



Clifton Suspension Bridge Act 1980

CHAPTER xxii

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ELIZABETH II



1980 CHAPTER xxii

An Act to alter the constitution of the Trustees of the Clifton Suspension Bridge Trust; to make provision as to the investment of moneys of the Trust and for the repeal and amendment of certain provisions of the Clifton Suspension Bridge Act 1952; and for other purposes.

[17th July 1980]

WHEREAS the construction of the Clifton Suspension Bridge by certain named Trustees and their elected successors (hereinafter respectively referred to as “the bridge” and “the Trustees”) was authorised by an Act passed in the eleventh year of the reign of King George 4 intituled “An Act for building a Bridge over the River Avon, from Clifton in the County of Gloucester to the opposite Side of the River in the County of Somerset, and for making convenient Roads and Approaches to communicate therewith” (hereinafter referred to as “the Act of 1830 c. lxix. 1830”) and that Act included provision for the charging of tolls not exceeding the respective amounts set out in the Act:

And whereas owing to the inability of the Trustees to raise sufficient funds, the construction of the bridge and the approaches thereto was not completed until after grant of the powers of the Clifton Suspension Bridge Act 1861 to the Clifton Suspension 1861 c. cxii. Bridge Company incorporated by that Act:

And whereas the Trustees having, pursuant to arrangements provided for in the said Act of 1861, purchased the whole of that company’s issued share and loan capital, provision was made by

1952 c. xli.

the Clifton Suspension Bridge Act 1952 (hereinafter in this Act referred to as “ the Act of 1952 ”) revesting the company’s undertaking in the bridge in the Trustees, continuing the powers to charge tolls for an unlimited period and regulating the management of the bridge by the Trustees as incorporated by that Act:

1972 c. 70.

And whereas, in view of the changes effected by or under the Local Government Act 1972 in the local government areas adjoining the bridge, it is expedient that the constitution of the Trustees should be altered as in this Act provided:

And whereas it is also expedient that the powers of the Trustees for investment of moneys of the Trust should be extended, that certain of the provisions of the Act of 1952 should be repealed or amended and that such other provisions should be made as are in this Act contained:

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

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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Clifton Suspension Bridge Act 1980.

(2) The Clifton Suspension Bridge Act 1952 and this Act may be cited together as the Clifton Suspension Bridge Acts 1952 and 1980.

Interpreta-
tion.

2. In this Act, unless the context otherwise requires—

“ the Act of 1952 ” means the Clifton Suspension Bridge Act 1952;

“ the appointed day ” means 1st October 1980;

“ the existing resident Trustees ” means the persons specified in Schedule 1 to this Act being the resident Trustees within the meaning of the Act of 1952 appointed under and for the purposes of that Act and holding office as such immediately before the date of the passing of this Act;

“ the representative Trustees ” means the persons appointed to be Trustees under paragraphs (b), (c) or (d) of subsection (1) of section 3 (New constitution) of this Act; and

“the appointing local authority”, “the appointing local authorities”, “the Trust”, “the Trustees” and “Trustee” shall have the meanings given thereto respectively in the Act of 1952.

3.—(1) On and after the appointed day the number of the New Trustees shall be not more than 13 nor less than 11 and the constitution. Trustees shall consist of—

(a) not more than 10 persons, being the existing resident Trustees or the survivors of them and any persons appointed under section 12 (Appointment of resident Trustees) of the Act of 1952 after the passing of this Act;

(b) a Trustee appointed by the county council of Avon;

(c) a Trustee appointed by the city council of Bristol;

(d) a Trustee appointed by the Woodspring district council.

(2) In making any appointment under section 12 (Appointment of resident Trustees) of the Act of 1952 after the appointed day it shall be the duty of the Trustees to ensure that not less than two of the resident Trustees shall be chartered engineers.

(3) The Trustees appointed under or pursuant to subsection (1) above shall have and may exercise all the powers of the Trustees as constituted a body corporate by the Act of 1952 under the name of “the Clifton Suspension Bridge Trust” and the powers conferred by this Act and any other enactment.

4.—(1) (a) The first appointment of the representative Trustee appointed by the Woodspring district council shall be effected by that council before the appointed day and he shall come into office on that day. Appointment of representative Trustees.

