



## CHAPTER xlvi

An Act to provide for the construction and maintenance of a bridge across the river Humber with approach roads and other works to constitute a Board and for other purposes. [29th July 1959.]

### WHEREAS—

(1) The construction of a bridge for vehicular and pedestrian traffic across the river Humber between the urban district of Barton-upon-Humber in the Parts of Lindsey Lincolnshire and the urban district of Haltemprice in the East Riding of Yorkshire with approach roads would be of public and local advantage:

(2) It is expedient to authorise the construction and maintenance of such a bridge and approach roads and for that purpose to constitute a Board as by this Act provided and to confer upon the Board the power to take tolls in respect of the user of the said bridge and to confer upon them the other powers contained in this Act:

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

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

(5) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

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The construction of the bridge and other works authorised by Part IV (Works) of this Act	15,750,000

(6) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

(7) 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 by the council of the city and county of Kingston upon Hull:

(8) 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 and with the respective clerks of the county councils of the East Riding of Yorkshire and the Parts of Lindsey Lincolnshire 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

Short title.

1. This Act may be cited as the Humber Bridge Act 1959.

Division of Act into Parts.

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

Part I—Preliminary.

Part II—Establishment constitution and proceedings of Board.

Part III—Lands.

Part IV—Works.

Part V—Tolls.

Part VI—Finance.

Part VII—Protective provisions.

Part VIII—Miscellaneous.



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

PART I  
—cont.  
Incorporation  
of Acts.

(a) the Lands Clauses Acts except sections 92 127 to 133 and 150 and 151 of the Lands Clauses Consolidation Act 1845;

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

(c) the provisions of the Commissioners Clauses Act 1847 with respect to the following matters (namely):—

the contracts to be entered into and the deeds to be executed by the commissioners (except section 57); and

the liabilities of the commissioners and legal proceedings by or against the commissioners.

(2) In the construction of the provisions of the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Commissioners Clauses Act 1847 incorporated with this Act the expressions “the promoters of the undertaking” “the company” and “the commissioners” mean respectively the Board.

4.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context or in this section repugnant to such construction. Interpretation.

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

“the Act of 1933” means the Local Government Act 1933;

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

“the Board” means the Humber Bridge Board incorporated by this Act;

“the bridge” means the river bridge comprised in Work No. 1 authorised by this Act and so much of the approach roads

PART I  
—cont.

and other bridges comprised in that work as lies between a point in the urban district of Haltemprice fifty-seven yards measured in a south-easterly direction from the centre line of Boothferry Road as existing on the first day of December nineteen hundred and fifty-eight and a point in the urban district of Barton-upon-Humber three hundred and ten yards measured in a northerly direction from the centre line of Ferriby Road as existing on the first day of December nineteen hundred and fifty-eight and includes the carriageways and footways and the toll-gates and toll-keepers' lodges and offices and other conveniences provided in connection therewith;

“ the city ” means the city and county of Kingston upon Hull ;

“ the clerk ” means the clerk of the Board;

“ the conservancy board ” means the Humber Conservancy Board;

“ constituent authority ” means a local authority for the time being authorised to appoint a member or members of the Board;

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

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

“ the East Riding ” and “ the East Riding Council ” mean respectively the administrative county of York East Riding and the county council of that county;

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

“ financial year ” means any period of twelve months ending on the thirty-first day of March;

“ high water of ordinary spring tides ” means a level of twelve decimal point seven six feet above ordnance datum (Newlyn);

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 by the Town and Country Planning Act 1959 and by this Act;

“ the Minister ” means the Minister of Transport and Civil Aviation;



“the Parts of Lindsey” and “the Lindsey Council” mean respectively the administrative county of Lincoln Parts of Lindsey and the county council of that county;

“the river” means the river Humber;

“the river bridge” means so much of the bridge as lies between the northern extremity of the anchorage on the northern side of the river and the southern extremity of the anchorage on the southern side of the river;

“the Scunthorpe Corporation” means the mayor aldermen and burgesses of the borough of Scunthorpe;

“statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of, or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment;

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

“the treasurer” means the treasurer of the Board;

“the tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949;

“the undertaking” means the bridge and includes all the lands works erections appliances cash investments stocks stores and other real and personal property assets and effects rights powers privileges liabilities and obligations for the time being held or used by the Board for the purposes of or in relation to the undertaking or to which they are for the time being subject for or in relation to that undertaking;

“the works” means the bridge and the other works authorised by this Act.

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

## PART II

### ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD

5.—(1) For the purpose of carrying this Act into execution Incorporation there shall be a board constituted and appointed as by this Act of Board. provided.

PART II  
—cont.

(2) The Board shall be a body corporate under the name and style of the "Humber Bridge Board" with perpetual succession and a common seal and with power to acquire and hold lands (without any licence in mortmain) and with all other powers and privileges of a body corporate.

Constitution  
of Board.

6. The Board shall consist of twenty-one members to be appointed as follows:—

twelve members to be appointed by the corporation;

one member to be appointed by the East Riding Council;

one member to be appointed by the Lindsey Council;

one member to be appointed by the Scunthorpe Corporation;

three members to be appointed by the Haltemprice Urban District Council;

three members to be appointed by the Barton-upon-Humber Urban District Council.

Appointment  
of members  
of Board.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held within six months after the passing of this Act or such later date as the Minister shall allow on the application of a majority of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office for such period as the constituent authority by whom they are appointed shall determine but not beyond the thirty-first day of May in the year nineteen hundred and sixty-three.

(2) Each constituent authority shall from time to time appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by this Act authorised to appoint to hold office for such period not being more than three years as they may determine.

(3) A vacating member shall subject to the provisions of this Act be eligible for reappointment.

Provisions  
where failure  
to appoint  
members.

8. If any constituent authority fails to appoint first members or a first member of the Board it shall be competent for the other members of the Board to carry this Act into execution and if any constituent authority fails subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member (if any) of the Board representing such authority and qualified to be members or a member of the Board shall continue in office until their or his successors or successor are or is appointed.



9. A person shall not be qualified to be appointed a member of the Board nor shall a person be nominated as a deputy for a member of the Board under section 24 (Appointment of deputies) of this Act unless he is a member of the constituent authority by whom he is appointed.

PART II  
—cont.  
Members of Board to be members of constituent authorities.

10. A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall within one month after the second appointment choose under which appointment he shall serve and the other appointment shall be deemed void.

Members of two or more authorities to represent one only.

11.—(1) If a member of the Board ceases to be a member of the constituent authority by whom he was appointed or becomes disqualified he shall cease to be a member of the Board except in the case where he ceases to be a member of such authority only by the expiration of his term of office and is forthwith re-elected a member of such authority.

Disqualification of members.

(2) Section 59 subsection (1) of section 63 and section 95 of the Act of 1933 and section 76 of that Act as amended by subsections (2) and (3) of section 131 of the Local Government Act 1948 shall apply as if the Board were a local authority within the meaning of the Act of 1933 other than the council of a rural parish.

12. Whenever an appointment of a member of the Board has been made the town clerk or clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the respective town clerks or clerks of the other constituent authorities and on every subsequent appointment to the clerk and every such certificate shall be conclusive evidence of such appointment.

Certificate of appointment of members.

13. Any member of the Board may at any time resign his office as such member by notice in writing addressed to the clerk.

Resignation of members.

14. Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed.

Removal of members.

15.—(1) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint one of their members as chairman and another as vice-chairman for the ensuing year.

Chairman and vice-chairman of Board.

PART II  
—cont.

(2) A chairman or vice-chairman may if otherwise qualified be reappointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(3) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification or any other cause another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would have gone out of office in the ordinary course.

(4) If there be an equality of votes as to the appointment of chairman or vice-chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman or vice-chairman (as the case may be).

First and  
subsequent  
meetings of  
Board.

16.—(1) The Board shall hold their first meeting at the Guildhall Kingston upon Hull or at such other place and on such day and at such time as may be agreed between the constituent authorities or as failing such agreement shall be appointed for the purpose by the Minister.

(2) The Board shall hold an annual meeting in every year after the year nineteen hundred and fifty-nine.

(3) Subject as aforesaid the meetings of the Board subsequent to their first meeting (including their annual meetings) shall be held at such place on such days and at such times as the Board may from time to time appoint.

Special  
meetings of  
Board.

17. The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

Convening of  
meetings.

18. Every meeting of the Board shall be convened by the clerk by notice in writing delivered to each member of the Board or sent by post to or delivered at his residence or place of business three clear days at least before the day of meeting:

Provided that want of service of the notice on any member of the Board shall not affect the validity of a meeting.

Quorum of  
meetings.

19. To constitute a meeting of the Board there must be present at least one-third of the whole number of members of the Board.

Proceedings  
at meetings.

20.—(1) At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member of the Board chosen by the members present shall preside.



(2) (a) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote:

PART II  
—cont.

Provided that if at any meeting neither the chairman nor vice-chairman shall be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(b) The mode of voting at meetings of the Board shall be by show of hands and on the requisition of any two members of the Board the voting on any question shall be recorded so as to show whether each member present gave his vote for or against or abstained from voting on that question.

(3) The names of the members present at a meeting of the Board shall be recorded.

21.—(1) Minutes of the proceedings of every meeting of the Board or of a committee or sub-committee of the Board shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and the minutes shall be approved as a correct record and when so approved signed by the chairman or other member presiding at the next ensuing ordinary meeting. Minutes of meetings.

(2) A minute of the proceedings of a meeting of the Board or of a committee or sub-committee of the Board certified by the clerk shall be received in evidence without further proof.

(3) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members at the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee or sub-committee of the Board the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

(4) Copies of the minutes of the proceedings of every meeting of the Board shall after each meeting be sent by the clerk to the town clerk or clerk of each constituent authority for the information of that authority.

22. Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and of the proceedings and business of committees and sub-committees of the Board and may vary or revoke the same. Standing orders of Board.

PART II  
—cont.  
Committees  
of Board.

23.—(1) (a) The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except the power of issuing a precept for a rate or of borrowing money) to any committee of the Board so appointed and may dissolve any such committee so appointed.

(b) Any committee appointed under this section may appoint out of their own body such and so many sub-committees consisting of such number of persons as they may think fit for such specified purpose within the terms of reference of the committee as they may think fit and may dissolve any sub-committee so appointed.

(2) The provisions of section 96 of the Act of 1933 with respect to proceedings of committees of a local authority within the meaning of that Act shall apply to committees of the Board as if they were committees of a local authority.

Appointment  
of deputies.

24. A constituent authority may nominate in writing under the hand of their town clerk or clerk a deputy for any member appointed by them to attend and speak and vote at any meeting of the Board in place of the member so appointed who for any reason is unable to attend that meeting.

Appointment  
of officers.

25.—(1) The Board may from time to time appoint and remunerate such officers and servants as they from time to time think requisite and all officers and servants so appointed shall subject to the terms of any agreement that may be made between the Board and any officer or servant be removable by the Board at their pleasure:

Provided that the persons who at the date of the passing of this Act are the town clerk and treasurer of the city shall so long as they hold their respective offices be respectively the first clerk and the first treasurer of the Board and shall be remunerated by the Board as such.

(2) No member of the Board or of any of the constituent authorities shall be an officer or servant of the Board but the same person may be and continue an officer or servant of the Board and of a constituent authority.

Acts not  
invalidated.

