

**CHAPTER cx.**

An Act to authorise the construction of a tunnel under the River Mersey between Liverpool and Birkenhead and for other purposes. A.D. 1925.

[7th August 1925.]

**W**HEREAS the construction of a tunnel for vehicular and pedestrian traffic under the River Mersey between the city of Liverpool and the county borough of Birkenhead would be of public and local advantage and it is expedient that the lord mayor aldermen and citizens of the said city (in this Act referred to as "the Liverpool Corporation") and the mayor aldermen and burgesses of the said borough (in this Act referred to as "the Birkenhead Corporation") should be empowered to construct the tunnel by this Act authorised :

And whereas it is expedient that the Liverpool Corporation should be empowered for and on behalf of the said Corporations to borrow money for defraying capital expenditure to be incurred for the purposes of this Act and that the other financial provisions contained in this Act including provision for contributions by the Birkenhead Corporation should be made :

And whereas it is expedient that a joint committee of the said Corporations should be incorporated for the purposes in this Act in that behalf mentioned :

And whereas it is expedient that after the opening of the tunnel for public traffic the ferry undertaking of

A.D. 1925. — the Birkenhead Corporation or part thereof should be managed by that corporation under the direction and at the charge of the Joint Committee as by this Act provided :

And whereas it is expedient that the other provisions in this Act contained should be made :

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

And whereas an estimate has been prepared of the cost of constructing the tunnel and other works by this Act authorised (including the amount necessary for the purchase of lands required therefor) and such estimate amounts to five million pounds :

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

And whereas the Minister of Transport has determined to contribute out of the road fund towards the cost of the works by this Act authorised a sum equal to one half of such cost but not exceeding two million five hundred thousand pounds in accordance with the general conditions set forth in the First Schedule to this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed 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 Lancaster and with the clerk of the peace for the county of Chester which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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 A.D. 1925.  
as follows (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Mersey Tunnel Act Short title.  
1925.

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

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Constitution and powers of Joint  
Committee &c.

Part IV.—Tolls byelaws &c.

Part V.—Finance.

3. In this Act unless the subject or context other- Interpretation.  
wise requires the several words and expressions to which  
by the Acts incorporated with this Act meanings are  
assigned shall have in relation to the relative subject  
matter the same respective meanings And the expres-  
sions—

“the city” means the city of Liverpool;

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

“the borough” means the county borough of  
Birkenhead;

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

“the Corporations” means the Liverpool Corpora-  
tion and the Birkenhead Corporation;

“the tunnel” means the tunnels by this Act  
authorised;

“the Lands Clauses Acts” means those Acts and  
the Acquisition of Land (Assessment of Com-  
pensation) Act 1919 Provided that the Cor-  
porations and the Joint Committee shall be  
deemed to be a local or public authority within  
the meaning of the last-mentioned Act;

“the arbitrator” means the arbitrator to whom any  
question of disputed compensation is referred  
under the provisions of this Act;

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- “ the Joint Committee ” means the Mersey Tunnel Joint Committee by this Act incorporated;
- “ the acting conservator ” means the acting conservator of the River Mersey;
- “ the city fund ” and “ the city rate ” mean respectively the city fund and the city rate of the city;
- “ the borough fund ” and “ the borough rate ” mean respectively the borough fund and the borough rate of the borough;
- “ assessable value ” means as regards the city and the borough respectively for a period of three years after the first day of April one thousand nine hundred and twenty-five the total assessable value on the said first day of April for the purposes of the rate for the relief of the poor of the hereditaments in the city and the borough respectively and for a period of three years after the first day of April one thousand nine hundred and twenty-eight the said value on the last-mentioned first day of April and for each subsequent period of three years the said value on the first day of April at the commencement of such period;
- “ statutory security ” means 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 corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of either of the Corporations;
- “ statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing 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 Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed; A.D. 1925.

“ financial year ” means the year ending the thirty-first day of March; and

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

4. The following Acts and part of Act (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) :— Incorporation of Acts.

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) Provided that the bond required by section 85 of that Act shall be under the seal of the Joint Committee on behalf of the Corporations and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof :

Provided that for the purposes of this Act the expressions “ the promoters of the undertaking ” and “ the company ” in the said Acts shall be construed to mean the Corporations and the expression “ the railway ” in the Railways Clauses Consolidation Act 1845 shall be construed to mean the works by this Act authorised and the expression “ the centre of the railway ” in the said Act shall be construed to mean any part of the said works.

## PART II.

### WORKS AND LANDS.

5. Subject to the provisions of this Act the Corporations may make and maintain in accordance with the deposited plans and sections and upon the lands Power to construct works.

A.D. 1925. — delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say) :—

Work No. 1 A tunnel or tunnels and approaches under the River Mersey commencing in the borough at or near a point in Chester Street one hundred and twenty yards or thereabouts north-east of its junction with Bridge Street and terminating in the city at or near the junction of Whitechapel and Stanley Street;

Work No. 2 A tunnel or tunnels and approaches wholly within the city commencing by a junction with Work No. 1 at a point under Brunswick Street thirty-five yards or thereabouts south-west of Goree and terminating at a point in New Quay thirty yards or thereabouts north of Chapel Street;

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

Power to  
stop up  
streets.

6. Subject to the provisions of this Act the Corporations may for the purposes of and in connection with the works by this Act authorised stop up the whole or part of the streets in the city known as Rainford Gardens Rainford Square and Button Street :

Provided that notwithstanding the stopping up of the whole or part of the said streets the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said streets or parts thereof any telegraphic line of the Postmaster-General which is in under upon along over or across the same and the Corporations shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.



7. The Corporations may within the limits of deviation defined on the deposited plans break up make junctions and communications with and alter the line and levels of any street or road which may be interfered with by or be contiguous to the works by this Act authorised and may relay and alter the line or level of any tramways in or along any street or road to be altered under the powers of this Act and may provide during such relaying and alteration any temporary line or lines of tramway which may be necessary for continuing the traffic on any tramway to be so relaid or altered.

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—  
Power to  
break up  
and alter  
streets and  
tramways.

8. In executing any of the works by this Act authorised the Corporations may subject to the provisions of this Act deviate laterally to any extent from the line or situation thereof within the limits of deviation defined on the deposited plans and vertically from the levels thereof defined on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards :

Power to  
deviate.

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade and the Minister of Transport.

9. Subject to the provisions of this Act the Corporations may in connection with and at or near any works to be executed or constructed under the powers of this Act construct place and maintain in the River Mersey and the banks bed and foreshore thereof all such temporary piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs buildings and other works and conveniences as they may deem expedient or necessary.

Subsidiary  
works  
affecting  
River  
Mersey.

10.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and by the Minister of Transport under the hand of the acting conservator and subject to such restrictions and

Works  
below high-  
water mark  
to be sub-  
ject to  
approval of  
Board of  
Trade and  
Minister of  
Transport.

