

**ELIZABETH II**



**1979 CHAPTER iv**

An Act to amend the Tamar Bridge Act 1957, to repeal certain provisions of that Act and of the County of Cornwall Act 1929 and to provide that the other provisions of the Tamar Bridge Act 1957 shall continue to have effect notwithstanding section 262 (9) of the Local Government Act 1972; and for other purposes.

[22nd February 1979]

**WHEREAS—**

(1) By the Tamar Bridge Act 1957 (hereinafter referred to as 1957 c. xxviii, “the Act of 1957”) the council of the administrative county of Cornwall and the lord mayor, aldermen and citizens of the city of Plymouth were authorised to construct a bridge for vehicular and pedestrian traffic over the river Tamar:

(2) By the Local Government Act 1972 (hereinafter referred to as “the Act of 1972”) the county of Cornwall (hereinafter referred to as “the county”) was constituted so as to consist of an area comprising the former administrative county of Cornwall and by virtue of the Act of 1972 the city of Plymouth (hereinafter referred to as “the city”) was constituted so as to consist of an area including the whole of the former county borough of Plymouth:

(3) The bridge was duly constructed and the undertaking as defined in the Act of 1957 is vested in the council of the county and the council of the city:

(4) By virtue of section 262 of the Act of 1972 the Act of 1957 or provisions therein will cease to have effect at the end of 1984:

(5) It is expedient that certain of the said provisions should not cease to have effect at the end of 1984 but should be re-enacted with amendments and applied to the council of the county and the council of the city:

(6) It is expedient in order to reduce traffic congestion to authorise the taking of tolls in one direction only in respect of the user of the bridge:

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

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

(9) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Act of 1972 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 title.

1. This Act may be cited as the Tamar Bridge Act 1979.

Application  
of enactments.  
1957 c. xxviii.

2.—(1) In section 3 (Incorporation of Acts) of the Tamar Bridge Act 1957—

(a) in subsection (1), paragraph (a) is hereby repealed;

(b) in subsection (2), the words “the Lands Clauses Acts and ” are hereby repealed.

1976 c. 57.

(2) In section 14 (Grant of easements by persons under disability) of the Tamar Bridge Act 1957 for the words “the Lands Clauses Acts” there shall be substituted the words “the Acts referred to in section 13 of the Local Government (Miscellaneous Provisions) Act 1976”.

Interpretation.

3.—(1) For section 4 (Interpretation) of the Tamar Bridge Act 1957 there shall be substituted—

“Interpre-  
tation.

4.—(1) In this Act, unless the context otherwise requires—

1929 c. lxxxii.

‘the Act of 1929’ means the County of Cornwall Act 1929;

1936 c. 49.

‘the Act of 1936’ means the Public Health Act 1936;

1972 c. 70.

‘the Act of 1972’ means the Local Government Act 1972;

‘the Authorities’ means the city council and the county council and includes either council;

‘the bridge’ means the fixed bridge over the river with approach roads commencing in the district

of Caradon at a point 30 yards or thereabouts east of the junction of North Road and Fore Street and terminating in the city at a point 30 yards or thereabouts west of the junction of Tamar Bridge Road with Pemros Road, and includes all improvements thereto and the carriageway and footways thereon and the toll gates and toll keepers' lodges and offices and other conveniences provided in connection therewith;

- ' the city ' means the city of Plymouth;
- ' the city council ' means the council of the city;
- ' the county ' means the county of Cornwall;
- ' the county clerk ' means the clerk and chief executive of the county council;
- ' the county council ' means the Cornwall County Council;
- ' daily penalty ' means a penalty for each day on which an offence is continued after conviction therefor;
- ' enactment ' includes an enactment in any Act and any order, byelaw or regulation for the time being in force;
- ' the ferry ' means the Torpoint ferry;
- ' financial year ' means any period of twelve months ending on 31st March;
- ' the river ' means the river Tamar;
- ' the town clerk ' means the chief executive and town clerk of the city council;
- ' the undertaking ' means the bridge and the ferry and includes all land and assets of whatever description held by the Authorities for the purposes of the bridge or the ferry.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by, or under, any enactment."

(2) In the Tamar Bridge Act 1957, for references to the bridge 1957 c. xxviii. works there shall be substituted references to the bridge, for references to the Corporation there shall be substituted references to the city council, for references to the Council there shall be substituted references to the county council, for references to the Minister there shall be substituted references to the Secretary of State and for references to the undertakings there shall be substituted references to the undertaking.

Power to  
acquire  
easements  
only.  
1957 c. xxviii.

4. For section 13 (Power to acquire easements only) of the Tamar Bridge Act 1957 there shall be substituted—

“ Power to  
acquire  
easements  
only.  
1976 c. 57.

13. Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (which authorises a local authority to acquire compulsorily rights over land) shall apply to the Authorities for the purposes of the undertaking as if they were a local authority within the meaning of that Act.”.

Provision  
of car  
parks, etc.

5. In section 19 (Provision of car parks etc.) of the Tamar Bridge Act 1957—

(1) the following subsection shall be added after subsection (1):—

“ (1A) The Authorities may use any land for the time being forming part of the undertaking for implementing schemes for traffic management purposes in relation to the use of the bridge and the ferry. ”;

(2) the following subsection shall be added after subsection (4):—

“ (5) The Authorities may enter on land by agreement with the owner and the occupier, and may enter onto a highway by agreement with the highway authority, for implementing schemes for traffic management purposes in relation to the use of the bridge and the ferry. ”.

Acquisition,  
appropriation  
and disposal  
of land.

6. In section 20 (Acquisition, appropriation and disposal of land) of the Tamar Bridge Act 1957—

(1) in subsection (2), for the words “ Section 163 of the Act of 1933 ” there shall be substituted the words “ Section 122 of the Act of 1972 ”;

(2) in subsection (3), the words “ subsection (1) of ” shall be omitted and for the words “ the Minister of Housing and Local Government ” there shall be substituted the words “ the Secretary of State ”;

(3) in subsection (6) for the words “ Sections 164 and 165 of the Act of 1933 ” there shall be substituted the words “ Section 123 of the Act of 1972 ”.

Power to  
make  
subsidiary  
works.

7. For section 24 (Power to make subsidiary works) of the Tamar Bridge Act 1957 there shall be substituted—

“ Power  
to make  
subsidiary  
works.

24. Within the limits of deviation shown on the deposited plans the Authorities, in connection with the maintenance of the bridge, may execute any works and do any things necessary for the protection of any adjoining land or buildings and shall make compensation for any damage done by them in the exercise of the powers of this section.”.



8. In section 25 (Subsidiary works in river) of the Tamar Bridge Act 1957, the word "construction" in both places where it occurs shall be omitted.

Subsidiary works in river.  
1957 c. xxviii.

9. For section 28 (Vesting and maintenance of roads) of the Tamar Bridge Act 1957 there shall be substituted—

Maintenance of under-taking.

"Main-tenance of under-taking.

28.—(1) Subject to the provisions of this section the undertaking shall be maintained by the Authorities.

(2) If and so long as the Authorities in pursuance of the powers contained in paragraph (c) of the proviso to subsection (1) of section 43 (Tolls) of this Act cease to demand take and recover any tolls in respect of all traffic passing over the bridge, it shall become a highway maintainable at the public expense:

Provided that if the Authorities resume the demanding taking and recovering of any tolls in respect of all or any traffic passing over the bridge the provisions of this subsection shall cease to apply and the provisions of subsection (1) above shall apply until the Authorities again cease to demand take and recover tolls in respect of all traffic passing over the bridge."

10.—(1) In sections 36 (3) (Works below high-water mark to be subject to approval of Secretary of State), 38 (3) (Abatement of work abandoned or decayed) and 39 (Survey of works by Secretary of State) of the Tamar Bridge Act 1957 all the words after "Crown" where in each case it first occurs shall be omitted.

Recovery of sums due.

(2) In section 46 (Regulations as to payment of tolls and charges) of the Tamar Bridge Act 1957, the words "in a summary manner as a civil debt or" shall be omitted.

11. In section 37 (Provision against danger to navigation) of the Tamar Bridge Act 1957, for the words "twenty shillings" there shall be substituted the words "one pound", and in sections 40 (Permanent lights on works) and 41 (Lights on works during construction) of the Tamar Bridge Act 1957, for the words "forty shillings" there shall be substituted the words "two pounds".

Lights on works, etc.

12. After section 41 (Lights on works during construction) of the Tamar Bridge Act 1957 there shall be inserted—

Defence to proceedings.

"Defence to proceedings under sections 37, 40 or 41 of this Act.

41A.—(1) In any proceedings for an offence under section 37 (Provision against danger to navigation), 40 (Permanent lights on works) or 41 (Lights on works during construction) of this Act, it shall be a defence for the Authorities to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) If in any case the defence provided by subsection (1) of this section involves the allegation that

the commission of the offence was due to the act or default of another person the Authorities shall not, without leave of the court, be entitled to rely on that defence unless within a period ending seven clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in their possession.”.