26. No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.



## PART III

## LANDS

27.—(1) Subject to the provisions of this Act the Board 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 and for providing space for the erection of houses and buildings adjoining or near to the works and for the purposes of recoupment reinstatement or exchange and for other the purposes of this Act or for any of those purposes.

(2) The powers of the Board for the compulsory purchase of land under this section shall cease after the expiration of four years from the first day of December nineteen hundred and fifty-nine:

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

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

28. 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 Board for the compulsory purchase of land the following provisions shall apply after the coming into operation of that order:—

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

(1) In this section—

“ the land ” means any land which is for the time being authorised to be acquired compulsorily by this Act;

“ 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 in writing to the Board 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 Board 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 such part thereof as may be specified in the contract; or

PART III  
—cont.

(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 Board; or

(c) serve on such person notice in writing 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 land specified in the notice then—

(a) if the Board—

(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 such a notice to treat the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

Power to certain owners to give notice as to purchase of land.

29. If at any time after the Board resolve to construct the bridge and receive the consent of the corporation and any other necessary approvals thereto the Farmers Company Limited (hereafter in this section called "the company") are the owners of the lands delineated on the deposited plans and numbered 125 126 and 129 and as owners of those lands shall give notice in writing to the Board of their desire that as soon as may be such lands shall be acquired by the Board then the Board shall within a period of six months after the receipt of that notice either—

(a) enter into an effective contract with the company for the acquisition by agreement of the said lands; or

(b) serve a notice to treat for the compulsory acquisition of the said lands;

and in either case shall thereafter proceed with and complete the acquisition of such lands as soon as is reasonably practicable.



30.—(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 Board after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the place in which the land is situate for the correction thereof.

PART III  
—cont.  
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 county in which the land therein referred to is situate and with every clerk of a local authority with whom a copy of the deposited plans (or of 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 Board to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

31.—(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
- (b) in the case of a park or garden that such part as aforesaid 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

PART III  
—cont.

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 Board that part of the house building factory park or garden.

## Power to expedite entry.

32. 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 Board 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 Board 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.

33. Any person acting on behalf of the Board and duly authorised by the clerk may at all reasonable times enter on any land which the Board 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 Board not less than seven days before 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.

34. 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 or building erected after the fifth day of December nineteen hundred and fifty-eight; 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 or created with a view to obtaining or increasing the compensation or purchase money.

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

35.—(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 Board 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 Board:

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 Board compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(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.

36.—(1) In lieu of acquiring any land that may be acquired under this Act the Board may for the purposes of constructing using and maintaining the works and doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes. Power to acquire easements only.

(2) Accordingly the Board 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 Board 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;

(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 Act had not been passed.

(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 Board to acquire the land the Board 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 Board may acquire

PART III  
—cont.

the land compulsorily after the expiration of the period mentioned in subsection (2) of section 27 (Power to acquire lands) of this Act 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.

37.—(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 Board any easement or right required for the purposes of this Act in or over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(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.

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

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

Agreements with adjoining owners.

39.—(1) The Board 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 Board to him of any land (including any part of a street appropriated by the Board under this Act and not required for the works).

(2) The Board 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 Board for the purposes of this Act or any easement or right so required.

## PART IV

## WORKS

Power to construct works.

40.—(1) Subject to the provisions of this Act the Board 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 together with all necessary and proper works and conveniences connected therewith or incidental thereto (that is to say):—

PART IV  
—cont.

Work No. 1 A fixed bridge over the river with approach roads commencing in the urban district of Haltemprice in the East Riding by a junction with the north side of Boothferry Road (Hessle by-pass) and terminating in the urban district of Barton-upon-Humber in the Parts of Lindsey by a junction with Brigg Road with bridges carrying the said approach roads over Ferriby Road over the railway of the British Transport Commission (North Eastern Region Hull and Selby Branch) and over Cliff Road in the said urban district of Haltemprice and over Far Ings Road in the said urban district of Barton-upon-Humber and bridges carrying Ferriby Road and Horkstow Road in the said urban district of Barton-upon-Humber over the said approach roads;

Work No. 2 A road in the said urban district of Barton-upon-Humber commencing by a junction with Work No. 1 and terminating by a junction with Brigg Road:

Provided that the Board shall not commence the construction of the works except with the consent of the corporation.

(2) In the construction of Work No. 1 authorised by this Act—

(a) the main span of the river bridge shall have a clear opening between the piers of not less than four thousand five hundred and thirty-six feet and a minimum headway thereunder of ninety-seven feet at high water of ordinary spring tides and the span between the south pier and the south anchorage shall have a minimum headway thereunder of sixty-three feet at high water of ordinary spring tides;

(b) the piers in the river carrying the bridge shall be so placed that the centre of the south pier is not more than one thousand six hundred and sixty-five feet from the centre of the flood bank on the south side of the river at a point between the limits of deviation shown on the deposited plans and that the north pier is on the alignment shown on the deposited plans and on the line of high water of ordinary spring tides; and

(c) the Board shall erect a good and sufficient parapet at least three feet six inches high on each side of so much of the river bridge as carries a roadway and a good and sufficient parapet at least three feet nine inches high on each side of so much of the river bridge as carries a footway.

PART IV  
—cont.Power to  
deviate.

41. Subject to the provisions of subsection (2) of section 40 (Power to construct works) of this Act the Board 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 twenty-five feet either upwards or downwards but in the exercise of the powers of this section the Board shall not reduce the headway of the bridge over the river:

Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of—

- (a) the Minister; and
- (b) the conservancy board;

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

Power to  
make  
subsidiary  
works.

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

- (a) make junctions and communications with any existing streets (whether or not they are dedicated to the public use or repairable by the inhabitants at large) 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 and cattle creeps under the approach roads;
- (c) execute any works for the protection of any adjoining land or buildings;
- (d) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (e) alter or remove any structure erected upon any street or land; 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 foregoing provisions of this section shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

43.—(1) The Board in connection with and at or near any works to be executed or constructed under the powers of this Act may execute place and keep in the river and elsewhere either permanently or temporarily all such caissons cofferdams piles piers abutments embankments excavation dredging 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.

Provided that—

(a) the Board 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 interfere with or impede navigation or unnecessarily obstruct the flow of water;

(b) no materials raised under the provisions of this section shall be deposited in any place below high-water mark of ordinary spring tides except after consultation with the conservancy board and in such a position and under such restrictions and regulations as may be fixed by the Minister.

(2) On the completion of the bridge the Board 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.

(3) If any works placed by the Board in the river under the powers of this section shall at any time become redundant the Board shall remove the same.

44. Whereas in order to avoid in the execution and maintenance of the works injury to the houses and buildings within one hundred feet of the works it may be necessary to underpin or

Underpinning  
of houses  
near works.

PART IV  
—cont.

otherwise strengthen the same therefore the Board 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 Board 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 to the Board:
- (3) If any owner lessee or occupier of any such house or building or the Board 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 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 Board may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Board 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 Board 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 Board 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 on the requisition of the Board 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 underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Board 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 Board from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

45. The Board may lay out the works and any land acquired by them 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 subject to the provisions of the next following section may from time to time execute all such works and do all such acts in under or upon any of the carriageways and footways forming part of the works as they may from time to time think proper for preserving repairing or improving the works and may for that purpose enter upon and break open the

Laying out  
and repair of  
carriageways  
and footways.

PART IV  
—cont.

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.

Maintenance  
of roads and  
bridge.

46.—(1) On the completion of any road or street constructed under the powers of this Act or of any part of a road or street such road or street or such part of a road or street shall be maintained and repaired by and at the expense of the Board for a period of one year from the completion and at the expiration of that period the Board shall give notice of such completion to the council of the appropriate local authority in whose county or district such road or street or part thereof is situate and thereupon such road or street or part thereof shall cease to form part of the undertaking and shall be repairable by the inhabitants at large.

(2) Subsection (1) of this section shall not apply to the highway on the bridge which shall vest in the Board and be maintained by them.

(3) The maintenance of the bridge shall include insurance and such lighting of the highway thereon as the Board may consider necessary and such other lighting as they may be under obligation to provide.

(4) For the purposes of this section—

- (a) the expression “local authority” includes the council of a county; and
- (b) the date on which any road or street is completed shall be agreed between the Board and the appropriate local authority or in default of agreement determined by arbitration.

Stopping up  
of highways.

47.—(1) The Board may stop up the whole or such portion or portions as they think fit of so much of Stable Lane Dam Road West Field Road Waterslacks Road and the private road from Barton Hill Farm to Brigg Road as is shown on the deposited plans as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Board may appropriate and use the site thereof:

Provided that the Board shall not under the powers of this section stop up any part of the said roads unless—

- (a) such part is bounded on both sides by lands belonging to the Board; or
- (b) the Board obtain the consent of the owners lessees and occupiers of the houses and lands on both sides thereof.



(2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

PART IV  
—cont.

48. 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 Board and in accordance with such terms and conditions as the Board may determine.

No mains or pipes to be laid in bridge.

49. The Board may whenever in their opinion it is necessary so to do for the purposes of the maintenance repair or improvement of the bridge or in case of emergency wholly or partially close the bridge or any portion thereof to traffic along or over the bridge:

As to closing of bridge.

Provided that (except in cases of emergency) the Board shall not less than seven days before closing the bridge publish a notice stating the day and time when the bridge will be closed and the period during which it is estimated it will remain closed in—

- (a) a newspaper circulating in the East Riding;
- (b) a newspaper circulating in the Parts of Lindsey;
- (c) the London Gazette; and
- (d) a conspicuous place at or near to the approaches to the bridge;

and in such other manner (if any) as the Board consider desirable.

50. The Board 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 road street or other place altered by them for the purposes of this Act and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act.

Power to sell materials.

51. Section 21 of the Public Utilities Street Works Act 1950 shall apply to any work to be executed by or on behalf of the Board under the powers of this Act in any street or controlled land abutting on any street within the meaning of that section as if the Board were one of the bodies specified in paragraph (a)

Application of Public Utilities Street Works Act 1950.

PART IV  
—cont.

of subsection (1) of that section and the works so executed were for road purposes within the meaning of that paragraph and were of the kind referred to in that section.

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

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

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

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

Provision against danger to navigation.

**53.**—(1) In case of injury to or destruction or decay of any work constructed by the Board under the powers of this Act or any part of such work so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Board 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 conservancy board and shall apply to the conservancy board for directions as to the means to be taken.

(2) If the Board 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.

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

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark



of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

PART IV  
—cont.

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

**55.** 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 Board under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Board 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.

**56.**—(1) After the completion of the works the Board 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 conservancy board shall from time to time direct.

Permanent  
lights on  
works.

(2) If the Board 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.

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

Lights on  
works  
during  
construction.

(2) If the Board 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.

PART IV  
—cont.Aircraft  
obstruction  
lighting.

58.—(1) After the completion of the bridge the Board shall on the towers thereof exhibit and keep burning every night from thirty minutes before sunset to thirty minutes after sunrise such lights for the prevention of danger to aircraft as the Minister shall from time to time direct.

(2) If the Board 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.

Works to be  
within petty  
sessional  
divisions.

59. So much of the bridge as is outside the area of any petty sessional division shall if situate within the East Riding be deemed to be within the area of the petty sessional division of South Hunsley Beacon and if situate within the Parts of Lindsey be deemed to be within the petty sessional division of Barton-upon-Humber.

Saving for  
Trinity  
House.

60. 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 V

## TOLLS

Tolls.

