



CHAPTER xlviii

An Act to empower the county council of the administrative county of Durham and the lord mayor, aldermen and citizens of the city and county of Newcastle upon Tyne to construct a bridge across the river Tyne with approach roads and other works and to purchase lands compulsorily for those and other purposes, to provide for the removal of the existing Scotswood Bridge across the river Tyne; and for other purposes.

[1st August, 1962.]

WHEREAS—

(1) The construction of a bridge for vehicular and pedestrian traffic over the river Tyne (in this Act called “the river”) between the urban district of Blaydon in the county of Durham and the city and county of Newcastle upon Tyne (in this Act called “the city”) would be of public and local advantage and it is expedient that the county council of the administrative county of Durham (in this Act called “the Council”) and the lord mayor, aldermen and citizens of the city (in this Act called “the Corporation”) should be empowered to construct the bridge by this Act authorised:

(2) It is expedient that provision should be made for the removal of the existing bridge authorised by an Act passed in

the tenth year of the reign of His late Majesty King George IV intituled "An Act for building a Bridge over the River Tyne at or near a place called Scotswood in the county of Northumberland and for making convenient roads avenues and approaches thereto with branches thereout" which bridge was transferred to the Corporation in pursuance of the Newcastle-upon-Tyne Corporation (Tolls) Act, 1905:

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

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

(6) 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 £1,433,700

(7) 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:

(8) 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:

(9) 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 in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, with the clerk of the Council, with the clerk of the county council of the administrative county of Northumberland and with 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 Scotswood Bridge Act, 1962. Short title.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Finance and general.

3. The following enactments, so far as the same are applicable for the purposes of, and are not inconsistent with, the provisions of this Act, are hereby incorporated with this Act:—

Incorporation
of Acts.

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

Provided that—

(a) the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section; and

(b) the expression “the promoters of the undertaking” shall be construed to mean the authorities.

(2) Sections 16 and 30 to 44 of the Railways Clauses Consolidation Act, 1845:

Provided that—

(a) the expression “the railway” shall be construed to mean the works and “the centre of the railway” shall be construed to mean any part of the works; and

(b) in section 32 of the Railways Clauses Consolidation Act, 1845, the words “the expiration of the period by the special Act limited for” shall be omitted.

4.—(1) In this Act the several words and expressions to which meanings are assigned by section 295 of the Highways Act, 1959,

PART I
—cont.

have the same respective meanings unless there be something in the subject or context or in this section repugnant to such construction.

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

“ the Act of 1829 ” means the Act passed in the tenth year of the reign of His late Majesty King George IV intituled “ An Act for building a Bridge over the River Tyne at or near a place called Scotswood in the county of Northumberland and for making convenient roads avenues and approaches thereto with branches thereout ”;

“ the authorities ” means the Council and the Corporation or either the Council or the Corporation;

“ the bridge ” means the bridge (Work No. 8) and includes the carriageways and footways thereon;

“ the city ” means the city and county of Newcastle upon Tyne;

“ the commissioners ” means the Tyne Improvement Commissioners;

“ the Corporation ” means the lord mayor, aldermen and citizens of the city;

“ the Council ” means the county council of the county;

“ the county ” means the administrative county of Durham;

“ the county clerk ” means the clerk of the council;

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

“ the existing bridge ” means the existing bridge authorised by the Act of 1829 and transferred to the Corporation in pursuance of the Newcastle-upon-Tyne Corporation (Tolls) Act, 1905;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Land Compensation Act, 1961, and by this Act;

“ the Minister ” means the Minister of Transport;

“ relocation of population ” means, in relation to lands within the limits of deviation shown on the deposited plans, the rendering available, either within or without those limits, of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services being

accommodation to be rendered available for persons who are living or carrying on business or other activities within those limits;

PART I
—cont.

“ the river ” means the river Tyne;

“ telegraphic line ” has the same meaning as in the Telegraph Act, 1878;

“ the town clerk ” means the town clerk of the city;

“ the tribunal ” means the Lands Tribunal;

“ the works ” means the works authorised by this Act.

(3) All distances and lengths stated in any description of works, powers or lands in this Act (other than in subsection (2) of section 20 (Power to construct works)) shall be construed as if the words “ or thereabouts ” were inserted after each such distance or length.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(5) Unless the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or by virtue of any subsequent enactment, including this Act.

PART II

LANDS

5.—(1) Subject to the provisions of this Act, the authorities may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works or any purpose connected therewith, and for the purposes of recoupment, reinstatement or exchange, and for other the purposes of this Act or for any of those purposes. Power to acquire lands.

(2) The powers of compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December, nineteen hundred and sixty-two:

Provided that the Minister may by order from time to time extend the period for the exercise of the powers of the authorities for the compulsory purchase of land under this section.

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

PART II
—cont.

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

6. If the Minister by order made under subsection (2) of the last foregoing section extends the period for the exercise of the powers of the authorities for the compulsory purchase of land, the following provisions shall apply after the coming into operation of that order:—

(1) In this section—

“the land” means any land which is for the time being authorised to be acquired compulsorily under the last foregoing section;

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

(2) If any person being the owner or lessee of any of the land shall give notice to the authorities of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be, the authorities shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land or in such part thereof as may be specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the authorities; or

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

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

(a) if the authorities—

(i) fail to comply with that paragraph; or

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

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

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

(b) if his interest in part only of the land so specified is acquired in pursuance of a contract or notice to treat under sub-paragraphs (a) or (b) of that paragraph the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

PART II
—cont.

7.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the authorities, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

Correction
of errors in
deposited
plans and
book of
reference.

(2) If, on any such application, it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county or town clerk of the city in which the land to which the certificate relates is situated and with every clerk of a local authority with whom a copy of the deposited plans, or so much thereof as includes the land to which the certificate relates, has been deposited in accordance with the standing orders of the Houses of Parliament, or who has the custody of any such copy so deposited; and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the authorities to take the land and execute the works in accordance with the certificate.

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

8.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act, 1845.

Acquisition
of part only
of certain
properties.

(2) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden unless the tribunal determines—

(a) in the case of a house, building or factory that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or

PART II
—cont.

(b) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the authorities that part of the house, building, factory, park or garden.

Power to expedite entry.

9. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act, or in respect of any easement or right in any such land, but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the authorities may enter on and take possession of the land, or such part thereof as is specified in the last-mentioned notice, or enter on the land in respect of which the easement or right is to be acquired (as the case may be), without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

Provided that the authorities shall pay the like compensation for land of which possession is taken under this section, or for the easement or right acquired, and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

10. Any person acting on behalf of the authorities and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land that the authorities are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the authorities not less than seven days before the date of the first entry, and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land.

Disregard of recent improvements and interests.

11. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act, the tribunal shall not take into account—

- (a) any improvement or alteration made, building erected or work done after the fifth day of December, nineteen hundred and sixty-one; or
- (b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected, done or created with a view to obtaining or increasing the compensation or purchase money.

PART II
—cont.

12.—(1) Any private right of way over, and any right of laying down, erecting, continuing or maintaining any apparatus on, under or over, any land that may be acquired compulsorily under this Act shall, if the authorities so resolve and give notice of their resolution to the owner of the right, be extinguished as from the acquisition of the land, whether compulsorily or by agreement, or as from the expiration of one month from the service of the notice, whichever is the later, and any such apparatus shall vest in the authorities:

Extinction of private rights of way and rights as to apparatus.

Provided that this section shall not apply to any apparatus belonging to any statutory undertakers.

(2) Any person who suffers loss by the extinguishment of any right, or the vesting of any apparatus, under this section, shall be entitled to be paid by the authorities compensation to be determined in case of dispute under and in accordance with the Land Compensation Act, 1961.

(3) For the removal of doubt it is hereby provided that this section shall not apply to any telegraphic line belonging to or used by the Postmaster General.

13.—(1) The authorities may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works.

Power to acquire easements only.

(2) Accordingly the authorities may give notice to treat in respect of any such easement or right describing the nature thereof; and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the authorities have acquired an easement or right only in any land under this section—

(a) they shall not be required or, except by agreement or during the execution of the works, entitled to fence off or sever that land from the adjoining land;

PART II
—cont.

(b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the authorities to acquire the land, the authorities shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and if the tribunal does not so determine the authorities may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act has expired but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

14.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit, subject to the provisions of those Acts, grant to the authorities any easement or right required for the purposes of this Act, in or over the lands not being an easement or right of water in which some person other than the grantor has an interest.

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

Power to reinstate owners or occupiers of property.

15.—(1) The authorities may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

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

Acquisition of land for relocation of population.

16.—(1) The authorities may purchase land by agreement in order to provide for the relocation of population from any lands within the limits of deviation shown on the deposited plans.

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

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

17.—(1) The authorities may, in connection with the relocation of population from any lands within the limits of deviation shown on the deposited plans, lay out and develop—

Power to develop land for relocation of population.

