

[1 EDW. 8. & *Berkshire County Council* [Ch. xlii.]
1 GEO. 6.] *Act, 1937.*



CHAPTER xlii.

An Act to provide for the construction and maintenance of a bridge in the counties of Berks and Buckingham across the river Thames and approach roads thereto and for other purposes. A.D. 1937.
[10th June 1937.]

WHEREAS the road from London to Bristol runs through the borough of Maidenhead in the administrative county of Berks :

And whereas pursuant to the provisions of the Restriction of Ribbon Development Act 1935 the county council of the administrative county of Berks (in this Act referred to as "the Berks Council") and the county council of the administrative county of Buckingham (in this Act referred to as "the Bucks Council") have respectively as respects the parts to be situate in the said counties respectively submitted to the Minister of Transport for approval plans of a proposed road (hereinafter referred to as "the new road") leading from Burnham in the said county of Buckingham to Maidenhead Thicket in the said county of Berks and intended to bye-pass the borough of Maidenhead and thereby to relieve the congestion of traffic which now occurs in the said borough : 25 & 26
Geo. 5. c. 47.

And whereas the Minister of Transport has approved the said plans after holding a local inquiry :

And whereas the course of the new road is intersected by the river Thames and the construction

A.D. 1937. — of a bridge to carry the new road across the same would be of public and local advantage :

And whereas the Minister of Transport has agreed to contribute seventy-five per centum of the cost of and in connection with the construction of such a bridge and of the approach roads thereto including the obtaining of this Act :

And whereas it is expedient that the construction of the said bridge and approach roads should be authorised :

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

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

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

	£
The acquisition of land - - - -	23,883
The construction of the works authorised by this Act - - - -	291,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas plans showing the lands which may be taken or used compulsorily for the purposes or under the powers of this Act such plans showing the line or situation of the bridge and approach roads authorised by this Act and sections showing the levels of the said works with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the respective clerks of the county councils of the administrative counties of Berks and Buckingham and such plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most

24 & 25
 Geo. 5. c. 51.

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Excellent Majesty by and with the advice and consent A.D. 1937.
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) :—

1. This Act may be cited as the Berkshire County Short title.
Council Act 1937.

2.—(1) The following Acts and parts of Acts (so far Incorporation
as the same are applicable for the purposes and are not of Acts
inconsistent with the provisions of this Act) are hereby
incorporated with this Act (that is to say) :—

(a) The Lands Clauses Acts with the following
exception and modification (namely) :—

(i) Section 127 of the Lands Clauses Con- 8 & 9 Vict.
solidation Act 1845 (relating to the sale of c. 18.
superfluous lands) is not incorporated with
this Act ;

(ii) The bond required by section 85 of the
Lands Clauses Consolidation Act 1845 shall
be under the common seal of the Berks
Council or the Bucks Council (as the case
may require) and shall be sufficient without
the addition of the sureties mentioned in
that section ;

(b) Section 16 of the Railways Clauses Consolidation 8 & 9 Vict.
Act 1845 and the provisions of that Act with c. 20.
respect to the temporary occupation of lands
near the railway during the construction thereof
and with respect to mines lying under or near
the railway as amended in the case of an Act
relating to a railway company by the Mines 13 & 14
(Working Facilities and Support) Act 1923 Geo. 5. c. 20.
and in the construction of those provisions
“ the railway ” shall mean the works authorised
by this Act and “ the centre line of the
railway ” shall mean the centre line of those
works respectively.

(2) In the construction of the provisions of the
Lands Clauses Acts and the Railways Clauses Consolida-
tion Act 1845 incorporated with this Act the expressions
“ the promoters of the undertaking ” and “ the com-
pany ” shall mean the Berks Council or the Bucks
Council as the case may require.

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Interpre-
tation.

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

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

“The Berks Council” means the county council of the administrative county of Berks;

“The Bucks Council” means the county council of the administrative county of Buckingham;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 for the purposes of which Act the Berks Council and the Bucks Council respectively shall be deemed to be a local authority;

“The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The river” means the river Thames;

“The bridge” means the bridge (including any carriageway or footways thereon) (Work No. 2) authorised by this Act;

“The approach roads” means the approach roads (Works Nos. 1 and 3) authorised by this Act;

“The Berkshire works” means the works described or referred to in the section of this Act of which the marginal note is “Power to Berks Council to execute works” and includes any works subsidiary thereto;

“The Bucks works” means the works described or referred to in the section of this Act of which the marginal note is “Power to Bucks Council to execute works” and includes any works subsidiary thereto;

“The works” means the works authorised by this Act;

9 & 10
Geo. 5. c. 57.