61.—(1) From and after the opening of the bridge for public traffic the Board may demand take and recover in respect of all traffic passing over or on the bridge tolls not exceeding those specified in an order (in this section referred to as “the order”) made by the Board and confirmed by the Minister in accordance with the provisions of this section and for any other services rendered by the Board in connection with the bridge such reasonable charges as they may think fit:

Provided that—

(a) the Board may by resolution if and when they think fit—

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

(ii) resume demanding taking and recovering such tolls;

(b) the Board may also (if and when they think fit) allow traffic to use the bridge without paying tolls during such hours or on such occasions as they may from time to time determine.

(2) The order when made by the Board shall be submitted to the Minister for confirmation and shall be confirmed by the



Minister with or without modification not more than twelve months nor less than six months before the expected opening of the bridge for public traffic.

PART V  
—cont.

(3) After submitting the order to the Minister for confirmation the Board shall furnish the Minister with such information and particulars certified in such manner as the Minister may require and shall publish in the London Gazette and in such newspapers as the Minister may require a notice stating—

(a) the general effect of the order; and

(b) that within a period of forty-two days from the date of the first publication of the notice any person having a substantial interest may object to the order by giving notice to the Minister accompanied by the grounds of his objection and sending a copy thereof to the Board.

(4) Before confirming the order the Minister shall if required by the Board or by any person who has objected to the order and has not withdrawn his objection and in any other case if he thinks fit cause a local inquiry to be held by such person as he may appoint for the purpose.

(5) In confirming the order with or without modification the Minister shall have regard to the financial position and future prospects of the undertaking and the order shall prescribe such maximum tolls as in the Minister's opinion shall not exceed by more than is reasonable the tolls estimated to be required to be demanded taken and recovered when the bridge is first opened for public traffic to produce an annual revenue not substantially less nor substantially more than adequate to meet such expenditure as is authorised for the several purposes mentioned in section 75 (Application of revenue) of this Act.

(6) The power of the Minister to confirm the order shall be exercisable by statutory instrument.

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

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

64. The tolls and charges by this Act authorised to be demanded and taken shall be paid to such persons and at such places and in such manner and under such regulations as the Board may appoint and the Board may recover such tolls and charges by Regulations as to payment of tolls and charges.

PART V  
—cont.

action in any court of competent jurisdiction or where the amount does not exceed twenty pounds summarily as a civil debt and when such tolls and charges are not paid at the time the bridge is used or the services provided the Board may recover an additional sum of ten shillings to cover administration expenses in addition to the toll or charge otherwise payable and any legal costs properly recoverable by the Board in any legal proceedings which they may institute.

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

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

Power to compound for payment of tolls.

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

Tickets.

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

Exemption from tolls.

68.—(1) Nothing in this Act shall prejudice any existing right of Her Majesty (including the exemptions and rights contained in section 184 of the Army Act 1955 and section 184 of the Air Force Act 1955).

(2) Nothing in this Act shall extend to authorise any tolls to be demanded or received from any person—

- (a) when on duty as a member of the naval forces of the Crown;
- (b) when on duty as a police officer;
- (c) when on duty as a member of one of the civil defence forces as defined in the Civil Defence Act 1948;
- (d) when on duty as a member of a fire brigade maintained in pursuance of the Fire Services Act 1947;
- (e) in charge of a mail bag as defined by the Post Office Act 1908.



(3) The exemption conferred by this section shall also apply to—

PART V  
—cont.

- (a) any animal or vehicle when being used in the service of the naval forces of the Crown or returning after being so used;
- (b) any other animal or vehicle when being used in the service of the Crown or of the authority in whose service the person is engaged (as the case may be) by a person to whom exemption is granted by the last foregoing subsection or returning after being so used; and
- (c) any ambulance or other means of transport provided by a local health authority under section 27 (Ambulance services) of the National Health Service Act 1946 or by a voluntary organisation under an arrangement made under that section.

(4) Nothing in this Act shall extend to authorise any tolls to be demanded or received—

- (a) from any member or any officer or servant of the Board; or
- (b) in respect of any animal belonging to him or in respect of any vehicle of which he is in charge;

on any occasion on which the member officer or servant (as the case may be) is engaged in carrying out the duties of his office or employment.

(5) If any person wilfully and with intent to defraud claims or takes the benefit of any exemption conferred by this section as aforesaid without being entitled thereto he shall for every such offence be liable to a fine not exceeding five pounds.

## PART VI

### FINANCE

69.—(1) The Board may borrow—

Power to borrow.

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) 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 paragraph (b) of the preceding subsection shall not exceed the period specified in relation thereto in the third column of the said table.

PART VI  
—cont.

(3) 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.

1	2	3
Purpose	Amount	Period for repayment calculated from the date or dates of borrowing
(a) The purchase of lands and easements and rights under the powers of this Act	The sum requisite	Sixty years.
(b) The construction of the bridge and other works authorised by Part IV (Works) of this Act	£15,750,000	Fifty years.
(c) The payment out of capital of interest on moneys borrowed for the above-mentioned purposes (a) and (b) during the period of suspension authorised by section 71 (Suspension of payments into sinking fund) of this Act	The sum requisite	Fifty years.
(d) The payment of the costs charges and expenses of this Act	The sum requisite	Five years.

Application of Act of 1933 to borrowing of money by Board.

70. The provisions of Part IX of the Act of 1933 and of the regulations made thereunder or under section 125 of the Local Government Act 1948 so far as they are not inconsistent with the provisions of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

- (a) the Board were a local authority within the meaning of the Act of 1933;
- (b) the money so borrowed were borrowed under the said Part IX; and
- (c) the revenues of the Board were the general rate fund or the revenues of the local authority;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purpose of this section.



71. Notwithstanding anything contained in any Act it shall be lawful for the sums to be provided for the redemption of borrowed moneys for or in respect of purposes (a) (b) and (c) referred to in the table set out in subsection (3) of section 69 (Power to borrow) of this Act to be suspended until the opening of the bridge for public traffic and in the event of such sums being suspended the periods mentioned in the third column of the said table shall commence from the date or dates at which the provision of such sums for such redemption is commenced:

PART VI  
—cont.

Suspension of  
payments into  
sinking fund.

Provided that such suspension shall not be for a longer period from the date of borrowing than five years or such longer period as the Minister of Housing and Local Government may approve.

72.—(1) Without prejudice to the operation of the last foregoing section of this Act any constituent authority may lend to the Board any sum or sums which the Board are empowered to borrow on such terms and conditions and in such form as may be agreed between the Board and the constituent authority.

Power for  
constituent  
authorities to  
lend money  
to Board.

(2) Any constituent authority may from time to time borrow at interest such sums as may be requisite for the purpose of providing any sum or sums which such constituent authority may lend to the Board under the provisions of subsection (1) of this section.

(3) It shall not be lawful to exercise the powers of borrowing conferred by subsection (2) of this section except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

(4) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act.

73.—(1) Except as otherwise expressly provided by this Act all receipts of the Board shall be carried to a common fund and all expenses incurred by the Board shall be defrayed out of that fund.

Financial  
arrangements.

(2) The Board shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them and those arrangements shall be carried out under the supervision of the treasurer.

74.—(1) Any deficiency in the revenues of the Board in any financial year shall be made good in the first instance out of the reserve fund (if any) provided under section 76 (Power to create reserve fund) of this Act and if there be no such reserve fund or

Apportion-  
ment of  
deficiency.

PART VI  
—cont.

if such reserve fund shall be insufficient for the purpose the Board shall apportion to each of the following constituent authorities (namely):—

- the corporation;
- the Haltemprice Urban District Council; and
- the Barton-upon-Humber Urban District Council;

a sum bearing to the sum required to meet the deficiency the same proportion as the total rateable value of the hereditaments in the area of that constituent authority bears to the rateable value of all the hereditaments in the areas of the said constituent authorities as shown by the valuation lists in force on the thirty-first day of March preceding the commencement of the said financial year:

Provided that the amount apportioned to any of the said constituent authorities except the corporation shall not exceed in any financial year a sum equal to four times the product of a penny rate in the financial year in which the deficiency arose as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925 and if the amount which but for this proviso would be apportioned to that authority would exceed the said sum the excess shall be apportioned to the corporation.

(2) The Board shall issue to each of the constituent authorities mentioned in subsection (1) of this section a precept for a sum equal to the sum apportioned to that authority in pursuance of this section and that constituent authority shall within two months after the receipt of the said precept pay to the Board the sum stated in the precept.

(3) Any sum mentioned in a precept issued under this section by the Board to any constituent authority shall be a debt due from that authority and may be recovered accordingly without prejudice however to the right of the Board to exercise any powers conferred upon them by section 13 of the Rating and Valuation Act 1925.

Application  
of revenue.

75. The Board shall apply the revenues of the Board except borrowed money and money arising from the disposal of lands acquired for the purposes of this Act in manner following (that is to say):—

- first in payment of the working and establishment expenses and cost of maintenance of the undertaking;
- secondly in payment of the interest on moneys borrowed by the Board under any statutory borrowing power;
- thirdly in providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board under any statutory borrowing power;



- fourthly in payment of all other expenses of executing this Act being expenses properly chargeable to revenue;
- fifthly in extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;
- sixthly in providing working capital (if the Board think fit);
- seventhly in providing a reserve fund (if the Board think fit) in accordance with the next succeeding section;
- eighthly in repayment to the constituent authorities mentioned in section 74 (Apportionment of deficiency) of this Act of any sums paid by them to the Board in pursuance of that section; and
- ninthly in the reduction of tolls which may be demanded taken and recovered under this Act or for such other purpose as may be approved by the Minister:

PART VI  
—cont.

Provided that on each occasion on which the Board makes a repayment to the constituent authorities in pursuance of this section the repayment made to each of the constituent authorities shall be in the same proportion as the total amount paid by them under the said section 74 and not for the time being repaid.

76.—(1) The Board may (if they think fit) provide a reserve fund by setting aside such amounts as they may from time to time determine from the revenues of the Board and investing the same in any securities in which trustees are for the time being authorised by law to invest trust moneys until the fund so formed amounts to a sum (in this section referred to as “the prescribed maximum”) equal to twenty per centum or such greater percentage as the Minister may from time to time approve of the aggregate capital expenditure incurred by the Board on the undertaking.

Power to  
create reserve  
fund.

(2) A reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part of the undertaking or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction occurs.

(3) Resort may be had to the reserve fund formed under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) The income of the reserve fund shall be treated as part of the revenues of the Board.

PART VI  
—cont.  
Annual  
accounts to  
be sent to  
Minister.  
Closing of  
registers.

77. The Board shall within six months of the close of each financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of the undertaking.

78.—(1) The Board may close any transfer books or the registers of transfers of any authorised securities (other than stock) of the Board for a period not exceeding fourteen days next before any date on which any interest or dividend on the class of securities to which such register relates is payable.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

(3) In this section “ authorised security ” means any mortgage or bond or other security that the Board are for the time being authorised to grant or issue but does not include stock.

Receipt in  
case of minors.

79.—(1) If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Board.

(2) In this section “ authorised security ” means any mortgage stock bond or other security that the Board are for the time being authorised to grant create or issue or upon or by means of which the Board are for the time being authorised to raise money.

Interest and  
dividends by  
post.