A.D. 1925. regulations as the said Board and 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 Board of Trade or the Minister of Transport may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporations and the amount of such cost shall be a debt due from the Corporations to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade or the Minister of Transport summarily as a civil debt.

Lights on works during construction.

11.—(1) The Corporations shall at or near such part of the works by this Act authorised 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 Board of Trade and the Minister of Transport shall from time to time require or approve.

(2) If the Corporations fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Survey of works by Board of Trade and Minister of Transport.

12. If at any time the Board of Trade the Minister of Transport or the acting conservator acting on his behalf deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporations 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 Corporations shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporations to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade the Minister of Transport



or the acting conservator acting on his behalf summarily as a civil debt. A.D. 1925.

**13.**—(1) Where any work constructed by the Corporations under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade the Minister of Transport or the acting conservator acting on his behalf may by notice in writing either require the Corporations 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 Board of Trade the Minister of Transport or the acting conservator acting on his behalf may think proper.

Abatement  
of work  
abandoned  
or decayed.

(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 Board of Trade the Minister of Transport or the acting conservator acting on his behalf may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporations they have failed to comply with such notice the Board of Trade the Minister of Transport or the acting conservator acting on his behalf may execute the works required to be done by the notice at the expense of the Corporations and the amount of such expense shall be a debt due from the Corporations to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

**14.**—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water

Provision  
against  
danger to  
navigation.

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mark of ordinary spring tides the Corporations 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 Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the Corporations fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Period for  
completion  
of works.

**15.** If the tunnel is not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporations for making and completing the tunnel or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power tem-  
porarily to  
stop up or  
interfere  
with streets.

**16.** Subject to the provisions of this Act the Corporations for the purposes of this Act and during the execution of the works by this Act authorised may in or upon the lands shown upon the deposited plans stop up break up interfere with alter or divert temporarily all or any part of any road street bridge stairs footpath way wharf stream or watercourse which they shall think necessary for such purposes to be stopped up broken up or interfered with altered or diverted and may put up 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 footpath way or wharf open for traffic and may after consultation with the chief constable of the city or of the borough as the case may be make such orders for regulating the traffic as to them shall seem proper Provided that the Corporations shall provide reasonable access for all persons bonâ fide going to or returning from any house in any such road street or place.

Vesting of  
soil of  
streets  
stopped up.

**17.** On the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Act all rights of way over the same shall be extinguished

and the site and soil thereof shall vest in the Corporations but the Corporations shall not stop up any street or portion thereof or appropriate the site and soil thereof unless they are owners in possession of all houses and lands on both sides of the street or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree.

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**18.** And whereas in order to avoid in the execution and maintenance of any works by this Act authorised injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporations 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) :—

Under-  
pinning of  
houses near  
works.

- (1) At least ten days' notice shall unless 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 Corporations 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 clerk of the Joint Committee :
- (3) If any owner lessee or occupier of any such house or building or the Corporations shall within seven days after the giving of such notice give a counter-notice in writing 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 the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference :
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such

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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 Corporations may and shall proceed forthwith so to underpin or strengthen the said house or building :

- (5) The Corporations 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 :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporations such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against any further injury arising from the execution or use of the works of the Corporations then and in every such case unless such underpinning or strengthening shall have been done in pursuance of the requirements of and in the mode prescribed by the arbitrator the Corporations shall make compensation to the owners lessees and occupiers of such house or building for such injury provided 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 Corporations 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 :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

**19.** The Corporations may pump any water found by them in the execution and maintenance of the works by this Act authorised and may use for the discharge of any such water any available stream or watercourse or any sewer or drain of the Liverpool Corporation or the Birkenhead Corporation and for that purpose may lay down take up and alter conduits pipes and other works and make any convenient connections with any such stream watercourse sewer or drain within the limits of deviation shown on the deposited plans :

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Power to pump water and use sewers for removing water.

Provided always that the Corporations shall not make any opening into any such sewer or drain save in accordance with plans reasonably approved by and under the superintendence (if the same shall be given) of the Liverpool Corporation or the Birkenhead Corporation as the case may be.

**20.** The Corporations may within the limits of deviation defined on the deposited plans and for the purposes of this Act alter and divert any ventilating or other shafts passages or works making reasonable compensation to any person who suffers damage by any such alteration or diversion.

Power to alter ventilating shafts.

**21.** The Corporations may after consultation with the city engineer of the city or the borough surveyor of the borough as the case may be raise lower divert alter remove arch over or fill up or otherwise interfere with all such sewers or drains or parts thereof as shall be necessary for the purposes of this Act but so that no sewer or drain (unless the same becomes unnecessary by reason of the purchase of the property entitled to the use thereof) shall be interfered with without another sewer or drain being made in lieu thereof equally serviceable and convenient :

Power to alter sewers and drains.

Provided that before removing or filling up any sewer or drain or part thereof as aforesaid the Corporations shall where necessary cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be removed or filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains for which they are substituted.



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Alteration  
of position  
of water  
gas and  
other pipes.

**22.**—(1) Subject to the provisions of this section the Corporations may for the purposes of this Act upon the lands acquired by them under the powers of this Act and also in any street road or place within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by any company authority or person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic postal or other purposes or for supplying electricity (all of which mains pipes tubes wires and apparatus are in this section included in the expression "apparatus") and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company authority or person who suffers damage by any such alteration.

(2) Before the Corporations alter the position of or execute any work which would interfere with or endanger any apparatus laid down or used by any such company authority or person they shall (except in cases of emergency) give to the company authority or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given except in case of emergency fourteen days at least before the commencement of the work and such work shall be done under the superintendence at the expense of the Corporations of the company authority or person to whom such apparatus belongs unless such company authority or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Corporations shall execute such work to the reasonable satisfaction of the engineer of such company authority or person.

(3) If within seven days of the receipt of such notice any such company or authority shall give notice to the Corporations of their desire themselves to execute any such work of alteration they shall forthwith proceed to do so and the cost reasonably incurred by them in so

doing shall be repaid to them by the Corporations  
Provided that such alterations shall be carried out in  
accordance with the directions and to the reasonable  
satisfaction of the Corporations.

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(4) The Corporations shall not cause any street road  
or way to be lowered or raised nor the position of any  
apparatus to be altered so as to leave over such apparatus  
in any part a covering of less than three feet where the  
covering now existing is not less than three feet unless  
the Corporations shall in such case protect such apparatus  
from frost or injury by artificial covering to the reason-  
able satisfaction of the engineer of the company authority  
or person to whom the same belongs or more than six  
feet where the covering now existing does not exceed six  
feet or more than such existing covering where the same  
exceeds six feet unless the Corporations in such case  
provide special means of access to the same to the  
reasonable satisfaction of the engineer of such company  
authority or person.