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

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

and may erect and maintain houses, shops, offices, licensed premises, industrial buildings, garages, warehouses and other buildings and construct, sewer, pave, flag, channel, kerb and light streets, roads and ways on any such lands.

(2) The powers conferred by this section shall not be exercised without the consent of the Minister of Housing and Local Government.

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

(a) as to be at variance with any trust subject to which any land or building is held, managed or controlled by the authorities without an order of the High Court or of the Charity Commissioners or of the Minister of Education (as the case may be) or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or

(b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the authorities) subject to which a gift or lease of any land or building has been accepted by or granted to the authorities

PART II
—cont.

without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

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

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

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

Disposal of
land.

18. Subject to the provisions of section 26 of the Town and Country Planning Act, 1959, section 165 of the Local Government Act, 1933, shall apply to any land acquired by the authorities under this Act, whether or not the land is required for the purpose for which it was acquired or is being used.

Agreements
with
adjoining
owners.

19.—(1) The authorities may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion either of the works or of land that may be acquired under this Act with respect to the sale by the authorities to him of any land, including any part of a street appropriated by the authorities under this Act and not required for the works.

(2) The authorities may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the authorities for the purposes of this Act or any easement or right so required.

PART III

WORKS

Power to
construct
works.

20.—(1) Notwithstanding anything contained in the Act of 1829, but subject to the provisions of this Act, the authorities may make and maintain, in the lines shown on the deposited plans

and according to the levels shown on the deposited sections, the works referred to in this section, that is to say:—

PART III
—cont.

Partly in the city and partly in the county of Northumberland—

Work No. 1 A new street commencing in Denton Road thirty yards north of the junction of Lister Street with Denton Road passing through the city and the urban district of Newburn (including improvements at the junctions of Fowberry Road with Denton Road and Chapel Terrace with Prospect Terrace and a widening and variation of Scotswood Road) and terminating at the junction of Denton Road with Scotswood Road:

In the city—

Work No. 2 A new street, including a widening of part of Scotswood Road and a widening on the east side thereof of the bridge carrying the railway between Newcastle and Carlisle over Scotswood Road, commencing at the termination of the new street (Work No. 1) and terminating in Scotswood Road thirty-five yards measured in a south-easterly direction from the centre line of the said bridge;

Work No. 3 A diversion road, being a diversion of part of Scotswood Road commencing at the termination of the new street (Work No. 2) and terminating in Scotswood Road fifty yards east of the junction of Harold Street with Scotswood Road;

Work No. 4 An approach road commencing at the termination of the diversion road (Work No. 3) and terminating on the north bank of the river at a point twenty yards south of high-water mark of medium tides and forty yards north-west of the centre line of the existing bridge;

Work No. 5 An approach road commencing at the termination of the new street (Work No. 2) and terminating on the north bank of the river at a point ten yards south of the high-water mark of medium tides and sixty-seven yards north-west of the centre line of the existing bridge;

Work No. 6 An approach road, including bridges over the diversion road (Work No. 3) and the circulatory road (Work No. 7) commencing at the centre line of the diversion road (Work No. 3) near the junction of Harold Street with Scotswood Road and terminating

PART III
—cont.

on the north bank of the river at a point twenty yards south of high-water mark of medium tides and fifty-five yards north-west of the centre line of the existing bridge;

Work No. 7 A circulatory road commencing at the centre line of the diversion road (Work No. 3) near the junction of Harold Street with Bridge Crescent and terminating at the centre line of the diversion road (Work No. 3) one hundred and twenty yards east of the point of commencement:

Partly in the city and partly in the county—

Work No. 8 A bridge over the river commencing on the north bank of the river at a point at high-water mark of medium tides and fifty yards north-west of the centre line of the existing bridge and terminating in the urban district of Blaydon on the south bank of the river at high-water mark of medium tides and thirty-eight yards north-west of the centre line of the existing bridge:

In the county—

Work No. 9 An approach road in the urban district of Blaydon including a bridge over the diversion road (Work No. 12) commencing by a junction with that diversion road at a point eighty yards east of the junction of Chain Bridge Road and the road A.694 and terminating at the termination of the bridge;

Work No. 10 An approach road in the urban district of Blaydon commencing by a junction with the new street (Work No. 13) at a point eighty yards east of the commencement of the approach road (Work No. 9) and terminating on the south bank of the river at a point eight yards north of high-water mark of medium tides and twenty-five yards north-west of the centre line of the existing bridge;

Work No. 11 An approach road in the urban district of Blaydon commencing in Chain Bridge Road one hundred and sixty yards west of the junction of Chain Bridge Road with the road A.694 and terminating on the south bank of the river at a point three yards south of high-water mark of medium tides and fifty-three yards north-west of the centre line of the existing bridge;

Work No. 12 A diversion road in the urban district of Blaydon being a diversion of Chain Bridge Road commencing in Chain Bridge Road sixty yards west

of the commencement of the approach road (Work No. 11) and terminating at the commencement of the approach road (Work No. 10);

Work No. 13 A new street in the urban district of Blaydon including a diversion of the road A.694 and a bridge over railways of the British Transport Commission commencing in the road A.694 at a point five hundred yards south of the south bank of the river and terminating at the commencement of the approach road (Work No. 10);

Work No. 14 An access road in the urban district of Blaydon commencing at the centre line of the diversion road (Work No. 12) at a point eleven yards east of the commencement of that diversion road and terminating in the road A.694 at a point one hundred and thirty yards from its junction with Chain Bridge Road;

together with all such approaches, roundabouts, tunnels, stairs, footpaths, passages, means of ingress or egress, shafts, stagings, buildings, apparatus, plant, machinery and subsidiary and incidental works as may be necessary or convenient.

(2) In the construction of Work No. 8—

(a) the width of the opening between any fenders around the piers in the river carrying the bridge shall be not less than three hundred feet;

(b) the bridge between the said piers shall be constructed so as to leave a headway thereunder of not less than twenty-five feet above the level of mean high-water springs;

(c) the bridge shall be so constructed as to permit the river being dredged so as to give a depth of not less than eighteen feet at mean low-water springs along each of the said piers on the side nearest to the centre of the river.

(3) The authorities shall erect a good and sufficient fence on each side of the bridge and of each of the bridges forming part respectively of Works Nos. 6, 9 and 13.

(4) Subject to the provisions of this Act the authorities may widen, improve, renew, extend or replace the bridge at any time and from time to time as occasion may require.

21. Subject to the provisions of subsection (2) of section 20 (Power to construct works) of this Act the authorities in constructing the works may deviate from the lines thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate from the levels shown on the deposited sections to any extent not exceeding ten feet either upwards or downwards: Power to deviate.

PART III
—cont.

Provided that no lateral or vertical deviation below the level of mean high-water springs shall be made without the consent in writing of—

- (a) the Minister; and
- (b) the commissioners;

and that, in the event of any inconsistency between any requirement of the Minister and of the commissioners, or, in the event of the commissioners refusing to give consent, the authorities shall be deemed to have complied with the provisions of this section if they have complied with the requirement of or obtained the consent of the Minister.

Power to construct bridges, etc., and to execute temporary works on railways.

22. Subject to the provisions of this Act the authorities may for the purposes of or in connection with the works and within the limits of deviation shown on the deposited plans construct and execute all such bridges, arches, piers, viaducts, embankments, tunnels, abutments, wing walls and other works as they may deem necessary or expedient for carrying the works over or under any railway or watercourse or any land, and may for the purpose of, and during the execution of the works over or under any railway, erect, place or execute and maintain upon, over or under such railway all such temporary structures, erections, works, apparatus and appliances as may be necessary or convenient and as will not prevent the safe use of such railway or interfere to any greater extent than is reasonably necessary with the traffic thereon.

As to construction of works.

23.—(1) Notwithstanding anything in this Act or shown on the deposited sections, the authorities in constructing Works Nos. 4, 5, 6, 9, 10, 11 and 13 may, if they think fit, construct on embankment the whole or any part of such part of those works as is shown on the deposited sections as intended to be constructed on viaduct, and construct on viaduct the whole or any part of such part of those works as is shown on the deposited sections as intended to be constructed on embankment:

Provided that the authorities shall not construct on embankment any part of the works which will be constructed below the level of mean high-water springs.

(2) The authorities may with the approval of the Minister, after they have acquired the necessary lands or sufficient rights therein and subject to the provisions of this Act, construct the works in situations, at levels and of dimensions other than the situations, levels and dimensions shown on the deposited plans and sections:

Provided that nothing in this subsection shall authorise the authorities to construct the bridge with a span of less width or headway of less height than the width and height shown on the

deposited plans and sections or otherwise than in accordance with the provisions of subsection (2) of section 20 (Power to construct works) of this Act.

PART III
—cont.

24.—(1) Within the limits of deviation shown on the deposited plans, the authorities in connection with and as part of the works may execute or do any of the following works or things:—

Power to
make
subsidiary
works.