80.—(1) The Board may give notice to the registered holder of an authorised security whose address as appearing in the register is in the United Kingdom the Channel Islands or the Isle of Man that they intend to send interest or dividends on the security to him by post if he does not object and unless the registered holder within fourteen days from the date of receipt of the notice notifies the Board that he objects the Board may from time to time send orders for the payment of interest and dividend warrants to him by post at the address in the register.

(2) If the registered holder of an authorised security notifies the Board in writing that he wishes interest or dividends on the security to be sent to another person at an address in the United Kingdom the Channel Islands or the Isle of Man specified in the notice the Board may from time to time send orders for the payment of interest or dividend warrants to that person by post at that address.

(3) For the purposes of this section the Board may treat as the registered holder of an authorised security that one of the joint holders of the security who is first named in the register or such other of them as they may in writing direct.



(4) The posting by the Board of an order for the payment of interest or a dividend warrant in pursuance of this section shall discharge the Board from any obligation to deliver the order or warrant to the holder of the security.

PART VI  
—cont.

(5) An order or warrant sent by post in pursuance of this section shall be deemed a cheque and the Board shall in relation thereto be deemed a banker within the meaning of the Bills of Exchange Act 1882.

(6) In this section “ authorised security ” means any mortgage or bond or other security that the Board are for the time being authorised to grant or issue but does not include stock.

81.—(1) The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent authority or by any officer of any constituent authority authorised by that constituent authority for that purpose. Accounts and audit.

(2) (a) The accounts of the Board shall be audited annually.

(b) The Board shall by a resolution (in this section referred to as “ the initial resolution ”) adopt either the system of district audit or the system of professional audit. The initial resolution must be passed not later than six months after the first meeting of the Board at a meeting of the Board specially convened for the purpose with notice of the object of the meeting of which not less than one month’s previous notice must be given to every member of the Board.

(c) The provisions of Part X of the Act of 1933 (other than those of sections 237 and 238) shall mutatis mutandis and with all necessary modifications extend and apply to the Board as if the Board were the council of a borough:

Provided that—

(i) the following paragraph shall be substituted for paragraph (b) of subsection (3) of section 239 of the Act of 1933:—

“ (b) No person shall be qualified to be so appointed unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Society of Incorporated Accountants;

the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

PART VI  
—cont.

the Institute of Municipal Treasurers and Accountants;

any body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act 1948 by the Board of Trade"; and

(ii) subsection (4) of the said section 239 shall not apply to the initial resolution.

(3) It shall be lawful for the Board subject to the consent of the Minister of Housing and Local Government at any time after the expiration of a period of five years from the date of the initial resolution and thereafter from time to time by means of a subsequent resolution passed and confirmed in accordance with subsection (4) of the said section 239 to adopt the other of the two systems which are referred to in the said section 239.

(4) As soon as practicable after the completion of the audit in every financial year the clerk shall forward to the town clerk or clerk of each constituent authority a copy of the abstract of the accounts of the Board for that year and of any report to the Board made by an auditor.

## PART VII

## PROTECTIVE PROVISIONS

Crown  
rights.

82. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

For pro-  
tection of  
Humber  
Conservancy  
Board.

83. For the protection of the conservancy board the following provisions shall unless otherwise agreed in writing between the Board and the conservancy board apply and have effect:—

(1) The Board shall effectively indemnify and hold harmless the conservancy board from and against all claims or demands in respect of any damage which may be occasioned to the bridge by—

(a) the carrying out by the conservancy board of any operations for the improvement or maintenance of the river or the river Trent in the exercise of their statutory powers; or



(b) the omission by the conservancy board to carry out any such operations in the exercise of their statutory powers in respect of which no statutory duty is imposed upon them:

Provided that not less than two months before they carry out any such operations in the river or the river Trent which might affect the bridge the conservancy board shall give to the Board notice of their intention so to do except in the case of urgency when they shall give the longest practicable notice:

- (2) (a) The amount of any expenditure reasonably incurred by the conservancy board in rectifying injury to or interference with navigation or the river which shall have been caused by the construction or the existence of the bridge or the construction or the existence of subsidiary or temporary works connected with the bridge or by the collapse of or damage to the bridge or of any such works shall be repaid to them by the Board and the amount thereof shall be a debt due from the Board to the conservancy board and recoverable as such:

Provided that if at any time after the opening of the bridge for public traffic there shall be an unbroken period of twenty consecutive years during which no injury or interference materially detrimental to navigation or the river has been caused by the construction or the existence of the bridge or the construction or the existence of subsidiary or temporary works connected with the bridge then the obligation of the Board to repay to the conservancy board the amount of any expenditure incurred by the conservancy board in rectifying any injury to or interference with navigation or the river as a result of the construction or the existence of the bridge or the construction or the existence of subsidiary or temporary works connected with the bridge shall cease;

- (b) Any payment made by the Board under this paragraph shall for the purpose of section 75 (Application of revenue) of this Act be regarded as an expense of executing this Act being an expense properly chargeable to revenue:

- (3) (a) Before commencing the construction of any work authorised by this Act so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides plans and sections showing the general mode of construction thereof shall be delivered by the Board to the conservancy board

PART VII  
—cont.

- for their approval and such works shall not be constructed otherwise than in accordance with such plans and sections as may be approved; and
- (b) Such works shall be executed to the reasonable satisfaction of the engineer of the conservancy board:
- (4) After the purpose for which temporary structures in the river necessary to enable the bridge to be constructed has been accomplished the Board shall with all reasonable dispatch or after a reasonable period of notice in writing from the conservancy board requiring them so to do remove any such temporary structures or any materials for the same which may have been placed in the river by the Board and on their failing so to do within a reasonable period after receiving such notice the conservancy board may remove the same charging the Board with the reasonable expense of so doing and the Board shall repay to the conservancy board such expense:
- (5) (a) In the event of the conservancy board omitting to express their disapproval of any plans or sections within two months after the same shall have been delivered to them in pursuance of this section they shall be deemed to have approved the same;
- (b) If the conservancy board disapprove of any plans or sections delivered to them in pursuance of this section they shall state in writing their reasons for such disapproval:
- (6) During the construction and after the completion of the bridge the Board shall (if the conservancy board so direct) provide and maintain on the works effective fog-signalling apparatus and shall duly and properly work such apparatus in foggy weather for the purpose of warning passing vessels of the existence of the works.
- If the Board fail to comply with the provisions of this paragraph they shall be liable to a fine not exceeding twenty pounds and in the case of a continuing offence to an additional fine not exceeding forty shillings for every day on which after conviction thereof they so fail:
- (7) The Board shall allow at such times as may be necessary access by water and by land to the conservancy board their officers and servants on to and over any part of the bridge without payment or hindrance whilst in the execution of their duties in relation to the bridge:
- (8) From the time when the construction of the bridge is commenced the Board shall proceed with the work with all reasonable diligence and without unreasonable delay



until the bridge is completed and all temporary works removed from the river. If the work has to be suspended the Board shall take all possible steps to ensure that the work shall be left in such a state that the interference with the flow of the river and with the navigation is no greater than would have resulted from the completed bridge:

- (9) The Board shall pay to the conservancy board the reasonable cost of any alterations to the marking and lighting of the navigation channel of the river which may be necessary during the construction or as a result of the existence of the bridge:
- (10) The Board shall provide and maintain around any pier of the bridge which is in the river such timber fendering or other protective works as the conservancy board may from time to time reasonably require or in the event of disagreement as to the necessity for such works as may be settled by arbitration:
- (11) The Board shall on request afford all reasonable facilities to the conservancy board to place and maintain on the bridge any such signals tide-boards tide-gauges or other apparatus for the benefit of navigation as the conservancy board may from time to time reasonably require:
- (12) All street lamps or other lights used on the bridge which are not required in connection with the navigation of the river shall be effectually screened to the reasonable satisfaction of the conservancy board:
- (13) The Board shall not carry out any repairs or alterations to the bridge involving any restriction whether permanent or temporary in the width or headroom of any span of the bridge over the river or involving any obstruction in the river or on the foreshore thereof except with the prior consent in writing of the conservancy board which consent shall not be unreasonably withheld and subject to such reasonable conditions as the conservancy board may impose:
- (14) If there shall be any inconsistency between any plans or sections approved by the conservancy board under this section and the plans and sections approved by the Minister under section 52 (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:
- (15) (a) The Board shall not under this Act acquire from the conservancy board in respect of the bridge any greater right or interest in the foreshore or bed of the river

PART VII  
—cont.

than an easement or right of constructing maintaining renewing and using the bridge which easement or right the conservancy board are hereby empowered to grant;

- (b) The compensation for such easement or right shall be a rentcharge to be determined (unless otherwise agreed with the conservancy board with the approval of the Crown Estate Commissioners) under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949 and such grant shall be subject in other respects to the Humber Conservancy Act 1868;
- (c) The conservancy board with the consent of the Crown Estate Commissioners are hereby empowered to sell or surrender the rentcharge mentioned in this paragraph:
- (16) The provisions of section 54 (Abatement of work abandoned or decayed) section 55 (Survey of works by Minister) and section 57 (Lights on works during construction) of this Act shall with the necessary modifications apply to the conservancy board as if the conservancy board were named therein in addition to the Minister and any expenses incurred by the conservancy board in pursuance of the said sections shall be a debt due to them from the Board and be recoverable in any court of competent jurisdiction or where the amount recoverable does not exceed twenty pounds summarily as a civil debt:

Provided that in the event of any inconsistency between any requirement of the Minister and of the conservancy board or in the event of the conservancy board refusing to give any consent or approval under any of the said sections the Board shall be deemed to have complied with the provisions of those sections if they have complied with the requirement or obtained the consent or approval of the Minister as the case may be:

- (17) The Board and any person duly authorised by them shall be entitled at any time after giving reasonable notice to the conservancy board to inspect and take copies of or extracts from all records (whether made before or after the passing of this Act) and other documents and information relating to the river which may be in the possession of the conservancy board:
- (18) Any difference arising between the Board and the conservancy board under this section (except under sub-paragraph (a) of paragraph (3) paragraph (14) or sub-paragraph (b) of paragraph (15)) shall be settled by arbitration.



**84.**—(1) Before commencing to construct any part of Work No. 1 authorised by this Act which will involve interference with any trunk road the Board shall submit to the Minister for his approval plans sections specifications and other particulars relating to such part and such part shall not be constructed otherwise than in accordance with such plans sections specifications and other particulars as may be approved by the Minister as aforesaid.

PART VII  
—cont.  
Saving for  
trunk roads.

(2) Before commencing to construct any part of the said Work No. 1 the construction of which will involve interference with any trunk road the Board shall consult the Minister as to—

- (a) the time when such part shall be commenced;
- (b) the extent of the surface of such road that it may be reasonably necessary to occupy in the construction of such part; and
- (c) the conditions under which such part shall be constructed;

so as to reduce as far as possible inconvenience to the public and to ensure the safety of the public and—

- (i) such part shall not be constructed; and
- (ii) the surface of such road shall not be occupied by the Board;

otherwise than in accordance with such requirements as to the aforesaid time and extent and with such conditions as the Minister may specify after such consultation.

**85.** For the protection of the British Transport Commission (in this section referred to as “the commission”) the provisions of this section shall unless otherwise agreed in writing between the Board and the commission apply and have effect:—

For pro-  
tection of  
British  
Transport  
Commission.

