and the undertakers or in default of agreement, as may be settled by arbitration.

(7) (a) The undertakers shall maintain in good repair and to the reasonable satisfaction of the Corporations the apparatus placed in the tunnel and approaches by the undertakers and shall from time to time carry out and maintain such works or take such other precautions as the Corporations may reasonably require to be done, provided or taken for ensuring the safety of the tunnel and approaches, and the safety and convenience of those using the tunnel and approaches, being works or precautions reasonably required to be done, provided or taken in consequence of the exercise by the undertakers of the rights conferred upon them by this section and, in default, the Corporations may at the expense of the undertakers carry out and maintain such works or take such precautions, and the undertakers shall repay to the Corporations any expenses reasonably incurred by the Corporations in carrying out any such works or taking any such precautions.

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—cont.

(b) The undertakers shall indemnify the Corporations against any loss, damage, costs, expenses and liabilities suffered or incurred by the Corporations and against all actions, proceedings, claims or demands made or taken against the Corporations by reason or in consequence of any damage or injury whatsoever which may arise or be occasioned by reason or in consequence of the failure of the undertakers to comply with the provisions of this section, or any fault in, or failure or breakage of or accident to any apparatus or otherwise arising out of, or in any way attributable to, the exercise by the undertakers of the rights conferred upon them by this section except to the extent that such actions, proceedings, claims or demands may arise by reason of the neglect or default of the Corporations, their servants or agents.

(c) Whenever any loss or damage occurs which might give rise to a claim against the undertakers under this section the Corporations shall as soon as possible give notice thereof to the undertakers, and if within a reasonable time after receiving such a notice the undertakers serve a counter-notice on the Corporations admitting liability as between the Corporations and the undertakers for such loss or damage, the undertakers shall be entitled to assume responsibility for the conduct of any claim or legal action which may arise as a result thereof, which shall thereafter be conducted in the name of the Corporations but in all respects under the control and direction of the undertakers; if no such counter-notice is served, the Corporations shall not concede or compromise any claim made upon the Corporations without the concurrence of the undertakers.

(8) Subject to the provisions of this section the Corporations shall afford to the undertakers all such facilities as the undertakers may reasonably require for the purpose of connecting the apparatus with any other mains, cables or apparatus of the undertakers.

(9) The accommodation for the apparatus of the undertakers provided by the Corporations under the provisions of this section shall be maintained by the Corporations to the reasonable satisfaction of the undertakers and the costs reasonably incurred by the Corporations under this subsection (including costs of periodical inspections by the Corporations) shall be paid by the undertakers to the Corporations.

(10) The gas board shall not pass through the apparatus anything other than gas and such gas shall not be of a higher calorific value nor be passed at a greater pressure than may be agreed between the Corporations and the gas board or in default of agreement settled by arbitration.



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

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—cont.

(b) In settling any difference under this section, the arbitrator shall have regard to the need for the Corporations to ensure the maintenance of a free flow of traffic in the tunnel and approaches and to secure the safety of persons and vehicles therein.

## PART VII

### MISCELLANEOUS

49.—(1) The joint committee may in pursuance of this Act Byelaws. and any other Act enabling them in that behalf make and enforce byelaws—

(a) for the regulation, control and protection of the tunnels, and of persons resorting to or using the same, and for the management, regulation, direction and control of traffic of every description using the tunnels, with power to fix speed limits for motor vehicles, to prohibit the passage of particular traffic either generally or during particular hours and to appropriate any portion of the tunnels for the exclusive use of any particular class of vehicle or traffic; and

(b) for securing the safe custody and redelivery or disposal of any property accidentally left in any premises used for the purposes of or in connection with the tunnels or in any vehicles (other than public service vehicles as defined by the Road Traffic Act, 1960) of the joint c. 16. committee and for fixing the charges to be made by the joint committee in respect thereof.