- (a) make junctions and communications with any existing streets (whether or not they are dedicated to the public use or maintainable at public expense) intersected or interfered with by, or contiguous with, the works and divert, widen or alter the line, or alter the level of any such existing street for the purpose of connecting the same with the works;
- (b) provide bridges over and subways under the approach roads;
- (c) execute any works for the protection of any adjoining land or buildings;
- (d) execute any works and do anything necessary for the strengthening and supporting of any walls of adjoining buildings;
- (e) alter or remove any monument, drinking trough, lamp-post, refuge, railings or other structure erected upon any street or land and plant trees, shrubs or other vegetation; and
- (f) raise, sink or otherwise alter the position of any of the steps, areas, cellars, windows and pipes or spouts belonging to any house or building, and remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

and shall make compensation for any damage done by them in exercise of the powers of this section.

(2) Any question of disputed compensation payable under the provisions of this section shall be determined under and in accordance with the Land Compensation Act, 1961.

25.—(1) The authorities in connection with and at or near any of the works may execute, place and keep in the river and elsewhere, either permanently or temporarily, all such caissons, cofferdams, piles, piers, abutments, embankments, approaches, ways, access works, pumping works, wharves, walls, fences, drains, sewers, tunnels, fenders, mooring posts, bollards, booms, dolphins, pontoons, stagings, stairs, subways, buildings and other works and conveniences as they may find necessary or expedient for or in connection with the construction, maintenance or use of the works:

Subsidiary
works in
river and
elsewhere.

PART III
—cont.

Provided that—

- (a) the authorities shall ensure that any works executed or kept under the powers of this section shall not unnecessarily narrow or obstruct the navigable waterway of the river or otherwise unnecessarily interfere with or impede navigation or unnecessarily obstruct the flow of water or the passage of fish;
- (b) no materials which have been excavated shall be deposited in any place below the level of mean high-water springs except after consultation with the commissioners and in such a position and under such restrictions and regulations as may be fixed by the Minister;
- (c) no fixed temporary works shall be placed in the river under the powers of this section so as to reduce the navigable waterway of the river to a width of less than one hundred and fifty feet.

(2) On the completion of the bridge the authorities shall remove all temporary works placed by them in the river under the powers of this section and shall at their own expense keep repaired any other works placed by them in the river under the powers of this section.

Underpinning
of houses
near works.

26. If, in the execution and maintenance of the works, it becomes necessary to underpin or otherwise strengthen any houses, buildings or structures within one hundred feet of the works the authorities at their own costs and charges may, and if required by the owners or lessees of any such house or building shall, subject as hereinafter provided, underpin or otherwise strengthen the same and the following provisions shall have effect, that is to say:—

- (1) At least fourteen days' notice shall, except in case of emergency, be given to the owners, lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice, if given by the authorities, shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act, 1845, and, if given by the owners or lessees of the premises to be underpinned or strengthened, shall be sent, if such premises are in the county, to the county clerk, and if such premises are in the city, to the town clerk:
- (3) If any owner, lessee or occupier of any such house or building, or the authorities, as the case may require, shall within seven days after the giving of such notice give a counter-notice that he or they, as the case may be, disputes or dispute the necessity of such underpinning

or strengthening, the question of the necessity shall be referred to an arbitrator (in this section referred to as "the referee"):

- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and, in the event of his deciding that—
- (a) such underpinning or strengthening is necessary, he may and, if so required by such owner, lessee or occupier shall, prescribe the mode in which the same shall be executed, and the authorities may and shall proceed forthwith so to underpin or strengthen the said house, building or structure;
- (b) such underpinning or strengthening is not necessary, the authorities shall not be under any obligation to underpin or strengthen the said house, building or structure:
- (5) The authorities shall be liable to compensate the owners, lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section, provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:
- (6) (a) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section, the authorities may, from time to time, after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the completion of that work, enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the authorities on the one hand and the owner, lessee or occupier of the house or building on the other hand shall be settled by arbitration;
- (b) If in any case in which any house or building shall have been underpinned or strengthened by the authorities, such underpinning or strengthening shall at any time within twelve months from the completion of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or maintenance of such work, then, and in every such case, unless such

PART III
—cont.

underpinning or strengthening shall have been done in the mode prescribed by the referee, at the requirement of the owner, lessee or occupier of such house or building, the authorities shall make compensation to the owners, lessees and occupiers of such house or building for such injury, provided that the claim for compensation in respect thereof be made by such owners within twelve months, and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this section contained, nor any dealing with any property in pursuance of this section, shall relieve the authorities from the liability to compensate under section 68 of the Lands Clauses Consolidation Act, 1845, or under any other Act, but any work done or compensation paid under this section shall be taken into account in assessing the compensation payable under the said section 68:

(8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

Laying out
and repair of
carriageways
and
footways.

27. The authorities may lay out the works and any land acquired by them for the purposes of the works under the powers of this Act or any part thereof for carriageways and for footways as they may think proper and may sewer, level, pave, metal, flag, channel and complete such carriageways and footways and 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 works as they may, from time to time, think proper for preserving or improving the works 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.

Lighting of
works.

28. Subject to the provisions of this part of this Act the authorities may light the works and may enter into and carry into effect any agreement with any other body or person with respect to lighting the same or any of them.

Power to sell
materials.

29. The authorities may sell or dispose of all matters or things excavated or obtained in the construction of the works 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 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:

PART III
—cont.

Provided that the authorities shall not under the powers of this section sell or dispose of any matter or thing if any person other than the authorities proves to the satisfaction of the authorities that he is the owner thereof.

30.—(1) When the works or any part thereof are or is completed a certificate thereof shall be issued under the seals of the authorities and any copy of such certificate certified under the hands of the county clerk and the town clerk or of one of them shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the works to which such certificate relates shall become for the purposes of the Highways Act, 1959, a highway maintainable at the public expense.

Works to form maintainable highways.

(2) Subject to the provisions of the Highways Act, 1959—

- (a) the Council shall be the highway authority for so much of the works as is situate in the county except Work No. 14;
- (b) the Corporation shall be the highway authority for so much of the works as is situate in the city;
- (c) the urban district council of Newburn shall be the highway authority for so much of Work No. 1 as is situate in the urban district of Newburn;
- (d) the urban district council of Blaydon shall be the highway authority for Work No. 14.

(3) The provisions of section 45 of the Highways Act, 1959, shall not apply to any road constructed as part of any of the works which is situate in the county.

31.—(1) The authorities may stop up the whole or such portion or portions as they think fit of so much of—

Stopping up of streets.

- (a) the streets and parts of streets in the city mentioned in Part I of the First Schedule to this Act as lies between the points marked on the deposited plans with the letters set opposite the names or descriptions of those streets or parts of streets in that Part of that schedule; and
- (b) the parts of streets in the urban district of Blaydon mentioned in Part II of the said First Schedule as lies between the points marked on the deposited plans with the letters set opposite the names or descriptions of those parts of streets in that Part of that schedule;

PART III
—cont.

and thereupon all rights of way over or along the same shall be extinguished and the authorities may appropriate and use the site thereof:

Provided that the authorities shall not under the powers of this section stop up any part of the said streets under this Act (except temporarily under section 34 (Temporary stoppage of highways) of this Act, and except so much of the road A.694 in the urban district of Blaydon as lies between the points marked Z and AA on the deposited plans) unless—

- (i) such part is bounded on both sides by lands belonging to the authorities; or
- (ii) the authorities obtain the consent of the owners, lessees and occupiers of the houses and lands on both sides thereof.

(2) Notwithstanding anything in subsection (1) of this section the authorities shall not stop up (except temporarily under section 34 (Temporary stoppage of highways) of this Act)—

- (a) the footway on the south-west side of Scotswood Road between the points in the city marked V and W on the deposited plans;
- (b) the footway on the east side of the road A.694 between the points in the urban district of Blaydon marked Z and AA on the deposited plans.

Stopping up
and diversion
of footpath.

32.—(1) The authorities may stop up so much of the portion of the footpath as lies between the points marked EE and FF on the deposited plans as they think fit, and thereupon all rights of way over or along the said portion of the footpath shall be extinguished.

(2) Notwithstanding anything in subsection (1) of this section, the authorities shall not stop up (except temporarily under section 34 (Temporary stoppage of highways) of this Act) any portion of the footpath until a substituted footpath between the points marked EE, GG, HH and FF on the deposited plans has been constructed and is open for public use.

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

(4) In this section “the footpath” means the public footpath numbered 76 on the revised definitive map and statement of public rights of way relating to the urban district of Blaydon prepared by the Council under Part IV of the National Parks and Access to the Countryside Act, 1949.

33. For the purposes of facilitating the movement of vehicular traffic along the route of Work No. 1 and for securing the safety of the public or otherwise, the authorities may at the point marked on the deposited plans "Through access to be stopped up" erect walls or barriers for the prevention or limitation of access to or from that route.

PART III
—cont.
Power to prevent access to or from Work No. 1.

34.—(1) The authorities during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any highway and may for any reasonable time divert the traffic therefrom and prevent persons using the same.