(1) In this section—

“the river Ouse” means any part of the river Ouse in respect of which the commission are the navigation authority under the provisions of the Ouse (Lower) Improvement Act 1884;

“the Hull docks” means the docks quays piers and jetties of the commission in the city and their jetties at Salt End in the parish of Preston in the East Riding and the Hedon Haven;

“the outfalls” means all those outfalls of drains sewers and watercourses leading into the river Ouse and the river respectively which the commission are by statute or otherwise under any legal obligation to preserve or maintain:

PART VII  
—cont.

(2) The amount of any expenditure reasonably incurred by the commission—

(a) in rectifying injury to or interference with the river Ouse or the navigation thereof in the exercise of their functions as navigation authority in respect of the river Ouse; or

(b) in rectifying injury to or interference with the river in the exercise of their statutory powers in that behalf; or

(c) in rectifying injury to or interference with the Hull docks or the entrances or approaches thereto in the exercise of their statutory powers in that behalf; or

(d) in rectifying injury to or interference with any of the outfalls;

which shall have been caused by the construction or existence of the bridge or the construction or existence of subsidiary or temporary works connected with the bridge or by the collapse of or damage to the bridge or any such works shall be repaid to the commission by the Board on demand:

Provided that if at any time after the opening of the bridge for public traffic there shall be an unbroken period of twenty consecutive years during which no injury or interference materially detrimental to the river Ouse or the part of the river or the docks or outfalls specified in the first column of the following table has been caused by the construction or the existence of the bridge or the construction or existence of subsidiary works in connection with the bridge then the obligations of the Board under the sub-paragraph of this paragraph mentioned in relation thereto in the second column of the said table shall cease:—

(a) the river Ouse ... ..	sub-paragraph (a)
(b) so much of the river as the commission have statutory powers to dredge	sub-paragraph (b)
(c) the Hull docks or the entrances or approaches thereto	sub-paragraph (c)
(d) the outfalls ... ..	sub-paragraph (d)

(3) Any payment made by the Board under the preceding paragraph of this section shall for the purpose of



section 75 (Application of revenue) of this Act be regarded as an expense of executing this Act being an expense properly chargeable to revenue:

PART VII  
—cont.

(4) For the purposes of this section the Board and any person duly authorised by them shall be entitled at any time after giving reasonable notice to the commission to inspect and take copies of or extracts from all records (whether made before or after the passing of this Act) and other documents and information relating to the river Ouse which may be in the possession of the commission:

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

**86.** 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 Board and the commission apply and have effect:—

For further  
protection of  
British  
Transport  
Commission.

(1) In this section—

“railway property” means any lands railways and railway works of the commission within the limits of deviation shown on the deposited plans;

“the authorised works” means so much of Work No. 1 authorised by this Act and of any other works constructed by the Board under the powers of this Act as may be situated upon across under or over railway property or may in any way affect the same and includes the construction maintenance and renewal of such works;

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

“plans” includes sections drawings and specifications:

(2) The Board shall not under the powers of this Act acquire compulsorily any railway property but they may in accordance with the provisions of section 36 (Power to acquire easements only) of this Act acquire such easements and rights in relation to railway property as they may require for the purposes of the authorised works:

(3) The Board shall before commencing the authorised works (other than works of maintenance and repair) furnish to the commission plans thereof for the reasonable

PART VII  
—cont.

approval of the engineer and shall not commence the authorised works until such plans have been approved in writing by the engineer or if he shall not approve the plans until the same shall have been 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:

- (4) Upon signifying his approval or disapproval of the said plans the engineer may specify any temporary or permanent protective works which in his opinion should be carried out before the commencement of the authorised works to ensure the stability of any railway property or to protect the same from injury and such temporary or permanent protective works as may be reasonably necessary for those purposes may be constructed by the commission and the Board shall not commence the construction of the authorised works until such temporary or permanent protective works have been completed:

Provided that any temporary or permanent protective works to be constructed by the commission in pursuance of this paragraph shall be constructed with all reasonable dispatch:

- (5) The Board shall give to the engineer twenty-eight days' notice in writing of their intention to commence any of the authorised works except in cases of emergency when they shall give such notice thereof as may be reasonably practicable:
- (6) The authorised works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be 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 as not to interfere with delay or interrupt the traffic on the railway and if any damage to railway property or any such interference delay or interruption shall be caused or take place by reason of the authorised works the Board shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage interference delay



or interruption other than damage interference delay or interruption caused by the neglect or default of the commission their servants or agents:

- (7) The Board shall at all times afford reasonable facilities to the engineer for access to the authorised works and shall supply him with all such information as he may reasonably require with regard to the authorised works or the method of construction thereof:
- (8) If any alterations or additions either permanent or temporary to any railway property shall be reasonably necessary in consequence of the authorised works such alterations and additions may be effected by the commission after notice has been given to the Board and the Board shall repay to the commission the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing any such alterations or additions:
- (9) The Board shall repay to the commission all costs charges and expenses reasonably incurred by the commission by reason of the authorised works—
- (a) in respect of the construction by the commission of any temporary or permanent protective works under the provisions of paragraph (4) of 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 watching lighting and signalling railway property and for preventing as far as may be all interference obstruction danger or accident arising from the authorised works;
  - (c) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed and which may be due to the construction of the authorised works or from the substitution or diversion of services; and
  - (d) in additional lighting of railway property in the vicinity of the authorised works:
- (10) If at any time after the completion of the construction of the authorised works the commission shall give notice to the Board informing them that the state of repair of the authorised works appears to be such as to affect prejudicially the property of the commission the Board shall within twenty-eight days of the receipt of any such notice commence to take and thereafter complete taking such steps (if any) as may be reasonably necessary to

PART VII  
—cont.

put the authorised works into such a state of repair as not to affect prejudicially the property of the commission and if and whenever the Board fail to do so the commission may make and do in and upon the lands of the commission or of the Board all such works and things as shall be requisite to put the authorised works into such state of repair as aforesaid and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Board:

- (11) The Board shall be responsible for and make good to the commission all costs charges damage and expenses not otherwise provided for in this section which may be occasioned to the commission by reason of the authorised works or the failure thereof or by reason of any act or omission of the Board or of any persons in their employ or of their contractors or others whilst engaged upon the authorised works and the Board shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the authorised works or any such failure or act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any plan approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not excuse the Board from any liability under the provisions of this section unless such costs damage or expenses shall be occasioned or such claims and demands shall arise by reason of the neglect or default of the commission their servants or agents:

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

- (12) Any additional expense which the commission may reasonably incur after giving one month's notice thereof to the Board in widening altering reconstructing or maintaining any railway of the commission in pursuance of any powers existing at the passing of this Act by reason of the existence of the authorised works shall be repaid by the Board to the commission:
- (13) If it shall be necessary for the protection and safety of the commission's railway and railway works for the commission to purchase any minerals for the support of the railway and railway works or to pay compensation for any minerals to be left unworked for the support of the railway and railway works and the works of the Board also derive support from such minerals the Board



shall repay to the commission a reasonable proportion of the amount paid by the commission for or in respect of such minerals and the costs and expenses incurred by the commission in relation to any such purchase or payment of compensation:

PART VII  
—cont.

- (14) Before providing any illumination on the bridge the Board shall consult with the commission and shall comply with any reasonable requirements of the commission in regard thereto:
- (15) Any difference arising between the Board and the commission under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

**87.** 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 Board and the commission apply and have effect:—

Saving for  
ferry vessels  
of British  
Transport  
Commission.

(1) In this section—

"the ferry" means the ferry operated by the commission between Hull and New Holland as part of the Humber Piers and Steam Communication authorised by the Manchester Sheffield and Lincolnshire Railway Act 1849;

"ferry vessels" means any vessels with which the ferry is or may hereafter be operated;

"the existing ferry vessels" means the three ferry vessels operated at the passing of this Act;

"redundant" in relation to a ferry vessel means redundant for the ferry and for any other purpose of the commission's undertaking;

"the relevant date" means the date of the opening of the bridge for public traffic:

- (2) (a) If at any time or from time to time after the passing of this Act and before the relevant date it shall be necessary for the efficient and economic operation of the ferry to replace any one or more of the commission's existing ferry vessels by one or more new ferry vessels (whether of the same or different type) or to bring into service any one or more additional ferry vessels the Board shall pay to the commission at or before the expiration of two years after the relevant date the capital cost outstanding at the relevant date (to be ascertained as hereinafter provided) of all such new or additional ferry vessels as are employed on the ferry service at

PART VII  
—cont.

the relevant date and become redundant at that date or within one year thereafter in consequence of the opening of the bridge for public traffic:

Provided that this section shall not apply to a ferry vessel unless the Board give their approval to the purchase thereof but such approval shall not be unreasonably withheld;

- (b) In this and the succeeding paragraph of this section references to new or additional ferry vessels shall be deemed to include any ferry vessels purchased by the commission with the approval of the Board for the purposes of the ferry after the passing of this Act whether or not such vessels are new at the date when they are purchased by the commission:
- (3) (a) The capital cost outstanding at the relevant date of any new or additional ferry vessels shall be ascertained by deducting from the capital cost to the commission of such vessel—
- (i) a sum equal to one-twentieth thereof in respect of each complete year which shall have elapsed between the date of the delivery of such vessel and the relevant date and a proportionate sum in respect of the period (if any) which shall have elapsed between the last anniversary of such delivery and the relevant date; and
  - (ii) the value of the vessel in the open market at the date on which it becomes redundant in accordance with the provisions of paragraph (2) (a) of this section;
- (b) The capital cost to the commission of a ferry vessel shall be deemed to be such sum as may be agreed between the commission and the treasurer of the Board as soon as may be after the purchase of the vessel or as failing such agreement may be determined by arbitration;
- (c) On the purchase of a ferry vessel the commission shall supply to the treasurer of the Board such information and shall render such reasonable assistance as may be necessary to enable him effectively to check the capital cost to the commission of the ferry vessel;
- (d) For the purposes of this paragraph the date of delivery of any vessel which was not new when it was purchased by the commission shall be deemed to be the date of its delivery when new:
- (4) Any payment made by the Board under the provisions of this section shall for the purposes of section 75



(Application of revenue) of this Act be regarded as an expense of executing this Act being an expense properly chargeable to revenue:

PART VII  
—cont.

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

88.—(1) Where any highway or part of a highway is stopped up in pursuance of the power to divert streets conferred by section 42 (Power to make subsidiary works) or the power conferred by section 47 (Stopping up of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Board and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

For protection  
of Postmaster-  
General.

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Board of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the Board in that behalf abandon the said line or any part thereof and shall be deemed as respects the 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;
- (c) The Postmaster-General shall be entitled to recover from the Board the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Board and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

PART VII  
—cont.

(2) As soon as the whole or any part of any highway has been stopped up the Board shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) Nothing in section 48 (No mains or pipes to be laid in bridge) of 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.

(4) (a) The Board shall in constructing the bridge and the bridges authorised by section 40 (Power to construct works) carrying Ferriby Road and Horkstow Road over the approach road provide therein for the telegraphic lines of the Postmaster-General accommodation of the dimensions stated in paragraph (b) of this subsection. The Board shall also provide a means by which the Postmaster-General may have access to such telegraphic lines after the same have been laid without breaking up or interfering with the surface of the road and footway of any of the bridges.

(b) (i) In the bridge the accommodation to be provided shall be not less than two feet six inches wide by one foot three inches deep or of such other dimensions affording a cross-sectional area of not less than three square feet eighteen square inches as may be agreed between the Postmaster-General and the Board or failing agreement be determined in manner provided by this subsection.

