

ELIZABETH II



1973 CHAPTER iii

An Act to amend the Humber Bridge Act 1959; to provide for the making of agreements with respect to the design, construction and maintenance of part of the works authorised by the Humber Bridge Acts 1959 and 1971 and the exercise of powers in relation thereto; and for other purposes.

[18th April 1973]

WHEREAS—

(1) By the Humber Bridge Act 1959 (in this Act called “ the 1959 c. xlvi. Act of 1959 ”) the Humber Bridge Board (in this Act called “ the Board ”) were constituted and authorised to construct and maintain a bridge across the river Humber with approach roads and other works:

(2) By the Humber Bridge Act 1971 (in this Act called “ the 1971 c. xlvi. Act of 1971 ”) further provision was made with reference to the construction of the works authorised by the Act of 1959:

(3) It is expedient that the Board should be authorised to enter into agreements with highway authorities (including the council of the administrative county of Lincoln Parts of Lindsey) with respect to the design, construction and maintenance of part of

the works authorised by the Act of 1959 and with respect to the exercise by any such highway authority of the powers of the Board in relation thereto:

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

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

(6) In relation to the promotion of the Bill for this Act the requirements of section 96 (Power for Board to apply for further powers etc.) of the Act of 1959 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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Humber Bridge Act 1973.

(2) The Humber Bridge Acts 1959 and 1971 and this Act may be cited together as the Humber Bridge Acts 1959 to 1973.

Interpretation.

2.—(1) In this Act—

1959 c. xlvi.

(a) “the Act of 1959” means the Humber Bridge Act 1959;

1971 c. xlvii.

“the Act of 1971” means the Humber Bridge Act 1971;

1959 c. 25.

“authority” means any highway authority within the meaning of the Highways Act 1959;

“highway maintainable at the public expense” has the same meaning as in the Highways Act 1959;

“specified works” means—

(i) so much of Work No. 1 authorised by the Act of 1959 as lies south of a line drawn 20 metres north of the centre line of Dam Road in the urban district of Barton-upon-Humber in the Parts of Lindsey; and

(ii) Work No. 2 authorised by the Act of 1959; and includes either of them or the whole or any part or parts thereof and any works or things executed or done in connection therewith and as part thereof in pursuance of section 42 (Power to make subsidiary works) of the Act of 1959; and

(b) the several words and expressions to which meanings are assigned by the Act of 1959 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

3.—(1) The Board and an authority may enter into and carry into effect agreements for the design, construction and maintenance of specified works prescribed by such agreements. Agreements in respect of specified works.

(2) An agreement under this section may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the contracting parties necessary or expedient.

(3) Subject to the terms of any such agreement, an authority which is a party to an agreement under this section shall have and may exercise all or any of the powers conferred on the Board by the Act of 1959 and by subsection (2) of section 13 (Construction of side spans of and approaches to bridge) of the Act of 1971 which are necessary for securing the construction, use and maintenance of the specified works prescribed by the agreement and shall be subject to all the restrictions, liabilities and obligations in respect of the specified works so prescribed to which the Board are subject and shall perform all the duties of the Board in respect thereof:

Provided that subsection (1) of section 46 (Maintenance of roads and bridge) of the Act of 1959 shall not apply to the specified works prescribed by an agreement under this section.

(4) The specified works constructed in pursuance of an agreement under this section shall be highways maintainable at the public expense.

4.—(1) Section 4 (Interpretation) of the Act of 1959 shall have effect as if in the definition of "the bridge" in subsection (2) thereof there were inserted after the words "fifty-eight" where those words secondly occur the words "or such other point as may be determined by any agreement entered into in pursuance of section 3 (Agreements in respect of specified works) of the Humber Bridge Act 1973". Amendment of Act of 1959.

(2) Section 110 (Application of enactments) of the Act of 1959 shall have effect as if in subsection (1) the words "For the purpose of the construction maintenance and management of the bridge" were omitted.

As to
construction
of works.

5.—(1) The works authorised by the Act of 1959 may be constructed—

- (a) so as to commence or terminate at points of commencement or termination other than the points of commencement and termination referred to in section 40 (Power to construct works) of the Act of 1959 or shown on the deposited plans or the deposited sections;
- (b) in a situation or of dimensions other than those shown on the deposited plans or the deposited sections:

Provided that any such altered point of commencement or termination and any such altered situation or dimension shall be within the limits of deviation permitted by section 41 (Power to deviate) of the Act of 1959.

(2) Notwithstanding anything contained in the Act of 1959 or shown on the deposited plans or the deposited sections but subject to the provisions of subsection (2) of section 40 (Power to construct works) of the Act of 1959 the works authorised by the Act of 1959 may be constructed in part only.

Further
provisions
as to
agreements.

6.—(1) The Board on the one hand and an authority on the other hand may enter into and carry into effect agreements for or with respect to all or any of the following matters, that is to say:—

- (a) any of the purposes of the Humber Bridge Acts 1959 to 1973;
- (b) the performance by either party in relation to the bridge or to any existing or proposed highway of a function which renders unnecessary the performance of any function of the other party;
- (c) the making of payments by either party to the other party in respect of expenditure incurred by that other party in the performance of a function pursuant to the agreement.

(2) An agreement under this section may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the contracting parties necessary or expedient.

(3) The Board and an authority shall not enter into an agreement in pursuance of this section for the design, construction and maintenance of specified works.