Temporary stoppage of highways.

(2) The authorities shall not exercise the powers of this section—

- (a) as respects any trunk road without the consent of the Minister; or
- (b) as respects any other road without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister; or
- (c) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the highway of reasonable access to the building or land.

35. 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.

No mains or pipes to be laid in bridge.

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 the level of mean high-water springs shall only be constructed in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun.

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

(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 Minister 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 and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt.

PART III

—cont.

Provision
against
danger to
navigation.

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 the level of mean high-water springs, 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 commissioners and shall apply to the commissioners for directions as to the means to be taken.

(2) If the authorities fail to comply in any respect with the provisions of this section, they shall be liable to a fine not exceeding ten pounds, and to a daily fine not exceeding twenty shillings.

Abatement of
work
abandoned
or decayed.

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 the level of mean high-water springs is abandoned or suffered to fall into decay, the Minister or the commissioners 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 the level of mean high-water springs, 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 Minister or the commissioners, as the case may be, may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the level of mean high-water springs 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 Minister or the commissioners, as the case may be, may include any such part of such work, or any portion thereof, in any notice under this section.

(3) If there shall be any inconsistency between a requirement of the Minister and a requirement of the commissioners under this section, the requirement of the Minister shall prevail.

(4) 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 Minister or the commissioners, as the case may be, may execute the works required to be done by the notice at the expense of the authorities and the amount of such expense shall—

(a) in the case of works executed by the Minister, be a debt due from the authorities to the Crown and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt; and

(b) in the case of works executed by the commissioners, be a debt due from the authorities to the commissioners

and shall be recoverable by the commissioners in any court of competent jurisdiction or, where the amount does not exceed twenty pounds, summarily as a civil debt.

PART III
—cont.

39. If at any time the Minister 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 the level of mean high-water springs or of the site upon which it is proposed 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 and shall be recoverable either as a debt due to the Crown or, where the amount does not exceed twenty pounds, by the Minister summarily as a civil debt.

Survey of
works by
Minister.

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 commissioners shall from time to time direct.

Permanent
lights on
works.

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

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 the level of mean high-water springs 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 Minister and the commissioners or (failing agreement between the Minister and the commissioners) the Minister shall from time to time require or approve.

Lights on
works during
construction.

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

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.

Boundary for
purposes of
Act.

43. If the works are not completed by the thirty-first day of October nineteen hundred and seventy-seven then on the expiration of that period the powers conferred on the authorities by

Period for
completion of
works.

PART III
—cont.

this Act for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

As to removal
of existing
bridge.

44.—(1) As soon as reasonably practicable after the bridge is opened for public traffic, the authorities shall take down and remove to the satisfaction of the Minister the existing bridge, including such of the foundations, abutments and timber protective works in the river as he may direct, and shall ensure so far as practicable that such taking down and removal shall not unnecessarily obstruct the navigable waterway of the river, or otherwise interfere with or impede navigation:

Provided that no fixed temporary works shall be placed in the river in connection with the taking down and removal of the existing bridge so as to reduce the navigable waterway of the river to a width of less than one hundred and fifty feet.

(2) The provisions of section 41 (Lights on works during construction) of this Act shall apply to the taking down and removal of the existing bridge as if the existing bridge were part of the works, and as if such taking down and removal were referred to in the said section 41, in addition to the construction, alteration or extension of the works.

(3) The authorities may sell the structure and materials of the existing bridge and apply the proceeds for any purpose for which capital money may properly be applied.

(4) For the purposes of Part V of the Highways Act, 1959, the taking down and removal of the existing bridge shall be deemed to be an improvement of a highway.

Saving for
Trinity House.

45. Nothing contained in this Part of this Act shall prejudice or derogate from the powers, rights and privileges of the Corporation of Trinity House of Deptford Strond.

PART IV

FINANCE AND GENERAL

Power to
borrow.

46.—(1) The authorities may borrow without the consent of any sanctioning authority for any of the purposes specified in the first column of the following table the sums specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed under the preceding subsection shall not exceed the period specified in relation thereto in the third column of the said table.

(3) Subject to the provisions of this section Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part and as if the following table were in the Eighth Schedule to that Act.

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

PART IV
—cont.

(1) Purpose	(2) Amount	(3) Period for repayment calculated from the date or dates of borrowing
(a) The purchase of land, easements and rights under the powers of this Act and the payment of compensation under the provisions of this Act	The sum requisite	Sixty years.
(b) The construction of the bridge and other bridge works comprised in Works Nos. 2, 6, 9 and 13	£631,700	Fifty years.
(c) The construction of the works (except the bridge and other bridge works comprised in Works Nos. 2, 6, 9 and 13)	£802,000	Thirty years.
(d) The making of trial borings required in connection with the works	£8,500	Fifty years.
(e) The provision of housing accommodation for rehousing persons displaced, and the provision of buildings in connection with the relocation of population	The sum requisite	Sixty years.
(f) The taking down and removal of the existing bridge	£85,000	Fifteen years.
(g) The costs, charges and expenses of this Act	The sum requisite	Five years.

47. The authorities shall make in the aggregate equal contributions for the several purposes for which moneys may be borrowed under the provisions of section 46 (Power to borrow) of this Act. Contributions by authorities.

48. The county council of the administrative county of Northumberland may contribute towards expenditure incurred or to be incurred by the authorities for the purposes of this Act. Contributions by Northumberland County Council.

49. For the protection of the British Transport Commission (in this section referred to as "the commission") the following provisions shall unless otherwise agreed in writing between the authorities and the commission apply and have effect:— For protection of British Transport Commission.

(1) In this section—

"the engineer" means an engineer to be appointed by the commission;

PART IV
—cont.

“ plans ” includes sections, drawings and specifications;

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

“ the specified works ” means so much of the works as may be situated upon, across, under or over or may in any way affect railway property and includes the construction, maintenance and renewal of such works:

- (2) (a) The authorities shall not under the powers of this Act acquire compulsorily any lands of the commission but they may in accordance with the provisions of section 13 (Power to acquire easements only) of this Act acquire such easements and rights in any such lands delineated on the deposited plans as they may reasonably require for the purposes of the works and notwithstanding the provisions of the said section 13 the authorities shall fence off the specified works from railway property to the reasonable satisfaction of the engineer where reasonably required by him to do so;
- (b) Upon the completion of Work No. 2 the commission shall gratuitously dedicate so much of the land on which the new street comprised in the said work is constructed as is within the ownership of the commission in perpetuity to the use of the public:
- (3) Notwithstanding anything shown on the deposited plans and sections the authorities shall—
- (a) so construct Work No. 2 as to provide that the existing rail level on the bridge to be widened shall remain unaltered; and
- (b) so construct Work No. 13 as to provide a headway of not less than fifteen feet seven inches above the rail level of the railways of the commission where the said Work No. 13 is to be carried over such railways:
- (4) The authorities shall, before commencing the specified works (other than works of maintenance or repair), furnish to the commission proper and sufficient plans thereof for the reasonable approval of the engineer, and shall not commence the specified works until such plans have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the commission the engineer

shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the same:

- (5) If within twenty-eight days after such plans have been furnished to the commission, the commission shall give notice to the authorities that in consequence of the nature of the specified works it is reasonably necessary that the commission should construct any part of the specified works themselves then, if the authorities desire such part of the specified works to be constructed, the commission shall construct the same with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the authorities in accordance with the plans approved, or deemed to be approved or settled, as aforesaid:
- (6) Upon signifying his approval or disapproval of the said plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the specified works in order reasonably to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the authorities, or by the commission if the commission so elect with all reasonable dispatch and the authorities shall not commence the construction of the specified works until the engineer shall have notified the authorities that the protective works have been completed:
- (7) The authorities shall give to the engineer twenty-eight days notice of their intention to commence the construction of any of the specified works except in emergency, when they shall give such notice as may be reasonably practicable also of their intention to carry out any works for the repair or maintenance of the specified works:
- (8) The specified works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer, and in such manner as to cause as little damage to railway property as may be; and, so far as is reasonably practicable, so as not to interfere with, or obstruct, the free, uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property, and if any damage to railway property or any such interference or obstruction shall be caused or take place by reason of the specified works the authorities shall notwithstanding any such approval as aforesaid make

PART IV
—cont.

good such damage and shall pay to the commission all reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction other than damage, interference or obstruction caused by the neglect or default of the commission, their servants or agents:

- (9) The authorities shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction, and shall supply him with all such information as he may reasonably require with regard to such works or the method of construction thereof:
- (10) The commission shall at all times afford reasonable facilities to the authorities and their agents for access to any works carried out by the commission under this section during their construction and shall supply the authorities with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (11) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the specified works or during a period of twelve months after completion thereof in consequence of the construction of the specified works, such alterations and additions may be effected by the commission after not less than twenty-eight days' notice (or in case of emergency such notice as may be reasonably practicable) has been given to the authorities and the authorities shall pay to the commission the reasonable cost thereof, including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:

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

- (12) The authorities shall repay to the commission all costs, charges and expenses reasonably incurred by the commission—
 - (a) in constructing any part of the specified works on behalf of the authorities as provided by paragraph (5) of this section or in constructing any

protective works under the provisions of paragraph (6) of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works:

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

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the specified works;

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

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

(e) in respect of the approval by the engineer of plans submitted by the authorities and the supervision by him of the works:

- (13) If at any time after the completion of the specified works not being works vested in the commission the commission shall give notice to the authorities informing them that the state of repair of the specified works appears to be such as to affect prejudicially railway property, the authorities shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the specified works in such state of repair as not to affect prejudicially railway property and, if and whenever the authorities fail to do so, the commission may make and do in and upon the lands of the commission or of the authorities all such works and things as shall be requisite to put the specified works in such state of repair as aforesaid

PART IV
—cont.

and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the authorities:

- (14) All temporary structures, erections, works, apparatus and appliances erected or placed by the authorities under the powers of section 22 (Power to construct bridges, etc., and to execute temporary works on railways) of this Act upon, over or under any railway of the commission shall as soon as reasonably practicable be removed by the authorities to the reasonable satisfaction of the engineer and in such a way as to cause as little damage to railway property and as little interference with, or interruption to, the traffic on the railways of the commission as may be and if any damage to railway property or such interference, delay or interruption shall be caused by any such failure to remove any such temporary structures, erections, works, apparatus or appliances the authorities shall make good such damage and shall pay to the commission the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage, interference, delay or interruption:
- (15) If it shall be necessary for the protection and safety of railway property for the commission to purchase any minerals for the support of such property or to pay compensation for any minerals to be left unworked for the support thereof and the works also derive support from such minerals the authorities shall repay to the commission a reasonable proportion of the amount paid by the commission for or in respect of such minerals and of the costs and expenses incurred by the commission in relation to any such purchase or payment of compensation:
- (16) Before providing any illumination or illuminated road traffic sign on or in connection with the specified works the authorities shall consult with the commission and comply with any reasonable requirements of the commission in regard thereto with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on any railway of the commission:
- (17) Any additional expense which the commission may reasonably incur after giving twenty-eight days' notice to the authorities in widening, altering, reconstructing or maintaining railway property in pursuance of any powers

existing at the passing of this Act by reason of the existence of the specified works shall be repaid by the authorities to the commission:

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

(a) by reason of the specified 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 specified works;

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

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

(19) The structure of the widened portion of the bridge carrying the railway of the commission over Scotswood Road shall vest in the commission and the authorities shall pay to the commission on demand the amount by which the capitalised annual cost of maintaining and renewing the bridge as widened exceeds the capitalised annual cost of maintaining and renewing the bridge as it exists immediately before such widening:

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

PART IV
—cont.
For protection
of Northern
Gas Board and
Newcastle and
Gateshead
Water
Company.

50. For the protection of the undertakers the following provisions of this section 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 Northern Gas Board, mains, pipes, valves, hydrants, plugs, tubes, stopcocks, meters and other works and apparatus belonging to or maintained by that board;

(b) in relation to the company, mains, pipes, valves, hydrants, plugs, tubes, stopcocks, meters and other works and apparatus belonging to or maintained by the company;

and includes works constructed for the lodging therein of apparatus;

“ the company ” means the Newcastle and Gateshead Water Company;

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

“ specified work ” means any work carried out or thing done under the powers of section 20 (Power to construct works), section 23 (As to construction of works), section 24 (Power to make subsidiary works), section 25 (Subsidiary works in river and elsewhere) or section 26 (Underpinning of houses near works) of this Act;

“ the undertakers ” means—

the Northern Gas Board; and
the company;

or either of them, and, in relation to any apparatus or property, means the undertakers to whom the apparatus or property belongs or by whom the apparatus is maintained and, in relation to the supply of gas or water, means the undertakers by whom the supply is provided:

(2) Notwithstanding anything in this Act or shown on the deposited plans or contained in the deposited book of reference, the authorities shall not under the powers of this Act acquire any apparatus otherwise than by agreement:

(3) Subject to the provisions of this section and of section 52 (Accommodation for apparatus of certain statutory

undertakers) of this Act, the provisions of Part II of the Public Utilities Street Works Act, 1950, shall apply and have effect in relation to the specified works as if—

(a) those works were mentioned in paragraph (a) of subsection (1) of section 21 of the said Act of 1950 and were executed for road purposes within the meaning of that Act; and

(b) any apparatus affected by those works were in a street:

- (4) The authorities shall so exercise the powers conferred by the following sections of this Act as not to obstruct or render less convenient (so far as reasonably practicable) the access to any apparatus and any additional expense reasonably incurred by the undertakers in obtaining access to any apparatus in consequence of the exercise by the authorities of any of the said powers shall be paid to the undertakers by the authorities:—

Section 17 (Power to develop land for relocation of population);

Section 26 (Underpinning of houses near works);

Section 27 (Laying out and repair of carriageways and footways);

Section 33 (Power to prevent access to or from Work No. 1);

Section 34 (Temporary stoppage of highways):

- (5) Where a street in which any apparatus is situated has been permanently stopped up by the authorities under the powers of section 31 (Stopping up of streets) of this Act, the undertakers shall, notwithstanding such stopping up, continue to have the same powers and rights in respect of the apparatus remaining in the land, which by reason of the stopping up has ceased to be a street, as they would have had if it had remained a street:

Provided that if, as a result of the permanent stopping up of such a street, the undertakers shall deem it necessary to remove or replace any apparatus therein or the authorities for the purpose of executing the works shall reasonably require the removal or replacement of any apparatus therein and shall give the undertakers not less than twenty-eight days' prior notice of such requirement, then the undertakers shall—

(a) remove the apparatus and relay or replace it in the street (if any) substituted for the street so stopped up or in any such other position as the undertakers may reasonably determine; or

PART IV
—cont.

(b) provide and lay or place in the street (if any) so substituted or in any such other position as aforesaid other apparatus in place of the existing apparatus:

- (6) The authorities shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with the carrying out of such works as are referred to in sub-paragraphs (a) and (b) of the last foregoing paragraph, whether or not the authorities have required those works to be carried out, including expenses so incurred in cutting off any apparatus from other apparatus and in doing any work rendered necessary in consequence of carrying out those works:

Provided that subsections (3) and (4) of section 23 of the said Act of 1950 (which impose 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 in respect of which the payment is to be made 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 50 (For protection of Northern Gas Board and Newcastle and Gateshead Water Company) of the Scotswood Bridge Act, 1962":

- (7) Notwithstanding—

(a) the prevention or limitation of access to the route of Work No. 1 under the powers of the said section 33 of this Act; or

(b) the temporary stopping up or diversion of or interference with any highway under the said section 34 of this Act;

the undertakers, their engineers or workmen and others in their employ shall at all times have such rights of access to all or any apparatus in such route or any such highway as they had immediately before such prevention or limitation of access or such stopping up, diversion or interference, and shall be at liberty to execute and do all such works and things in, upon or under such route or highway as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus or laying new apparatus:

- (8) If by reason or in consequence of the exercise of any of the powers of this Act it shall be reasonably necessary

for the company to lay a second service main in any road or street or in any part of a road or street in which the company have a single service main from which supplies of water are afforded to premises situated on both sides of such road or street, the authorities shall pay to the company the reasonable costs and expenses incurred by them in providing and laying such second service main and the service pipes necessary for connecting that main with the premises to be supplied by means thereof:

- (9) If by reason or in consequence of the execution, user or failure of any of the specified works or any subsidence resulting from any of those works, any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers, or any interruption in the supply of gas or water by the undertakers shall be caused, the authorities shall bear and pay the cost reasonably incurred by the undertakers in making good such damage and shall—

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

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

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

- (10) Any difference which may arise between the authorities and the undertakers under this section (other than a difference as to the meaning or construction of this section or of Part II of the Public Utilities Street Works Act, 1950, as having effect by virtue of paragraph (3) of this section) shall be referred to and settled by arbitration.

51. 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—

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

For protection of Central Electricity Generating Board and North Eastern Electricity Board.

PART IV
—cont.