Tolls. 13. For section 43 (Tolls) of the Tamar Bridge Act 1957 there shall be substituted—

1957 c. xxviii.

“ Tolls.

43.—(1) The Authorities may demand take and recover in respect of all or any class of traffic crossing the river by the bridge or by the ferry—

(a) in both directions; or

(b) in one direction only;

tolls not exceeding those specified in the Tamar Bridge and Torpoint Ferry Tolls (Revision of Charges)

S.I. 1971/895. Order 1971, subject to any further orders made under section 6 of the Transport Charges, &c. (Miscellaneous Provisions) Act 1954, and for any other services

1954 c. 64.

rendered by the Authorities in connection with the bridge or the ferry such reasonable charges as they may think fit:

Provided that—

(a) different tolls may be demanded taken and recovered in respect of the bridge and the ferry undertaking respectively;

(b) no tolls shall be demanded or received from any pedestrian using the bridge or ferry;

(c) the Authorities may (if and when they think fit)—

(i) cease to demand take and recover tolls in respect of traffic passing over the bridge; and

(ii) resume demanding taking and recovering such tolls;

(d) the Authorities may also (if and when they think fit) allow traffic to use the bridge without paying tolls during such hours or on such occasions as they may from time to time determine but the exercise by the Authorities of the powers by this paragraph conferred shall not for the purpose of subsection (2) of section 28 (Maintenance of undertaking) of this Act be deemed to be a ceasing by the Authorities of demanding taking and recovering tolls; and

(e) nothing in this section contained shall operate in derogation of the rights in relation to the ferry preserved by the second proviso to subsection (1) of section 22 (Extension of powers in relation to Torpoint ferry) of the Act of 1929 as applied by section 50 (Application of Act of 1929) of this Act.

(2) If application is made to the Secretary of State under the Transport Charges, &c. (Miscellaneous Provisions) Act 1954 for the revision of any tolls or charges which the Authorities are for the time being authorised to demand or take in respect of traffic crossing the river by the bridge or by the ferry, the bridge and the ferry shall be regarded as one undertaking for the purpose of section 6 (3) of the said Act of 1954.”

14. For section 46 (Regulations as to payment of tolls and charges) of the Tamar Bridge Act 1957 there shall be substituted—

“Regulations as to payment of tolls and charges.

46.—(1) The tolls and charges by this Act authorised to be demanded and taken shall be paid to such persons and at such places—

(a) on or near the bridge; or

(b) upon or near to the ferry beaches or upon the floating bridges vessels or boats;

and in such manner and under such regulations as the Authorities may appoint.

(2) The Authorities may permit tolls and charges by this Act authorised to be demanded and taken to be paid at such other places as they may appoint.

(3) When a toll or charge by this Act authorised to be demanded and taken is not paid at the time the bridge or ferry is used or the service provided or at any other place appointed by the Authorities, the Authorities may recover such sum as appears to them to be reasonable in respect of their establishment charges in addition to the toll or charge otherwise payable and any legal costs properly recoverable by the Authorities in any legal proceedings which they may institute.”.

15.—(1) For section 50 (Ferry undertaking to vest in Authorities) of the Tamar Bridge Act 1957 there shall be substituted the following:—

“Applica-  
tion of  
Act of  
1929.

50. Sections 22 (1) and (2) (Extension of powers in relation to Torpoint Ferry) and 28 (Byelaws as to ferry) of the Act of 1929, which are set out in Schedule 2 to this Act, shall apply to the Authorities and shall have effect as if for references therein to ‘the

Application of  
County of  
Cornwall Act  
1929.

1929 c. lxxxii.



Council' there were substituted references to 'the Authorities'."

1957 c. xxviii.

(2) The Schedule to the Tamar Bridge Act 1957 shall become Schedule 1 thereto, and after it there shall be added—

" SCHEDULE 2

SUBSECTIONS (1) AND (2) OF SECTION 22 AND SECTION 28  
OF ACT OF 1929

Extension  
of powers  
in relation  
to Torpoint  
Ferry.  
1919 c. 75.

22.—(1) It is hereby declared that the Council is the owner of the lands adjoining and near to the part of the River Tamar from which the ferry transferred to the Council under the powers of the Ferries (Acquisition by Local Authorities) Act 1919 is worked and of the works erections appliances and rights used and exercised in connection therewith which lands are shown on the plan signed in triplicate by the Right Honourable the Viscount Chelmsford the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the Clerk at his Office and the powers of the Council to establish keep and maintain the said ferry are hereby extended so as to enable the Council to provide maintain improve extend regulate and work the said ferry either directly or indirectly from and to such places in the urban district of Torpoint in the county to and from such places in the part of the city of Plymouth abutting upon the part of the River Tamar known as Hamoaze as to the Council may seem suitable and convenient and the provisions of the Act 30 Geo. III c. lxi shall extend and apply to the powers conferred on the Council by this section:

Provided that no tolls shall be payable in respect of any goods or merchandise conveyed from or to any point outside the ancient civil parishes of Stoke Damarel and Antony St. Jacob otherwise than by the said ferry:

Provided also that all rights to travel free of toll by the said ferry granted by the Council to any person or persons by a Deed of Variation dated the tenth day of July nineteen hundred and twenty-three and made between Sir Reginald Pole Carew John Gawen Pole Carew the Antony Estate Company and the Council shall attach and be deemed to extend and apply to the said ferry between any of the said places described in this subsection.

(2) The Council may purchase provide maintain and use for the purpose of working the said ferry as



extended by this Act a further floating bridge or floating bridges and craft of such other types as the Council may think fit and subject to the provisions of this Act piers pontoons and other works together with all proper appliances and conveniences and may lay down and maintain chains cables and other apparatus across and in the bed of the said part of the River Tamar.

Bye-laws  
as to  
ferry.

28. The Council may subject to the provisions of this Act make alter repeal vary amend and enforce bye-laws with respect to the ferry undertaking for all or any of the purposes following (that is to say):—

- (a) For regulating controlling and limiting the use of the vessels boats and buildings used for the purposes of the ferry undertaking;
- (b) For preventing the commission of nuisances in or upon the ferry undertaking or the vessels or boats used for the purposes thereof;
- (c) For preserving the vessels boats buildings and conveniences used for the purposes of the ferry undertaking and preventing injuries and damage to the same;
- (d) For regulating the duties and conduct of all persons and the officers and servants of the Council who shall be employed in and about the ferry undertaking and in and about the vessels or boats used for the purposes thereof;
- (e) For regulating the conveyance of passengers passengers' luggage parcels persons animals vehicles goods articles or merchandise in or upon any vessels or boats used for the purposes of the ferry undertaking and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any luggage parcels articles goods animals vehicles and merchandise in any of such vessels or boats which may in the opinion of the Council be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein;
- (f) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels or boats of every description to any of the landing places moorings or works of the Council and the embarkation and disembarkation of persons at such landing places from vessels or boats other than the ferry boats of the Council;

(g) For preventing persons navigating vessels or boats from negligently or wilfully obstructing the working of the ferry undertaking and the vessels or boats used for the purposes thereof and for preventing persons with boats horses carriages or otherwise negligently or wilfully obstructing the approaches to the ferry and ferry buildings.”.

Abandonment  
of Saltash  
Ferry.  
1957 c. xxviii.

**16.** In section 51 (Abandonment of Saltash Ferry) of the Tamar Bridge Act 1957—

- (1) subsections (1), (2) and (4) are hereby repealed;
- (2) in subsection (3)—

(a) the words “As from the said date” are hereby repealed; and

(b) for the words “the Saltash Corporation” in both places where they occur there shall be substituted “the Caradon District Council”.

Restriction  
on new  
ferries.

**17.** In section 53 (Restriction on new ferries) of the Tamar Bridge Act 1957 for the words “ten pounds” there shall be substituted “£50”.

Loan  
repayment  
periods.

**18.** All sums borrowed before the commencement of this Act under section 54 (Power to borrow) of the Tamar Bridge Act 1957 and not repaid before the commencement of this Act shall notwithstanding the repeal of section 54 of the Tamar Bridge Act 1957 be repaid within the respective periods within which they are required to be repaid by or under that section.

Renewal, etc.,  
fund.

**19.** In section 58 (2) (As to revenue and expenditure) of the Tamar Bridge Act 1957 for the words “reserve funds in accordance with the provisions of section 59 (Power to create reserve funds) of this Act” there shall be substituted the words “funds under Schedule 13 to the Act of 1972”.

Super-  
annuation.