(ii) In the bridge carrying Ferriby Road over the approach road the accommodation to be provided shall be not less than one foot three inches wide by one foot deep or such other dimensions affording a cross-sectional area of not less than one square foot thirty-six square inches as may be agreed or failing agreement determined in manner aforesaid.

(iii) In the bridge carrying Horkstow Road over the approach road the accommodation to be provided shall be not less than nine inches wide by nine inches deep.

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

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

(d) The additional cost (if any) reasonably incurred by the Board in providing such accommodation and means of access



shall be paid to the Board by the Postmaster-General in a single payment or in such other manner as may be agreed between the Board and the Postmaster-General.

PART VII  
—cont.

(e) The Postmaster-General shall before the Board complete the construction of the bridge lay down all such ducting cables and supports as may be required for the purposes of the telegraphic lines in the bridge.

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

(g) The Postmaster-General shall conform with the reasonable requirements of the Board 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 Board shall be entitled to superintend such work. The costs reasonably incurred by the Board in such superintendence shall be repaid to them by the Postmaster-General.

(h) Any question which may arise between the Postmaster-General and the Board under this subsection shall be determined in manner provided by the Telegraph Act 1878.

89. For the protection of the Lindsey Council the following provisions shall unless otherwise agreed in writing between the Board and the Lindsey Council apply and have effect:—

For protection  
of Lindsey  
Council.

(1) Notwithstanding anything in this Act or shown upon the deposited plans and sections the Board shall not either—

(a) construct any road connecting Ferriby Road with the approach road comprised in Work No. 1 in the urban district of Barton-upon-Humber so that the gradient of any part of such connecting road is steeper than one in twenty; or

(b) alter the level of any part of Ferriby Road so that the gradient of any portion of the altered part of Ferriby Road is steeper than one in twenty-five:

(2) Before commencing—

(a) to construct so much of the said approach road as is situate between a point three hundred and ten yards measured in a northerly direction from the centre line of Ferriby Road and the termination of the said Work No. 1; or

PART VII  
—cont.

(b) Work No. 2 authorised by this Act; or

(c) to construct the bridges carrying Ferriby Road and Horkstow Road in the said urban district over the said approach road; or

(d) to make any junction or communication with any county road in the Parts of Lindsey or to divert widen or alter the line or alter the level of any such county road under the powers of paragraph (a) of section 42 (Power to make subsidiary works) of this Act; or

(e) to construct so much of any other works under the provisions of this Act or the enactments incorporated therewith as affects any such county road or any bridge or culvert vested in the Lindsey Council;

the Board shall submit to the Lindsey Council for their reasonable approval plans sections and particulars (including details of construction) of the proposed works:

- (3) If the Lindsey Council do not within twenty-eight days after the receipt of such plans sections and particulars give notice in writing to the Board signifying their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof:
- (4) Such works shall only be constructed in accordance with such plans sections and particulars as may be approved by the Lindsey Council or in default of approval as may be settled by arbitration as hereinafter provided:
- (5) The Board shall give reasonable notice to the Lindsey Council of the time at which any of such works are to be constructed:
- (6) Such works when commenced shall be carried out with all reasonable dispatch and to the reasonable satisfaction of the surveyor of the Lindsey Council and the Board shall at all reasonable times afford to the said surveyor access to such works for the purpose of inspection:
- (7) The Board shall not under the powers of paragraph (e) of the said section 42 alter or remove any structure erected upon any county road in the Parts of Lindsey without the consent of the Lindsey Council and in giving their consent the Lindsey Council may attach thereto such reasonable terms and conditions as they think fit but such consent shall not be unreasonably withheld and any question whether such consent is or



is not unreasonably withheld or whether any terms or conditions proposed to be attached thereto are or are not reasonable shall be determined by arbitration as hereinafter provided:

PART VII  
—cont.

- (8) Any dispute or difference which may arise between the Board and the Lindsey Council under this section shall be determined by arbitration.

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

For protection  
of corporation  
and  
electricity  
boards.

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

“ apparatus ” means—

(a) in relation to the corporation water mains pipes valves hydrants stopcocks pumping equipment and other apparatus belonging to or maintained by the corporation for the purpose of their water undertaking;

(b) in relation to the Yorkshire Electricity Board or the Central Electricity Generating Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by such undertakers;

and includes any works constructed for the lodging therein of apparatus;

“ undertakers ” means the corporation the Yorkshire Electricity Board the Central Electricity Generating Board or any of them:

- (2) Notwithstanding anything in section 48 (No mains or pipes to be laid in bridge) of this Act the consent of the Board shall not be required under that section for the laying down or erection by the undertakers otherwise than in on or under the river bridge of any apparatus by way of renewal of any apparatus for the time being vested in or belonging to them:
- (3) The consent of the Board under the said section 48 except in relation to the river bridge shall not be unreasonably refused and shall not include a condition requiring any payment to be made by the undertakers to the Board in respect of the exercise of the powers to the exercise of which the consent is given except any payment in respect of works carried out by or services provided by the Board at the request of or by arrangement with the undertakers:

PART VII  
—cont.

(4) Where any apparatus in respect of which the consent of the Board is required under the said section 48 is to be laid down or erected along a line crossing the route of any part of the approach roads to which the section applies but not running along that route the Board—

(a) shall not withhold their consent under that section unless there are special reasons for doing so; and

(b) may if they give their consent subject to conditions make contributions to the undertakers in respect of any additional expenses incurred by them in complying therewith:

(5) Any dispute between the Board and the undertakers in respect of—

(a) the withholding of the consent of the Board in respect of apparatus to be laid down or erected as mentioned in the said section 48 otherwise than in on or under the river bridge; or

(b) the imposition of any condition on the grant of such consent;

shall be determined by arbitration.

For protection  
of gas  
boards.

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

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

“accommodation” includes means of access and support;

“bridge main” means so much of the specified main as will be constructed in on or under the river bridge;

“specified main” means a gas main having an internal diameter not exceeding twenty-four inches and being of such weight as may be reasonably approved by the Board and includes any fittings required in connection therewith;

“undertakers” means the East Midlands Gas Board and the North Eastern Gas Board:

(2) The undertakers may at any time after six months and not later than twelve months after the passing of this Act give notice to the Board that they desire accommodation for the specified main to be provided in the bridge:



- (3) (a) The Board shall after the receipt of any such notice as aforesaid and not later than six months before commencing the construction of the bridge submit to the undertakers for their reasonable approval plans and sections of the accommodation which it is proposed to provide in the bridge for the specified main and such other particulars as may be reasonably necessary to enable the undertakers to design the layout of the specified main;
- (b) If the undertakers do not within twenty-one days after receipt of such plans sections and particulars give notice in writing to the Board signifying their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;
- (c) If the undertakers disapprove such plans sections and particulars the matter shall forthwith be referred to arbitration and the parties to such arbitration shall use their best endeavours to secure an award with the least possible delay;
- (d) Any accommodation to be provided by the Board under the provisions of this section shall be constructed by the Board in accordance with such plans sections and particulars as may be approved (or are deemed to be approved) or if the undertakers have signified their disapproval thereof as may be settled by arbitration subject however to any such modification of those plans sections and particulars as may from time to time be agreed upon between the engineer of the Board and the engineers of the undertakers:
- (4) (a) The bridge main shall be constructed in the accommodation provided by the Board in accordance with a specification to be submitted to the Board by the undertakers and of such materials as may be specified by the undertakers;
- (b) The construction of the bridge main shall not be carried out except by contractors approved by the undertakers;
- (c) The undertakers shall be entitled to superintend the construction of the bridge main and after the completion thereof to carry out such tests as may be necessary to establish that the same is satisfactory for use as a high pressure gas main:
- (5) (a) After completion of the accommodation for the specified main the undertakers may (subject to the provisions of this section and notwithstanding the provisions of section 48 (No mains or pipes to be laid

PART VII  
—cont.

- in bridge) of this Act) enter upon the bridge and lay in the said accommodation so much of the specified main as does not comprise the bridge main;
- (b) The undertakers shall conform with the reasonable requirements of the Board as to the time or times at which and the manner in which the undertakers are to lay so much of the specified main as does not comprise the bridge main and the Board shall be entitled to superintend such work. The costs reasonably incurred by the Board in such superintendence shall be repaid to them by the undertakers:
- (6) Upon the completion of the bridge main and the accommodation for the specified main the undertakers shall pay to the Board the cost reasonably incurred by the Board in constructing and placing into position of the bridge main and the additional cost (if any) reasonably incurred by the Board in providing such accommodation:
- (7) The accommodation provided by the Board for the specified main under the provisions of this section shall be maintained by the Board in good repair and to the reasonable satisfaction of the undertakers and the undertakers shall pay to the Board half-yearly in respect of the cost of such maintenance such amount as may be agreed with the Board or in default of agreement settled by arbitration:
- (8) The undertakers shall be entitled at all times to use free of charge the accommodation provided pursuant to the foregoing provisions of this section for the purpose of using inspecting repairing maintaining altering (otherwise than by increasing the diameter or weight) removing or renewing the specified main:

Provided that—

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

(b) the specified main shall at all times conform in its design construction and use with the reasonable requirements of the Board;

(c) except in case of emergency the undertakers shall give to the Board not less than fourteen days' notice in writing of their intention to execute works on the bridge and except as aforesaid shall conform with the reasonable requirements of the Board as



to the time or times at which the undertakers may exercise the right of entering upon and executing works on the bridge and as to the manner in which such works are executed and the Board shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Board in such superintendence shall be repaid to them by the undertakers;

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

(9) (a) The undertakers shall maintain in good repair and to the reasonable satisfaction of the Board the specified main and shall from time to time carry out and maintain such works on the specified main as the Board may reasonably require by notice in writing to the undertakers to be done or provided for ensuring the safety and stability of the bridge and the safety and convenience of those using the bridge being works reasonably required to be done in consequence of the exercise by the undertakers of the rights conferred upon them by this section and in default the Board may at the expense of the undertakers carry out and maintain such works and the undertakers shall repay to the Board any expenses reasonably incurred by the Board in carrying out any such works;

(b) The undertakers shall repay to the Board any loss damage or expenses suffered or incurred by the Board 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 the specified main or the accommodation or to any mains pipes apparatus or material placed on the bridge by the undertakers (unless such fault or accident was occasioned by any wrongful act or default of the Board their servants or agents) and shall indemnify the Board 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 wrongful act or default of the Board their servants or agents:

Provided that the Board shall give to the undertakers reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the written agreement of the undertakers:

PART VII  
—cont.

- (10) (a) No accommodation provided by the Board under this section shall be used by the Board for the installation of any pipes mains conduits or cables except—
- (i) such as may be shown on the plans sections and particulars approved (or deemed to have been approved) by the undertakers or settled by arbitration under the provisions of this section; or
- (ii) any telephone lines or apparatus of the corporation;
- or shall be made available by the Board for the use of any other person except as aforesaid without the consent of the undertakers which shall not be unreasonably withheld and may be given subject to such terms and conditions as may be agreed or settled by arbitration (including terms and conditions as to the repayment by the Board or such person to the undertakers of a proportion of the whole or some part of the payment made by them to the Board under paragraph (6) of this section);
- (b) In the event of any such accommodation as aforesaid being used by the Board for the installation of any pipes mains conduits or cables or made available to any such other person (except for telephone lines or apparatus of the corporation) the payments to be made by the undertakers under paragraph (7) of this section shall be reduced by such amounts as may be agreed or in default of agreement as may be settled by arbitration to be appropriate having regard to the increased user of the accommodation by the Board or to any payments which such other person is liable to make to meet the cost of maintaining the said accommodation (as the case may be):
- (11) Any difference arising between the Board and the undertakers or any of them under this section (other than a difference as to the construction thereof) shall be settled by arbitration.