(2) (a) All byelaws from time to time made in pursuance of this section shall be made under and according to the provisions of sections 250 and 251 of the Local Government Act, 1933, c. 51. as if the joint committee were a local authority within the meaning of that Act and the provisions of section 252 of the said Act shall apply to such byelaws.

(b) For the purposes of the said sections 250 to 252 in their application to this section the Minister shall be the confirming authority.

(c) Section 250 of the Local Government Act, 1933, in its application to byelaws made under this section shall have effect as if in subsection (6) after the word “confirm” where it firstly occurs in the subsection the words “with or without modification” were inserted.

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—cont.

(3) The byelaws which may from time to time be made by the joint committee in exercise of the powers conferred upon them by this section, may provide for the imposing of a penalty not exceeding ten pounds for the breach or non-observance of any of the byelaws.

(4) The Minister shall before confirming any byelaw made in pursuance of this section for the management, regulation, direction and control of traffic take into consideration any objections to such byelaw submitted to him by any representative body of the users of mechanically propelled vehicles.

(5) A copy of all byelaws made in pursuance of this section shall at all times be exhibited in a conspicuous place at or near each of the entrances to the tunnels.

(6) Notwithstanding the repeal of section 74 (Byelaws) of the Act of 1925 and section 8 (Custody of lost property) of the Act of 1955 by section 55 (Repeals) of this Act, byelaws made by the joint committee under those sections and in force at the passing of this Act shall continue in force until revoked by byelaws made under this section.

Power to stop persons refusing to pay tolls.

50. If any person liable to pay any toll authorised to be demanded and taken from him under the Act of 1925 shall wilfully refuse or neglect to pay the toll payable by him, an officer duly authorised by or on behalf of the joint committee may refuse to permit the person so in default to pass through or by any toll-house, toll-gate or other place at which the toll is payable and may, by himself or with such assistance as he shall think necessary, stop and prevent the person so in default from passing through or by such toll-house, toll-gate or other place as aforesaid and if any such person has entered the approaches to either of the tunnels may require him to return along the approach by which he came or along some other suitable approach and, if necessary, to re-pass through the tunnel concerned.

Powers, etc., to be exercised, etc., by Liverpool Corporation and Wallasey Corporation.

51.—(1) So far as the powers conferred and duties imposed by this Act upon the Corporations relate to the Liverpool street improvements they shall be exercised and discharged by the Liverpool Corporation.

(2) So far as the powers conferred and duties imposed by this Act upon the Corporations relate to the Wallasey street improvements, they shall be exercised and discharged by the Wallasey Corporation.

Evidence of appointments, authority, etc.

52. Where in any legal proceedings taken by or on behalf of or against the joint committee or any officer, servant, solicitor or agent of the joint committee, or any committee or sub-committee



of the joint committee, under any enactment from time to time relating to the joint committee, it becomes necessary to prove the appointment or authority of any officer, servant, solicitor or agent of the joint committee, or of any committee or sub-committee of the joint committee, or to prove any resolution or order of the joint committee, or any resolution, order or report of any committee or sub-committee of the joint committee, a certificate of such appointment, authority, resolution, order or report purporting to be authenticated by the signature of the clerk to the joint committee shall be prima facie evidence of such appointment, authority, resolution, order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

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—cont.

**53.** The provisions of the enactments which are specified in column (1) of Schedule 2 to this Act, so far as they are applicable in that behalf, shall apply and have effect for the purposes of this Act as if the said provisions were in terms re-enacted in this Act subject to the modifications set out in column (2) of the said schedule, and for that purpose expressions used in the said applied provisions shall have the meanings assigned to them in this Act.

Application  
of certain  
provisions of  
Acts of 1925,  
1933 and 1949.

**54.** The enactments specified in column (1) of Schedule 3 to this Act shall have effect subject to the amendments specified in column (2) of that schedule.

Amendments  
of Acts of 1925  
and 1949  
and Liverpool  
Corporation  
Act, 1936.  
1936 c. xxii.  
Repeals.