**20.** In section 63 (Superannuation) of the Tamar Bridge Act 1957—

- (1) in subsection (1) and in subsection (4) for the reference to the Local Government Superannuation Acts 1937 to 1953 there shall be substituted a reference to the Superannuation Act 1972 and regulations made thereunder;
- (2) in subsection (1), for the words “such one of the Authorities as the Authorities may from time to time determine” there shall be substituted the words “the county council” and the proviso is hereby repealed;
- (3) in subsection (2) for the word “Acts” there shall be substituted the words “Act and regulations”;
- (4) subsection (3) is hereby repealed.

1972 c. 11.

21. In section 65 (For protection of British Railways Board) For of the Tamar Bridge Act 1957, for references to "the British Transport Commission" and "the commission" there shall be substituted references to "the British Railways Board" and "the board" respectively and— For protection of Railways Board. 1957 c. xxviii.

(1) in paragraph (1), for the definition of "the works" there shall be substituted—

" 'the works' means so much of the bridge as may be situated upon, across, under or over the property of the board or may affect the same and includes the maintenance and removal of such works ";

(2) paragraphs (2), (3), (4), (6) and (7) are hereby repealed;

(3) in paragraph (12), sub-paragraph (a) is hereby repealed.

22.—(1) (a) In sections 66 (For protection of certain statutory undertakers) and 67 (For further protection of certain statutory undertakers) of the Tamar Bridge Act 1957, for references to "the South Western Gas Board" there shall be substituted references to "the British Gas Corporation" and for references to "the Saltash Corporation" there shall be substituted references to "the South West Water Authority". For protection of certain statutory undertakers.

(b) In section 67 of the Tamar Bridge Act 1957, in paragraph (1), for sub-paragraphs (a) and (b) of the definition of "apparatus" there shall be substituted—

" (a) in relation to the South Western Electricity Board, the Electricity Council or the Central Electricity Generating Board, electric lines and works (as respectively defined in the Electric Lighting Act 1882) 1882 c. 56. belonging to or maintained by any of such undertakers;

(b) in relation to the British Gas Corporation, mains, pipes or other apparatus belonging to or maintained by that Corporation; "

and for the definition of "undertakers" there shall be substituted—

" 'undertakers' means—

the South Western Electricity Board;  
the Electricity Council;  
the Central Electricity Generating Board;  
the British Gas Corporation;  
the South West Water Authority;

or any of them."

(2) Paragraphs (2), (3), (4) and (5) of section 66 of the Tamar Bridge Act 1957 are hereby repealed.

(3) For paragraph (6) of section 66 of the Tamar Bridge Act 1957 there shall be substituted—

" (6) The undertakers shall be entitled at all times to use free of charge the accommodation and means of access



provided by the Authorities for the purpose of laying and placing therein gas mains, electric cables and a water main with any necessary apparatus ancillary thereto and for the purpose of inspecting, repairing, maintaining, removing or renewing such mains, cables and apparatus:

Provided that—

- (a) nothing in this section contained shall entitle the undertakers to break up interfere with or obstruct the surface of the road and footway of the bridge;
- (b) the said mains, cables and apparatus shall at all times conform in their design, construction and use with the reasonable requirements of the Authorities;
- (c) except in case of emergency the undertakers shall give to the Authorities not less than ten days' notice in writing of their intention to execute works on the bridge and shall conform with the reasonable requirements of the Authorities as to the time or times at which the undertakers may exercise the right of entering upon and executing works on the bridge and as to the manner in which such works are executed and the Authorities shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Authorities in such superintendence shall be repaid to them by the undertakers;
- (d) the undertakers shall not in the exercise of their rights under this paragraph be entitled to increase the burden to be borne by the bridge structure above the maximum weights mentioned in the third column of the following table for each undertaker respectively:—

Statutory undertaker	Facility	Maximum weight	Minimum weight
The British Gas Corporation	A steel gas main	50 pounds per foot run	40 pounds per foot run
The South Western Electricity Board	Four electric cables	Total of the four: 35 pounds per foot run	Total of the four: 25 pounds per foot run
The South West Water Authority	A water main	65 pounds per foot run (including the weight of the water, if any, in the main)	25 pounds per foot run (including the weight of the water, if any, in the main)

nor to distribute such burden unequally and if the undertakers shall desire to reduce the burden below the minimum mentioned in the fourth column of the said table they shall provide and maintain an equivalent weight of material as the Authorities may reasonably require”.

(4) In paragraph (2) of section 67 of the Tamar Bridge Act 1957, after the word “apparatus” where it secondly occurs there shall be inserted “section 19 (Provision of car parks etc.);” and the references to sections 22, 26 and 31 of that Act shall be omitted. 1957 c. xxviii.

(5) For paragraph (7) of section 67 of the Tamar Bridge Act 1957 there shall be substituted—

“(7) Notwithstanding the stopping up permanently of any road or street or part of a road or street under the powers of section 29 (Stopping up of highways) or section 30 (Power to prevent access to or from certain works) of this Act or the prohibition of the driving of vehicles along Normandy Way under any order made under section 31 (Restriction on access by vehicular traffic) of this Act or the repeal of the said sections 29, 30 and 31 by section 25 (Repeals) of the Tamar Bridge Act 1979 or the closing of the bridge or any portion thereof under the powers of section 33 (As to closing of bridge) of this Act or any byelaw made under section 71 (Byelaws) of this Act, the undertakers, their workmen and others in their employ shall at all times have such right of access to all or any apparatus situate in or under any such road or street or the bridge or portion thereof as they had immediately before such stopping up, prohibition or closing or the making of such byelaw and shall be at liberty to execute and do all such works or things in, upon or under such road or street or the bridge or portion thereof as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus.”.

23.—(1) In section 70 (Appointment and powers of joint committee) of the Tamar Bridge Act 1957, for the reference to the Act of 1933 there shall be substituted a reference to the Act of 1972. Miscellaneous amendments.

(2) In section 71 (Byelaws) of the Tamar Bridge Act 1957, at the end there shall be added—

“and section 236 of the Act of 1972 in its application to byelaws made under this section, shall have effect as if in subsection (7) after ‘confirm’, where it secondly occurs, there were inserted ‘or confirm with modifications’:

Provided that where the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Authorities and require them to take any

steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Authorities and by other persons who have been informed of it ”.

1957 c. xxviii. (3) In section 74 (Arbitration) of the Tamar Bridge Act 1957, references in the table to sections 26 and 68 shall be omitted.

(4) In section 76 (Confirming authority for byelaws) of the Tamar Bridge Act 1957, for the reference to section 250 of the Act of 1933 there shall be substituted a reference to section 236 of the Act of 1972.

(5) In section 77 (Local inquiries) of the Tamar Bridge Act 1957—

(a) for subsection (2) there shall be substituted—

“ (2) Subsections (2) to (5) of section 250 of the Act of 1972 shall apply to any such inquiry.”;

(b) in subsection (3), for “ (Transfer of Functions) Act 1946 ” there shall be substituted “ Act 1975 ”.

1936 c. 49. (6) In Schedule 1 to the Tamar Bridge Act 1957, the references to sections 271 and 286 of the Public Health Act 1936 shall be omitted.

Saving for planning.

24. For section 79 (Saving for town and country planning) of the Tamar Bridge Act 1957 there shall be substituted—

“ Saving for planning. 79. This Act shall be deemed to be an Act passed after the Local Government (Miscellaneous Provisions) Act 1976 for the purposes of section 42 (1) (a) of that Act. ”.

Repeals.

25. The following enactments are hereby repealed:—

1929 c. lxxxii. (1) sections 24, 25 and 31 to 34 of the County of Cornwall Act 1929;

(2) sections 2, 5 to 12, 15 to 18, 21 to 23, 26, 29 to 31, 52, 54 to 57, 59, 62, 68, 69 and 80 of the Tamar Bridge Act 1957.

Enactments excluded from repeal.  
1972 c. 70.

26. Section 262 (9) of the Local Government Act 1972 shall not apply to the following sections of the Tamar Bridge Act 1957:—

sections 1, 3, 4, 13, 14, 19, 20, 24, 25, 27, 28, 32 to 51, 53, 58, 60, 61, 63 to 67 and 70 to 79.

Tamar Bridge Act 1957.

27. In accordance with the provisions of this Act, the Tamar Bridge Act 1957 shall have effect as set out in the Schedule to this Act.



## SCHEDULE

Section 27.

### TAMAR BRIDGE ACT 1957 AS AMENDED BY THIS ACT

5 & 6 ELIZ. 2 Ch. xxviii

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short title.
3. Incorporation of Acts.
4. Interpretation.

### PART II

#### LANDS

13. Power to acquire easements only.
14. Grant of easements by persons under disability.
19. Provision of car parks etc.
20. Acquisition appropriation and disposal of land.

### PART III

#### WORKS

24. Power to make subsidiary works.
25. Subsidiary works in river.
27. Laying out and repair of carriageways and footways.
28. Maintenance of undertaking.
32. No mains or pipes to be laid in bridge.