(5) If any difference arises between the Corporations  
and any such company authority or person touching  
the amount of any costs expenses or charges under the  
provisions of this Act to be paid by the Corporations to  
any such company authority or person or touching any  
work matter or thing with reference to such apparatus  
under such provisions to be done or executed by the  
Corporations or the mode of doing or executing the same  
such difference shall unless otherwise agreed be settled  
by an engineer to be appointed on the application of  
either party by the President of the Institution of Civil  
Engineers whose decision shall be final and binding and  
the expenses of the reference shall be borne as the referee  
may direct.

(6) The Corporations shall not raise sink or otherwise  
alter the position of or interfere with any telegraphic  
line or other apparatus belonging to or used by the  
Postmaster-General except under and subject to the  
provisions of the Telegraph Act 1878.

**23.** The Corporations may within the limits of  
deviation defined on the deposited plans and for the  
purposes of this Act—

Power to  
alter steps  
areas &c.  
and execute  
protective  
works.

(a) raise sink or otherwise alter or cause to be  
altered the position of any of the steps areas

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vaults cellars cellar-flaps pavement lights gratings boundary walls railings fencings windows watercourses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Corporations shall make reasonable compensation to any person who suffers damage by any such alteration;

- (b) execute any works and do any things necessary for the protection of any adjoining land or buildings and for the strengthening and supporting of any walls of such buildings.

Laying out  
repair and  
lighting of  
works.

24.—(1) The Corporations may lay out the works by this Act authorised or any part thereof for carriageways and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriageways and footways and may from time to time execute all such works and do all such acts in under or upon any of the carriageways and footways forming part of the works by this Act authorised as they may from time to time think proper for preserving repairing lighting ventilating or improving the works by this Act authorised and may for that purpose enter upon and break open the soil and pavement of such carriageways and footways, and any sewers drains or tunnels within or under the same causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways footways sewers drains or tunnels as nearly as practicable to the same condition as they were in before such breaking and opening.

(2) The Corporations may also at any time (if they think it expedient so to do) close the works by this Act authorised wholly or in part for the purpose of repairing or cleansing the same or any part thereof and for the purpose of sewerage levelling paving flagging or channelling such carriageways and footways or any part thereof or of the approaches thereto.

(3) The tunnel and the carriageways and footways and the approaches when completed and opened for public traffic shall be public highways but the soil thereunder other than the soil or bed of the River Mersey

shall remain vested in the Corporations for such estate or interest as shall have been acquired by them therein and the works by this Act authorised and the approaches thereto and the sewers drains and other works therein shall subject to the provisions of this Act be maintained repaired and lighted by the Corporations.

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**25.** Notwithstanding anything contained in any enactment no person shall enter upon break up or interfere with the works by this Act authorised 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 Corporations in writing and in accordance with such terms and conditions either as to the payment of rent or other valuable consideration or otherwise as the Corporations may determine. Provided that nothing in this section contained shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1924.

No mains  
or pipes to  
be laid in  
tunnel.

**26.** The Corporations may sell or dispose of all materials excavated in the construction of the works by this Act authorised 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 materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer under the powers of this Act.

Power to  
sell  
materials.

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

Owners may  
be required  
to sell parts  
only of  
certain  
properties.

- (1) The owner of and persons interested in any of the properties specified in the Second Schedule to this Act and whereof a portion only is required

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for the purposes of the Corporations or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporations that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporations such portion only without the Corporations being obliged or compellable to purchase the whole the Corporations paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporations allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporations have compulsory powers of purchase) can be so severed:
- (4) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporations the portion which the arbitrator shall have determined to be so severable without the Corporations being obliged or compellable to purchase the whole the Corporations paying such sum for the portion taken by them including compensation for any damage sustained by the



owner by severance or otherwise as shall be awarded by the arbitrator : A.D. 1925.

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

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

A.D. 1925. — provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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

Owners may be required to grant easements only.

**28.** With respect to the properties shown on the deposited plans which are described or referred to in the Third Schedule to this Act notwithstanding anything contained in this Act or shown on the said plans the Corporations shall not be required to purchase or take the same or any part of the surface thereof but the Corporations may purchase and take and the owners of and other persons interested in any such property shall sell an easement or right of using the subsoil and under-surface of such property for the purposes of this Act and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of user as fully as if the same were lands within the meaning of those Acts except that no such easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845. Provided that the Corporations shall not acquire compulsorily an easement or right of using the subsoil and under-surface of any such property the ground surface of which is at a less height than twenty-five feet above the crown of the tunnel as the same shall be constructed.

Period for compulsory purchase of lands.

**29.** The powers granted by this Act for the compulsory purchase of lands shall cease on the thirty-first day of December one thousand nine hundred and twenty-eight.

As to private rights of way over lands taken compulsorily.

**30.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporations shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently altered buildings.

**31.** In settling any question of disputed purchase money or compensation for lands acquired by the Corporations under this Act the arbitrator shall not award any sum of money for or in respect of any improvement

or alteration made or any building erected after the first day of April one thousand nine hundred and twenty-five if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the arbitrator was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands.

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**32.** In estimating the amount of compensation or purchase money to be paid by the Corporations under this Act the benefits accruing to the person to whom the same shall be paid by reason of the construction of the works by this Act authorised shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to be set off against compensation.

**33.** If there be any omission mis-statement 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 Corporations after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the city or for the borough (as the case may require) for the correction thereof and if it appear to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county in which the lands therein referred to are situate and a duplicate thereof shall also be deposited with the town clerk of the city or the borough in which such lands are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and the Corpo-

Correction of errors in deposited plans and book of reference.

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rations may take the lands and execute the works in accordance with such certificate.

Power to enter upon property for survey and valuation.

**34.** The Corporations and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the same without being deemed trespassers and without being subject or liable to any fine penalty or punishment for entering or continuing upon any part of the said lands and premises.

Persons under disability may grant easements &c.

**35.** 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 Corporations any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the 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 and privileges as aforesaid respectively.

Agreements with owners of property.

**36.** Subject to the provisions of this Act the Corporations may in connection with the powers granted to them by this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the works by this Act authorised with respect to the sale or purchase by the Corporations of any lands or property or any rights or easements in on or affecting the same for such consideration as may be agreed upon between the Corporations and such person and the Corporations may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by them for the purposes of this Act.

Purchase of lands by agreement.

**37.** In addition to the lands shown on the deposited plans and described in the deposited book of reference the Corporations may purchase take on lease or acquire by agreement and may hold any lands not exceeding in the whole ten acres in connection with and for the

purposes of the works by this Act authorised or for providing substituted sites or facilities for any persons whose lands may be required by the Corporations for the said purposes. A.D. 1925.  
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**38.** Notwithstanding anything in any other Act or otherwise to the contrary the Corporations may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Retention  
and disposal  
of lands.

**39.**—(1) The Corporations may lay out and develop any lands acquired by them under the powers of this Act and not required for the purposes for which they were acquired and erect and maintain flats shops offices warehouses and other like buildings and construct pave flag channel and kerb streets roads and ways on any such lands and may sell lease exchange or otherwise dispose of any such flats shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit. Power to  
develop  
lands &c.