(b) Each of the other representative Trustees appointed under the Act of 1952 on or before the appointed day shall, subject to the provisions of this Act and the Act of 1952, continue in office so far as his period of office extends beyond that day.

(2) A representative Trustee shall, subject to the said provisions, continue in office for such period as the appointing local authority shall determine.

(3) A person who is a member of more than one of the appointing local authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a representative Trustee by more than one of such authorities he shall within one month after the second appointment choose by notice in writing to the proper officers (within the meaning of the Local Government Act 1972) of the local authorities concerned under 1972 c. 70. which appointment he shall serve and the other appointment shall be deemed to be void.

(4) If any vacancy shall arise in the office of a representative Trustee the appointing local authority shall with all convenient speed appoint another person to fill the vacancy.

(5) A representative Trustee who ceases to hold office as such shall subject to the provisions of this Act and the Act of 1952 be eligible for re-appointment.

(6) (a) Whenever the appointment of a representative Trustee has been made the clerk or other responsible officer of the appointing local authority shall in writing under his hand certify the appointment to the Trustees and shall forthwith transmit the certificate to the clerk to the Trustees.

(b) A certificate transmitted to the clerk to the Trustees in accordance with the provisions of this section shall be conclusive evidence of the appointment of the Trustees to whom it relates.

Provisions
where failure
to appoint
representative
Trustee.

5. If any appointing local authority fail to make the first appointment of a representative Trustee it shall be competent for the other Trustees to carry this Act into execution and if any such authority subsequently fail to appoint a representative Trustee at the proper time for his appointment, the then existing Trustee representing that body and qualified to be such a Trustee shall continue in office until his successor is appointed.

First
meeting of
Trustees as
reconstituted.

6. The first meeting of the Trustees after the appointed day shall be held not later than three months after that day and shall be convened by the clerk to the Trustees.

Extension of
powers of
investment.

7. Section 54 (Powers of investment) of the Act of 1952 is hereby amended so that for paragraphs (b), (c) and (d) of subsection (1) there shall be substituted—

“(b) in or upon the debentures (which expression includes debenture stock and bonds, whether constituting a charge on assets or not, and loan stock or loan notes) or preferred or preference or ordinary or deferred shares or stock of any limited liability company which are dealt in or quoted on the Stock Exchange or the Stock Exchange of New York, Montreal, Toronto, Melbourne, Sydney, Johannesburg, Tokyo, Paris, Frankfurt, Amsterdam, Brussels or Zurich;

(c) in any units or other interests in a unit trust scheme within the meaning of the Prevention of Fraud (Investments) Act 1958;

(d) in the acquisition, and management (whether alone or jointly or in common with any other person) of

freehold property or leasehold property of which the unexpired term at the time of investment is not less than sixty years situated in the United Kingdom, the Isle of Man or the Channel Islands, or in any share or interest in such property.

(1A) The Trustees may from time to time at their discretion transpose or vary their investments for or into any others authorised by this section.

(1B) Nothing in this section shall authorise the making of any investment in contravention of the provisions of the Exchange Control Act 1947.”.

1947 c. 14.

8.—(1) In the exercise of the powers of investment conferred by section 54 (Powers of investment) of the Act of 1952, the Trustees shall have regard—

Duty of Trustees in choosing investments.

(a) to the need for diversification of investments of funds of the Trust in so far as is appropriate to the circumstances of those funds;

(b) to the suitability to those funds of investments of the description of investment proposed and of the investment proposed as an investment of that description.

(2) Before making any investment the Trustees shall obtain and consider proper advice on the question whether the investment is satisfactory having regard to the matters mentioned in paragraphs (a) and (b) of the foregoing subsection.

(3) The Trustees retaining any investment shall determine at what intervals the circumstances, and in particular the nature of the investment, make it desirable to obtain such advice as aforesaid, and shall obtain and consider such advice accordingly.

(4) For the purposes of the two foregoing subsections, proper advice is the advice of a person who is reasonably believed by the Trustees to be qualified by his ability in and practical experience of financial matters; and such advice may be given by a person notwithstanding that he gives it in the course of his employment.

(5) The Trustees shall not be treated as having complied with subsection (2) or (3) above unless the advice was given or has been subsequently confirmed in writing.