SCH.  
—cont.

Section

- 33. As to closing of bridge.
- 34. Power to sell materials.
- 35. Application of Public Utilities Street Works Act 1950.
- 36. Works below high-water mark to be subject to approval of Secretary of State.
- 37. Provision against danger to navigation.
- 38. Abatement of work abandoned or decayed.
- 39. Survey of works by Secretary of State.
- 40. Permanent lights on works.
- 41. Lights on works during construction.
- 41A. Defence to proceedings under sections 37, 40 or 41 of this Act.
- 42. Boundary for purposes of Act.

PART IV

TOLLS

- 43. Tolls.
- 44. Power to provide toll-houses etc.
- 45. List of tolls to be exhibited.
- 46. Regulations as to payment of tolls and charges.
- 47. Persons may be prevented from using bridge on refusal to pay tolls.
- 48. Power to compound for payment of tolls.
- 49. As to tickets.

PART V

FERRIES

- 50. Application of Act of 1929.
- 51. Abandonment of Saltash ferry.
- 53. Restriction on new ferries.

PART VI

FINANCE

- 58. As to revenue and expenditure.
- 60. Accounts and deficiencies.
- 61. Annual accounts to be sent to Secretary of State.
- 63. Superannuation.

PART VII

PROTECTIVE PROVISIONS

- 64. Saving rights of Duchy of Cornwall.
- 65. For protection of British Railways Board.
- 66. For protection of certain statutory undertakers.
- 67. For further protection of certain statutory undertakers.

PART VIII  
MISCELLANEOUS

SCH.  
—*cont.*

Section

- 70. Appointment and powers of joint committee.
- 71. Byelaws.
- 72. Bridge to be exempt from rates.
- 73. Settlement of questions between Authorities.
- 74. Arbitration.
- 75. Determination of compensation.
- 76. Confirming authority for byelaws.
- 77. Local inquiries.
- 78. Application of general provisions of Act of 1936.
- 79. Saving for planning.

SCHEDULE 1—

Sections of Act of 1936 applied.

SCHEDULE 2—

Subsections (1) and (2) of section 22 and section 28 of Act of 1929.



## CHAPTER xxviii

An Act to empower the county council of the administrative county of Cornwall and the lord mayor aldermen and citizens of the city of Plymouth to construct a bridge across the river Tamar with approach roads and other works and to purchase lands compulsorily for those and other purposes to vest in the said county council and the said lord mayor aldermen and citizens jointly the Torpoint ferry undertaking of the said county council to discontinue the Saltash ferry and for other purposes. [31st July 1957]

**W**HEREAS—

(1) The construction of a bridge for vehicular and pedestrian traffic over the river Tamar (in this Act called “the river”) between the borough of Saltash in the county of Cornwall and the city of Plymouth would be of public and local advantage and it is expedient that the county council of the administrative county of Cornwall (in this Act called “the Council”) and the lord mayor aldermen and citizens of the city of Plymouth (in this Act called “the Corporation” and “the city” respectively) should be empowered to construct the bridge and other works described in this Act:

(2) It is expedient to authorise the taking of tolls in respect of the user of the said bridge:

(3) It is expedient to confer on the Council and the Corporation the powers in this Act contained relative to the purchase and use of lands for the purposes mentioned in this Act:

(4) The Council are the owners of a ferry known as the Torpoint ferry across the portion of the river which is called Hamoaze between the urban district of Torpoint in the said county and the city and it is expedient to vest the said ferry in the Council and the Corporation jointly and that the provisions of this Act with regard to the said ferry be enacted:

(5) The mayor aldermen and burgesses of the borough of Saltash operate a ferry undertaking across the river from the said borough to the city and it is expedient to provide for the discontinuance and abandonment of the said undertaking and the extinguishment of the franchise in relation thereto:

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

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

(8) Estimates have been prepared by the Council and the Corporation for and in connection with—

	£
The construction of the bridge and other works authorised by Part III (Works) of this Act	1,492,000:

(9) The works included in such estimates are permanent works and it is expedient that the Council and the Corporation be empowered to borrow money for those and other purposes as provided by this Act:

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

(11) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the Council and the town clerk of the city which plans sections and book of reference are in this Act referred to respectively as the deposited plans sections and book of reference:

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

#### PART I

##### PRELIMINARY

1. This Act may be cited as the Tamar Bridge Act 1957.

Short title.

SCH.  
—cont.PART I  
—cont.Incorporation  
of Acts.

3.—(1) The following Acts and Parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

\* \* \* \* \*

1845 c. 20.

1923 c. 20.

(b) sections 16 and 30 to 44 of the Railways Clauses Consolidation Act 1845 and sections 78 to 85 of the same Act as the said sections were originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 and in the construction of those provisions “the railway” shall mean the works authorised by this Act and “the centre of the railway” shall mean any part of those works.

(2) In the construction of the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions “the promoters of the undertaking” and “the Company” mean respectively the Authorities.

## Interpretation.

1929 c. lxxxii.

1936 c. 49.

1972 c. 70.

4.—(1) In this Act unless the context otherwise requires—

“the Act of 1929” means the County of Cornwall Act 1929;

“the Act of 1936” means the Public Health Act 1936;

“the Act of 1972” means the Local Government Act 1972;

“the Authorities” means the city council and the county council and includes either council;

“the bridge” means the fixed bridge over the river with approach roads commencing in the district of Caradon at a point 30 yards or thereabouts east of the junction of North Road and Fore Street and terminating in the city at a point 30 yards or thereabouts west of the junction of Tamar Bridge Road with Pemros Road and includes all improvements thereto and the carriageway and footways thereon and the toll gates and toll keepers’ lodges and offices and other conveniences provided in connection therewith;

“the city” means the city of Plymouth;

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

“the county” means the county of Cornwall;

“the county clerk” means the clerk and chief executive of the county council;

“the county council” means the Cornwall County Council;

“daily penalty” means a penalty for each day on which an offence is continued after conviction therefor;

“enactment” includes an enactment in any Act and any order, byelaw or regulation for the time being in force;

“the ferry” means the Torpoint ferry;

“financial year” means any period of twelve months ending on 31st March;

“the river” means the river Tamar;



“the town clerk” means the chief executive and town clerk of the city council;

“the undertaking” means the bridge and the ferry and includes all land and assets of whatever description held by the Authorities for the purposes of the bridge or the ferry.

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

## PART II

### LANDS

\* \* \* \* \*

13. Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (which authorises a local authority to acquire compulsorily rights over land) shall apply to the Authorities for the purposes of the undertaking as if they were a local authority within the meaning of that Act. Power to acquire easements only. 1976 c. 57.

14.—(1) Any person empowered by the Acts referred to in section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Authorities any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest). Grant of easements by persons under disability.

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

\* \* \* \* \*

19.—(1) The Authorities may on any land for the time being forming part of the undertaking provide maintain and manage shelters cloak-rooms toilets refreshment places and other facilities for the use or convenience of travellers using the bridge or the ferry and the Authorities may make such reasonable charges for the facilities so provided as they may determine. Provision of car parks etc.

(1A) The Authorities may use any land for the time being forming part of the undertaking for implementing schemes for traffic management purposes in relation to the use of the bridge and the ferry.

(2) The Authorities may purchase land by agreement in the county or the city for the purposes aforesaid.

(3) The Authorities by means of an order made by the Authorities and submitted to the Secretary of State and confirmed by him may be authorised to purchase compulsorily any land in the county or the city for the purposes aforesaid.

SCH.  
—cont.

PART II  
—cont.  
1946 c. 49.

(4) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply 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 and the Authorities shall be deemed to be a local authority within the meaning of that Act.

(5) The Authorities may enter on land by agreement with the owner and the occupier, and may enter onto a highway by agreement with the highway authority, for implementing schemes for traffic management purposes in relation to the use of the bridge and the ferry.

Acquisition  
appropriation  
and disposal  
of land.

20.—(1) The Authorities may purchase from the county council or the city council and the county council or the city council as the case may be may sell to the Authorities any land which the Authorities may require for any of the purposes of this Act.

(2) Section 122 of the Act of 1972 shall apply to any land acquired by the Authorities under this Act and to any land shown on the deposited plans and owned by either of the Authorities and required for the purposes of this Act whether or not the land is required for the purposes for which it was acquired or has since been appropriated or is being used.

(3) Notwithstanding anything in the said section the purpose for which the Authorities may appropriate any such land shall not require the approval of the Secretary of State.

(4) The Authorities may sell lease exchange (paying or receiving or without paying or receiving money for equality of exchange) or otherwise dispose of any such land as aforesaid in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form).

(5) Nothing in this section shall authorise the disposal of any land by the county council or the city council whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the county council or the city council.

(6) Section 123 of the Act of 1972 shall not apply to any land acquired by the Authorities under this Act.

