



CHAPTER viii.

An Act to authorise the construction of a bridge over the River Dee at Queen's Ferry and the removal of the existing bridge and for other purposes. A.D. 1924.
[15th May 1924.]

WHEREAS by the Queen's Ferry Bridge Act 1894 the council of the administrative county of Flint (in this Act referred to as "the County Council") were empowered to make and maintain an opening bridge over the River Dee at Queen's Ferry in the county of Flint at an estimated cost of thirteen thousand pounds :

And whereas the estimate was exceeded and by the Queen's Ferry Bridge Act 1899 the County Council were authorised to expend a further sum of ten thousand pounds for the completion of the bridge of which sum of ten thousand pounds there remains a sum of three thousand three hundred pounds outstanding on loan :

And whereas the bridge is an important means of communication between the counties of Chester and Flint but is not of sufficient strength or stability to carry the traffic for which it should be utilised and it is expedient that a new bridge should be constructed and the existing bridge should be removed :

And whereas the Ministry of Transport have intimated their intention of contributing three-fourths of the cost of constructing the new bridge and of the

[Ch. viii.] *Queen's Ferry Bridge* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924. expenses incurred in connection therewith on condition
— that the bridge is made free of toll :

And whereas the County Council have under the powers conferred on them by section 59 of the Queen's Ferry Bridge Act 1894 formed a restoration fund out of the surplus tolls and revenues of the bridge which fund now consists of a sum of three thousand pounds and an extinguishment of tolls fund amounting to a sum of twenty thousand pounds or thereabouts and it is expedient that these funds should be applied toward the construction of the new bridge:

And whereas an estimate has been prepared by the County Council for the purchase of land and the construction of the works by this Act authorised and such estimate amounts to the sum of one hundred and four thousand pounds :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Flint and are in this Act referred to as the deposited plans and sections and book of reference :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

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

Short title. 1. This Act may be cited as the Queen's Ferry Bridge Act 1924.

Incorporation of Acts. 2. The Lands Clauses Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated

[14 & 15 GEO. 5.] *Queen's Ferry Bridge* [Ch. viii.]
Act, 1924.

with this Act with the following exception and modification :— A.D. 1924.

- (a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act.
- (b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the County Council and shall be sufficient without the addition of the sureties mentioned in that section.

3. In this Act unless the subject or context otherwise requires :— Interpretation.

“ The County Council ” means the county council of the administrative county of Flint;

“ The county fund ” means the county fund of the County Council;

“ The new bridge ” means the bridge and works authorised by this Act;

“ The Minister ” and “ the Ministry ” mean respectively the Minister of Transport and the Ministry of Transport;

“ The Act of 1894 ” means the Queen's Ferry Bridge Act 1894;

“ High-water mark ” means at Queen's Ferry sixteen feet above ordnance datum.

4. Subject to the provisions of this Act the County Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the new bridge hereinafter described together with all proper approaches piers abutments works and conveniences connected therewith and may subject as hereinafter provided enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes or any purposes connected therewith. Power to make bridge.

The new bridge is to be an opening bridge over the River Dee with all proper openings approaches piers abutments and other conveniences connected therewith commencing in the parish of West Saltney at a point on the southern side of the said river 170 feet or thereabouts

[Ch. viii.] *Queen's Ferry Bridge* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924. — measured in a south-westerly direction from the south-west corner of the Hawarden Castle Hotel and terminating on the northern side of the said river in the parish of Sealand 100 feet or thereabouts measured in a northerly direction from the north-eastern corner of the Queen's Ferry Hotel. The new bridge and works will be wholly in the parishes of West Saltney and Sealand both in the county of Flint.

Power to make subsidiary works.

5. The County Council may within the limits of deviation shown on the deposited plans alter the levels of the roads and approaches to the existing bridge on either side of the River Dee and may make and maintain new approaches to and ways from and out of the new bridge in so far as may be necessary or convenient for connecting the new bridge with the existing roads and approaches. The County Council shall make compensation to all persons injuriously affected by any alteration of levels under the powers of this section.