For protection  
of certain  
statutory  
undertakers.

**92.** For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Board 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 corporation water mains pipes valves hydrants stopcocks pumping equipment and other apparatus belonging to or maintained by the corporation for the purpose of their water undertaking;



(b) in relation to the East Midlands Gas Board or the North Eastern Gas Board mains pipes or other apparatus belonging to or maintained by such undertakers;

(c) in relation to the Yorkshire Electricity Board or the Central Electricity Generating Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by such undertakers;

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

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

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

“position” includes depth;

“undertakers” means the corporation the East Midlands Gas Board the North Eastern Gas Board the Yorkshire Electricity Board the Central Electricity Generating Board or any of them:

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

Section 40 (Power to construct works);

Section 42 (Power to make subsidiary works);

Section 43 (Subsidiary works in river and elsewhere);

Section 44 (Underpinning of houses near works);

Section 62 (Power to provide toll-houses etc.):

- (3) If the Board in exercise of the powers of this Act acquire any land in which any apparatus is placed that apparatus shall not be removed nor shall any right of the undertakers to use maintain repair renew or inspect any

PART VII  
—cont.

apparatus in that land be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:

Provided that the provisions of this paragraph shall not apply in the event of the undertakers not providing such alternative apparatus within a reasonable time:

- (4) If the Board for the purpose of executing any works in on or under any land acquired held appropriated or used under this Act require the removal of any apparatus placed in that land and shall give to the undertakers not less than twenty-eight days' prior notice in writing of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed or if in consequence of the exercise of any of the powers of this Act the undertakers shall reasonably require to remove any apparatus the Board shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other land of the Board and thereafter for the maintenance repair renewal and inspection of such apparatus:

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

- (5) (a) Any alternative apparatus to be constructed in pursuance of this section shall be constructed in such manner and in such line or position as may be agreed between the undertakers and the Board or in default of agreement settled by arbitration;
- (b) The undertakers shall after the alternative apparatus to be provided or constructed shall be agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in the last foregoing paragraph proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Board to be removed under the provisions of this section:



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

(b) Such works shall be executed only in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may within fourteen days after the submission to them of such plan section and description be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officers to watch and inspect the execution of such works:

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

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

(7) Notwithstanding the stopping up temporarily or permanently of any road or street or part of a road or street under the powers of section 47 (Stopping up of highways) of this Act the closing of the bridge or any portion thereof under the powers of section 49 (As to closing of bridge) of this Act or any byelaw made under section 98 (Byelaws) of this Act the undertakers their engineers or workmen and others in their employ shall at all reasonable times have such right of access to all or any apparatus situate in any such road or street or the bridge or portion thereof as they had immediately before such stopping up or closing or the making of such byelaw and shall be at liberty to execute and do all such works or things in upon or under such

PART VII  
—cont.

road or street or the bridge or portion thereof as may be necessary for inspecting repairing maintaining renewing or removing such apparatus:

Provided that—

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

(b) this paragraph shall not apply in any case in which any road or street or part of a road or street is permanently stopped up and the apparatus therein is replaced by adequate alternative apparatus by or at the cost of the Board:

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

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

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

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

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Board 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 92 (For protection of certain statutory undertakers) of the Humber Bridge Act 1959":



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

PART VII  
—cont.

93. For the protection of the North East Lindsey Drainage Board (in this section referred to as “the drainage board”) the following provisions shall unless otherwise agreed in writing between the Board and the drainage board apply and have effect:—

For protection  
of North  
East Lindsey  
Drainage  
Board.

- (1) In this section—

“protected watercourse” means any watercourse for the time being vested in or under the control of the drainage board;

“authorised work” means any work which is authorised by this Act and which will affect any protected watercourse or flow of water to or from any protected watercourse:

- (2) In the execution of any authorised work the Board shall not diminish the width between the banks of any protected watercourse except with the consent of the drainage board but such consent shall not be unreasonably withheld:

- (3) Except with the consent of the drainage board which shall not be unreasonably withheld the Board shall not execute any work of maintenance or repair of any authorised work which affects any protected watercourse otherwise than—

(a) in such manner across the watercourse as to allow the free passage under the authorised work of flood waters;

(b) in such manner as not to obstruct or interfere with the free flow of water in into or out of the watercourse:

- (4) (a) The Board before commencing to execute any authorised work shall submit to the drainage board plans and sections and (when reasonably required by the drainage board) working drawings thereof for their reasonable approval:

Provided that if the drainage board do not within twenty-one days after the submission to them of any such plans sections and drawings (if any) signify to the

PART VII  
—cont.

- Board in writing their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;
- (b) Any authorised work shall not be executed otherwise than in accordance with such plans and sections and drawings (if any) as may be approved (or are to be deemed to be approved) by the drainage board or if the drainage board have signified their disapproval thereof as may be settled by arbitration and shall be executed to the reasonable satisfaction of the drainage board:
- (5) The Board shall at all reasonable times afford to the engineer to the drainage board or his duly authorised representatives access to any authorised work during the construction maintenance or repair thereof for the purpose of inspection:
- (6) The construction maintenance or repair of any authorised work shall when commenced be continued with all reasonable diligence and without unreasonable delay until completion:
- (7) If by reason of the construction of any authorised work or of the failure thereof the channel or banks of any protected watercourse shall at any time be injured such injury shall be made good by the Board to the reasonable satisfaction of the engineer to the drainage board and if the Board fail so to do the drainage board may make good the same and recover the reasonable cost thereof from the Board:
- (8) If by virtue of anything done by the Board to any protected watercourse or part of any such watercourse the free passage of water in any other watercourse in occupation or ownership of the drainage board is affected then the Board shall where so required by the drainage board to do so take such action under the direction and superintendence of the engineer of the drainage board to ensure the free passage of the water in such other watercourse at the cost of the Board and all reasonable expenses to which the drainage board shall be put by reason of such action whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the drainage board by the Board:
- (9) Any difference arising between the Board and the drainage board under this section (other than a difference as to the meaning thereof which does not arise in the course of the arbitration) shall be settled by arbitration,



94. For the protection of the Lincolnshire River Board the following provisions shall unless otherwise agreed in writing between the Board and the river board apply and have effect:—

PART VII  
—cont.  
For protection  
of Lincolnshire  
River Board.

(1) In this section—

“ authorised work ” means so much of Work No. 1 or any subsidiary work (whether temporary or permanent) forming part of or constructed in connection with the said Work No. 1 under the powers of this Act as will or may affect a sea defence work;

“ construction ” includes execution placing and altering and in relation to temporary works also includes removal and “ construct ” and “ constructed ” have corresponding meanings;

“ the river board ” means the Lincolnshire River Board;

“ plans ” includes drawings and specifications;

“ protective works ” means any works constructed or measures taken by the Board under paragraph (4) of this section;

“ sea defence work ” means so much of the sea defence wall on the south bank of the river as is for the time being under the jurisdiction of the river board for the purpose of the Land Drainage Act 1930 and the River Boards Act 1948 and includes the land lying between the northern toe of the said wall and high water of ordinary spring tides:

(2) (a) Not less than twenty-eight days before commencing an authorised work the Board shall submit plans of such work to the river board for their reasonable approval and shall not commence the authorised work until such plans have been approved by the river board or in the case of difference until they shall have been settled by arbitration:

Provided that if the river board do not within twenty-eight days after the receipt of any such plans signify to the Board their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;

(b) Not less than fourteen days before commencing any work of maintenance repair or renewal of an authorised work the Board shall except in the case of emergency submit to the river board for their information a notice of intention to commence the work and a description of the work:

(3) Upon signifying their approval or disapproval of the said plans the river board may specify any temporary

PART VII  
—cont.

or permanent works or measures which in their opinion should be carried out or taken by the Board during the construction of the authorised work to ensure the stability of the sea defence work or to protect it from injury and such of the works so specified as may be reasonably necessary for those purposes shall be constructed by the Board at their own expense and under the supervision (if given) and to the reasonable satisfaction of the river board:

- (4) (a) Subject to the provisions of paragraph (5) of this section an authorised work shall not be constructed except in accordance with such plans as may be approved or deemed to be approved by the river board as aforesaid or settled by arbitration and shall be constructed to the reasonable satisfaction of the engineer of the river board who shall be given reasonable notice of the date and time on and at which the authorised work is to be commenced;
  - (b) The Board shall at all reasonable times afford to the engineer of the river board and his duly authorised representatives access to such authorised work for the purpose of inspection;
  - (c) As soon as is reasonably practicable after the completion of the construction of the bridge the Board shall remove so much of any authorised work as consists only of temporary works carried out for the purposes of such construction under the powers in that behalf conferred by section 43 (Subsidiary works in river and elsewhere) of this Act:
- (5) If there shall be any inconsistency between any plans approved or deemed to be approved by the river board or settled by arbitration under the provisions of this section and the plans approved by the Minister under section 52 (Works below high-water mark to be subject to approval of Minister) of this Act the authorised work shall be constructed in accordance with the plans approved by the Minister:
  - (6) If by reason of the construction maintenance repair alteration or renewal of any authorised work or if by reason of the failure of that work or of the Board to maintain it a sea defence work shall be breached or (as the case may be) shall at any time be injured or its efficiency as a sea defence work is otherwise impaired the river board may fill in the breach or (as the case may be) make good such injury and in either such a case restore it to a proper standard of efficiency as a



sea defence work and recover the reasonable cost thereof (including a proper proportion of the overhead charges of the river board) from the Board:

PART VII  
—cont.

(7) Any additional expense which may be reasonably incurred by the river board in maintaining any protective works which become part of the sea defence works shall on demand be repaid to the river board by the Board:

(8) (a) Where an authorised work or any lands acquired by the Board under this Act abut upon a sea defence work the river board and their officers servants workmen contractors and agents together with any vehicles plant or machinery shall be entitled at all reasonable times—

(i) to enter upon the said authorised work for the purpose of carrying out works thereon in connection with the sea defence work; and

(ii) to enter upon the authorised work or the said land for the purpose of obtaining access to the sea defence work:

Provided that this sub-paragraph shall not apply to the roadways and footway on the bridge;

(b) If the southern anchorage of the bridge is constructed on a sea defence work so as to prevent access from the part of the sea defence work on one side of the said anchorage to the part on the other side the Board shall provide on the landward side of the anchorage such alternative means of access for the river board and their officers servants workmen contractors and agents together with any vehicles plant and machinery as may be reasonably necessary:

(9) If at any time after the construction of the bridge the river board raise the height of or otherwise strengthen or improve the sea defence works adjoining any authorised work which is constructed on or in a sea defence work the Board shall to the reasonable satisfaction of the river board carry out such works (if any) in relation to the said authorised work as are agreed with the river board or in default of agreement settled by arbitration to be reasonably necessary to make it conform with the adjacent parts of the sea defence work as so raised in height strengthened or improved:

Provided that the cost reasonably incurred by the Board in carrying out such works (including a proper proportion of the overhead charges of the Board) shall be repaid by the river board to the Board on demand:

PART VII  
—cont.