**55.—(1)** The following enactments are hereby repealed:—

Act of 1925—

Section 70 (Persons may be prevented from using tunnel on refusal to pay tolls);

Section 74 (Byelaws);

Section 82 (Differential rating of certain railways and canals);

Paragraph 5 of the First Schedule:

Act of 1927—

Section 23 (Application of provisions as to differential rating):

Act of 1928—

Section 22 (Application of provisions as to differential rating):

Act of 1933—

Section 8 (Amendment of Acts of 1925 and 1927 as to tolls);

Section 15 (Application of provisions as to differential rating);

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—cont.

Section 20 (Amendment of section 74 of Act of 1925):  
Act of 1949—

Section 4 (Amendment of section 74 of Act of 1925);  
Section 10 (Adjustment of liabilities of Corporations):

Act of 1955—

Section 8 (Custody of lost property);  
Section 9 (Amendment of section 10 of Act of 1949).

(2) The following enactments shall be repealed as from the 1st April, 1966:—

Act of 1925—

Section 83 (Application of tolls):

Act of 1933—

Section 9 (Amendment of section 83 of Act of 1925):

Act of 1949—

Section 8 (Amendment of section 10 of Act of 1933);  
Section 9 (Amendment of section 11 of Act of 1933):

Act of 1955—

Section 3 (Amendment of section 83 of Act of 1925);  
Section 6 (Amendment of section 10 of Act of 1933);  
Section 7 (Amendment of section 11 of Act of 1933):

Act of 1961—

Section 3 (Amendment of section 10 of Act of 1933);  
Section 4 (Amendment of section 11 of Act of 1933).

(3) Notwithstanding the repeal of section 10 (Adjustment of liabilities of Corporations) of the Act of 1949, any agreement made under that section and in force at the passing of this Act shall continue in force until otherwise agreed by the parties thereto or determined in accordance with the provisions of the agreement.

## PART VIII

## PROVISIONS RELATING TO LIVERPOOL CORPORATION

Extension of  
period of use  
of open spaces  
for temporary  
housing  
accommo-  
dation.  
c. 39.

56.—(1) The authorisations, hereinafter mentioned, given to the Liverpool Corporation under section 1 of the Housing (Temporary Accommodation) Act, 1945 (which enables the Minister of Housing and Local Government to authorise the use of open spaces during a limited period for temporary housing accommodation), which at the commencement of this Act are in force by virtue of an order made under section 19 of the



Housing Repairs and Rents Act, 1954, shall, notwithstanding anything in the said order or in subsection (1) of the said section 19, continue in force (unless previously revoked by the said Minister) to the end of the year 1970.

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—cont.

c. 53.

(2) The authorisations referred to in subsection (1) of this section are—

- (a) the authorisation given to the Liverpool Corporation on 26th July, 1945, by the Liverpool (Richard Kelly Drive) Open Spaces (Temporary Accommodation) Order, 1945, as respects land forming part of an open space bounded by Richard Kelly Drive, Walton Hall Avenue, Utting Avenue and Abingdon Road;
- (b) the authorisation given to the Liverpool Corporation on 3rd December, 1945, by the Liverpool (Longmoor Lane, Fazakerley Recreation Ground) Open Spaces (Temporary Accommodation) Order, 1945, as respects land forming part of an open space known as Fazakerley Recreation Ground; and
- (c) the authorisation given to the Liverpool Corporation on 3rd December, 1945, by the Liverpool (Cherry Lane and Richard Kelly Drive Recreation Ground) Open Spaces (Temporary Accommodation) Order, 1945, as respects land forming part of an open space known as Cherry Lane and Richard Kelly Drive Recreation Ground.

57.—(1) In this section—

As to Christ  
Church Burial  
Ground.

“the bishop” means the Lord Bishop of Liverpool for the time being;

“the board” means the Liverpool Diocesan Board of Finance;

“the burial ground” means the burial ground appurtenant to Christ Church, Hunter Street, in the city including the vaults and all other, if any, the appurtenances thereto belonging.