(2) The Corporations may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as they may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporations in selling or disposing of such lands may attach to the same and may convey the same subject to any conditions and restrictions upon the use



A.D. 1925. thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporations may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the works by this Act authorised or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporations may pay or receive money for equality of exchange.

(5) Nothing in this section shall authorise the Corporations to create or permit any nuisance on any such lands as are referred to therein.

Proceeds of  
sale of sur-  
plus lands.

40. The Corporations may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing or other disposal of any lands acquired under the authority of this Act in the purchase of other lands but any capital moneys so received and not so applied shall be applied in or towards the extinguishment of any loan raised under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan.

Under-  
taking to be  
exempt  
from rates.

41. Notwithstanding anything contained in any Act the tunnel and approaches by this Act authorised and the carriageways and footways thereof and the toll-houses toll gates machinery apparatus and works used in connection therewith shall not be assessed to any parochial or local rate.

Agreements  
with Mersey  
Docks and  
Harbour  
Board.

42. Subject to the provisions of this Act the Corporations and the Mersey Docks and Harbour Board may enter into and carry into effect agreements with reference to any of the objects or purposes of this Act.

Compensa-  
tion for  
damage by  
user of  
tunnel.

43.—(1) In addition to the provisions of the Acts incorporated herewith with respect to compensation for lands taken or injuriously affected the Corporations shall make compensation to the owner lessee and occupier of any land house or building which shall be injuriously affected by reason of vibration caused by the user of the tunnel notwithstanding that no part of the property

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of such owner lessee or occupier is taken by the Corporations Provided that all claims for compensation under this section shall be made within five years from the date when the tunnel shall be first opened for vehicular traffic and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Minister of Transport shall have the power of the court or a judge under section 5 of the said Act.

(2) An arbitrator under this section may with the consent of all parties concerned hear together any class or group of claims under this section.

44. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions for the protection of the Mersey Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the Corporations and the company apply and have effect (that is to say) :—

For protec-  
tion of Mer-  
sey Railway  
Company.

(1) In this section the expression "the railway" means and includes the railway tunnels subways drainage and ventilation headings lifts shafts stairways lands buildings and other works and property of the company :

(2) Except as mentioned in subsection (3) of this section the Corporations shall not enter upon take use or interfere with either permanently or temporarily the railway or other property of the company without the consent in writing of the company under their common seal :

(3) Notwithstanding anything contained in subsection (2) of this section the Corporations may so far as necessary for the purposes of the tunnel subject to the provisions of the section of this Act whereof the marginal note is "Power to alter ventilating shafts" alter or divert the ventilating headings of the company within the limits of deviation defined on the deposited plans Provided that any such alteration or diversion shall be made by the Corporations under the direction and superintendence and at such times and in such manner as the engineer

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of the company may reasonably require and in all respects in accordance with the provisions of this section :

- (4) In constructing the tunnel under the River Mersey the Corporations shall not without the consent in writing of the company deviate from the centre line thereof shown on the deposited plans so as to bring the same more than fifty feet nearer to the railway :
- (5) No drainage heading to be constructed for dealing either temporarily or permanently with water encountered under the river shall be placed nearer to the railway than sixty feet south-east of the centre line of the tunnel as the same shall be constructed :
- (6) In constructing so much of Work No. 1 as will be situate over the railway in the borough no deviation shall without the consent in writing of the company be made by the Corporations downwards from the levels shown on the deposited sections :
- (7) The portions of the tunnel and any works by this Act authorised which shall or may interfere with or pass over or under or be within a distance of two hundred lineal feet of any part of the railway and where the tunnel is under the river shall be constructed according to plans sections and specifications to be reasonably approved by the company. If the company fail to signify their approval or disapproval of any such plans sections or specifications within two months after the submission thereof they shall be deemed to have approved thereof. Provided that nothing in this subsection shall prevent the Corporations proceeding with the sinking of the necessary shafts as and when they desire so to do :
- (8) The said portions of the tunnel and the said works shall be executed in accordance with the plans sections and specifications as so approved by the company or settled by an arbitrator and shall be executed at the expense and upon the responsibility of the Corporations to the reasonable satisfaction of the engineer of the

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company The Corporations shall also at all times thereafter maintain the said portions of the tunnel and the said works in substantial repair and good order and condition to the reasonable satisfaction of the engineer of the company The engineer of the company and his duly authorised assistants shall at all reasonable times during the day, or night have free access to the tunnel and works and every reasonable facility shall be afforded them for the inspection thereof :

- (9) If by reason of any work of construction or the carrying out of any work of repair or maintenance of the tunnel and works by this Act authorised or by reason of any pumping or blasting operations that may be carried on by the Corporations during or after the construction of the tunnel or works or any of them or the failure of the tunnel or any of the works or of the maintenance thereof or such pumping or blasting operations the railway shall be injured or damaged such injury or damage shall be forthwith made good by the Corporations at their own expense to the reasonable satisfaction of the engineer of the company or in the event of the Corporations failing so to do the company may make good the same and recover the reasonable cost thereof from the Corporations :
- (10) If during or after the construction of the tunnel or works by this Act authorised the average daily quantity of water requiring to be pumped by the company from their drainage heading shall exceed the average daily quantity of water pumped from such heading during the period of three months immediately preceding the commencement of the construction of the tunnel or works or such other period as may be agreed between the engineer of the Corporations and the engineer of the company and it shall be proved that such excess is attributable to the operations of the Corporations the Corporations shall be responsible for and shall make good to the company any additional expenditure loss or damage which may be occasioned by them in consequence thereof If

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any question arises between the engineer of the Corporations and the engineer of the company as to the average quantity of water pumped from such heading during the period aforesaid or as to the amount of such additional expenditure such question shall be determined in manner hereinafter in this section provided but the Corporations shall not be liable in respect of any claim made by the company under this subsection if they shall have failed to afford to the officers servants or other representatives of the Corporations at all reasonable times after the passing of this Act access to the drainage heading and works of the company for the purpose of ascertaining particulars thereof and the pumping therefrom and the level of the water therein and particulars of all available pumping records of the company :

(11) The Corporations shall not in making and maintaining the tunnel and works by this Act authorised or in the exercise of any of the powers of this Act in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway or any part thereof or any traffic thereon and if any such obstruction hindrance or interference arises from the acts or operations of the Corporations they shall make good any injury damage or loss resulting therefrom and shall indemnify the company from all claims for or arising out of any such obstruction hindrance or interference :

(12) The Corporations shall bear and on demand shall pay to the company the reasonable costs charges and expenses of their engineer or his representative engineer and assistants properly arising under this section and the reasonable expense of the employment by the company of a reasonable number of inspectors or watchmen to be appointed by them for watching the operations of the Corporations' contractors and the railway with reference to and during the execution of the works of the Corporations and for preventing as far as may be all interference obstruction danger or accident from any such



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operations of the Corporations or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise :

- (13) The Corporations shall be responsible for and make good to the company all costs losses damages charges and expenses which may be occasioned to the company by the construction renewal repair or failure of the tunnel or any of the works by this Act authorised or connected therewith or by reason of any act or omission in relation to such construction renewal repair or failure of the Corporations or of any of the persons in their employ or of their contractors or others and the Corporations shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such construction renewal repair or failure or of any such act or omission :
- (14) The fact that any work or thing has been done or executed in accordance with any plan not objected to or approved by the company or to the satisfaction of their engineer or in accordance with any direction or award of an arbitrator shall not excuse the Corporations from any liability for damage caused to the railway or affect any claim by the company in respect of any obstruction or hindrance of or interference with any traffic on the railway :
- (15) Any question by this section referred to arbitration and any difference which may arise between the Corporations and the company as to the reasonableness of any requirement of the company or of their engineer or as to any refusal of consent or otherwise under the provisions of this section shall be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such determination :
- (16) The Corporations shall also submit to the company plans sections and specifications of the portion of the tunnel between the north-east bank of the river and the line of the Liverpool Overhead Railway.

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For protec-  
tion of Mer-  
sey Docks  
and Har-  
bour Board.

**45.** Notwithstanding anything contained in this Act or shown on the deposited plans and sections and in addition to the provisions of the section of this Act the marginal note whereof is "Compensation for damage by user of tunnel" the following provisions for the protection of the Mersey Docks and Harbour Board (in this section referred to as "the board") shall unless otherwise agreed between the Corporations and the board apply and have effect (that is to say):—

- (1) In this section "the Mersey Dock Estate" means the lands docks buildings and other works and property whatsoever of the board :
- (2) Except as mentioned in subsection (3) hereof the Corporations shall not enter upon take or use any part of the properties numbered on the deposited plans 2 3 4A 6 7 10 or 11 in the city or any part of the Mersey Dock Estate in the borough :
- (3) Notwithstanding anything in subsection (2) hereof the Corporations may purchase and take and the board shall if so required by the Corporations sell and grant to them the following easements or rights viz.—

(a) an easement or right of constructing maintaining repairing and using (subject to the provisions of this Act) the tunnel and works connected therewith by this Act authorised under the properties numbered 2 3 10 and 11, in the city and under the cellars (if any) of the board below the carriageway or footway of Brunswick Street and under the portion of the Mersey Dock Estate which is situate within the borough ;

(b) an easement or right of constructing maintaining repairing and using (subject as aforesaid) on sites on or near the southern side of the Morpeth Branch Dock to be reasonably approved by the board (i) a temporary shaft during and for the purposes of the construction of the tunnel and (ii) permanent shafts for the ventilation of the tunnel and for pumping purposes in connection with the tunnel :

- (4) The Corporations shall serve on the board notices to treat for any easements which they desire to acquire under subsection (3) hereof and the provisions of the Lands Clauses Acts shall extend and apply to such easements or rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 : A.D. 1925.
- (5) In constructing the tunnel in the city the Corporations shall not deviate from the centre line thereof shown on the deposited plans so as to bring any part of the tunnel below the dock offices of the board (being the property numbered on the deposited plans 7 in the city) except where any part of the said offices extends under the carriageway or footway of Brunswick Street. In constructing the tunnel under the Mersey Dock Estate in the borough no deviation shall be made from the centre line thereof shown on the deposited plans :
- (6) In constructing the tunnel under the Mersey Dock Estate in the city and in the borough and under the bed banks and foreshore of the River Mersey no deviation shall be made by the Corporations upwards from the levels shown on the deposited sections :
- (7) The portion of the tunnel which will be situate between a point under the Liverpool Overhead Railway in the city and a point under Canning Street in the borough shall be constructed according to plans and sections to be reasonably approved by the chief engineer of the board (in this section referred to as "the board's engineer") and the shafts (whether temporary or permanent) to be constructed on the south side of the Morpeth Branch Dock as aforesaid (in this section referred to as "the said shafts") shall be constructed according to plans sections and specifications to be reasonably approved by the board's engineer. No part of the said portion of tunnel nor the said shafts shall be

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commenced until the plans and sections or the plans sections and specifications thereof (as the case may be) have been approved by the board or in case the board disapprove thereof have been settled by an arbitrator as in this section provided. If the board fail to signify their approval or disapproval of any such plans sections or specifications within twenty-eight days after the submission thereof they shall be deemed to have disapproved thereof :

(8) The said portion of tunnel and the said shafts shall be executed in accordance with the plans and sections or plans sections and specifications as so approved by the board or settled by an arbitrator and shall be executed at the expense and upon the responsibility of the Corporations to the reasonable satisfaction of the board's engineer. The Corporations shall also at all times thereafter maintain the said portion of tunnel and the said shafts in substantial repair and good order and condition to the reasonable satisfaction of the board's engineer :

(9) (a) In the exercise of any of the powers of this Act relating to the execution or repair of works or to the carrying out of any work of maintenance thereof the Corporations shall not in any way injure or damage the Mersey Dock Estate or obstruct or interfere with the working of traffic thereon except so far as any such injury damage or interference is unavoidable in connection with the construction repair and user of the said shafts ;

(b) If any such injury or damage shall arise the Corporations shall immediately thereupon at their expense in all things make good the same to the reasonable satisfaction of the board's engineer and if the Corporations shall make default in so doing the board may make good such injury and damage and recover in any court of competent jurisdiction the amount of their reasonable expenditure in that behalf as certified by the board's engineer :

(10) In constructing and using the said shafts and in executing any works of repair thereto the

Corporations shall cause as little detriment and inconvenience to the board and as little interference with the traffic at upon or to or from the Morpeth Branch Dock as circumstances admit and shall make good any injury which may be caused by such construction user or execution to any property of the board :

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The Corporations shall also if so requested by the board remove and/or fill up any temporary shafts constructed by them as aforesaid as soon as practicable after the completion of the tunnel and remove and/or fill up any permanent shafts constructed by them as aforesaid if and when the said permanent shafts shall cease to be required by the Corporations On the removal and/or filling up of any such shafts (whether temporary or permanent) the Corporations shall restore the site of the said shafts and the property of the board as nearly as practicable to the same condition as they were in before the construction of the shafts :

- (11) All works (whether temporary or permanent) to be constructed by the Corporations on the properties numbered on the deposited plans 4 and 8 in the city shall be subject to the reasonable approval of the board and shall be constructed in accordance with plans sections and specifications to be approved by the board or in case the board disapprove thereof to be settled by an arbitrator as in this section provided If the board fail to signify their approval or disapproval of any such plans sections or specifications within twenty-eight days after the submission thereof they shall be deemed to have disapproved thereof :
- (12) The Corporations shall not under the powers of this Act construct any works in the River Mersey or on or over the bed banks or foreshore thereof except with the consent of the board :
- (13) The Corporations shall not under the powers of this Act pump or discharge directly or indirectly into the River Mersey any water or effluent containing solid matter nor directly or



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indirectly into the Great Culvert Birkenhead any water or effluent whatsoever :

- (14) Any dispute or difference which may arise between the Corporations and the board under subsections (3) (b) (7) (8) (10) or (11) of this section shall be referred to a single arbitrator who failing agreement shall be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to the reference.