“The Council” means as respects the Berkshire works or any lands which the Berks Council are authorised to acquire under this Act the Berks Council and as respects the Bucks works or any lands which the Bucks Council are authorised to acquire under this Act the Bucks Council; A.D. 1937.

“The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited with the respective clerks of the county councils of the administrative counties of Berks and Buckingham in relation to the Bill for this Act;

“The Minister” means the Minister of Transport;

“Street” has the meaning assigned to it in the Public Health Act 1936. 26 Geo. 5. & 1 Edw. 8. c. 49.

4. Subject to the provisions of this Act the Berks Council may make in the line or situation shown on the deposited plans and according to the levels shown on the deposited sections the new works described in this section with all necessary and proper carriageways footways works and conveniences connected therewith or incidental thereto. Power to Berks Council to execute works.

The new works hereinbefore referred to and authorised by this section are—

In the administrative county of Berks—

Work No. 1 An approach road in the parish of Bray and rural district of Cookham.

In the administrative counties of Berks and Buckingham—

Work No. 2 A bridge for vehicular and pedestrian traffic commencing in the parish of Bray in the rural district of Cookham and administrative county of Berks and terminating in the parish of Taplow in the rural district of Eton and administrative county of Buckingham.

5. Subject to the provisions of this Act the Bucks Council may make in the line or situation shown on the deposited plans and according to the levels shown on the deposited sections the new work described in this section with all necessary and proper carriageways Power to Bucks Council to execute works.

A.D. 1937. — footways works and conveniences connected therewith or incidental thereto.

The new work hereinbefore referred to and authorised by this section is—

In the administrative county of Buckingham—

Work No. 3 An approach road commencing in the parish of Taplow and rural district of Eton and terminating in the parish of Dorney and rural district of Eton.

Subsidiary works.

6.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council may—

- (a) make on or in the banks bed soil of the river and elsewhere in connection with the bridge and the approach roads and at or near any works or erections to be made or put up for or in connection with the construction of the bridge and the approach roads and may place and keep in the river either permanently or temporarily all such piles fenders booms buoys lamps lamp-posts dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs steps subways buildings works and conveniences as they may deem proper or find necessary or expedient;
- (b) make junctions and communications with any streets which may be intersected or interfered with by or be contiguous to the bridge or the approach roads or either of them;
- (c) make diversions widenings and alterations of the lines or levels of any streets for the purpose of connecting the same with the bridge or the approach roads or either of them;
- (d) execute any works for the protection of any land or buildings;
- (e) remove alter divert or stop up any drain sewer channel or watercourse the Council providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse; and

(f) alter the mains pipes wires and other works for conveying water gas or electricity to any building or place. A.D. 1937.
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(2) Any paving metalling or materials in on or under any streets altered or diverted under the powers of this Act and any sewers and drains rendered unnecessary by the substitution of other sewers and drains therefor shall vest in the Council and all substituted sewers and drains shall be under the same jurisdiction care management and direction as the sewers and drains for which they may be substituted.

(3) In the exercise of the powers of this section the Council shall cause as little damage as circumstances admit and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

7. Subject to the provisions of this Act the Council in constructing the works shown on the deposited plans may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet either upwards or downwards. Power to deviate.

8. The Council may sell or dispose of any materials taken from any property acquired by them under the powers of this Act and not required for the purposes thereof and also all materials in under or upon any street altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Council under this Act and the materials (if any) obtained in the course of the execution of the works. Power to sell materials.

9. Any question of disputed compensation payable under this Act shall be referred to and determined by arbitration in accordance with the provisions of the Lands Clauses Acts and those provisions with any necessary alterations shall apply accordingly. Determination of compensation.

10.—(1) On the completion of the Berkshire works the engineer for the time being responsible for the carrying out of the same shall issue a certificate thereof to the Berks Council and to the Bucks Council. Maintenance of bridge and approach roads.