(2) As from the passing of this Act the burial ground shall be subject to an absolute power of sale to the Liverpool Corporation to be exercised by the board with and subject to the consent of the bishop and for the purposes of such sale the fee simple of the burial ground shall be treated as being vested in the board.

(3) Before the completion of any sale under the provisions of this section the board shall remove or cause to be removed the remains of all deceased persons interred in the burial ground or in any vault attached or belonging thereto.

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—cont.

(4) Before proceeding to remove any such remains the board shall give notice of their intention so to do by publishing a notice for three successive days in two local newspapers circulating in the city and such notice shall have embodied in it the substance of subsections (5) to (8), (10) and (11) of this section.

(5) At any time within two months after the first publication of such notice any person who is a personal representative or relative of any deceased person whose remains are interred in the burial ground may give notice in writing to the board of his intention to undertake the removal of such remains and thereupon he shall be at liberty, without any faculty for the purpose, but subject as hereinafter mentioned, to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place, or removed to and cremated in any crematorium.

(6) If any person giving such notice as aforesaid fails to satisfy the board that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Liverpool who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(7) The expense of a removal and reinterment or cremation (not exceeding, in respect of remains removed from any one grave, the sum of £50) shall be defrayed by the board, such sum to be apportioned, if necessary, equally according to the number of remains in the grave.

(8) If—

- (a) within the aforesaid period of two months no such notice as aforesaid shall have been given to the board in respect of the remains in any grave; or
- (b) within two months after such notice has been given no application has been made under subsection (6) of this section and the person who gave the notice fails to remove the remains; or
- (c) within two months after any order is made by the registrar under the said subsection the person, not being the board, specified in the order fails to remove the remains;

the board may, without any faculty for the purpose, cause the remains of the deceased person to be removed and reinterred in such other consecrated burial ground or cemetery in which burials may legally take place which, subject to the consent of the bishop, the board think suitable for the purpose, or cremated in such crematorium as the board think suitable for the purpose.



(9) Upon the interment or cremation of any remains under this section, a certificate of reinterment or cremation shall be sent to the Registrar General by the board, giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were interred or cremated.

(10) (a) Subject to the provisions of this subsection, any monument or tombstone relating to the remains of any deceased person removed and reinterred under this section shall, at the expense of the board, be removed and re-erected at the place of reinterment of such remains or at such other place as the bishop may direct on the application either of such personal representative or relative as aforesaid or of the board.

(b) Any monument or tombstone relating to the remains of any deceased person removed and cremated under this section shall, at the request of such personal representative or relative as aforesaid, or if no such request is made may at the discretion and in either case at the expense of the board, be removed and re-erected at such place as the bishop may direct on the application either of such personal representative or relative or of the board.

(c) Any monument or tombstone not re-erected in accordance with the provisions of paragraph (b) of this subsection shall be offered by the board to the bishop for re-erection or disposal as he thinks fit and—

- (i) if accepted by him shall be so re-erected or disposed of at the expense of the board;
- (ii) if not accepted by him shall be broken and defaced before being disposed of in such manner as the board think fit.

(d) Where the board consider that by reason of its ruinous condition any monument or tombstone removed under this subsection is unsuitable for re-erection, it may be disposed of in such manner as the board think fit.

(e) The amount required to be paid by the board in respect of the cost of removal and re-erection or disposal of any monument or tombstone under this subsection by or at the request of the said personal representative or relative or the bishop shall not exceed the sum of £15.

(f) The board shall cause a record to be made of each monument or tombstone removed under this subsection, containing—

- (i) a copy of the inscription thereon; and
- (ii) a statement of the place, if any, where it has been re-erected;

and shall deposit a copy of the record with the Registrar General and in the Public Episcopal Registry.

PART VIII  
—cont.