Provisions of Railways Clauses Consolidation Act 1845 as to temporary occupation of lands incorporated.

6. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall be and the same are hereby incorporated with and form part of this Act and for the purposes of such incorporation the term "the railway" in the said provisions shall be construed to mean the new bridge and the approaches thereto and the expression "the centre of the railway" shall be construed to mean for such purposes any part of the new bridge and of the said approaches but such powers shall not be exercised so as injuriously to affect the navigation of the River Dee or the property or works of the Dee Conservancy Board.

Correction of errors in deposited plans and book of reference.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the County Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and

in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of Flint and shall be kept by such clerk along with the other documents to which it relates and thereupon such plans and book of reference shall be deemed to be corrected according to such certificate and the County Council may proceed with the works in accordance therewith.

A.D. 1924.

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

Power to take easements &c. by agreement.

9. In the construction of the works by this Act authorised the County Council may with the consent in writing of the Dee Conservancy Board or their successors deviate from the lines or position thereof shown on the deposited plans to any extent within the limits of deviation marked on the deposited plans and also from the levels shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards but not in any case so as to reduce the headway of the bridge above high-water mark prescribed by this Act and in case of difference between the County Council and the Dee Conservancy Board as to the extent or carrying out of such deviation the same shall be determined at the cost of the County Council by an engineer to be appointed on the application of either of the parties by the Board of Trade.

Limits of lateral and vertical deviation.

10. In the construction of the works by this Act authorised the County Council shall not without the consent in writing of the Board of Trade deviate from the lines or position thereof as marked on the deposited plans to any extent even within the limits of deviation marked on the deposited plans in such manner as to

Restriction on lateral deviation.

[Ch. viii.] *Queen's Ferry Bridge* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.

diminish the navigable space or otherwise than in such manner as is expressly authorised by the Board of Trade.

Period for compulsory purchase of lands.

11. The powers of the County Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the commencement of this Act.

Period for completion of works.

12. If the works authorised by this Act are not completed within six years from the commencement of this Act then on the expiration of that period the powers by this Act granted for making and completing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

As to construction and plans of bridge.

13.—(1) The new bridge shall be so constructed by the County Council as to have an opening span over the navigable channel of the River Dee of a clear width in every part of not less than one hundred and twenty feet for the passage of vessels and also a clear headway in every part of the opening span of not less than twelve feet above high-water mark.

(2) The new bridge and works connected therewith shall be constructed only in accordance with such plans sections and working drawings as shall have been approved by the Ministry the Board of Trade and the Dee Conservancy Board such approval to be signified in the case of the Dee Conservancy Board under their seal and such plans sections and working drawings shall show clearly (in addition to any other particulars which may be reasonably required by the Ministry the Board of Trade or the Dee Conservancy Board) the site character and depth of the piers or supports of the new bridge proposed to be placed in the bed or channel or on the banks or foreshore of the river and the power and machinery by which the opening span is to be worked and when such new bridge or works shall have been commenced or constructed it shall not be lawful for the County Council at any time to alter or extend the same unless they shall have first obtained the approval of the Ministry the Board of Trade and the Dee Conservancy Board in writing under their seal to such extension or alteration.

(3) If such new bridge or works shall be commenced or completed or be altered extended or constructed

contrary to the provisions of this section it shall be lawful for the Board of Trade or the Dee Conservancy Board to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the County Council and the amount thereof shall be a debt due from the County Council to the Crown or to the Dee Conservancy Board and be recoverable with costs in the case of the Board of Trade as a Crown debt or summarily and in the case of the Dee Conservancy Board as a penalty is recoverable under this Act. A.D. 1924.

14.—(1) The County Council may erect and maintain such electric apparatus as they may think fit for working the opening span of the new bridge and in connection therewith may construct transformer stations and lay mains and cables for the transmission of electricity. Supply of electricity.