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(2) On the completion of the Bucks works the engineer for the time being responsible for the carrying out of the same shall issue a certificate thereof to the Bucks Council and to the Berks Council.

(3) As soon as possible after the receipt of the certificates referred to in subsections (1) and (2) of this section the Berks Council and the Bucks Council respectively shall pass a resolution declaring the bridge and the approach roads open for public traffic.

(4) As from the date or latest date of the passing of the said resolutions and subject to the provisions of this Act—

(a) the approach road (Work No. 1) authorised by this Act shall become and be a county road under the jurisdiction control and management of the Berks Council and shall be maintained by them accordingly;

(b) the approach road (Work No. 3) authorised by this Act shall become and be a county road under the jurisdiction control and management of the Bucks Council and shall be maintained by them accordingly;

(c) the bridge shall become and be a county bridge under the joint jurisdiction control and management of the Berks Council and the Bucks Council respectively and shall be maintained and repaired by them accordingly and the cost of the maintenance and repair of the bridge shall be borne and paid by the Berks Council and the Bucks Council in equal shares.

No works on bridge or approach roads except with consent of Council.

11. Notwithstanding anything in any Act to the contrary it shall not be lawful for any person to enter upon break up or interfere with the bridge or either of the approach roads for the purpose of executing any work whatsoever therein thereon or thereunder except with the consent of the Council in writing and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the Council may determine :

Provided that the Council in constructing the bridge shall provide two duct tracts each of not less than one foot nine inches deep and two feet six inches wide and subject to the consent of the Council in writing

which shall not be unreasonably withheld and to such terms and conditions as they may reasonably impose other than the payment of a rent or valuable consideration any statutory undertakers within whose area the bridge is situate at the passing of this Act may lay their apparatus therein.

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12. The Berks Council on the one hand and the Bucks Council on the other hand may from time to time enter into and carry into effect vary and rescind agreements with respect to the following purposes or any of them (that is to say):—

Agreements between Berks Council and Bucks Council.

The construction ownership maintenance renewal and user of the works or any of them or any part or parts thereof.

13.—(1) The Council of any county district within which any part of the bridge or either of the approach roads may be situate may by agreement with the Council undertake on behalf or in lieu of the Council the lighting or cleansing of the carriageway and footways of the bridge and the approach roads or any part thereof respectively.

Agreements with local authorities as to lighting or cleansing.

(2) Any expenses incurred by any council under this section may be paid out of the district fund and general district rate of their district.

14. Subject to the provisions of this Act the Berks Council may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the Berkshire works or any purpose connected therewith.

Power to Berks Council to acquire lands compulsorily.

15. Subject to the provisions of this Act the Bucks Council may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the Bucks works or any purpose connected therewith.

Power to Bucks Council to acquire lands compulsorily.

16. Notwithstanding anything in this Act the Council may purchase and acquire an easement or right of constructing maintaining renewing and using or removing the works in under or over the river without the

Council may acquire certain easements compulsorily.

A.D. 1937. Council being obliged or compellable to purchase any greater interest in under or over the same and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right as if the same were lands within the meaning of those Acts.

Persons
under
disability
may grant
easements
&c.

17. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Correction
of errors
in deposited
plans and
book of
reference.

18. If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the county council of the administrative county in which the lands are situate and a duplicate thereof shall also be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with the certificate.

19. And whereas in the construction of the works or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto therefore the following provisions shall have effect :—

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Owners may
be required
to sell parts
only of
certain
lands and
buildings.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determines that the portion of the scheduled property specified in the notice

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to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion so determined to be severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

- (5) If the tribunal determines that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

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The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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The provisions of this section shall be stated in every notice given thereunder to sell and convey any of the scheduled properties.

20. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Power to enter upon property for survey and valuation.

21. The provisions of subsection (5) of section 13 of the Restriction of Ribbon Development Act 1935 shall apply to the lands which the Council are authorised by this Act to acquire as if those provisions were with any necessary alterations re-enacted in this Act and as if those lands were lands which the Council were authorised to purchase compulsorily by order confirmed under the said section.

Further powers of entry.

22. In determining the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of the works shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to be set off against compensation.

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Compensa-
tion in case
of recently
created
interest.

23. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the nineteenth day of November nineteen hundred and thirty-six if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to
Council to
make agree-
ments with
owners of
property
&c.

24. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the works or of the lands which the Council may acquire under the powers of this Act with respect to the sale by the Council to such person of any lands or property for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Council for the purposes of this Act.

Limit of
time for
compulsory
purchase of
lands.

25. The powers of the Council for the compulsory purchase of lands under the powers of this Act shall cease on the first day of October nineteen hundred and forty.

Extinction
of private
rights of
way.

26. All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished :

Provided that the Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Applica-
tion of
Restriction
of Ribbon
Develop-
ment Act
1935.

27. The bridge and the approach roads shall be deemed to be a proposed road within the meaning of the Restriction of Ribbon Development Act 1935 but nothing in that Act shall extend to authorise the Council to make a compulsory purchase order for the acquisition

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of any land necessary for the purposes of the construction of the bridge and the approach roads. A.D. 1937.

28.—(1) Nothing contained in this Act shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the Telegraph Acts 1863 to 1926. For protection of Postmaster-General.

(2) The Council shall in constructing the bridge and the approach roads provide for the accommodation of telegraphic lines of the Postmaster-General either a space one foot nine inches wide and two feet six inches deep or a space of equivalent content to such last mentioned space in one of the footways of the bridge and the approach roads. The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General. Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Council his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same. Provided further that any extra expense which the Council may reasonably incur in complying with the provisions of this subsection shall be borne and paid by the Postmaster-General.

(3) "Telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

41 & 42 Vict.
c. 76.

29. For the protection of the conservators of the river Thames (in this section referred to as "the conservators") the following provisions shall unless otherwise agreed in writing between the conservators and the Council have effect (that is to say):— For protection of conservators of river Thames.

(1) In this section unless there is something in the subject or context repugnant to such construction—

"the river" includes the bed banks and shores of the river Thames and the towpath adjacent thereto;

"the authorised works" means the bridge and the approach roads and all other works whether temporary or permanent authorised by this Act so far as they affect the river;

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“ the Berkshire approach road ” means the approach road (Work No. 1) authorised by this Act;

“ Ordnance datum ” means Ordnance datum (Liverpool);

“ water level ” means a level of sixty-six decimal ten feet above Ordnance datum :

- (2) The bridge shall be so constructed as to (a) cross the channel of the river by means of a single span not less than 255 feet in width between the abutments of the bridge and with a soffit level of not less than 86·10 feet above Ordnance datum at a distance of 45 feet measured from the face of the abutment on the Buckinghamshire side of the river and (b) include an opening over the towpath on the Buckinghamshire side of the river of a clear width of not less than 20 feet and with a soffit level at the centre of such opening of not less than 85 feet above Ordnance datum :
- (3) The foundations of the bridge shall be constructed and maintained at and the piles of the bridge shall be driven to such a level as to allow the bed of the river around and near to the said foundations and piles to be dredged to a level of 55·26 feet above Ordnance datum without endangering the safety of the bridge :
- (4) Notwithstanding anything in the section of this Act of which the marginal note is “ Power to deviate ” the Council in constructing the bridge shall not deviate from the lines shown on the deposited plans or the levels shown on the deposited sections in such a manner as to lessen the headway or reduce the width of the span of the bridge mentioned in subsection (2) of this section :
- (5) The Council shall not construct any permanent works in the bed of the river :
- (6) The Council shall carry out such protective works to the banks of the river above and below the bridge for such distance not exceeding 75 yards and in such manner as may be reasonably required by the conservators :

- (7) The Council shall alter the channels of the river on either side of Pidgeon Hill Eyot so that the sectional areas of such channels are not diminished : A.D. 1937.
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- (8) If during the construction of the bridge the Council damage or interfere with the flood embankments on the Buckinghamshire side of the river the Council shall during the period of construction provide such temporary flood embankments and thereafter provide such permanent flood embankments as may be reasonably required by the conservators :
- (9) The authorised works shall be executed in accordance with plans elevations and sections to be submitted to and to be subject to the reasonable approval of the conservators and shall be executed and maintained to the reasonable satisfaction of the engineer of the conservators If the conservators do not within twenty-one days after the submission to them of any plans elevations or sections signify to the Council in writing their approval or disapproval thereof they shall be deemed to have approved thereof :
- (10) The navigation of the river shall not be interfered with more than is reasonably necessary in the execution and maintenance of the authorised works :
- (11) The Council shall give to the conservators at least one month's notice in writing of the time of the commencement of any of the authorised works :
- (12) (a) Throughout the period of construction of the authorised works the Council shall provide and maintain openings for the passage of vessels navigating the river of such widths between the piling and having such clear headways above water level as shall respectively be reasonably approved by the conservators and providing a clear waterway 45 feet wide and 20 feet high above water level in the deepest part of the channel the north side of such waterway to be approximately 45 feet from the north bank of the river ;