(11) The removal of the remains of any deceased person under this section shall be carried out under any regulations made by the bishop and under the supervision and to the satisfaction of the medical officer of health of the city.

(12) All moneys received by the board under this Act upon the sale of the burial ground shall, after the payment of all expenses of or incidental to such sale, be applied by the board with the consent of the bishop in the acquisition or erection of other burial grounds and places of worship and may, with the consent of the bishop, be retained by the board and credited to the fund established for that purpose and known as “The Bishop’s Call to Build”.

(13) As from the date on which the board exercises its power of sale over the burial ground, the burial ground shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which, immediately before the said date, attached thereto under ecclesiastical law or otherwise and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the burial ground and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the said date by reason of the burial ground or any part thereof forming the site or enclosures of a church or being a disused burial ground or churchyard or otherwise.

## PART IX

## GENERAL

Application  
of provisions  
of Public  
Health Act,  
1936.  
c. 49.

**58.** Sections 283, 288 and 328 of the Public Health Act, 1936, shall have effect as if references therein to that Act included a reference to this Act.

Authentication  
and service  
of notices, etc.  
c. 51.

**59.** The provisions of sections 287A and 287B of the Local Government Act, 1933, shall apply to the joint committee in relation to the service of notices or the authentication of documents under this Act or under any Act incorporated with this Act as if the joint committee were a local authority within the meaning of the said Act of 1933.

Inquiries by  
Board of  
Trade, etc.

**60.—(1)** The Board of Trade may hold such inquiries as they may consider necessary in regard to the exercise of any powers or duties imposed on them and the giving of any consent or



approval under the powers of this Act, and subsections (2) to (5) of section 290 of the Local Government Act, 1933, shall apply accordingly.

PART IX  
—cont.  
c. 51.

(2) Anything required or authorised by or under this Act or the Mersey Tunnel Acts, 1925 to 1961, to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President.

61. The provisions of section 265 of the Public Health Act, 1875, affording protection to local authorities and their members and officers from personal liability shall enure for the benefit of any member of the Corporations or of the joint committee or of a committee of the Corporations or of the joint committee, and any officer of the Corporations or of the joint committee or other person acting under their direction in relation to the execution by the Corporations or the joint committee or such officer or person of the provisions of the Mersey Tunnel Acts, 1925 to 1965, as if any reference in that section to the said Act of 1875 included a reference to those Acts.

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

62. A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under or in relation to the Mersey Tunnel Acts, 1925 to 1965, or any byelaw made thereunder by reason only of his being as one of several ratepayers or payers of tolls chargeable under the provisions of the Mersey Tunnel Acts, 1925 to 1965, or as one of any other class of persons liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses of the Corporations or the joint committee are to be defrayed.

Judges and justices not to be disqualified.

63. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.

Arbitration.

64. 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.

PART IX  
—*cont.*  
Costs of Act.

65. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the joint committee out of revenue or out of their reserve fund in such amounts as the joint committee shall determine or out of moneys to be borrowed by the Liverpool Corporation for the purposes of this Act.



## SCHEDULES

## SCHEDULE 1

Section 8.

DESCRIBING PROPERTIES IN RESPECT OF WHICH EASEMENTS MAY BE TAKEN AS PROVIDED BY SECTION 8 (POWER TO ACQUIRE EASEMENTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
The city ... ..	1 to 18, 18A, 19 to 32.
The borough ... ..	1 to 70, 70A, 71 to 116, 118 to 209, 211 to 220.

## SCHEDULE 2

Section 53.