For protec-  
tion of  
Cheshire  
Lines Com-  
mittee.

**46.** The following provisions for the protection of the Cheshire Lines Committee (in this section referred to as "the railway committee") shall unless otherwise agreed in writing between the Corporations and the railway committee apply and have effect (that is to say) :—

- (1) In this section—

"Railway property" means any railway sidings warehouse goods depôt land or other property belonging to or leased to the railway committee being the portion of the property numbered on the deposited plans 254 in the borough which lies to the south-west of Shore Road ;

"Tunnel works" means any works by this Act authorised to be made or maintained upon across under or over any railway property or which will otherwise affect the same :

- (2) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Corporations shall not except by agreement enter upon take or use any railway property but the Corporations may purchase and take and the railway committee shall so far as they lawfully can or may sell and grant an easement or right of using so much of their land as may be necessary for the construction maintenance and user of the tunnel Work No. 1 but the Corporations shall not use the said land for the purposes of lifts stairs shafts or other subsidiary

or incidental works and shall not use or interfere with the surface of the said land : A.D. 1925.

(3) The tunnel works shall be constructed to the reasonable satisfaction of the principal engineer of the railway committee and according to plans and drawings to be previously submitted by the Corporations to and reasonably approved by such engineer or in case of difference by an arbitrator appointed in pursuance of this section Provided that if such engineer fail to signify his approval or disapproval of any such plans and drawings within twenty-eight days after the submission thereof he shall be deemed to have approved thereof :

(4) The Corporations shall not in the execution of the tunnel works or the carrying out of any work of maintenance thereof interfere with the free uninterrupted and safe user in the ordinary manner of any railway property :

(5) In case of any injury to any railway property or any interruption to the traffic thereon owing to the tunnel works which takes place during the construction of the tunnel works or during the carrying out of any work of maintenance thereof the Corporations shall make compensation to the railway committee in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration :

(6) The Corporations shall bear and on demand pay to the railway committee the cost of any temporary works of support which in the reasonable opinion of the engineer of the railway committee may be necessary during the carrying out of works of construction and maintenance of the tunnel works and the expense reasonably incurred of the employment by the railway committee during the execution of any works affecting any railway property of a sufficient number of inspectors and watchmen to be appointed by the railway committee for watching the same with reference to and during the execution of any such work of the Corporations

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and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporations or their contractors :

- (7) Any dispute or difference which may arise between the Corporations and the railway committee under this section shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-  
tion of  
Liverpool  
Overhead  
Railway  
Company.

47. Notwithstanding anything contained in this Act or shown on the deposited plans and sections and in addition to the provisions of the section of this Act the marginal note whereof is " Compensation for damage by user of tunnel " the following provisions for the protection of the Liverpool Overhead Railway Company (in this section referred to as " the company ") shall unless otherwise agreed between the Corporations and the company apply and have effect (that is to say) :—

- (1) Except as mentioned in subsection (2) of this section the Corporations shall not enter upon take or use any part of the property numbered on the deposited plans 10 in the city (in this section referred to as " the said property "):
- (2) Notwithstanding anything contained in subsection (1) of this section the Corporations may purchase and take and the company shall if so required by the Corporations sell and grant to them an easement or right of constructing maintaining repairing and using (subject to the provisions of this Act) the tunnels (Works Nos. 1 and 2 and works connected therewith by this Act authorised) (all of which are in this section referred to as " the tunnels ") under the said property :
- (3) The Corporations shall serve on the company notice to treat for any easement which they desire to acquire under subsection (2) of this section and the provisions of the Lands Clauses Acts shall extend and apply to such easement

or right as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 :

- (4) In constructing the tunnels under the said property no deviation shall be made by the Corporations upwards from the levels shown on the deposited sections :
- (5) The portion of the tunnels which will be situate under the said property shall be constructed according to plans and sections to be submitted to and reasonably approved by the engineer appointed by the company (in this section referred to as "the company's consulting engineer") No part of the said portion of the tunnels shall be commenced until the said plans and sections have been approved by the company's consulting engineer or in case he disapproves thereof have been settled by an arbitrator as in this section provided If the company's consulting engineer fail to signify his approval or disapproval of any such plans and sections within twenty-eight days after the submission thereof he shall be deemed to have approved thereof :
- (6) The said portion of the tunnels shall be executed in accordance with the plans and sections as so approved by the company's consulting engineer or settled by an arbitrator and shall be executed at the expense and upon the responsibility of the Corporations to the reasonable satisfaction of the company's consulting engineer The Corporations shall also at all times thereafter maintain the said portion of the tunnels in substantial repair and good order and condition to the reasonable satisfaction of the company's consulting engineer :
- (7) All works whether temporary or permanent to be constructed by the Corporations on the property numbered on the deposited plans 8 in the city shall be subject to the reasonable approval of the company's consulting engineer

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and shall be constructed in accordance with plans and sections to be approved by him or in case he disapproves thereof to be settled by an arbitrator as in this section provided. If the company's consulting engineer fail to signify his approval or disapproval of any such plans or sections within twenty-eight days after the submission thereof he shall be deemed to have approved thereof :

- (8) The company's consulting engineer shall from time to time have the right of inspecting the said works during the construction thereof and facilities shall be given to him at all reasonable times for that purpose :
- (9) The Corporations shall pay the reasonable fees and expenses of the company's consulting engineer arising under this section but including not more than three inspections under subsection (8) of this section :
- (10) In case of any injury to the company's railway works or property or any interruption to the traffic thereon owing to the tunnels which takes place during the construction of the tunnels or during the carrying out of any work of maintenance thereof the Corporations shall make compensation to the company in respect of such injury or interruption the amount of such compensation unless otherwise agreed to be determined by arbitration :
- (11) Any dispute or difference which may arise between the Corporations and the company or the company's consulting engineer under this section shall be referred to a single arbitrator who failing agreement shall be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to the reference.

For protec-  
tion of  
Liverpool  
Gas Com-  
pany.

**48.** Notwithstanding anything in this Act the following provisions for the protection of the Liverpool Gas Company (in this section referred to as "the company") shall unless otherwise agreed between the



Corporations and the company have effect (that is to say) :— A.D. 1925.