“ apparatus ” means in relation to the electricity board or the generating board, electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by either of such undertakers;

(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, except in the case of apparatus referred to in paragraph (12) of this section), and includes any works constructed for the lodging therein or attachment thereto of apparatus;

“ the electricity board ” means The North Eastern Electricity Board;

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

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

“ position ” includes depth;

“ specified work ” means any work carried out or thing done under the powers of section 20 (Power to construct works), section 22 (Power to construct bridges, etc., and to execute temporary works on railways), section 23 (As to construction of works), section 24 (Power to make subsidiary works), section 25 (Subsidiary works in river and elsewhere), section 26 (Underpinning of houses near works), section 27 (Laying out and repair of carriageways and footways) or section 44 (As to removal of existing bridge) of this Act;

“ the undertakers ” means the electricity board and the generating board, or either of them:

- (2) Not less than two months before commencing the construction of any of Works Nos. 1 to 14, the authorities shall give to the undertakers notice thereof, and the undertakers shall within twenty-eight days from the receipt of any such notice, by notice to the authorities, specify any apparatus which will be, or is likely to be, affected by the proposed work:
- (3) Notwithstanding anything in this Act or shown on the deposited plans or contained in the deposited book of reference, the authorities shall not, under the powers of this Act, acquire any apparatus otherwise than by agreement:

(4) If the authorities, in the 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 any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers:

(5) (a) If the authorities, for the purpose of or in connection with the exercise of the powers of this Act, require the removal of any apparatus, they shall give to the undertakers notice of such requirement with a plan and section of the proposed work;

(b) If the authorities require the undertakers to remove any apparatus, or if in consequence of the construction or carrying out of a specified work the undertakers shall reasonably require to remove any apparatus, the authorities shall, if practicable, afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the authorities (other than land comprised in or forming part of the bridge or of any viaduct constructed under this Act), 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 lands of the authorities and the authorities are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be 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 lands:

(6) (a) Any alternative apparatus to be constructed in lands of the authorities in pursuance of paragraph (5) of this section, shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the authorities or, in default of agreement, settled by arbitration;

(b) The undertakers shall, after the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to

PART IV
—cont.

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 and, in default, the authorities may remove the apparatus:

- (7) Notwithstanding anything in paragraph (6) of this section, if the authorities give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the authorities, such work, in lieu of being executed by the undertakers, shall be executed by the authorities with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the authorities to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within twelve inches above the apparatus:

- (8) Where in accordance with the provisions of this section the authorities afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the authorities of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the authorities and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through a specified work, the arbitrator shall—

(i) give effect to all reasonable requirements of the authorities for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable

to the apparatus constructed through the lands of the authorities for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the authorities in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the authorities by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (9) (a) Not less than twenty-eight days before commencing to execute a specified work which is near to or is likely to affect any apparatus the removal of which has not been required by the authorities under paragraph (5) of this section, the authorities shall submit to the undertakers a plan, section and description of the nature and mode of execution of the specified work;
- (b) Such specified work shall be executed substantially 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 officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the specified work, reasonably require the removal of any apparatus and give 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 (5) thereof; and

(ii) nothing in this sub-paragraph shall preclude the authorities from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any specified work, or any part thereof, the execution of which has not been commenced, a new plan, section and description in lieu of the plan, section and description

PART IV
—cont.

previously submitted in respect of the specified work or of that part thereof, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

(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 work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

(10) The authorities shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with—

(a) the removal and relaying or replacing of any apparatus and the provision and construction of any new apparatus under the provisions of paragraph (5) of this section; and

(b) the subsequent alteration or adaptation of apparatus required under the provisions of proviso (a) (i) to paragraph (8) of this section;

and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

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 51 (For protection of Central Electricity Generating Board and North Eastern Electricity Board) of the Scotswood Bridge Act, 1962":

- (11) If in consequence of the exercise of the powers of this Act the means of access to any apparatus of the undertakers is materially obstructed, the authorities shall, if reasonably required so to do, provide an alternative means of access to such apparatus:
- (12) The provisions of Part II of the Public Utilities Street Works Act, 1950, shall apply and have effect in relation to apparatus in any street as if the specified works were mentioned in paragraph (a) of subsection (1) of section 21 of the said Act of 1950 and were executed for road purposes within the meaning of that Act:
- (13) The provisions of Part II of the Twelfth Schedule to the Highways Act, 1959, shall apply in relation to a highway or part thereof stopped up under section 31 (Stopping up of streets) or section 32 (Stopping up and diversion of footpath) of this Act, to the same extent as if the highway or part thereof had been stopped up pursuant to an order made under section 108 of the Highways Act, 1959, on the application of the authorities:
- (14) If by reason or in consequence of the execution, user or failure of any of the specified works or any subsidence resulting from any of those works any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity by the undertakers shall be caused, the authorities shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, and shall—
- (a) make reasonable compensation to the undertakers for any loss sustained by them; and
 - (b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;
- by reason or in consequence of any such damage or interruption:
- (15) (a) Any difference which may arise between the authorities and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration;
- (b) In settling any difference under this section the arbitrator may, if he thinks fit, require the authorities or the undertakers at the cost of the authorities to execute any temporary or other works so as to avoid, so far

PART IV
—cont.

as may be reasonably possible, interference with any purpose for which the apparatus is used or, as the case may be, with the specified work.

Accommodation for apparatus of certain statutory undertakers.

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

“ apparatus ” means—

(a) in relation to The North Eastern Electricity Board or the Central Electricity Generating Board, electric cables;

(b) in relation to the company, water mains;

(c) in relation to the Northern Gas Board, mains; and includes any necessary works ancillary thereto;

“ the company ” means the Newcastle and Gateshead Water Company;

“ the undertakers ” means the company, the Northern Gas Board, The North Eastern Electricity Board and the Central Electricity Generating Board, or any of them, and, in relation to any accommodation or apparatus, means the company or the board, as the case may be, for whom the accommodation is provided or to whom the apparatus belongs;

and, in relation to the company and any apparatus of the company, references to the bridge include references to the bridge forming part of Work No. 13.

(2) (a) In constructing the bridge, the authorities shall provide therein in each case accommodation and support for a steel water main of the company having an internal diameter of thirty inches, and shall also provide a means by which the company may have access to any such main after the same is laid without breaking up, interfering with or obstructing the surface of the carriageways and footways of the bridge in which it is laid.

(b) If requested in writing by the undertakers (other than the company) within three months after this Act passes into law, the authorities shall, in constructing the bridge and so much of the works as is to be constructed on viaduct, provide therein accommodation and support for the apparatus of the undertakers, and shall also provide a means by which the undertakers may have access to their apparatus after the same is laid without breaking up, interfering with or obstructing the surface of the carriageways and footways of the bridge or viaduct.

(c) The accommodation so provided and the means of access thereto shall be of such nature and in such position and shall be capable of carrying such weight of apparatus as may be

agreed between the authorities and the undertakers, taking into account the accommodation and means of access to be provided for other apparatus.

PART IV
—cont.

(3) (a) The additional cost reasonably incurred by the authorities in providing accommodation and support and means of access under subsection (2) of this section shall be repaid to the authorities by the undertakers in a single payment or in such other manner as may be agreed between the authorities and the undertakers.

(b) For the purpose of this subsection the additional cost of providing accommodation and support and means of access shall be the difference between the cost of constructing the bridge or viaduct with such accommodation, support and means of access and the cost of constructing the bridge or viaduct without such accommodation, support and means of access.

(4) Subject to the provisions of subsection (3) of this section, the undertakers shall be entitled at all times after the construction of the bridge or viaduct is completed to use free of charge the accommodation and means of access provided pursuant to the foregoing provisions of this section for the purposes of laying and placing therein and inspecting, repairing, maintaining, removing or renewing apparatus:

Provided that—

- (a) nothing in this section contained shall entitle the undertakers to break up, interfere with or obstruct the surface of the carriageways and footways of the bridge or any viaduct or to fix in, on or to the bridge or any viaduct anything other than the apparatus in the accommodation so provided;
- (b) the apparatus shall at all times conform in its 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 of their intention to execute works authorised by this section 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 or any viaduct, 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 (except with the previous consent of the authorities) in the exercise of their rights

PART IV
—cont.

under this subsection, be entitled to increase the burden to be borne by the bridge or viaduct above the weight for which the authorities are to provide under subsection (2) of this section, nor to distribute such burden unequally, nor to alter the position of such burden.

(5) (a) The undertakers shall maintain in good repair and to the reasonable satisfaction of the authorities all apparatus placed in the bridge or any viaduct 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 or viaduct and the safety and convenience of those using the bridge or viaduct, 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 make good any damage suffered and repay to the authorities any loss or expenses 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 apparatus or material placed on the bridge or any viaduct by the undertakers pursuant to the provisions of this section 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:

Provided that whenever any loss or damage occurs which may 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.

(6) The authorities shall afford to the undertakers all such facilities as the undertakers may reasonably require for the purpose of connecting the apparatus placed in the bridge or viaduct with any other apparatus of the undertakers.

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

53. For the protection of the commissioners the following provisions shall, unless otherwise agreed in writing between the authorities and the commissioners, apply and have effect:—

PART IV
—cont.

For protection
of the
commis-
sioners.