\* \* \* \* \*

### PART III

#### WORKS

\* \* \* \* \*

Power to  
make  
subsidiary  
works.

24. Within the limits of deviation shown on the deposited plans the Authorities, in connection with the maintenance of the bridge, may execute any works and do any things necessary for the protection of any adjoining land or buildings and shall make compensation for any damage done by them in the exercise of the powers of this section.

25. The Authorities may make on or in the banks bed soil and foreshore of the river and elsewhere in connection with the bridge and at or near any works or erections to be made or put up by the Authorities for or connected with the user and maintenance of the bridge and may place and keep in the river and elsewhere permanently all such caissons piers fenders mooring posts and bollards and temporarily all such piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs subways buildings and other works and conveniences as they may find necessary or expedient for or in connection with the maintenance or use of the bridge:

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

\* \* \* \* \*

27. The Authorities may lay out the bridge and any land acquired by them under the powers of this Act or any part thereof for carriage-ways and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriageways and footways and subject to the provisions of the next following section may from time to time execute all such works and do all such acts in under or upon any of the carriageways and footways forming part of the bridge as they may from time to time think proper for preserving repairing or improving the bridge and may for that purpose enter upon and break open the soil and pavement of such carriageways and footways and any sewers drains or tunnels within or under the same causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways footways sewers drains or tunnels as nearly as practicable to the same condition as they were in before such breaking open.

Laying out  
and repair of  
carriageways  
and footways.

28.—(1) Subject to the provisions of this section the undertaking shall be maintained by the Authorities.

Maintenance of  
undertaking.

(2) If and so long as the Authorities in pursuance of the powers contained in paragraph (c) of the proviso to subsection (1) of section 43 (Tolls) of this Act cease to demand take and recover any tolls in respect of all traffic passing over the bridge, it shall become a highway maintainable at the public expense:

Provided that if the Authorities resume the demanding taking and recovering of any tolls in respect of all or any traffic passing over the bridge the provisions of this subsection shall cease to apply and the provisions of subsection (1) above shall apply until the Authorities again cease to demand take and recover tolls in respect of all traffic passing over the bridge.

\* \* \* \* \*



SCH.  
—cont.

PART III  
—cont.

No mains or  
pipes to be laid  
in bridge.  
1950 c. 39.

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

As to closing  
of bridge.

33.—(1) The Authorities may whenever in their opinion it is necessary so to do for the purposes of the maintenance repair or improvement of the bridge wholly or partially close the bridge or any portion thereof.

(2) The Authorities may provide and use boats barges and other vessels—

(a) during any time when the bridge is wholly or partially closed under subsection (1) of this section for carrying or conveying persons vehicles animals and articles across the river; and

(b) at any time for carrying or conveying across the river such persons vehicles animals and articles as are not admitted on the bridge;

and may make such reasonable charges in respect thereof as they may think fit.

Power to sell  
materials.

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

Application of  
Public Utilities  
Street Works  
Act 1950.

35. Section 21 of the Public Utilities Street Works Act 1950 shall apply to any work to be executed by or on behalf of the Authorities under the powers of this Act in any street or controlled land abutting on any street within the meaning of that section as if the Authorities were one of the bodies specified in paragraph (a) of subsection (1) of that section and the works so executed were for road purposes within the meaning of that paragraph and were of the kind referred to in that section.

Works below  
high-water  
mark to be  
subject to  
approval of  
Secretary of  
State.

36.—(1) Subject to the provisions of this Act any work authorised by this Act so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall only be constructed in accordance with plans and sections approved by the Secretary of State and subject to such restrictions and regulations as the Secretary of State may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.



(3) If any such work be commenced or completed contrary to the provisions of this section the Secretary of State may abate and remove the same and restore the site thereof to its former condition at the cost of the Authorities and the amount of such cost shall be a debt due from the Authorities to the Crown.

37.—(1) In case of injury to or destruction or decay of any work constructed by the Authorities under the powers of this Act or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Authorities shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

Provision  
against danger  
to navigation.

(2) If the Authorities fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding one pound.

38.—(1) Where any work constructed by the Authorities under the powers of this Act and situate wholly or partially on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Secretary of State may by notice in writing either require the Authorities at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Secretary of State may think proper.

Abatement  
of work  
abandoned  
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Secretary of State may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Authorities they have failed to comply with such notice the Secretary of State may execute the works required to be done by the notice at the expense of the Authorities and the amount of such expense shall be a debt due from the Authorities to the Crown.

39. If at any time the Secretary of State deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Authorities under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed

Survey of  
works by  
Secretary of  
State.

SCH.  
—cont.PART III  
—cont.

to construct any such work the Authorities shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Authorities to the Crown.

Permanent  
lights on  
works.

40.—(1) After the completion of the bridge the Authorities shall on each side thereof exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the corporation of Trinity House of Deptford Strond shall from time to time direct.

(2) If the Authorities fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

Lights on  
works during  
construction.

41.—(1) The Authorities shall at or near such part of any work constructed by them under the powers of this Act as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time require or approve.

(2) If the Authorities fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

Defence to  
proceedings  
under  
sections 37,  
40 or 41 of  
this Act.

41A.—(1) In any proceedings for an offence under section 37 (Provision against danger to navigation), 40 (Permanent lights on works) or 41 (Lights on works during construction) of this Act, it shall be a defence for the Authorities to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) If in any case the defence provided by subsection (1) of this section involves the allegation that the commission of the offence was due to the act or default of another person the Authorities shall not, without leave of the court, be entitled to rely on that defence unless within a period ending seven clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in their possession.

Boundary for  
purposes of  
Act.

42. For the purposes of this Act the boundary between the county and the city shall be the boundary shown on the deposited plans and the Authorities shall in the construction of the bridge cause to be affixed thereon a mark indicating the point at which the bridge passes over such boundary and the said boundary shall be deemed to be the boundary as so indicated.

## PART IV

## TOLLS

Tolls.

43.—(1) The Authorities may demand take and recover in respect of all, or any class of, traffic crossing the river by the bridge or by the ferry—

(a) in both directions; or

SCH.  
—cont.

PART IV  
—cont.

(b) in one direction only;

tolls not exceeding those specified in the Tamar Bridge and Torpoint Ferry Tolls (Revision of Charges) Order 1971, subject to any further orders made under section 6 of the Transport Charges, &c. (Miscellaneous Provisions) Act 1954, and for any other services rendered by the Authorities in connection with the bridge or the ferry such reasonable charges as they may think fit: S.I. 1971/895.

Provided that—

(a) different tolls may be demanded taken and recovered in respect of the bridge and the ferry undertaking respectively;

(b) no tolls shall be demanded or received from any pedestrian using the bridge or ferry;

(c) the Authorities may (if and when they think fit)—

(i) cease to demand take and recover tolls in respect of traffic passing over the bridge; and

(ii) resume demanding taking and recovering such tolls;

(d) the Authorities may also (if and when they think fit) allow traffic to use the bridge without paying tolls during such hours or on such occasions as they may from time to time determine but the exercise by the Authorities of the powers by this paragraph conferred shall not for the purpose of subsection (2) of section 28 (Maintenance of undertaking) of this Act be deemed to be a ceasing by the Authorities of demanding taking and recovering tolls; and

(e) nothing in this section contained shall operate in derogation of the rights in relation to the ferry preserved by the second proviso to subsection (1) of section 22 (Extension of powers in relation to Torpoint ferry) of the Act of 1929 as applied by section 50 (Application of Act of 1929) of this Act.

(2) If application is made to the Secretary of State under the Transport Charges, &c. (Miscellaneous Provisions) Act 1954 for the revision of any tolls or charges which the Authorities are for the time being authorised to demand or take in respect of traffic crossing the river by the bridge or by the ferry, the bridge and the ferry shall be regarded as one undertaking for the purpose of section 6 (3) of the said Act of 1954.

44. The Authorities may from time to time provide set up maintain and remove such toll-houses toll-gates offices and other conveniences in connection with the undertaking as may be necessary or convenient. Power to provide toll-houses etc.

45. A list of the tolls by this Act authorised to be demanded and taken and which shall from time to time be charged by the Authorities shall at all times be exhibited in a conspicuous place at or near the places where such tolls shall be payable. List of tolls to be exhibited.

46.—(1) The tolls and charges by this Act authorised to be demanded and taken shall be paid to such persons and at such places— Regulations as to payment of tolls and charges.

(a) on or near the bridge; or

(b) upon or near to the ferry beaches or upon the floating bridges vessels or boats;



SCH.  
—cont.

PART IV  
—cont.

and in such manner and under such regulations as the Authorities may appoint.

(2) The Authorities may permit tolls and charges by this Act authorised to be demanded and taken to be paid at such other places as they may appoint.