- (1) In this section " apparatus " means and includes all or any mains pipes or apparatus belonging to the company and " authorised work " means any work authorised by this Act :
- (2) The company may where reasonably necessary employ inspectors to inspect the authorised works during their construction so far as any apparatus will be interfered with or affected and the reasonable wages of such inspectors shall be paid by the Corporations to the company :
- (3) The Corporations in executing any authorised work shall not remove or displace any apparatus or do anything to endanger such apparatus or impede the passage of gas into or through any apparatus or interfere with the access thereto in any case where the supply of gas by means of such apparatus is to be continued until good and sufficient apparatus and other works necessary or proper for continuing the supply of gas at least as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporations have been first completed in lieu thereof to the reasonable satisfaction of the engineer of the company :
- (4) If any repairs or renewals of any apparatus be at any time hereafter rendered necessary by reason of the exercise by the Corporations of the powers of this Act or by the acts or defaults of the Corporations their contractors agents workmen or servants or any person in the employ of the Corporations in connection with or in relation to the exercise of such powers the expenses of such repairs or renewals shall be borne and paid by the Corporations :
- (5) Wherever under this Act any public rights of way over any existing street or road in which any apparatus shall be situate shall be extinguished the Corporation shall (except in cases to which the next following subsection applies) if required by the company remove such apparatus to and

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relay the same in such position as may be reasonably required by the company or shall provide and lay in such position as aforesaid similar apparatus equally suitable in lieu thereof and the relaying of the existing apparatus or laying of the substituted apparatus shall (save as hereinafter provided) be executed under the superintendence and to the reasonable satisfaction of the engineer of the company and in such manner as not to cause any interruption in the supply of gas through or by means of such apparatus :

- (6) Whenever by reason of the exercise by the Corporations of the powers of this Act any apparatus in any street or road shall be rendered derelict or useless the Corporations shall pay to the company such a sum as may be agreed between the Corporations and the company to be the value of such apparatus and the apparatus shall thereupon become the property of the Corporations and the Corporations shall also pay to the company any expense reasonably incurred by them in consequence of any such apparatus being so rendered derelict or unnecessary :
- (7) If the company shall desire themselves to execute the works connected with any alteration removal or renewal of or necessary additions to any apparatus or to provide any new or additional apparatus which the Corporations may be required under this section to execute or provide and shall give notice in writing of such desire to the Corporations the company may and shall with all reasonable dispatch themselves carry out such works and provide such new or additional apparatus and all reasonable costs expenses and charges incurred by them in so doing shall be repaid to them by the Corporations and be recoverable summarily as a civil debt :
- (8) The consent of the Corporations under the section of this Act of which the marginal note is "No mains or pipes to be laid in tunnel" to the laying down and repair of any apparatus by the company in the approaches to the tunnel in the

city for the purpose of affording a supply of gas to premises abutting upon the said approaches shall not be unreasonably withheld :

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- (9) Any difference which shall arise between the Corporations and the company under the provisions of this section shall be referred to an arbitrator to be appointed on the application of either party (after notice thereof in writing to the other) by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to the reference.

49. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions shall unless otherwise agreed in writing apply and have effect for the benefit and protection of the Cunard Steam Ship Company Limited their successors and assigns (in this section referred to as "the company") (that is to say) :—

For protec-  
tion of  
Cunard  
Steam Ship  
Company  
Limited.

- (1) The Corporations shall not enter upon take use or interfere with either permanently or temporarily any part of the building and premises belonging to the company known as the Cunard Building and numbered on the deposited plans 9 in the city whether above or underground or any subsoil under any part of the said building and premises except such part thereof if any as lies under the surface of Brunswick Street or the footpath thereof and except as aforesaid no part of the tunnel shall be constructed under the said building and premises :
- (2) No part of the tunnel within one hundred feet of any part of the said building and premises shall be constructed otherwise than in accordance with plans to be agreed upon between the Corporations and the company and failing such agreement the question in dispute shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not agree in the appointment of an arbitrator the Minister of Transport shall have the power of the court or a judge under section 5 of the said Act :

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(3) In case of any damage to the building and premises referred to in subsection (1) of this section caused by any subsidence owing to the works of the Corporations which takes place during the construction of the tunnel or during the carrying out of any work of maintenance thereof the Corporations shall indemnify the company for any loss arising therefrom.

For protec-  
tion of  
Century  
Insurance  
Company  
Limited.

50. For the protection of the Century Insurance Company Limited their successors and assigns as lessees of the buildings and premises (in this section referred to as "the protected premises") known as Nottingham Buildings Brunswick Street. and numbered on the deposited plans 38 in the city (all of whom are in this section included in the expression "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and unless otherwise agreed in writing between the Corporations and the company apply and have effect (that is to say) :—

(1) Any easement acquired by the Corporations with respect to the subsoil or under surface of the protected premises in exercise of the powers of the section of this Act of which the marginal note is "Owners may be required to grant easements only" shall not extend for a greater distance than thirty feet from the centre line of the tunnel as delineated upon the deposited plans. Save as provided in this subsection the Corporations shall not enter upon take use or interfere with either permanently or temporarily any part of the protected premises whether above ground or under ground :

(2) No part of the tunnel within one hundred feet of any part of the protected premises shall be constructed otherwise than in accordance with such plans as shall be reasonably approved by the company or in case of any difference respecting such plans in accordance with such plans as shall be settled by arbitration in manner in this section provided for the determination of differences between the company and the Corporations :

(3) In case of any damage to the protected premises caused by any subsidence owing to the works of the Corporations which takes place during the construction of the tunnel or during the carrying out of any work of maintenance thereof the Corporations shall indemnify the company their lessees and tenants for any loss or damage arising therefrom :

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(4) Any difference which shall arise between the company and the Corporations under this section shall be determined by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that when the parties do not agree in the appointment of an arbitrator the Minister of Transport shall have the power of the court or a judge under section 5 of the said Act.

**51.** Notwithstanding anything contained in this Act or shown on the deposited plans and sections or described in the deposited book of reference the following provisions for the protection of the Governor and Company of the Bank of England (in this section referred to as "the bank") shall unless otherwise agreed in writing between the Corporations and the bank apply and have effect (that is to say) :—

For protec-  
tion of Gov-  
ernor and  
Company of  
Bank of  
England.

(1) In this section the expression "the bank premises" means and includes the bank offices officials' residences chambers and other lands and premises belonging to the bank and numbered on the deposited plans 80 in the city and all cellars and vaults being part of or used in connection with any part of such premises :

(2) The Corporations shall not enter upon take use acquire any easement in or interfere with either permanently or temporarily any part of the bank premises whether above ground or under ground or any subsoil under any part of such premises and no tunnel or work by this Act authorised or any part thereof shall be constructed in on or under the bank premises or any part thereof :

(3) (a) If and so far as the tunnel or any work authorised by this Act or any part thereof be constructed within one hundred feet of any part



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of the bank premises the construction of such tunnel or work and the various operations necessary for the maintenance thereof when constructed shall be carried out in such manner by such method in such sequence and in accordance with such plans and specifications as the bank for securing the protection of the structure of the bank premises and the prevention of any forcible entry therein may reasonably approve;

(b) The Corporations shall at all times maintain so much of any such tunnel or work as is constructed within one hundred feet of any part of the bank premises in substantial repair and good order and condition to the reasonable satisfaction of the engineer architect or surveyor hereinafter in this subsection referred to;

(c) The construction and maintenance of so much of any such tunnel or work as is referred to in this subsection shall be carried out under the reasonable supervision of an engineer architect or surveyor to be from time to time appointed by the bank for that purpose and the reasonable charges and expenses of such engineer architect or surveyor shall be paid by the Corporations:

- (4) In case of any damage to the bank premises caused by any subsidence owing to the works of the Corporations which takes place during the construction of the tunnel or during the carrying out of any work of maintenance thereof the Corporations shall indemnify the bank for any loss arising therefrom:
- (5) Any difference which shall arise between the Corporations and the bank under this section shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 and any statutory reenactment or modification thereof for the time being in force shall apply to any such arbitration.