(2) The County Council may with the consent of the North Wales and South Cheshire Joint Electricity Authority take a supply of electricity in bulk from any company local authority or person within the area of such electricity authority on such terms and conditions as may be agreed between the County Council and the company local authority or person giving such supply.

(3) Any electric apparatus and any works in connection therewith erected constructed or maintained by the County Council under this Act shall be so erected constructed maintained and used as not to interfere or be likely to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster General or with any telegraphic communication by means of such line or with the navigation of the River Dee or the property or works of the Dee Conservancy Board.

(4) Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the County Council under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade and the Dee Conservancy Board may require.

15. The County Council for the purposes of the powers granted to them by this Act and during the construction of the works by this Act authorised may in or upon the lands shown in connection therewith upon the Power to stop up or interfere with roads for purposes

[Ch. viii.] *Queen's Ferry Bridge* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.
—
of new
bridge.

deposited plans stop up interfere with alter or divert temporarily or permanently all or any part of any road street highway bridge footpaths stairs way right of way stream drain sewer or watercourse which they shall think necessary for such purposes to be stopped up and may put or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such road street bridge stairs or way open for traffic and may make such orders for regulating the traffic as to them shall seem proper Provided that the County Council shall afford reasonable access to all persons bona fide going to or returning from any house in any such road or street.

For protec-
tion of
Hawarden
Embank-
ment
Trustees.

16. Unless otherwise agreed in writing between the County Council and the Hawarden Embankment Trustees:—

(a) The County Council shall not lower the embankment vested in the Hawarden Embankment Trustees except between the intended north-western side of the roadway of the new bridge and the limits of deviation on the south-eastern side thereof as defined on the deposited plan. The Hawarden Trust Embankment shall not be lowered below 21 feet above Ordnance datum at the lowest point viz. the centre line of the roadway of the new bridge with a gradual gradient therefrom to the level of the Hawarden Trust Embankment at the limit of deviation on the south-eastern side:

(b) The County Council shall as soon as practicable after lowering any portion of the Hawarden Trust Embankment on the south-eastern side of the roadway of the new bridge make up and macadamise at their expense and to the satisfaction of the surveyor or engineer for the time being of the Hawarden Embankment Trustees the roadway on the top of the said embankment so lowered and shall keep such portion of the said roadway in repair for twelve calendar months thereafter:

(c) The County Council shall for the protection of the Hawarden Embankment Trustees construct at their own expense and to the satisfaction of

A.D. 1924.

the surveyor or engineer for the time being of the Hawarden Embankment Trustees protective works to the existing embankment and not less effective than such embankment and in accordance with plans to be agreed between the County Council and the Hawarden Embankment Trustees or failing agreement to be settled as hereinafter in this section provided and shall thereafter maintain the same at the like expense and to the like satisfaction :

(d) Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights powers privileges or authorities vested in the Hawarden Embankment Trustees under any Act of Parliament or otherwise howsoever :

(e) The County Council shall not in the exercise of the powers conferred upon them by this Act do any act matter or thing whereby any embankment wall sluice drain fence or other like work belonging to or maintained by the Hawarden Embankment Trustees shall be damaged injured or prejudicially affected except as by this section expressly provided and in case of any such work or any lands or property protected by such work being damaged injured or prejudicially affected by the County Council they shall execute the works necessary to make good the same to the reasonable satisfaction of the engineer or surveyor of the Hawarden Embankment Trustees :

Provided always that the County Council shall indemnify the Hawarden Embankment Trustees against any claim which may be made against them in respect of any damage that may be done to any lands or property protected by such work damaged injured or prejudicially affected by the County Council by construction or maintenance of the works authorised by this Act :

(f) In case of any difference arising under this section such difference shall be settled by arbitration by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers for such purpose whose decision

[Ch. viii.] *Queen's Ferry Bridge* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.

as to the same and as to the cost of such arbitration and the parties by whom the same shall be paid shall be final and conclusive and binding on all parties.