(3) When a toll or charge by this Act authorised to be demanded and taken is not paid at the time the bridge or ferry is used or the service provided or at any other place appointed by the Authorities, the Authorities may recover such sum as appears to them to be reasonable in respect of their establishment charges in addition to the toll or charge otherwise payable and any legal costs properly recoverable by the Authorities in any legal proceedings which they may institute.

Persons may  
be prevented  
from using  
bridge on  
refusal to  
pay tolls.

47. If the tolls payable by any person desirous of using the bridge be demanded from him before using the same and such person shall after demand from him of such tolls (such demand being made by any collector or other person appointed to receive the same) knowingly and wilfully refuse or neglect to pay the same or any part thereof the collector or other person so appointed may refuse to permit the person so in default to use the bridge and may by himself or with such assistance as he shall think necessary stop and prevent the person so in default from using the same.

Power to  
compound  
for payment  
of tolls.

48. The Authorities may enter into a composition with any person with respect to the payment of any tolls or charges under this Act but so that no preference be in any case given to any person and may issue season tickets.

As to tickets.

49. The Authorities may in exchange for the payment of any toll hand a ticket to any person intending to pass over or on the bridge or to use the ferry and any person to whom a ticket is so handed may be required on demand to deliver up such ticket to the toll collector or other person appointed by the Authorities to collect the same at such place or places as the Authorities may from time to time determine.

## PART V

### FERRIES

Application of  
Act of 1929.

50. Sections 22 (1) and (2) (Extension of powers in relation to Torpoint Ferry) and 28 (Byelaws as to ferry) of the Act of 1929, which are set out in Schedule 2 to this Act, shall apply to the Authorities and shall have effect as if for references therein to "the Council" there were substituted references to "the Authorities".

Abandonment  
of Saltash  
ferry.

51.

\* \* \* \* \*

(3) The provisions of section 38 (Abatement of work abandoned or decayed) of this Act shall apply to the Caradon District Council and to any works below high-water mark in connection with the



Saltash ferry as if the Caradon District Council and such works had been referred to therein instead of the Authorities and any work constructed by the Authorities under the powers of this Act.

\* \* \* \* \*

53. From and after the date of the opening of the bridge for public traffic no ferry shall without the consent of the Authorities be set up or used across the river within the distance of one mile from the bridge and if any person other than the Authorities shall without such consent use any boat barge or other vessel in carrying or conveying for hire any vehicle across the river within the said distance of one mile from the bridge he shall without prejudice to any other remedy of the Authorities for every such offence be liable to a penalty not exceeding fifty pounds.

Restriction on  
new ferries.

## PART VI

### FINANCE

\* \* \* \* \*

58.—(1) The Authorities shall each be entitled to receive one-half of the revenue of the undertaking and shall each in the aggregate pay one-half of the annual expenditure upon or in relation to the undertaking and notwithstanding that capital moneys for the purposes of the undertaking may have been raised or be held by the Authorities in unequal shares the interest on any loans raised by the Authorities for or in connection with the undertaking shall be deemed to be paid by or through the Authorities in equal parts.

As to revenue  
and  
expenditure.

(2) The Authorities may (if they think fit) apply money received by them on account of the revenue of the undertaking in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertaking or in the provision of funds for working capital for such undertaking or in the provision of funds under Schedule 13 to the Act of 1972.

\* \* \* \* \*

60.—(1) The Authorities shall keep their accounts in respect of the undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

Accounts and  
deficiencies.

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Authorities for the purposes of or connected with the undertaking;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

SCH.  
—cont.

PART VI  
—cont.

(d) all other expenses (if any) of the undertaking properly chargeable to revenue;

(e) the amount (if any) applied for the purposes authorised by subsection (2) of section 58 (As to revenue and expenditure) of this Act.

(2) Any deficiency in the revenue of the undertaking in any financial year shall be made good in the first instance out of the reserve funds (if any) formed in connection with the undertaking and if there be no such reserve funds or if such reserve funds shall be insufficient for the purpose then out of the other moneys of the Authorities and in such case any amount made good out of such other moneys shall be repayable out of any future revenue of the undertaking unless and to the extent that the Authorities may otherwise jointly determine.

(3) The Authorities may apply money received by them in any financial year on account of the revenue of the undertaking in the payment of interest calculated at the rate of five per centum per annum with half-yearly rests on the amounts repayable out of the revenue of the undertaking referred to in the last preceding subsection.

(4) Whenever the money received by the Authorities from the undertaking on account of revenue in any financial year shall exceed the amount expended or set aside in connection with the undertaking in respect of the several purposes mentioned in subsection (1) of this section then the surplus of such revenue shall be used in and for the purposes of the undertaking and for no other purpose.

Annual  
accounts to  
be sent to  
Secretary of  
State.

61. The Authorities shall within three months of the close of their financial year or such longer period as the Secretary of State may allow send to the Secretary of State a copy of the annual accounts of the undertaking.

\* \* \* \* \*

Superannua-  
tion.  
1972 c. 11.

63.—(1) For the purposes of the Superannuation Act 1972 and regulations made thereunder the administering authority in relation to any employee of the undertaking shall be deemed to be the county council and the employing authorities in relation to every such employee shall be deemed to be the Authorities acting together through the joint committee appointed under section 70 (Appointment and powers of joint committee) of this Act:

\* \* \* \* \*

(2) In exercising their functions as employing authorities under the said Act and regulations in relation to employees of the undertaking the Authorities shall not be bound by any decisions which they may have separately made in regard to other employees nor shall decisions made in relation to employees of the undertaking have effect in relation to other employees notwithstanding that such other employees may fall within the same class or description as employees of the undertaking.

\* \* \* \* \*

(4) In this section—

- (a) the several words and expressions to which meanings are assigned by the Superannuation Act 1972 and regulations made thereunder have the same respective meanings unless there be something in the subject or context repugnant to such construction; and
- (b) the expression “employee of the undertaking” means a person employed for the purposes of the undertaking.

## PART VII

### PROTECTIVE PROVISIONS

64. Nothing in this Act shall authorise the Authorities to enter upon take use or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by Her Majesty in right of the said Duchy) the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under section 39 of the Duchy of Cornwall Management Act 1863 to exercise all or any of the rights powers privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said Duchy or (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

Saving rights  
of Duchy of  
Cornwall.

1863 c. 49.

65. 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 Authorities and the board apply and have effect:—

For protection  
of British  
Railways  
Board.

(1) In this section—

“property of the board” means any lands belonging to or occupied by the board shown on the deposited plans and any railway or railway bridge of the board and the works connected therewith;

“the works” means so much of the bridge as may be situated upon, across, under or over the property of the board or may affect the same and includes the maintenance and removal of such works;

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

“plans” includes sections drawings and specifications:

\* \* \* \* \*

(5) Before providing any illumination on the bridge the Authorities shall consult with the board and shall comply with any reasonable requirements of the board in regard thereto:

\* \* \* \* \*



SCH.  
—cont.

PART VII  
—cont.

- (8) (a) The Authorities shall give to the engineer twenty-eight days' notice in writing of their intention to commence any of the works except in case of emergency when they shall give such notice thereof as may be reasonably practicable;
- (b) Blasting operations in connection with the works shall not be carried out except at such times and in such a manner as the engineer may approve:
- (9) The works shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans 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 the property of the board as may be and so as not to interfere with delay or interrupt the traffic on any railway of the board and if any damage to the property of the board or any such interference delay or interruption shall be caused or take place by reason of the works the Authorities shall when called upon so to do notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the board all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage interference delay or interruption other than any damage interference delay or interruption caused by the neglect or default of the board their servants or agents:
- (10) The Authorities shall at all times afford reasonable facilities to the engineer for access to the works and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (11) If any alterations or additions either permanent or temporary to the property of the board shall be reasonably necessary in consequence of the works such alterations and additions may be effected by the board after giving notice to the Authorities and the Authorities shall repay to the board the reasonable cost thereof including a capitalised sum representing any increased or additional cost of maintaining working and when necessary renewing any such alterations or additions:
- (12) The Authorities shall when called on so to do repay to the board all costs charges and expenses reasonably incurred by the board by reason of the works—

\* \* \* \* \*

(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 the property of the board and for preventing as far as may be all interference obstruction danger or accident arising from the works;



(c) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services;

(d) in lighting the property of the board in the vicinity of the works:

(13) If at any time after the completion of the construction of the works the board shall give notice to the Authorities informing them that the state of repair of the works is such as to affect prejudicially the property of the board the Authorities shall take such steps (if any) as may be reasonably necessary to put the works into such a state of repair as not to affect prejudicially the property or traffic of the board and if and whenever the Authorities fail to do so the board may make and do in and upon the lands of the board or of the Authorities all such works and things as shall be requisite to put the works into such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Authorities:

(14) The Authorities shall be responsible for and make good to the board all costs charges damage and expenses not otherwise provided for in this section which may be occasioned to the board—

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

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

and the Authorities shall effectively indemnify and hold harmless the board from and against all claims or demands arising out of or in connection with the works or any failure or act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any requirement of the engineer or under his supervision shall not excuse the Authorities from any liability under the provisions of this section unless such costs damage or expenses shall be occasioned or such claims and demands shall arise by reason of the neglect or default of the board their servants or agents:

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

(15) Any additional expense which the board may reasonably incur after giving one month's notice to the Authorities in widening altering reconstructing or maintaining any railway of the board in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Authorities to the board:

SCH.  
—cont.