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(b) The Council shall from time to time during the construction of the authorised works make all such alterations in the position of the said openings or in the position or number of the temporary piles or guard piles as the conservators may reasonably consider necessary for the safe and uninterrupted passage of vessels;

(c) No pile driver barge or other craft shall at any time except with the consent of the conservators (which shall not be unreasonably withheld) be allowed to lie in or obstruct any part of the said openings;

(d) The owners and masters of vessels shall not be liable to make good any damage which may be caused to such of the authorised works as are of a temporary nature except such as may arise from the wilful act or from the neglect or default of such owners or masters or their servants or agents :

- (13) The authorised works when commenced shall be proceeded with and completed as quickly as reasonably possible :
- (14) The Council shall on the completion of such of the authorised works as are of a permanent nature and upon reasonable notice from the conservators so to do remove the whole and every part of such of the authorised works as are of a temporary nature and materials therefor which may have been placed in the river by the Council and all piles and other works in the bed of the river shall be drawn and not cut off and on the Council failing so to do the conservators may remove the same and the Council shall forthwith repay to the conservators the reasonable expenses incurred by them in so doing :
- (15) (a) The Council during the construction and any future repair of the authorised works shall hang out and exhibit at or near to the authorised works every night from sunset to sunrise such lights (to be kept burning by and at the expense of the Council) as may be reasonably proper and sufficient for the safe guidance of vessels and shall also at the like expense hang out

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1 GEO. 6.] *Act, 1937.*

and exhibit at or near to the authorised works every day from sunrise to sunset such signals as may be reasonably proper and sufficient for the safe guidance of vessels and such lights and signals or any of them shall from time to time be altered by the Council in such manner and be of such kind and number and be so placed and used as the conservators by notice under the hand of their secretary or other authorised officer shall approve or direct; A.D. 1937.

(b) If the Council fail to hang out and keep burning such lights or to exhibit such signals they shall for every such failure forfeit to the conservators a sum not exceeding ten pounds and a further sum not exceeding five pounds for every day on which (after conviction) such failure shall continue which sums may be recovered by the conservators either summarily as a civil debt or as a debt in any court of summary jurisdiction :

(16) The Council shall not (except so far as shall be necessary in the construction of the authorised works) take any gravel soil or other material from the river :

(17) Except as expressly provided by this section and except in so far as is required for the construction of the bridge in accordance with the provisions of this section the Council shall not embank or otherwise encroach upon any part of the river :

(18) Notwithstanding anything in section 52 of the Thames Conservancy Act 1932 it shall not be obligatory upon the conservators to give to the Council notice before commencing to dredge cleanse scour or deepen any part of the river under or in the vicinity of the bridge to the depth of 55·26 feet above Ordnance datum but while the bridge is under construction the conservators shall not dredge cleanse scour or deepen the channel of the river near the site of any of the authorised works which is of a temporary nature and might be endangered by such dredging cleansing scouring 22 & 23
Geo. 5.
c. xxxvii.