(6) Subsections (2) and (3) above shall not apply to a Trustee where he is the person giving the advice required by this section to the Trustees and shall not apply where powers of the Trustees are lawfully exercised by a person competent under subsection (4) of this section to give proper advice.

(7) Without prejudice to section 8 of the Trustee Act 1925, 1925 c. 19. the advice required by this section shall not include, in the case of

a loan on the security of freehold or leasehold property in England and Wales or Northern Ireland or on heritable security in Scotland, advice on the suitability of the particular loan.

**Repeals and
amendments.**

9. As from the appointed day—

- (1) the provisions of the Act of 1952 specified in column (1) of Part I of Schedule 2 to this Act are hereby repealed to the extent specified in column (2) of that Part;
- (2) the provisions of the Act of 1952 specified in column (1) of Part II of Schedule 2 to this Act are hereby amended as specified in column (2) of that Part.

**Costs of
Act.**

10. All costs, charges and expenses preliminary to and of and incidental to the applying for and the preparing, obtaining and passing of this Act shall be paid by the Trustees out of the funds of the Trust or out of moneys borrowed for the purpose under the Act of 1952 or partly by one of those modes and partly by the other of them.

SCHEDULES

SCHEDULE 1

Section 2.

NAMES OF THE EXISTING RESIDENT TRUSTEES

Burn, John Andrew Southerden, M.C.,
Clarke, John Esmond Cyril, O.B.E.,
Collins, Robert John,
Cove, Roderick Norman,
Cullimore, Macdonald Stuart George,
Hill, John Charles Gathorne,
Ireland, Bernard Ernest, O.B.E.,
Pool, John Richard,
Wolley, Charles William.

SCHEDULE 2

PART I

Section 9.

PROVISIONS OF THE ACT OF 1952 REPEALED

Provision (1)	Extent of repeal (2)
Section 3 (Interpretation)	The definitions of the following words and expressions:— “ the Act of 1830 ”; “ the Act of 1861 ”; “ the Act of 1888 ”; “ the appointed day ”; “ the company ”; “ the day of transfer ”; “ the existing Trustees ”; “ the first Trustees ”; “ the repealed enactments of the company ”; “ the repealed enactments of the Trustees ”; “ the undertaking of the company ”. In the definition of the expression “ the clerk ” the words from “ in ” where it first occurs to “ appointment ”.
Section 4 (Commencement and repeal)...	The whole section.
Section 6 (Transfer of property) ...	The whole section.
Section 7 (Existing deeds, contracts etc. to remain in force)	The whole section.
Section 9 (Number of Trustees) ...	Subsection (1).
Section 10 (First Trustees)	The whole section.
Section 13 (Appointment of representative Trustees)	The whole section.
Section 14 (Provisions where failure to appoint representative Trustee)	The whole section.
Section 20 (First and subsequent meetings)	Subsection (1).
Part III (Transfer of undertaking of the Company)	The whole Part.
Section 42 (Bridge within city for purposes of criminal jurisdiction)	The whole section.
Section 46 (Byelaws)	Subsection (5).

PART II

PROVISIONS OF THE ACT OF 1952 AMENDED

SCH. 2
—cont.

Provision (1)	Amendment (2)
Section 3 (Interpretation) 	<p>As the first definition there shall be inserted “ ‘ the Act of 1980 ’ means the Clifton Suspension Bridge Act 1980; ”;</p> <p>For the definition of the expression “ the appointing local authority ” there shall be substituted “ ‘ the appointing local authority ’ means in relation to a representative Trustee the council who appointed him, and ‘ the appointing local authorities ’ means the county council, the city council of Bristol and the Woodspring district council; ”;</p> <p>For the definition of the expression “ the representative Trustees ” there shall be substituted “ ‘ the representative Trustees ’ means the Trustees appointed as to one each by the county council, the city council of Bristol and the Woodspring district council and ‘ representative Trustee ’ means any one of those three Trustees; ”;</p> <p>In the definition of the expression “ the resident Trustees ” for the words from “ first ” to “ Act ” where it first occurs there shall be substituted the words “ Trustees as are referred to in subsection (1) (a) of section 3 (New constitution) of the Act of 1980 ”;</p> <p>For the definition of the expression “ the Trustees ” there shall be substituted “ ‘ the Trustees ’ means such persons as shall be appointed under the provisions of this Act or the Act of 1980 to be Trustees and as shall from time to time hold office as such and ‘ Trustee ’ means any one of such persons; ”.</p>

SCH. 2
—cont.