PART VII  
—cont.

- (16) Any difference arising between the Authorities and the board or the engineer under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection  
of certain  
statutory  
undertakers.

66. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Authorities and the undertakers concerned apply and have effect:—

- (1) In this section unless the subject or context otherwise requires “undertakers” means the British Gas Corporation the South Western Electricity Board and the South West Water Authority or any of them:

\* \* \* \* \*

- (6) The undertakers shall be entitled at all times to use free of charge the accommodation and means of access provided by the Authorities for the purpose of laying and placing therein gas mains, electric cables and a water main with any necessary apparatus ancillary thereto and for the purpose of inspecting, repairing, maintaining, removing or renewing such mains, cables and apparatus:

Provided that—

(a) nothing in this section contained shall entitle the undertakers to break up interfere with or obstruct the surface of the road and footway of the bridge;

(b) the said mains, cables and apparatus shall at all times conform in their design, construction and use with the reasonable requirements of the Authorities;

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

(d) the undertakers shall not in the exercise of their rights under this paragraph be entitled to increase the burden to be borne by the bridge structure above the maximum

weights mentioned in the third column of the following table for each undertaker respectively:—

Statutory undertaker	Facility	Maximum weight	Minimum weight
The British Gas Corporation	A steel gas main	50 pounds per foot run	40 pounds per foot run
The South Western Electricity Board	Four electric cables	Total of the four: 35 pounds per foot run	Total of the four: 25 pounds per foot run
The South West Water Authority	A water main	65 pounds per foot run (including the weight of the water, if any, in the main)	25 pounds per foot run (including the weight of the water, if any, in the main)

nor to distribute such burden unequally and if the undertakers shall desire to reduce the burden below the minimum mentioned in the fourth column of the said table they shall provide and maintain an equivalent weight of material as the Authorities may reasonably require.

- (7) (a) The undertakers shall maintain in good repair and to the reasonable satisfaction of the Authorities all mains cables apparatus and material placed on the bridge by the undertakers and shall from time to time carry out and maintain such works as the Authorities may reasonably require to be done or provided for ensuring the safety and stability of the bridge and the safety and convenience of those using the bridge being works reasonably required to be done in consequence of the exercise by the undertakers of the rights conferred upon them by this section and in default the Authorities may at the expense of the undertakers carry out and maintain such works and the undertakers shall repay to the Authorities any expenses reasonably incurred by the Authorities in carrying out any such works;
- (b) The undertakers shall repay to the Authorities any loss damage or expenses suffered or incurred by the Authorities by reason of the failure of the undertakers to comply with the provisions of this section or by reason of any fault in or accident occurring in relation to any mains cables apparatus or material placed on the bridge by the undertakers and shall indemnify the Authorities against any actions proceedings costs claims or demands arising out of or in any way attributable to the exercise by the undertakers of the rights conferred upon them by this section unless such actions proceedings costs claims or demands shall arise by reason of the neglect or default of the Authorities their servants or agents:



SCH.  
—cont.

PART VII  
—cont.

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

- (8) The Authorities shall afford to the undertakers all such facilities as the undertakers may reasonably require for the purpose of connecting the said mains cables and apparatus with any other mains cables or apparatus of the undertakers:
- (9) Any question or difference which may arise between the Authorities and the undertakers under this section (other than any question or difference as to the meaning or construction of this section) shall be settled by arbitration.

For further  
protection  
of certain  
statutory  
undertakers.

67. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Authorities and the undertakers concerned apply and have effect:—

- (1) In this section unless the subject or context otherwise requires—  
“ apparatus ” means—

(a) in relation to the South Western Electricity Board, the Electricity Council or the Central Electricity Generating Board, electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by any of such undertakers;

(b) in relation to the British Gas Corporation, mains, pipes or other apparatus belonging to or maintained by that Corporation;

(c) in relation to the South West Water Authority mains pipes or other works used for the purpose of or in connection with the provision of a supply of water and belonging to or maintained by the South West Water Authority;

(not being in any case apparatus in respect of which the relations between the Authorities and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950 and not being apparatus required only to serve property owned or acquired by the Authorities) and includes any works constructed for the lodging therein of apparatus;

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

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

“ position ” includes depth;

“ undertakers ” means—

the South Western Electricity Board;

the Electricity Council;

the Central Electricity Generating Board;

1882 c. 56.

1950 c. 39.



the British Gas Corporation;  
the South West Water Authority;  
or any of them.

- (2) Nothing in the following sections of this Act shall relieve the Authorities from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the Authorities shall so exercise those powers as not to obstruct or render less convenient (so far as is reasonably practicable) the access to any apparatus:—

Section 19 (Provision of car parks etc.);

Section 24 (Power to make subsidiary works);

Section 44 (Power to provide toll-houses etc.):

- (3) If the Authorities in exercise of the powers of this Act acquire any land in which any apparatus is placed that apparatus shall not be removed under this section nor shall any right of the undertakers to use maintain repair renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:

- (4) If the Authorities for the purpose of executing any works in on or under any land acquired held appropriated or used under this Act require the removal of any apparatus placed in that land and shall give to the undertakers prior notice in writing of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed or if in consequence of the exercise of any of the powers of this Act the undertakers shall reasonably require to remove any apparatus the Authorities shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other land of the Authorities and thereafter for the maintenance repair renewal and inspection of such apparatus:

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

- (5) (a) Any alternative apparatus to be constructed in land of the Authorities in pursuance of this section shall be constructed in such manner and in such line or position as may be agreed between the undertakers and the Authorities or in default of agreement settled by arbitration;

SCH.  
—cont.

PART VII  
—cont.

(b) The undertakers shall after the alternative apparatus to be provided or constructed shall be 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 the last foregoing paragraph proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Authorities to be removed under the provisions of this section:

(6) (a) Not less than twenty-eight days before commencing to execute any such works as are referred to in paragraph (4) of this section and are near to or will or may affect any apparatus the removal of which has not been required by the Authorities under the said paragraph (4) the Authorities shall submit to the undertakers a plan and section and description of the works to be executed;

(b) Such works shall be executed only in accordance with the plan section and description 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 officers to watch and inspect the execution of such works:

Provided that if the undertakers within fourteen days after the submission to them of any such plan section and description shall in consequence of the works proposed by the Authorities reasonably require the removal of any apparatus and give written notice to the Authorities 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 Authorities under paragraph (4) thereof;

(c) The Authorities shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan section and description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

(7) Notwithstanding the stopping up permanently of any road or street or part of a road or street under the powers of section 29 (Stopping up of highways) or section 30 (Power to prevent access to or from certain works) of this Act or the prohibition of the driving of vehicles along Normandy Way under any order made under section 31 (Restriction on access by vehicular traffic) of this Act or the repeal of the said sections 29, 30 and 31 by section 25 (Repeals) of the Tamar Bridge Act 1979 or the closing of the bridge or any portion thereof under the powers of section 33 (As to closing of bridge) of this Act or any byelaw made under section 71 (Byelaws) of this Act, the undertakers, their workmen and others in their employ shall at all times have such right of access to all or any apparatus situate in or under any such road or street or the bridge or portion thereof as they had immediately

before such stopping up, prohibition or closing or the making of such byelaw and shall be at liberty to execute and do all such works or things in, upon or under such road or street or the bridge or portion thereof as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus:

- (8) The Authorities shall on demand pay to the undertakers the costs and expenses reasonably incurred by the undertakers in or in connection with the inspection removal alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of any such works as are referred to in paragraph (4) of this section less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal) and shall also make compensation to the undertakers—

(a) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(b) for any other expenses loss damages penalty or costs incurred by the undertakers;

by reason or in consequence of the execution maintenance use or failure of any such works:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Authorities under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 67 (For further protection of certain statutory undertakers) of the Tamar Bridge Act 1957": 1950 c. 39.

- (9) Any question or difference which may arise between the Authorities and the undertakers under this section (other than any question or difference as to the meaning or construction of this section) shall be settled by arbitration.

\* \* \* \* \*

## PART VIII

### MISCELLANEOUS

70.—(1) A joint committee of the Authorities shall be appointed under and subject to the provisions of the Act of 1972 relating to joint committees and— Appointment and powers of joint committee.

- (a) all matters relating to the discharge of the functions of the Authorities under this Act shall stand referred to such joint committee for consideration; and



SCH.  
—cont.