Incorporation of provisions of Act of 1894.

17. The following provisions of the Act of 1894 shall be applicable to the new bridge and shall be incorporated with this Act as if the same had been re-enacted with the necessary alterations:—

Section 14 (Certain rights as to lands at lower ferry may be exercised by County Council).

Section 16 (County Council to acquire easements only in bed &c. of river).

Section 17 (Lights to be shown at bridge).

Section 18 (For the maintenance of the channel of the River Dee during construction of bridge).

Section 19 (Vessels not to be detained at bridge).

Section 20 (Road traffic not to be unreasonably delayed).

Section 21 (As to placing fenders capstans mooring posts and mooring stages at the site of bridge crossing the River Dee).

Section 22 (Power to Conservancy Board to deal with decayed works).

Section 23 (Conservancy Board may remove obstructions at cost of County Council).

Section 24 (If any works be abandoned &c. Conservancy Board may abate and remove the same).

Section 45 (Power to erect weighing machines).

Limiting weight to be carried on bridge.

18. The new bridge shall be of such strength as shall be sufficient to carry such standard load as may be prescribed by the Minister.

Section 44 of the Act of 1894 is hereby repealed.

Weighing of vehicles.

19. The keeper of any weighing machine or any other person appointed by the County Council may require every driver conductor or owner of any vehicle

locomotive motor car or lorry which shall pass or be about to pass over the new bridge to be weighed at any crane or weighing machine provided by the County Council in the vicinity of the new bridge and if any such driver conductor or owner of a vehicle locomotive motor car or lorry shall refuse to allow the same to be weighed or shall resist the keeper or other person in weighing the same he shall be liable to a penalty not exceeding five pounds. A.D. 1924.

20. The County Council shall within a period of two years after the new bridge is opened for public traffic take down and remove the existing Queen's Ferry Bridge across the River Dee and any land easement or rights taken by the County Council from the Dee Conservancy Board for the purposes of the existing bridge and not required by the County Council for the purposes of the new bridge shall by this Act revert to and be revested in the Dee Conservancy Board and thereupon all obligations to maintain the existing bridge shall cease and they may sell the structure and materials thereof and apply the proceeds towards the repayment of any moneys borrowed by them under the provisions of the Acts of 1894 and 1899 or may carry the same to the credit of the Higher Ferry Fund hereinafter referred to Provided that during the removal of the existing bridge the County Council shall not unreasonably interfere with the navigation of the River Dee. Removal of existing bridge.

21. The new bridge when constructed and opened for public traffic shall be a free bridge. Bridge to be toll free.

22.—(1) The County Council may (in addition to any sums which they are now authorised to borrow) from time to time borrow at interest for the purposes of this Act the sum or sums of money following (that is to say) :— Power to County Council to borrow.

(a) For the purpose of paying the proportion of the taxed costs of this Act payable by the County Council the sum necessary for that purpose :

(b) For and towards the construction of the new bridge the sum necessary for that purpose not exceeding the sum of twenty-five thousand pounds :

[Ch. viii.] *Queen's Ferry Bridge* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.

(c) For the purposes of this Act such further moneys as may be sanctioned by the Minister of Health :

And in order to secure the moneys so borrowed they may mortgage the county fund and any revenues of the County Council or any part of such revenues.

(2) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3) Money borrowed under this section for the purpose (a) shall be repaid within five years of the passing of this Act and for the purpose (b) shall be repaid within fifty years from the borrowing of the same and for the purpose (c) shall be repaid within such period as may be sanctioned by the Minister of Health.

(4) Sections 236 to 239 of the Public Health Act 1875 shall apply to all mortgages granted by the County Council under this section Provided that any application for the appointment of a receiver shall be made to the High Court instead of to a court of summary jurisdiction.