- (10) The Board shall indemnify and hold harmless the river board from all claims demands or expenses which may be made on or against them or which they may have to pay by reason or in consequence of any injury or damage which may be caused or result to a sea defence work by or in consequence of the construction maintenance repair alteration or renewal of an authorised work or of the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Board their contractors agents workmen or servants whilst engaged upon an authorised work:

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

- (11) The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the river board or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Board from any liability under the provisions of this section:
- (12) Any difference arising between the Board and the river board under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection  
of  
corporation.

95. For the protection of the corporation the following provisions shall unless otherwise agreed in writing between the Board and the corporation apply and have effect:—

- (1) Where any street or part of a street is stopped up in pursuance of the power to divert streets conferred by section 42 (Power to make subsidiary works) of this Act and there is a telegraphic line belonging to or used by the corporation under in upon over along or across such street or such part of a street at the time of such stopping up—

(a) the power of the corporation to remove that line shall be exercisable notwithstanding the stopping up of the street or part of the street so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned



in paragraph (2) of this section unless before the expiration of that period the corporation shall have given notice to the Board of their intention to remove the line or that part thereof as the case may be;

PART VII  
—cont.

(b) the corporation may by notice to the Board in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it unless before the expiration of the said period of three months they shall have removed it or given notice of their intention to remove it;

(c) the corporation shall be entitled to recover from the Board the expense of providing in substitution for the said line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the corporation may require;

(d) where under sub-paragraph (b) of this paragraph the corporation abandon the whole or any part of a telegraphic line it shall vest in the Board and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof:

- (2) As soon as the whole or any part of any street has been stopped up under section 42 (Power to make subsidiary works) of this Act the Board shall give to the corporation a notice informing them of such stopping up and the period of three months mentioned in paragraph (1) of this section shall commence to run from the date on which such notice is given.

## PART VIII

### MISCELLANEOUS

96.—(1) The Board shall have power to promote or oppose any Bill in Parliament or any Provisional Order or special or other statutory order.

Power for Board to apply for further powers etc.

(2) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any such Bill in

PART VIII  
—cont.

Parliament or the promotion of or opposition to any such Provisional Order or special or other statutory order as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses or out of moneys to be borrowed by the Board for the purpose:

Provided that—

- (a) no expenses in relation to the promotion of any such Bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by a majority of the whole number of the members of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in one or more newspapers circulating in the constituent districts such notice to be in addition to the ordinary notice required for summoning such meeting;
- (b) no further expenses shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by a resolution passed by such a majority at a further meeting of the Board held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and unless that resolution shall have received the approval of the Minister of Housing and Local Government.

Power to alter  
constitution  
of Board.

97. On the application of the Board or of any of the constituent authorities the Minister may after giving notice of the application to the constituent authorities or (as the case may be) to the Board and the other constituent authorities and considering any objections or representations made by them by order alter the number of constituent authorities and the number of members to be appointed by the constituent authorities and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration.

Byelaws.

98. The Board may make byelaws—

- (a) for preventing injury and damage to the bridge;
- (b) for regulating the conduct of all persons using the bridge;
- (c) for regulating the traffic along and over the bridge and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by



certain engines carriages vehicles and animals or other classes of traffic and for ensuring that road traffic shall not be unreasonably delayed;

PART VIII  
—cont.

- (d) for prohibiting the conveyance upon the bridge of any goods which may in the opinion of the Board be injurious to or prejudicially affect the use of the same or the traffic to be carried thereon or endanger the safety of the bridge or the passenger and other traffic carried thereon;
- (e) relating to the issue and inspection of tickets and the collection of tolls; and
- (f) generally for regulating and controlling the use of the bridge:

Provided that no such byelaw shall extend to impose any restriction upon navigation in the river.

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

Bridge  
to be exempt  
from rates.

100. For the purposes of the Local Government Superannuation Acts 1937 to 1953 the Board shall be deemed to be a local authority and the appropriate fund in relation to any employee of the Board shall be the fund maintained by the corporation.

Superannua-  
tion.

101. The Board on the one hand and the constituent authorities or any of them on the other hand may enter into and carry into effect agreements for or with respect to any of the purposes or provisions of this Act.

Agreements.

102. Subject to the provisions of this Act any difference which arises between the constituent authorities or any of them or between one or more of the constituent authorities and the Board under the provisions of this Act shall be referred to and determined by arbitration.

Settlement of  
differences.

103. When the day on which anything is required by this Act to be done is a Sunday Good Friday Christmas Day or a bank holiday that thing shall be done on the next following day not being one of the days before mentioned.

Provision for  
Sundays and  
public  
holidays.

## PART VIII

—cont.

Evidence of  
appointments  
authority etc.

**104.** Where in any legal proceedings taken by or on behalf of or against the Board or any officer servant solicitor or agent of the Board or any committee or sub-committee of the Board under any enactment from time to time relating to the Board it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee or sub-committee of the Board or to prove any resolution or order of the Board or any resolution order or report of any committee or sub-committee of the Board a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Board or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentica-  
tion of  
documents  
and service  
of notices.

**105.**—(1) Section 284 of the Act of 1936 (which relates to the authentication of documents) shall apply to any notice or other document which the Board are required or authorised to give make or serve by or under this Act or by or under any enactment in force immediately before the commencement of this Act.

(2) Section 285 of the Act of 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised to be given to or served on any person by or under this Act or by or under any enactment in force immediately before the commencement of this Act so far as that enactment relates to the Board.

(3) The said section 284 or as the case may be the said section 285 shall not apply in any case for which provision is made by or under this Act or any other enactment.

Inquiries by  
Minister.

**106.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or required to be exercised by him or by the giving of consents under this Act and subsections (2) (3) (4) and (5) of section 290 of the Act of 1933 shall apply to any such inquiry.

Arbitration.

**107.** 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 by the person respectively mentioned in the second column of that table on the application



of any party after giving notice in writing to the other party or parties:—

PART VIII  
—cont.

1	2
Provision of Act	Person appointing arbitrator
Section 44 (Underpinning of houses near works)	The President of the Institution of Civil Engineers.
Section 46 (Maintenance of roads and bridge)	The President of the Institution of Civil Engineers.
Section 83 (For protection of Humber Conservancy Board)	The President of the Institution of Civil Engineers.
Section 85 (For protection of British Transport Commission)	The President of the Institution of Civil Engineers.
Section 86 (For further protection of British Transport Commission)	The President of the Institution of Civil Engineers.
Section 87 (Saving for ferry vessels of British Transport Commission)	The President of the Law Society.
Section 89 (For protection of Lindsey Council)	The President of the Institution of Civil Engineers.
Section 90 (For protection of corporation and electricity boards)	The President of the Institution of Civil Engineers.
Section 91 (For protection of gas boards)	The President of the Institution of Civil Engineers.
Section 92 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Section 93 (For protection of North East Lindsey Drainage Board)	The President of the Institution of Civil Engineers.
Section 94 (For protection of Lincolnshire River Board)	The President of the Institution of Civil Engineers.
Section 102 (Settlement of differences) ...	The President of the Law Society.

**108.** As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister. Confirming authority for byelaws.

**109.** A judge of a court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

**110.—(1)** For the purpose of the construction maintenance and management of the bridge the Board may exercise and perform Application of enactments.

PART VIII  
—cont.

and shall be subject to all the powers duties and liabilities of a local authority under the enactments mentioned in Part I of the schedule to this Act and those enactments shall with the necessary modifications extend to the Board as if they were re-enacted herein and in terms made applicable to this Act and to the Board:

Provided that in the application of section 157 of the Act of 1933 the said section shall have effect as if for the words “under this or any other public general Act” there were substituted the words “under this Act or under any public general Act”.

(2) The sections of the Act of 1933 and of the Act of 1936 mentioned in Part II of the schedule to this Act shall have effect as if they were re-enacted in this Act and in terms made applicable thereto.

Saving for town and country planning.

111. 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.

Costs of Act.

112. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the corporation but shall be repaid to them by the Board out of money to be borrowed by them under the powers of this Act for that purpose or in whole or in part out of the revenues of the Board.



## SCHEDULE

## ENACTMENTS APPLIED TO THE BOARD

## PART I

## The Public Health Act 1875—

Section 265 (Protection of local authority and their officers from personal liability).

## The Act of 1933—

Section 119 (Security to be given by officers).

Section 120 (Accountability of officers).

Section 121 (Notice of termination of and retirement from appointments held during pleasure).

Section 122 (Members of local authorities not to be appointed as officers).

Section 123 (Disclosure by officers of interest in contracts).

Section 125 (Provision of offices &c. by local authorities other than parish councils).

Section 157 (Power of local authorities to acquire land by agreement).

Section 164 (Power to let land).

Section 165 (Power to sell or exchange land).

Section 166 (Application of capital money).

Section 176 (Application of Lands Clauses Acts to purchases by agreement).

Section 250 (Procedure &c. for making byelaws).

Section 266 (Contracts of local authorities).

Section 276 (Power of local authorities to prosecute or defend legal proceedings).

Section 277 (Appearance of local authorities in legal proceedings).

Section 289 (Penalty for destroying notices &c.).

## PART II

## The Act of 1933—

Section 251 (Fines for offences against byelaws).

Section 252 (Evidence of byelaws).

Section 278 (Name of local authority need not be proved).

Section 289 (Penalty for destroying notices &c.).

## The Act of 1936—

Section 288 (Penalty for obstructing execution of Act).

Section 296 (Summary proceedings for offences).

Section 298 (Restriction on right to prosecute).

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Commissioners Clauses Act 1847 ...	10 & 11 Vict. c. 16.
Manchester Sheffield and Lincolnshire Railway Act 1849	12 & 13 Vict. c. lxxxii.
Humber Conservancy Act 1868 ...	31 & 32 Vict. c. lviii.
Public Health Act 1875 ...	38 & 39 Vict. c. 55.
Telegraph Act 1878 ...	41 & 42 Vict. c. 76.
Electric Lighting Act 1882 ...	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882 ...	45 & 46 Vict. c. 61.
Ouse (Lower) Improvement Act 1884 ...	47 & 48 Vict. c. clxi.
Post Office Act 1908 ...	8 Edw. 7 c. 48.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Mines (Working Facilities and Support) Act 1923	13 & 14 Geo. 5 c. 20.
Rating and Valuation Act 1925 ...	15 & 16 Geo. 5 c. 90.
Land Drainage Act 1930 ...	20 & 21 Geo. 5 c. 44.
Local Government Act 1933 ...	23 & 24 Geo. 5 c. 51.
Public Health Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
National Health Service Act 1946 ...	9 & 10 Geo. 6 c. 81.
Fire Services Act 1947 ...	10 & 11 Geo. 6 c. 41.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Local Government Act 1948 ...	11 & 12 Geo. 6 c. 26.
River Boards Act 1948 ...	11 & 12 Geo. 6 c. 32.
Companies Act 1948 ...	11 & 12 Geo. 6 c. 38.
Civil Defence Act 1948 ...	12 & 13 Geo. 6 c. 5.
Lands Tribunal Act 1949 ...	12 13 & 14 Geo. 6 c. 42.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.
Army Act 1955 ...	3 & 4 Eliz. 2 c. 18.
Air Force Act 1955 ...	3 & 4 Eliz. 2 c. 19.
Town and Country Planning Act 1959 ...	7 & 8 Eliz. 2 c. 53.

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# Humber Bridge Act, 1959

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