PART VIII  
—cont.

(b) there shall be delegated to such joint committee all the powers of this Act conferred upon the Authorities except—

(i) those relating to the acquisition appropriation leasing or disposal of land;

(ii) those relating to the ceasing to demand and take and recover tolls and those relating to resuming the demanding taking and recovering of tolls;

(iii) those contained in Part VI (Finance) of this Act.

(2) Any joint committee appointed as aforesaid shall consist of ten members five members appointed by the county council and five members appointed by the city council.

(3) The joint committee shall not without the consent of the Authorities authorise any material alteration in the construction or design of the bridge.

(4) If any question as to any matter in which the interests of the Authorities are not identical (as to which a memorandum in writing under the hands of a majority of the members of the joint committee representing the same authority shall be conclusive) arises at a meeting of the joint committee then on the request in writing of the representatives or of the majority of the representatives of either of the Authorities signified under their hands and delivered to the chairman of the meeting at such meeting such question shall be referred to the Authorities and in that case no action shall be taken on that question unless and until the same shall have been approved by the Authorities or in case of difference settled by arbitration.

(5) Should any vacancy arise on the joint committee the county council or the city council (as the case may be) shall appoint another person to fill such vacancy and such person shall occupy the same position and have the same power as the other members of the joint committee.

(6) A quorum of the joint committee shall consist of two members from each of the Authorities.

Byelaws.

71. The Authorities may make byelaws—

(a) for preventing injury and damage to the bridge;

(b) for regulating the conduct of all persons using the bridge;

(c) for regulating the traffic along over and under the bridge and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines carriages vehicles and animals or other classes of traffic and for providing that the bridge may be temporarily closed to road traffic for repairs or other emergencies and for ensuring that road traffic shall not be unreasonably delayed;

(d) for prohibiting the conveyance upon the bridge of any goods which may in the opinion of the Authorities be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon or endanger the safety of the bridge or the passenger and other traffic carried thereon;



(e) relating to the issue and inspection of tickets and the collection of tolls; and

(f) generally for regulating and controlling the use of the bridge; and section 236 of the Act of 1972 in its application to byelaws made under this section shall have effect as if in subsection (7) after “confirm”, where it secondly occurs, there were inserted “or confirm with modifications”:

Provided that where the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Authorities and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Authorities and by other persons who have been informed of it.

72. Notwithstanding anything contained in any Act the bridge and the carriageways and footways thereof and the buildings (not being dwelling-houses or office buildings) machinery apparatus and works used in connection therewith shall not either during or after their construction be assessed to any local rate. Bridge to be exempt from rates.

73. Any question arising between the county council and the city council under any of the provisions of this Act shall be referred to and determined by arbitration. Settlement of questions between Authorities.

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

Provision of Act	Person appointing arbitrator
Paragraph (16) of section 65 (For protection of British Railways Board)	The President of the Institution of Civil Engineers.
Paragraph (9) of section 66 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Paragraph (9) of section 67 (For further protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Subsection (4) of section 70 (Appointment and powers of joint committee)	The President of the Law Society.
Section 73 (Settlement of questions between Authorities)	The President of the Law Society.

75. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936. Determination of compensation.

SCH.  
—cont.PART VIII  
—cont.Confirming  
authority for  
byelaws.Local  
inquiries.

76. As respects byelaws made under this Act or under any provisions of the Act of 1929 as applied by this Act the confirming authority for the purpose of section 236 of the Act of 1972 shall be the Secretary of State.

77.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 250 of the Act of 1972 shall apply to any such inquiry.

1975 c. 26.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975.

Application  
of general  
provisions of  
Act of 1936.

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

Saving for  
planning.  
1976 c. 57.

79. This Act shall be deemed to be an Act passed after the Local Government (Miscellaneous Provisions) Act 1976 for the purposes of section 42 (1) (a) of that Act.

\* \* \* \* \*

Section 78.

## SCHEDULE 1

## SECTIONS OF ACT OF 1936 APPLIED

Section	Marginal note
283	Notices to be in writing; forms of notices &c.
284	Authentication of documents.
285	Service of notices &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

Section 50.

## SCHEDULE 2

SUBSECTIONS (1) AND (2) OF SECTION 22 AND SECTION 28 OF  
ACT OF 1929"Extension  
of powers  
in relation  
to Torpoint  
Ferry.

1919 c. 75.

22.—(1) It is hereby declared that the Council is the owner of the lands adjoining and near to the part of the River Tamar from which the ferry transferred to the Council under the powers of the Ferries (Acquisition by Local Authorities) Act 1919 is worked and of the works erections appliances and rights used and exercised in connection therewith which lands are shown on the plan signed in triplicate by the Right Honourable the Viscount Chelmsford the Chairman of the Committee of the House of Lords to whom the Bill for this

Act was referred of which plan one copy has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the Clerk at his Office and the powers of the Council to establish keep and maintain the said ferry are hereby extended so as to enable the Council to provide maintain improve extend regulate and work the said ferry either directly or indirectly from and to such places in the urban district of Torpoint in the county to and from such places in the part of the city of Plymouth abutting upon the part of the River Tamar known as Hamoaze as to the Council may seem suitable and convenient and the provisions of the Act 30 Geo. III c. lxi shall extend and apply to the powers conferred on the Council by this section:

Provided that no tolls shall be payable in respect of any goods or merchandise conveyed from or to any point outside the ancient civil parishes of Stoke Damarel and Antony St. Jacob otherwise than by the said ferry:

Provided also that all rights to travel free of toll by the said ferry granted by the Council to any person or persons by a Deed of Variation dated the tenth day of July nineteen hundred and twenty-three and made between Sir Reginald Pole Carew John Gawen Pole Carew the Antony Estate Company and the Council shall attach and be deemed to extend and apply to the said ferry between any of the said places described in this subsection.

(2) The Council may purchase provide maintain and use for the purpose of working the said ferry as extended by this Act a further floating bridge or floating bridges and craft of such other types as the Council may think fit and subject to the provisions of this Act piers pontoons and other works together with all proper appliances and conveniences and may lay down and maintain chains cables and other apparatus across and in the bed of the said part of the River Tamar.

Byelaws  
as to  
ferry.

28. The Council may subject to the provisions of this Act make alter repeal vary amend and enforce byelaws with respect to the ferry undertaking for all or any of the purposes following (that is to say):—

- (a) For regulating controlling and limiting the use of the vessels boats and buildings used for the purposes of the ferry undertaking;
- (b) For preventing the commission of nuisances in or upon the ferry undertaking or the vessels or boats used for the purposes thereof;
- (c) For preserving the vessels boats buildings and conveniences used for the purposes of the ferry undertaking and preventing injuries and damage to the same;
- (d) For regulating the duties and conduct of all persons and the officers and servants of the Council who shall be employed in and about the ferry undertaking and in and about the vessels or boats used for the purposes thereof;



SCH.  
—cont.

Sch. 2  
—cont.

- (e) For regulating the conveyance of passengers passengers' luggage parcels persons animals vehicles goods articles or merchandise in or upon any vessels or boats used for the purposes of the ferry undertaking and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any luggage parcels articles goods animals vehicles and merchandise in any of such vessels or boats which may in the opinion of the Council be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein;
- (f) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels or boats of every description to any of the landing places moorings or works of the Council and the embarkation and disembarkation of persons at such landing places from vessels or boats other than the ferry boats of the Council;
- (g) For preventing persons navigating vessels or boats from negligently or wilfully obstructing the working of the ferry undertaking and the vessels or boats used for the purposes thereof and for preventing persons with boats horses carriages or otherwise negligently or wilfully obstructing the approaches to the ferry and ferry buildings."

---

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR BERNARD M. THIMONT

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

# Tamar Bridge Act 1979

## CHAPTER iv

### ARRANGEMENT OF SECTIONS

#### Section

1. Short title.
2. Application of enactments.
3. Interpretation.
4. Power to acquire easements only.
5. Provision of car parks, etc.
6. Acquisition, appropriation and disposal of land.
7. Power to make subsidiary works.
8. Subsidiary works in river.
9. Maintenance of undertaking.
10. Recovery of sums due.
11. Lights on works, etc.
12. Defence to proceedings.
13. Tolls.
14. Regulations as to payment of tolls and charges.
15. Application of County of Cornwall Act 1929.
16. Abandonment of Saltash Ferry.
17. Restriction on new ferries.
18. Loan repayment periods.
19. Renewal, etc., fund.
20. Superannuation.

## Section

21. For protection of Railways Board.
22. For protection of certain statutory undertakers.
23. Miscellaneous amendments.
24. Saving for planning.
25. Repeals.
26. Enactments excluded from repeal.
27. Tamar Bridge Act 1957.

SCHEDULE—Tamar Bridge Act 1957 as amended by this Act.