(5) The County Council may raise the whole or any part of the moneys which they are authorised to borrow under this section either by county stock issued under the Local Government Act 1888 or by debentures or annuity certificates under the Local Loans Act 1875.

(6) The provisions of section sixty-nine of the Local Government Act 1888 shall not apply to any borrowing by the County Council under this section and in calculating the amount which they may borrow under that Act the amount borrowed under this Act shall not be reckoned.

Power to
reborrow.

23.—(1) The County Council shall have power :—

(a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid ;

(b) To borrow in order to replace moneys which during the previous twelve months have been

temporarily applied from other funds of the County Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys. A.D. 1924.

(2) Any moneys re-borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be paid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The County Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The County Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid:

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Section 51 (Power to re-borrow) of the Act of 1894 is hereby repealed.

24. The following provisions of the Acts of 1894 and 1899 shall be incorporated with this Act as if the same had been re-enacted herein with the necessary alterations:—

Act of 1894—

Section 52 (Sinking fund) (omitting the proviso).

Section 53 (Application of sinking fund).

Section 54 (Sinking fund how to be invested).

Section 55 (Existing mortgages to have priority).

Application of further provisions of Acts of 1894 and 1899.

[Ch. viii.] *Queen's Ferry Bridge* [14 & 15 GEO. 5.]
Act, 1924.

A.D. 1924.

- Section 56 (Annual return to be made to Local Government Board).
- Section 57 (Protection for lenders from inquiry).
- Section 61 (Power to delegate to a committee).
- Section 62 (Penalties) amended by the insertion of the words "county fund" in substitution for "the Queen's Ferry Bridge Maintenance Account."
- Section 66 (Saving rights of the lord of the manor of Hawarden).
- Section 67 (Saving rights of the Crown in the foreshore).
- Section 68 (Saving rights of the Crown).
- Section 69 (Saving clause for Dee Conservancy Board).

Act of 1899—

- Section 4 (Inquiries by Local Government Board) amended by the insertion of the word "five" instead of the word "three."

Application
of funds
and forma-
tion of
Higher
Ferry Fund.

25.—(1) The County Council may apply for the purposes of this Act the whole or part of any moneys standing to the credit of the Queen's Ferry Bridge Maintenance Account and the Restoration Fund the Extinguishment of Tolls Fund and any other redemption reserve or insurance fund created under the powers of the Act of 1894.

(2) The County Council may form a fund to be called the Higher Ferry Fund and may carry to the credit of that fund the whole or part of any moneys standing to the credit of the Restoration Fund and the Extinguishment of Tolls Fund and any other redemption reserve or insurance fund created under the powers of the Act of 1894 and also the proceeds of the sale of the existing bridge.

(3) The County Council may invest any moneys standing to the credit of the Higher Ferry Fund in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security

authorised by or under any Act of Parliament passed or to be passed of any county council or municipal or other local authority as defined by section 34 of the Local Loans Act 1875 but not in any annuities rentcharges or securities transferable by delivery or any securities of the County Council and may vary such investments. A.D. 1924.
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(4) The County Council may apply the income arising from such investments and the revenue of the Higher Ferry Fund in working and maintaining the Higher Ferry in accordance with section 48 (Provisions as to transfer of ferries to County Council) of the Act of 1894.

26. Part III. (Tolls) of the Act of 1894 is hereby repealed as from the opening of the new bridge for public traffic. Repeal.

27. A judge of any 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.

28. All expenses incurred by the County Council in the execution of this Act with respect to which no other provision is made shall be defrayed by the County Council out of the county fund. Expenses of execution of Act.

29. The costs charges and expenses of and incident to the preparing applying for and obtaining 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 be paid by the County Council in the first place out of the county fund and thereafter on the passing of this Act as to three-fourths thereof out of the moneys contributed by the Ministry and as to one-fourth out of the county fund or out of moneys to be borrowed under the provisions of this Act for that purpose. Costs of Act.

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