Disposal of
land.
1933 c. 51.

7.—(1) In respect of any land acquired by the Board section 165 of the Local Government Act 1933 as applied to the Board by section 110 (Application of enactments) of, and Part I of the Schedule to, the Act of 1959 shall have effect with the omission of the words “and which is not required for the purpose for which it was acquired or is being used”.

(2) This section shall cease to have effect on the date on which the repeal of the said section 165 is effected by virtue of section 272 of the Local Government Act 1972.

1972 c. 70.

8. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to and not in derogation of any other powers and duties conferred or imposed by any enactment, law or custom, and subject to any express provision of this Act all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

Powers of Act to be cumulative.

9.—(1) The costs, charges and expenses preliminary to and incidental to the applying for and the preparing, obtaining and passing of this Act shall be paid by the Board and the council of the administrative county of Lincoln Parts of Lindsey in equal shares and the Board and the said council shall have power without the consent of any sanctioning authority to borrow the sum required for the payment thereof and shall repay the sum so borrowed within such period as they may determine not exceeding ten years from the date of borrowing.

Costs of Act.

(2) The provisions of Part IX of the Local Government Act 1933 (in relation to the Board as applied by section 70 (Application of Act of 1933 to borrowing of money by Board) of the Act of 1959) so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section for the repayment of the money borrowed shall as respects that money be the fixed period for the purpose of the said Part IX.

1933 c. 51.

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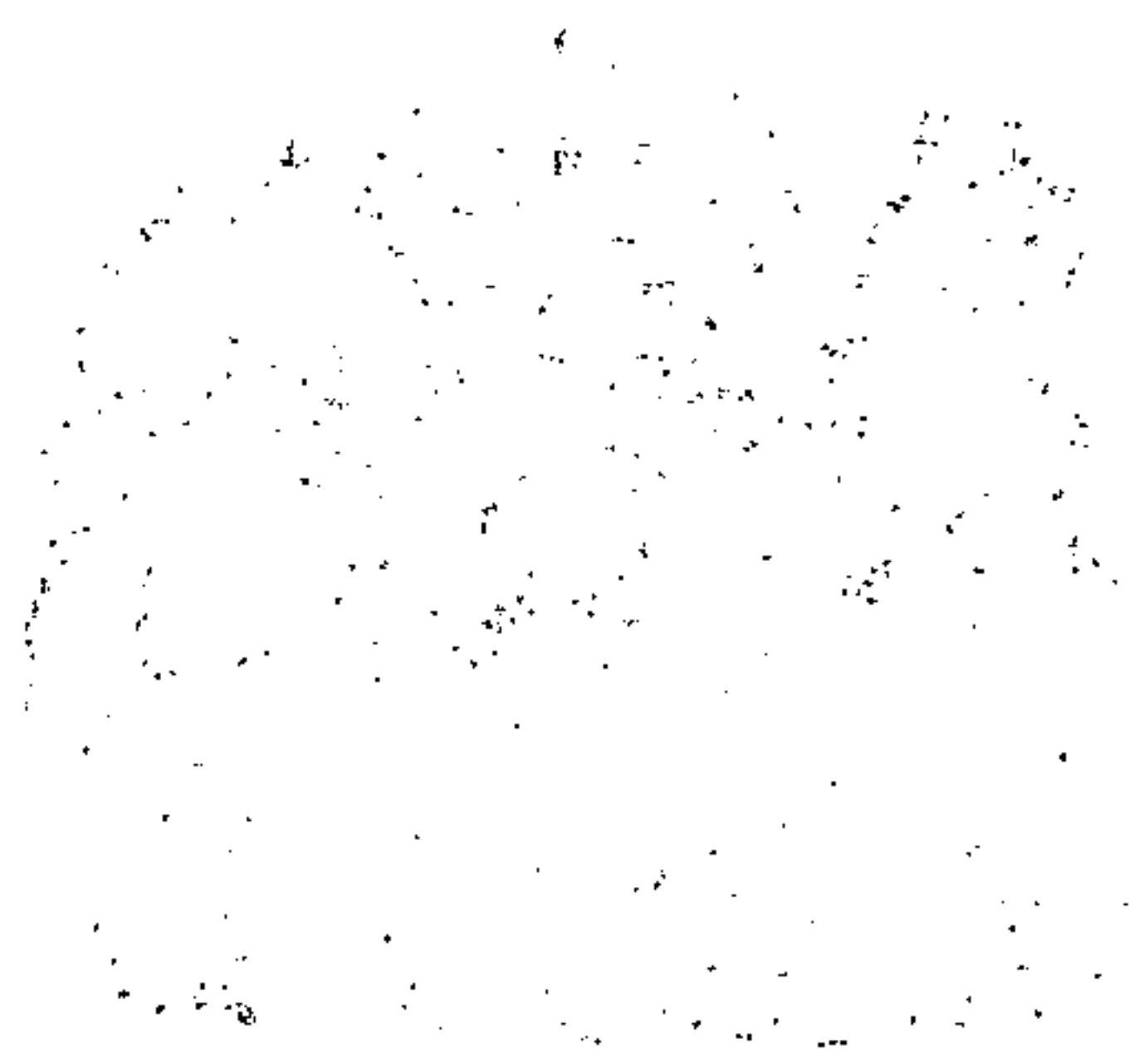
Humber Bridge Act 1973

CHAPTER iii

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