PROVISIONS OF ACTS OF 1925, 1933 AND 1949 APPLIED

Provisions applied (1)	Modifications (2)
Act of 1925—	
Section 9 (Subsidiary works affecting River Mersey)	—
Section 10 (Works below high-water mark to be subject to approval of Board of Trade and Minister of Transport)	<p>In subsection (1), for the words “under the hand of one of the secretaries or assistant secretaries of the Board of Trade and by the Minister of Transport under the hand of the acting conservator” and for the words “and Minister” there shall be substituted in each case the words “or the acting conservator acting on their behalf”.</p> <p>In subsection (3), for the words “or the Minister of Transport” wherever those words occur there shall be substituted the words “or the acting conservator acting on their behalf”.</p>
Section 11 (Lights on works during construction)	<p>In subsection (1) for the words “and the Minister of Transport” there shall be substituted the words “or the acting conservator acting on their behalf”.</p>

SCH. 2  
—cont.

Provisions applied (1)	Modifications (2)
Act of 1925 ( <i>cont.</i> )— Section 12 (Survey of works by Board of Trade and Minister of Transport)	For the words “the Minister of Transport or the acting conservator acting on his behalf” wherever those words occur there shall be substituted the words “or the acting conservator acting on their behalf”.
Section 13 (Abatement of work abandoned or decayed)	For the words “the Minister of Transport or the acting conservator acting on his behalf” wherever those words occur there shall be substituted the words “or the acting conservator acting on their behalf”.
Section 14 (Provision against danger to navigation)	—
Section 17 (Vesting of soil of streets stopped up)	—
c. 49. c. 27. c. 33. Section 18 (Underpinning of houses near works)	(a) In paragraph (3) for the words “Arbitration Act 1889” there shall be substituted the words “Arbitration Act, 1950”. (b) In paragraph (8) for the words “Lands Clauses Acts” there shall be substituted the words “Land Compensation Act, 1961”. (c) Paragraph (9) shall be omitted.
Section 19 (Power to pump water and use sewers for removing water)	After the words “Birkenhead Corporation” wherever those words occur there shall be inserted the words “or the Wallasey Corporation” and at the end of the section the following subsection shall be added:— “(2) Any water discharged into the river Mersey under the powers of this section shall be as free as may reasonably be practicable from any gravel, soil or other solid substance.”
Section 21 (Power to alter sewers and drains)	The reference to the borough surveyor of the borough shall be construed to mean the borough surveyor of the county borough of Birkenhead or of the county borough of Wallasey and after the words “or drains” and “or drain” wherever those words occur there shall be inserted the words “or channels or water-courses” and “or channel or



Provisions applied (1)	Modifications (2)	SCH. 2 —cont.
Act of 1925 (cont.)—	watercourse” respectively and after the words “and drains” wherever those words occur there shall be inserted the words “and channels and watercourses”.	
Section 22 (Alteration of position of water, gas and other pipes)	—	
Section 23 (Power to alter steps areas etc. and execute protective works)	—	
Section 24 (Laying out repair and lighting of works)	For the words “the works by this Act authorised” wherever those words occur there shall be substituted the words “the tunnel and approaches” and in subsection (3) the references to the tunnel and to the approaches shall be construed as references to the tunnel and approaches as defined by this Act.	
Section 25 (No mains or pipes to be laid in tunnel)	For the words “the works by this Act authorised” there shall be substituted the words “the tunnel and approaches” and for the words “the Telegraph Acts, 1863 to 1924” there shall be substituted the words “the Telegraph Acts, 1863 to 1962”.	
Section 26 (Power to sell materials)	—	
Section 38 (Retention and disposal of lands)	—	
Section 41 (Undertaking to be exempt from rates)	—	
Section 42 (Agreements with Mersey Docks and Harbour Board)	—	
Section 67 (Power to provide toll-houses etc.)	The reference to the tunnel and the approaches thereto shall be construed as a reference to the tunnel and approaches as defined by this Act.	
Section 75 (Recovery of penalties)	—	
Act of 1933—		
Section 18 (Further powers to provide toll-houses etc.)	—	

SCH. 2  
—cont.

Provisions applied (1)	Modifications (2)
Act of 1949— Section 3 (As to closing tunnel)	For the words “ the tunnel ” wherever those words occur there shall be substituted the words “ the tunnel and approaches ” and after the word “ Birkenhead ” there shall be inserted the words “ and the borough of Wallasey ”.