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

“construction” includes execution, placing and maintenance and, in relation to temporary works, also includes removal; and “construct” and “constructed” shall be construed accordingly;

“plans” means plans in duplicate and—

(i) in relation to permanent works and works to be carried out under the provisions of section 44 (As to removal of existing bridge) of this Act, includes sections, specifications and particulars; and

(ii) in relation to temporary works, includes sections;

“riverside works” means so much of the works (other than the bridge) authorised by section 20 (Power to construct works) of this Act, and so much of any of the fixed permanent or temporary works and conveniences mentioned in section 25 (Subsidiary works in river and elsewhere) of this Act as may be constructed on, over or under the river or any property owned by the commissioners or in relation to which the commissioners have jurisdiction:

- (2) The authorities shall not in constructing the bridge place any permanent work in the navigable waterway of the river, other than the piers carrying the bridge, together with suitable fenders:

- (3) (a) Before the authorities commence the construction of the bridge they shall—

(i) submit to the commissioners plans of the bridge sufficient to enable the commissioners to satisfy themselves that those plans fulfil the requirements of subsection (2) of section 20 (Power to construct works) of this Act;

(ii) on the site upon which they propose to construct the piers of the bridge, cause such borings to be made and taken down to such a depth as may be agreed upon between the authorities and the commissioners as being necessary in addition to the borings previously made by the authorities, or, in default of agreement, as may be settled by arbitration, and thereafter shall give to the commissioners the particulars obtained from any such borings;

PART IV
—cont.

- (iii) submit to the commissioners for their reasonable approval plans of the piers showing the strata through and the depth to which it is proposed to carry down the foundations thereof and the manner in which it is proposed to construct those foundations;
- (b) Before the authorities commence the construction of the riverside works, they shall submit to the commissioners for their reasonable approval plans thereof;
- (c) In the event of the commissioners not expressing their disapproval of the plans of the piers or the plans of the riverside works within twenty-eight days after the submission to them of those plans, they shall be deemed to have approved the same;
- (d) If the commissioners disapprove of the plans of the piers or the plans of the riverside works submitted to them, they shall state in writing their reason for such disapproval;
- (e) If there shall be any inconsistency between any plans approved by the commissioners under this section and the plans and sections approved by the Minister under section 36 (Works below high-water mark to be subject to approval of Minister) of this Act, the works shall be executed in accordance with the plans and sections so approved by the Minister:
- (4) Notwithstanding anything in this Act contained the authorities shall not construct in, upon or over the river or the banks, bed and foreshore thereof any temporary works or conveniences or do any acts or things which shall totally obstruct the navigation of the river, and in the execution of any works or conveniences or the doing of any acts or things which shall partially obstruct or interfere with the navigation of the river, the authorities shall comply with all the requirements of the commissioners made with the approval of the Minister and refund to the commissioners the expenses incurred by them in carrying out such special regulations as the commissioners may with the approval of the Minister make for control of the traffic on the river during the construction, existence or removal of such works or conveniences as aforesaid:
- (5) All materials placed on or in the banks, bed or foreshore of, or carried or suspended over, the river in the construction of the bridge or any riverside works, and not required permanently, shall be carefully removed with all practicable expedition by and at the expense of the authorities and shall not be allowed to fall or to be washed into the river:

- (6) All responsibility in connection with the construction of the bridge and any riverside works and for any damage caused thereby shall remain with the authorities, and the commissioners shall not be liable for any damage or injury to the bridge or any of such works caused by any of the operations of the commissioners for the improvement of the river or arising from the navigation of any craft, vessel or dredger belonging to the commissioners, unless such damage or injury shall arise from the wilful or negligent misconduct of the commissioners, or their agents or servants:

Provided that the commissioners shall not commence any operations for the improvement of the river which may affect the construction of the bridge or the riverside works without giving at least one month's notice to the authorities with full particulars of the proposed operations:

- (7) The authorities shall be liable for all injury or damage to the commissioners or their property (including any loss of dues, rates, tolls or charges) happening through any act, neglect, failure or default by them or by their servants or agents in connection with or by reason or in consequence of the construction of the bridge or any riverside works or occasioned by any failure of the bridge or any riverside works; and the authorities shall indemnify the commissioners and their officers and servants against all claims, demands and costs of third parties in respect of any accidents, damages and injuries happening through any such act, neglect, failure or default:

Provided that the commissioners shall not without the consent in writing of the authorities make any admission, offer, promise or payment in connection with any claim or matter in respect of which the authorities are, pursuant to this paragraph, to indemnify the commissioners or compromise any action or proceedings taken or instituted against the commissioners relating to any such claim or matter:

- (8) Before taking down and removing the existing bridge, or any foundations, abutments or timber protective works, under the provisions of section 44 (As to removal of existing bridge) of this Act, the authorities shall submit plans of the work to the commissioners for their reasonable approval, and the work shall not be carried out otherwise than in accordance with plans so approved:

PART IV
—cont.

Provided that—

(a) if within two months after such plans have been furnished to the commissioners, the commissioners shall not have intimated their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved the same;

(b) if there shall be any inconsistency between a requirement of the Minister under the said section 44 and the approval of the commissioners under this paragraph, the requirement of the Minister shall prevail:

- (9) The provisions of paragraphs (4), (5) and (7) of this section shall apply to the taking down and removal of the existing bridge as if the existing bridge were part of the riverside works, and as if such taking down and removal were referred to in those paragraphs in addition to the construction of works:
- (10) The authorities shall at all reasonable times allow the commissioners' engineer or his authorised representative to inspect or survey the bridge and the riverside works while in course of construction, and upon the completion thereof but not thereafter, and the existing bridge while in course of demolition and removal, and shall give reasonable facilities for so doing:
- (11) No approval given by the commissioners or by an arbitrator under this section shall impose any liability on the commissioners:
- (12) Any difference which may arise between the authorities and the commissioners under this section (other than a difference as to the meaning or construction of this section) shall, except as provided by sub-paragraph (e) of paragraph (3) and paragraph (b) of the proviso to paragraph (8), be referred to and settled by arbitration:
- (13) Save as in this Act provided, nothing in this Act contained shall in any manner prejudice, diminish, alter or take away any of the rights or privileges or any power, jurisdiction or authority now vested in or enjoyed by the commissioners, but all such rights and privileges and every such power, jurisdiction and authority shall, save as aforesaid, continue and be in force as if this Act had not been passed.

For protection
of Postmaster
General.

54.—(1) Nothing in this Act shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1954.

(2) Any electrical works or apparatus constructed, erected, laid or maintained in pursuance of section 16 of the Railways Clauses Consolidation Act, 1845 (as incorporated with this Act), shall be so constructed, erected or laid and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

(3) (a) The authorities shall in constructing the bridge and so much of Works Nos. 5 and 11 authorised by this Act as is being constructed on viaduct (hereinafter in this subsection referred to as “the said works”) provide therein on the western or north-western sides thereof for telegraphic lines of the Postmaster General the accommodation specified in paragraph (b) of this subsection and shall provide also support for such telegraphic lines and means whereby the Postmaster General may have access to such telegraphic lines after the same have been laid.

(b) The accommodation to be provided in the bridge and in each of the said works shall be such as shall be sufficient for nine ducts each duct having an overall diameter of five inches.

(c) The said accommodation and means of access shall in the case of the bridge and each of the said works be provided in accordance with plans, sections and particulars previously submitted to and reasonably approved by the Postmaster General:

Provided that if within one month of receipt of the said plans, sections and particulars the Postmaster General shall not have intimated to the authorities his disapproval thereof with the reason for his disapproval or made any requirement with respect thereto he shall be deemed to have approved the same.

(d) (i) The additional cost reasonably incurred by the authorities in providing any such accommodation and support and means of access shall be paid to the authorities by the Postmaster General in a single payment or in such other manner as may be agreed between the authorities and the Postmaster General.

(ii) For the purpose of this paragraph the additional cost of providing accommodation and support and means of access shall be the difference between the cost of constructing the bridge designed to provide such accommodation, support and means of access and the cost of constructing the bridge designed not to provide such accommodation, support and means of access.

(e) The Postmaster General shall before the authorities complete the construction of the bridge or either of the said works lay down in the bridge or the said works all such ducting cables and supports as may be required for the purposes of the telegraphic lines therein.

PART IV
—cont.

(f) The work to be done by the Postmaster General under paragraph (e) of this subsection shall as regards the bridge and each of the said works be carried out within three months of a notice from the authorities that the accommodation provided in the bridge or in either of the said works (as the case may be) for the said telegraphic lines is ready and in default the authorities may, at the expense of the Postmaster General, provide and lay temporarily in the said accommodation or otherwise such weight of material as the authorities may reasonably decide to be required.

(g) The Postmaster General shall conform with the reasonable requirements of the authorities as to the time or times at which and the manner in which the Postmaster General is to carry out work under paragraph (e) of this subsection and the authorities shall be entitled to superintend such work. The costs reasonably incurred by the authorities in such superintendence shall be repaid to them by the Postmaster General.

(4) (a) For the avoidance of doubt it is hereby declared that the conditions numbered (3) and (4) in section 6 of the Telegraph Act, 1878, shall apply in relation to the placing, repair and maintenance of telegraphic lines in the accommodation provided pursuant to subsection (2) of this section.