A.D. 1937.

or deepening without giving to the Council at least three months' notice of the intention of the conservators so to do :

(19) The Council shall pay to the conservators the sum of five pounds for every month or part of a month during which all or any of the authorised works which are of a temporary nature shall be or remain in on or under the river :

(20) The Berkshire approach road shall be carried over the tributary of the river known and in this section referred to as "the cut" by means of a bridge having a clear span of not less than 35 feet with a soffit level of not less than 75.50 feet above Ordnance datum and with an invert level of not exceeding 66.50 feet above Ordnance datum :

(21) (a) During the period of the construction of each of the approach roads the Council shall take all such steps as the conservators may reasonably require to secure the free and uninterrupted passage of water in and from the cut and the irrigation ditches and other watercourses on the north side of such approach road by through or over the site of such approach road ;

(b) The Council shall before the completion of each of the approach roads construct to the reasonable satisfaction of the conservators and shall thereafter to the like satisfaction maintain—

(i) such protective works to the banks on both sides of the cut extending from each end of the bridge carrying the Berkshire approach road thereover as may be reasonably required by the conservators ;

(ii) lateral catchment channels along the north side of the embankments of each of the approach roads connecting with the irrigation ditches and other watercourses on the north side of such approach road of such length width and gradients and in such position as

may be reasonably required by the conservators for securing the free and uninterrupted flow of water in the said irrigation ditches and other watercourses into and along such lateral catchment channels and through the culverts hereinafter mentioned ;

A.D. 1937.

(iii) not more than nine culverts or openings of four feet in width with a soffit level of not less than 75 feet above Ordnance datum to the east of the cut and not more than three culverts or openings of 20 feet in width with a soffit level of not less than 75.50 feet above Ordnance datum to the west of the cut through the Berkshire approach road as shall be reasonably required by the conservators for securing the free and uninterrupted flow or passage of water through such culverts or openings ;

(iv) lateral distribution channels along the south side of the embankments of each of the approach roads and connecting with the said culverts of such length width and gradients and in such positions as may be reasonably required by the conservators for securing the free and uninterrupted passage of water flowing through and out of the said culverts and for the distribution of the same :

(22) The Council shall at all times keep the conservators indemnified against all damages losses expenses and injuries which they may sustain or incur by reason or in consequence of the execution by the Council of the authorised works :

(23) Any difference which may arise between the Council and the conservators under this section (other than a difference as to the construction or meaning of this section) shall be referred to and determined by an arbitrator to be agreed upon or failing agreement appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers under and subject to the provisions of the Arbitration Act 1889 and the Arbitration Act 1934.

52 & 53 Vict.
c. 49.
24 & 25
Geo. 5. c. 14.

A.D. 1937.

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For protec-
tion of
Uxbridge
Maidenhead
Wycombe
and District
Gas Com-
pany.

30. For the protection of the Uxbridge Maidenhead Wycombe and District Gas Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council apply and have effect (that is to say):—

- (1) In this section "apparatus" means and includes all or any mains pipes valves syphons or other works or apparatus belonging to the company:
- (2) Before commencing to execute any part of the works which will be within three feet of any apparatus the Council shall give to the company not less than fourteen days' notice in writing of their intention to execute such work and shall at the same time deliver to the company a plan and section of such work:
- (3) If it should appear to the company that the execution of such work as proposed would interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of gas thereby the company may within fourteen days after the receipt by them of the notice by the Council give notice to the Council to alter the position of the apparatus in such manner as may be reasonably necessary and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be settled by arbitration under this section and all such alterations shall be carried out by and at the expense of the Council with as little detriment and inconvenience to the company as the circumstances will admit and under the superintendence (if after reasonable notice in writing from the Council such superintendence be given) of the engineer of the company:

Provided that if the company at the time of giving such notice express their intention themselves to execute the work connected with any such alteration of the position of any apparatus as shall be agreed or determined by an arbitrator to be necessary they may themselves carry out the work and all reasonable

expenses properly incurred by them in connection therewith shall be repaid to them by the Council :

A.D. 1937.

Provided also that the access to any apparatus shall not be deemed to be interfered with within the meaning of this subsection unless the level of the highway in which the apparatus is situate is altered so as to leave over such apparatus a covering of less than two feet or more than four feet and in such case the company may relay such apparatus at such depth that the covering over such apparatus will not be less than two feet minimum covering nor more than four feet :

- (4) Notwithstanding anything in the section of this Act of which the marginal note is " No works " on bridge or approach roads except with " consent of Council " the consent of the Council to the entry upon breaking up of or interference with either of the approach roads by the company shall not be unreasonably withheld and the terms and conditions to be imposed by the Council under the said section with respect to such entry breaking up or interference shall not include the payment by the company of any rent or other valuable consideration :
- (5) Any difference which shall arise between the company and the Council under this section (other than a difference as to the construction or meaning of this section) shall be referred to and settled by an arbitrator to be appointed failing agreement on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and settlement.

31. Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and of section 17 of the schedule to the Electric

For protection of works of electrical undertakers. 45 & 46 Vict. c. 56.

A.D. 1937. —
62 & 63 Vict. c. 19. Lighting (Clauses) Act 1899 and such provisions shall be deemed for the purposes of this section to extend to and include any works of such undertakers placed below upon or above ground.

Power to councils to borrow.

32.—(1) The Berks Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table such sums not exceeding in the case of purposes (a) or (b) the respective sums mentioned in the second column of the said table as may be requisite in excess of the contributions received from the Minister and they shall pay off all money so borrowed within such periods as the Berks Council may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment.
(a) For the construction of the Berkshire works.	£ 61,250	Forty years from the date or respective dates of borrowing.
(b) For the acquisition of lands under the section of this Act of which the marginal note is "Power to Berks Council to acquire lands compulsorily."	3,467	Sixty years from the date or respective dates of borrowing.
(c) For the payment of the costs charges and expenses of this Act.	—	Five years from the passing of this Act.

(2) The Bucks Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table such sums not exceeding the respective sums mentioned in the second column of the said table as may be requisite in excess of the contributions received from the Minister

[1 EDW. 8. & Berkshire County Council [Ch. xlii.]
1 GEO. 6.] Act, 1937.

and they shall pay off all moneys so borrowed within such periods as the Bucks Council may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

A.D. 1937.

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment.
(a) For the construction of the Bucks works.	£ 11,500	Forty years from the date or respective dates of borrowing.
(b) For the acquisition of lands under the section of this Act of which the marginal note is "Power to Bucks Council to acquire lands compulsorily."	2,504	Sixty years from the date or respective dates of borrowing.

(3) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

33.—(1) Where any notice or other document under this Act or under the Lands Clauses Acts as incorporated with this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

Authenti-
cation and
service of
notices &c.

(2) Notices and other documents required or authorised to be served or given by the Council under this Act or under the Lands Clauses Acts as incorporated with this Act may be served by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises :

Provided that—

(a) a notice to treat given under section 18 of the Lands Clauses Consolidation Act 1845 if

A.D. 1937.

served by post shall be served by registered post;

(b) in the case of a company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at its registered office or at its principal office or place of business.

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice as aforesaid which is required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

Protection
of Council
and their
officers from
personal
liability.

34. No matter or thing done and no contract entered into by the Council and no matter or thing done by any member of the Council or by any officer of the Council or other person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bona fide for the purpose of carrying out any powers or duties of the Council subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or any such member officer or other person acting as aforesaid shall be borne and repaid out of the county fund and county rate Provided that nothing in this section shall exempt any member of the Council from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council and which such member authorised or joined in authorising.

Application
of provi-
sions of
Public
Health Act
1936.

35. The following provisions of the Public Health Act 1936 shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 304 (Judges and justices not to be disqualified by liability to rates);

Section 328 (Powers of Act to be cumulative);
and the provisions of this section shall notwithstanding anything in the said Act of 1936 come into operation on the passing of this Act.

[1 EDW. 8. & *Berkshire County Council* [Ch. xlii.]
1 GEO. 6.] *Act, 1937.*

36. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

A.D. 1937.

—
Crown
rights.

37. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Berks Council in the first instance out of the county fund but ultimately (so far as not repaid out of the contribution received from the Minister) out of moneys to be borrowed under the authority of this Act for that purpose.

Costs of Act.

[Ch. xlii.]

Berkshire County Council
Act, 1937.

[1 EDW. 8. &
1 GEO. 6.]

A.D. 1937.

The SCHEDULE referred to in the
foregoing Act.

DESCRIPTIONS OF PROPERTIES OF WHICH PORTIONS MAY
BE ACQUIRED BY THE COUNCIL.

Area.	Work.	Number on deposited plans.
Parish of Bray - -	No. 1	1 2 and 4.
Parish of Taplow - -	Nos. 2 and 3	23 and 24.
Parish of Taplow - -	No. 3	26 and 27.
Parish of Dorney - -	No. 3	28 30 to 32 (inclusive) 35 to 39 (inclusive) and 43 to 49 (inclusive).

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