Section 54.

## SCHEDULE 3

## AMENDMENTS OF ENACTMENTS

(1) Enactment	(2) Amendment
Act of 1925— Section 3 (Interpretation) ...	At the end of the section there shall be inserted the words “ the Wallasey Corporation ’ means the mayor, aldermen and burgesses of the county borough of Wallasey ”.
Section 61 (Standing arbitrator)	In subsection (1), for the words “ ninth day of November ” there shall be substituted the words “ annual meetings of the Corporations ”.
Section 62 (References to standing arbitrator)	(a) In subsection (1), after the word “ arise ” there shall be inserted the words “ under the Mersey Tunnel Acts, 1925 to 1961, or under the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965 in relation to the tunnel and approaches as defined in that Act ”. (b) In subsections (1) and (3), for the word “ either ” there shall be substituted the word “ any ”.
Section 65 (Tolls) ... ..	(a) For the words from the commencement of the section to “ first happen ” there shall be substituted the words “ So long as any payments fall to be made by the Joint Committee in respect of the charges referred to in paragraphs (c) and (d) of subsection (1) of section 36 (Application of tolls) of the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965 ” and the words from “ and upon the expiration ” to “ cease and determine ” shall be omitted.



(1) Enactment	(2) Amendment
Act of 1925 ( <i>cont.</i> )—	
Section 66 (Revision of tolls) ...	(b) For the words "the tunnel" wherever those words occur there shall be substituted the words "the tunnels as defined in the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965".
Section 69 (Regulations as to payment of tolls)	In subsection (1), after the words "Act" and "aforesaid" there shall be respectively inserted the words "and the Fourth Schedule to this Act" and "and the said Fourth Schedule".
Section 71 (Power to compound for payment of tolls)	For the words "the tunnel" there shall be substituted the words "the tunnels as defined in the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965" and at the end of the section there shall be added the words "and when such tolls are not paid at the time either of the tunnels is used the Joint Committee may recover an additional sum of ten shillings to cover administration expenses, in addition to the toll otherwise payable and may recover in addition any legal costs properly recoverable by the Joint Committee in any legal proceedings which they may institute".
Section 73 (Penalties on persons practising frauds)	For the words "the tunnel" wherever those words occur there shall be substituted the words "the tunnels as defined in the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965 or either of them".
Section 79 (Accounts of Joint Committee)	For the words "five pounds" there shall be substituted the words "ten pounds".
Section 80 (Expenditure on capital account)	In subsection (1), for the words "the Corporations or the Joint Committee in pursuance of this Act" wherever those words occur there shall be substituted the words "the Corporations for and on behalf of the Joint Committee or by the Joint Committee in pursuance of the Mersey Tunnel Acts, 1925 to 1965".
	(a) In subsection (1), after the word "expenditure" there shall be inserted the words "of the Joint Committee".
	(b) For the words "this Act" wherever those words occur there shall be substituted the words "the Mersey Tunnel Acts, 1925 to 1965"; and


SCH. 3  
—cont.