Provision (1)	Amendment (2)
Section 15 (Substitutes for representative Trustees)	In subsection (1) for the word “ Either ” there shall be substituted the word “ Any ” and for the words “ (but not to vote at) ” there shall be substituted the words “ and vote at ”; in subsection (2) after the word “ Act ” there shall be inserted the words “ or, where specified, the Act of 1980 ”; and for paragraph (b) of subsection (2) there shall be substituted the following paragraph:— “ (b) subsections (3), (5) and (6) of section 4 (Appointment of representative Trustees) of the Act of 1980; ”.
Section 16 (Disqualification of Trustee)	In subsection (2) for the words “ section 13 (Appointment of representative Trustees) of this Act ” there shall be substituted the words “ section 4 (Appointment of representative Trustees) of the Act of 1980 ”.
Section 19 (Disability of Trustees from voting on account of interest in contracts etc.)	In subsection (3) for the words “ two hundred pounds ” there shall be substituted the words “ two thousand pounds ”.
Section 23 (Procedure at meetings of Trustees and power of Trustees to frame regulations)	In subsection (1) for the words “ under this Act ” there shall be substituted the words “ under the Clifton Suspension Bridge Acts 1952 and 1980 ”; in paragraph (a) of subsection (3) for the words “ nineteen hundred and fifty-two ” there shall be substituted the words “ nineteen hundred and eighty ”; and in paragraph (c) of that subsection for the word “ five ” there shall be substituted the word “ four ”.
Section 24 (Powers of Trustees in relation to contracts etc.)	In subsection (1) for the words “ this Act ” in each place where they occur there shall be substituted the words “ the enactments relating to the Trust ”.

Provision (1)	Amendment (2)
Section 43 (Power to charge tolls) ...	In subsection (5) for the word “five” there shall be substituted the word “fifty”.
Section 44 (Exemption from tolls) ...	In subsection (4) for the word “five” there shall be substituted the word “fifty”.
Section 45 (Revision of tolls) ...	In paragraph (b) of subsection (2) for the word “either” there shall be substituted the word “any”.
Section 46 (Byelaws) ...	<p>For subsection (2) there shall be substituted the following subsection:—</p> <p>“(2) Sections 236 (3) to (8) and 238 of the Local Government Act 1972 shall 1972 c. 70. apply to byelaws made under this section as if the Trustees were a local authority and the clerk were the proper officer of the authority. The Minister shall be the confirming authority for byelaws made under this section.</p> <p>(2A) A person who contravenes a byelaw made under this section shall be liable on summary conviction to a fine not exceeding £50 and, in the case of a continuing offence, a further fine not exceeding £5 for each day during which the offence continues after conviction.</p> <p>(2B) Where an Act passed after the Clifton Suspension Bridge Act 1980 increases the maximum fine imposed, or that may be imposed, by byelaws to which section 236 of the Local Government Act 1972 applies, that maximum so increased shall be substituted for the maximum imposed by subsection (2A) above.</p> <p>In this subsection references to the maximum fine</p>

SCH. 2
—cont.

Provision (1)	Amendment (2)
Section 46 (Byelaws) —cont.	are references to the maximum fine for an offence or for a continuation of an offence or both. (2C) The fact that an increase referred to in subsection (2B) above is limited to fines under byelaws made under a public general Act shall not prevent the operation of that subsection for the purposes of this section.”; and in subsection (3) the words following the word “authorities” shall be omitted.
Section 48 (Powers of appointing local authorities with respect to closure of bridge)	For the word “either” in the second and third places where it occurs there shall be substituted the word “any”.
Section 56 (Power to hold and acquire lands)	For the proviso to subsection (1) there shall be substituted the following proviso:— “Provided that the Trustees shall not purchase land under the powers of this section unless the land is required for actual occupation immediate or future for the purpose of the Trust.”.
Section 62 (Restriction on right to prosecute)	For the words “Attorney-General” there shall be substituted the words “Director of Public Prosecutions”.