(b) The Postmaster General shall maintain in good repair all access chambers (including covers) provided in connection with the said means of access pursuant to subsection (3) of this section and shall indemnify the authorities against any actions, proceedings, costs, claims or demands arising out of any failure by the Postmaster General so to do unless such actions, proceedings, costs, claims or demands arise by reason of any wrongful act, neglect or default of the authorities, their servants or agents:

Provided that whenever any loss or damage occurs which may give rise to a claim against the authorities under this paragraph the authorities shall as soon as possible give notice thereof to the Postmaster General and shall not concede or compromise any claim made upon the authorities without the written concurrence of the Postmaster General.

(5) (a) Where in pursuance of section 24 (Power to make subsidiary works) or section 31 (Stopping up of streets) of this Act, the authorities stop up or divert the whole or any portion of a highway the following provisions of this subsection shall, unless otherwise agreed in writing between the authorities and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by

reason of the stopping up or diversion ceases to be a highway or portion of a highway (in this subsection referred to as "the affected line") that is to say:—

PART IV
—cont.

- (i) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion, so however, that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in paragraph (b) of this subsection unless before the expiration of that period the Postmaster General has given notice to the authorities of his intention to remove the affected line or that part thereof, as the case may be:
- (ii) The Postmaster General may by notice in that behalf to the authorities abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months, unless before the expiration of that period he has removed it or given notice of his intention to remove it:
- (iii) The Postmaster General shall be entitled to recover from the authorities the reasonable expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may reasonably require:
- (iv) Where under sub-paragraph (ii) of this paragraph the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the authorities and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof:

(b) As soon as practicable after any such stopping up or diversion referred to in paragraph (a) of this subsection, the authorities shall send by post to the Postmaster General a notice informing him of such stopping up or diversion.

(6) The authorities shall not under the powers conferred by this Act alter any telegraphic line belonging to or used by the Postmaster General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878. In this paragraph the expression "alter" has the same meaning as in the Telegraph Act, 1878.

PART IV
—cont.

(7) Any question which may arise between the Postmaster General and the authorities under this section shall be determined in manner provided by section 4 of the Telegraph Act, 1878.

Settlement of questions between authorities.

55. Any question arising between the authorities under any of the provisions of this Act shall be referred to and determined by arbitration.

Arbitration.

56. In arbitrations 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, to be appointed by the person 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:—

1 Provision of Act	2 Person appointing arbitrator
Paragraph (3) of section 26 (Underpinning of houses near works)	The President of the Institution of Civil Engineers.
Paragraph (6) of section 26 (Underpinning of houses near works)	The President of the Institution of Civil Engineers.
Section 49 (For protection of British Transport Commission)	The President of the Institution of Civil Engineers.
Section 50 (For protection of Northern Gas Board and Newcastle and Gateshead Water Company)	The President of the Institution of Civil Engineers.
Section 51 (For protection of Central Electricity Generating Board and North Eastern Electricity Board)	The President of the Institution of Civil Engineers.
Section 52 (Accommodation for apparatus of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Section 53 (For protection of the commissioners)	The Minister.
Section 55 (Settlement of questions between authorities)	The President of the Law Society.

Local inquiries.

57.—(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 290 of the Local Government Act, 1933, shall apply in relation to any such inquiry; and for that purpose the definition of the expression “department” in

subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

58. The sections of the Public Health Act, 1936, mentioned in the Second Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Application
of general
provisions of
Public Health
Act, 1936.

59. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act, 1947, for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for
town and
country
planning.

60. On the date on which the bridge is opened for public traffic the Act of 1829 and Parts II and III of the Newcastle-upon-Tyne Corporation (Tolls) Act, 1905, shall be and are hereby repealed.

Repeal.

61. 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 authorities in equal shares out of the county fund of the Council and the general rate fund of the city respectively or out of moneys to be borrowed under this Act.

Costs of Act.

SCHEDULES

FIRST SCHEDULE

STREETS TO BE STOPPED UP WHOLLY OR IN PART

PART I

STREETS AND PARTS OF STREETS IN THE CITY

Name or description of streets and parts of streets	Letters on deposited plans denoting the whole or part of street to be stopped up
Part of Chapel Terrace	A—B
Providence Terrace	C—D
Street at back of Providence Terrace and street at back of Prospect Terrace	E—F
Axwell Terrace	G—H
Street at back of 3 to 15 Harold Street and street at back of 2 to 32 Bridge Crescent	J—K
Part of Harold Street	L—M
Passage between Prospect Terrace and Chapel Terrace	JJ—OO
Chapel Row	KK—LL
Chapel Court	MM—NN
Part of the approach to the existing bridge	N—O
Bridge Crescent	P—Q
Street at back of 34 to 80 Bridge Crescent	R—S
Part of Dene Terrace	T—U
Part of Scotswood Road	V—W

PART II

PARTS OF STREETS IN URBAN DISTRICT OF BLAYDON

Name or description of parts of streets	Letters on deposited plans denoting part to be stopped up
Road A.694	X—Y, Z—AA and AA—BB
Chain Bridge Road	CC—DD

SECOND SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT, 1936, APPLIED

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices, &c.
284	Authentication of documents.
285	Service of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

— — — — —

Table of Statutes referred to in this Act

Title and short title	Session and chapter
An Act for building a Bridge over the River Tyne at or near a place called Scotswood in the county of Northumberland and for making convenient roads avenues and approaches thereto with branches thereout.	10 Geo. 4. c. x.
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845	8 & 9 Vict. c. 20.
Lands Clauses Consolidation Acts Amendment Act, 1860	23 & 24 Vict. c. 106.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Newcastle upon Tyne Corporation (Tolls) Act, 1905	5 Edw. 7 c. clxxii.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Ministers of the Crown (Transfer of Functions) Act, 1946	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6 c. 49.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act, 1947	10 & 11 Geo. 6 c. 51.
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6 c. 97.
Public Utilities Street Works Act, 1950	14 Geo. 6 c. 39.
Highways Act, 1959	7 & 8 Eliz. 2 c. 25.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2 c. 53.
Land Compensation Act, 1961 ..	9 & 10 Eliz. 2 c. 33.

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 3s. 6d. net

PRINTED IN ENGLAND

Scotswood Bridge Act, 1962

10 & 11 ELIZ. 2 Ch. xviii

ARRANGEMENT OF SECTIONS

PART I

Section PRELIMINARY

1. Short title.
2. Division of Act into Parts.
3. Incorporation of Acts.
4. Interpretation.

PART II

LANDS

5. Power to acquire lands.
6. Power to owners and lessees to give notice as to purchase of land.
7. Correction of errors in deposited plans and book of reference.
8. Acquisition of part only of certain properties.
9. Power to expedite entry.
10. Power to enter for survey or valuation.
11. Disregard of recent improvements and interests.
12. Extinction of private rights of way and rights as to apparatus.
13. Power to acquire easements only.
14. Grant of easements by persons under disability.
15. Power to reinstate owners or occupiers of property.
16. Acquisition of land for relocation of population.
17. Power to develop land for relocation of population.
18. Disposal of land.
19. Agreements with adjoining owners.

PART III

WORKS

20. Power to construct works.
21. Power to deviate.
22. Power to construct bridges, etc., and to execute temporary works on railways.

Section

23. As to construction of works.
24. Power to make subsidiary works.
25. Subsidiary works in river and elsewhere.
26. Underpinning of houses near works.
27. Laying out and repair of carriageways and footways.
28. Lighting of works.
29. Power to sell materials.
30. Works to form maintainable highways.
31. Stopping up of streets.
32. Stopping up and diversion of footpath.
33. Power to prevent access to or from Work No. 1.
34. Temporary stoppage of highways.
35. No mains or pipes to be laid in bridge.
36. Works below high-water mark to be subject to approval of Minister.
37. Provision against danger to navigation.
38. Abatement of work abandoned or decayed.
39. Survey of works by Minister.
40. Permanent lights on works.
41. Lights on works during construction.
42. Boundary for purposes of Act.
43. Period for completion of works.
44. As to removal of existing bridge.
45. Saving for Trinity House.

PART IV

FINANCE AND GENERAL

46. Power to borrow.
47. Contributions by authorities.
48. Contributions by Northumberland County Council.
49. For protection of British Transport Commission.
50. For protection of Northern Gas Board and Newcastle and Gateshead Water Company.
51. For protection of Central Electricity Generating Board and North Eastern Electricity Board.
52. Accommodation for apparatus of certain statutory undertakers.
53. For protection of the commissioners.
54. For protection of Postmaster General.
55. Settlement of questions between authorities.
56. Arbitration.
57. Local inquiries.
58. Application of general provisions of Public Health Act, 1936.
59. Saving for town and country planning.
60. Repeal.
61. Costs of Act.

SCHEDULES:

First Schedule—Streets to be stopped up wholly or in part—

Part I—Streets and parts of streets in the city.

Part II—Parts of streets in urban district of Blaydon.

Second Schedule—Sections of Public Health Act, 1936, applied.