(1) Enactment	(2) Amendment
Act of 1925 ( <i>cont.</i> )—	
Section 81 (Expenditure on revenue account)	<p>for the word “bankers” wherever that word occurs there shall be substituted the word “treasurer”.</p> <p>(a) In subsection (1) after the word “expenditure” there shall be inserted the words “of the Joint Committee”; and for the words “this Act” there shall be substituted the words “the Mersey Tunnel Acts, 1925 to 1965”.</p> <p>(b) In subsection (2), for the words “this Act” there shall be substituted the words “the Mersey Tunnel Acts, 1925 to 1965”; for the word “bankers” there shall be substituted the word “treasurer” and after the word “Birkenhead” there shall be inserted the words “and Wallasey”.</p> <p>(c) In subsection (3), the words “subject to the provisions hereinafter in this section contained and” and “subject as hereinafter in this section provided” and the provisos shall be omitted; for the word “bankers” there shall be substituted the word “treasurer”; for the words “out of the borough fund” there shall be substituted the words “and the Wallasey Corporation out of the respective general rate funds of Birkenhead Corporation and Wallasey Corporation”; for the words “assessable value” there shall be substituted the words “rateable value as at the 1st January preceding the commencement of the financial year”; and after the word “borough” there shall be inserted the words “and the county borough of Wallasey”.</p>
Section 86 (Audit of accounts of Joint Committee)	<p>(a) In subsection (1) for the words “members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors” there shall be substituted the words “qualified accountants”.</p> <p>(b) After subsection (4) there shall be inserted the following new subsection:—</p> <p>“(5) In this section ‘qualified accountant’ means a person who is a member, or a firm all of the partners wherein are members, of one or more</p>



(1) Enactment	(2) Amendment	SCH. 3 —cont.
Act of 1925 ( <i>cont.</i> )—	<p>of the following bodies, that is to say:—</p> <p>The Institute of Chartered Accountants in England and Wales;</p> <p>The Institute of Chartered Accountants of Scotland;</p> <p>The Association of Certified and Corporate Accountants;</p> <p>The Institute of Chartered Accountants in Ireland;</p> <p>The Institute of Municipal Treasurers and Accountants;</p> <p>Any body of accountants established in the United Kingdom and for the time being recognised for the purposes of section c. 38. 161 (1) (a) of the Companies Act, 1948, by the Board of Trade.”</p>	
Section 87 (Penalties to be paid over to treasurer)	For the words “this Act” there shall be substituted the words “the Mersey Tunnel Acts, 1925 to 1965”.	
Fifth Schedule, Part I ... ..	<p>(a) For paragraph (1), there shall be substituted the following paragraph:—</p> <p>“(1) In this schedule the expression ‘constituent authority’ includes the Liverpool Corporation, the Birkenhead Corporation and the Wallasey Corporation.”</p> <p>(b) In paragraph (2), for the words “this Act” there shall be substituted the words “the Mersey Tunnel Acts, 1925 to 1965”.</p> <p>(c) In paragraph (3), the word “first” shall be omitted.</p> <p>(d) In paragraph (6), the proviso shall be omitted.</p>	
Fifth Schedule, Part II ... ..	<p>(a) For paragraph (1) there shall be substituted the following paragraph:—</p> <p>“(1) Subject to the provisions of the Mersey Tunnel Acts, 1925 to 1965, meetings of the Joint Committee (including their annual meetings) shall be held at such places, on such days and at such times as the Joint Committee may from time to time appoint.”</p> <p>(b) In paragraph (5), for the words “first meeting” where those words</p>	

SCH. 3 —cont	(1) Enactment	(2) Amendment
	Act of 1925 ( <i>cont.</i> )—	first occur there shall be substituted the words “meeting held in accordance with the provisions of subsection (3) of section 31 (Reconstitution of joint committee) of the Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965”.
c. cxxii.	Liverpool Corporation Act, 1936— Section 105 (Mersey Tunnel Joint Committee may appoint special constables for Mersey Tunnel)	For the words “tunnel and approaches authorised by the Mersey Tunnel Acts, 1925 to 1933” there shall be substituted the words “tunnels and approaches authorised by the Mersey Tunnel Acts, 1925 to 1965”.
	Act of 1949— Section 13 (Inquiries by Minister of Transport)	For the words “Mersey Tunnel Acts, 1925 to 1949” there shall be substituted the words “Mersey Tunnel Acts, 1925 to 1965”.

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PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR  
SIR PERCY FAULKNER, K.B.E., C.B.  
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament  
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 5s. 0d. net

PRINTED IN ENGLAND





# Mersey Tunnel (Liverpool/Wallasey) &c. Act 1965

## CHAPTER xl

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