For protec-  
tion of  
Royal Ex-  
change

**52.** Notwithstanding anything in this Act or shown on the deposited plans and sections and in addition to the provisions of the section of this Act of which the marginal

note is "Compensation for damage by user of tunnel" the following provisions for the protection of the owner (as in this section defined) shall unless otherwise agreed between the Corporations and the owner have effect (that is to say):—

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Assurance  
Corporation.

(1) In this section—

"the protected premises" means the property numbered on the deposited plans 95 in the city and includes any buildings cellars vaults works and conveniences erected or constructed or to be erected or constructed on or under the site of that property;

"the owner" means the Royal Exchange Assurance Corporation or other the owner for the time being of the protected premises;

"the prescribed distance" means a distance of one hundred feet measured horizontally from any part of the site of the protected premises or the subsoil thereunder;

"the engineer" means the engineer for the time being of the owner:

(2) The Corporations shall not enter upon take use or interfere with either permanently or temporarily any part of the protected premises except that the Corporations may (subject to the provisions of this Act) exercise the powers of the section of this Act of which the marginal note is "Owners may be required to grant easements only" with respect to the subsoil or undersurface of the protected premises:

(3) In addition to any other compensation payable to the owner under this Act or the Acts incorporated therewith the Corporations shall pay to the owner the amount of any additional expenditure in connection with the foundations of any new buildings to be erected by the owner on the protected premises in accordance with the section signed by Messieurs Willink and Dod on behalf of the owner and by Basil Mott on behalf of the Corporations so far as such additional expenditure is reasonably considered necessary by the engineer for the purpose of avoiding injury or risk of injury to the new

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buildings through the construction or anticipated construction of the tunnel :

- (4) The Corporations before commencing any portion of the tunnel within the prescribed distance shall give to the owner not less than three weeks' notice of their intention so to do accompanied by plans sections and specifications of the proposed work and the said portion of tunnel shall not be constructed otherwise than in accordance with such plans sections and specifications as shall be approved by the engineer or if his approval is unreasonably withheld by an arbitrator to be appointed as hereinafter provided :
- (5) The Corporations shall at all times maintain the portion of the tunnel within the prescribed distance in substantial repair and good order and condition to the reasonable satisfaction of the engineer :
- (6) If any damage to the protected premises is caused by any subsidence owing to the works of the Corporations which takes place during the construction of the tunnel or during the carrying out of any work of maintenance thereof the Corporations shall indemnify the owner their lessees and tenants for any loss arising therefrom :
- (7) Any dispute or difference which may arise between the Corporations and the owner or the engineer under this section shall be referred to a single arbitrator who shall be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to the reference.

For protec-  
tion of  
Union  
Marine  
Insurance  
Company  
Limited.

**53.** Notwithstanding anything contained in this Act or shown on the deposited plans and sections or described in the deposited book of reference the following provisions for the protection of the Union Marine Insurance Company Limited or other the lessees for the time being of the premises numbered on the deposited plans 101 in the city or other the owners for the time being of the premises numbered on the said plans 103 in the city (in this section respectively referred to as "the company")

and "the protected premises") shall unless otherwise agreed in writing between the Corporations and the company apply and have effect (that is to say):—

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- (1) No part of the tunnel within one hundred feet of any part of the protected premises shall be constructed otherwise than in accordance with such plans sections and specifications as the company may reasonably approve :
- (2) The Corporations shall at all times maintain the portion of the tunnel within one hundred feet of any part of the protected premises in substantial repair and good order and condition to the reasonable satisfaction of the company :
- (3) In case of any damage to the protected premises caused by any subsidence owing to the works of the Corporations which takes place during the construction of the tunnel or during the carrying out of any work of maintenance thereof the Corporations shall indemnify the company for any loss arising therefrom :
- (4) Any difference which shall arise between the company and the Corporations under this section shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 and any statutory re-enactment or modification thereof for the time being in force shall apply to any such arbitration.

54. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions shall unless otherwise agreed in writing apply and have effect for the benefit and protection of the Liverpool Cotton Association Limited their successors and assigns (in this section referred to as "the cotton association") (that is to say):—

For protec-  
tion of  
Liverpool  
Cotton  
Association  
Limited.

- (1) The Corporations shall not enter upon take use or interfere with either permanently or temporarily any part of the buildings and premises belonging to the cotton association known as the Liverpool Cotton Exchange and numbered on the deposited plans 136 in the city whether above or under ground or any subsoil under any

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part of the said buildings and premises except such part thereof (if any) as lies under the surface of Old Hall Street or Ormond Street or the footpaths thereof respectively and except as aforesaid no part of the tunnel shall be constructed under the said buildings and premises :

- (2) No part of the tunnel within one hundred feet of any part of the Liverpool Cotton Exchange shall be constructed otherwise than in accordance with plans to be agreed upon between the Corporations and the cotton association and failing such agreement the question in dispute shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not agree in the appointment of an arbitrator the Minister of Transport shall have the power of the court or a judge under section 5 of the said Act :
- (3) In case of any damage to the buildings and premises referred to in subsection (1) of this section caused by any subsidence owing to the works of the Corporations which takes place during the construction of the tunnel or during the carrying out of any work of maintenance thereof the Corporations shall indemnify the cotton association for any loss arising therefrom.

For protec-  
tion of  
Messrs.  
Ziegler.

**55.** For the protection of John Hastings Ziegler Alexander Caryl Ziegler and John Hastings Ziegler junior or the survivors or survivor of them or the executors or administrators of such survivor their or his assigns (in this section referred to as "the owner") the following provision shall unless otherwise agreed between the Corporations and the owner apply and have effect (that is to say) :—

Notwithstanding anything contained in this Act the Corporations shall not exercise the powers of paragraph (a) of the section of this Act of which the marginal note is "Power to alter steps areas &c. and execute protective works" in respect of the premises numbered on the deposited plans 160 in the city unless and until the Corporations have acquired the interest of the owner in the said premises.



**56.** For the protection of Pelling Stanley and Co. Limited their successors and assigns as lessees of the buildings and premises (in this section referred to as "the protected premises") known as Kansas Building Stanley Street and numbered on the deposited plans 282 in the city (all of whom are in this section included in the expression "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and unless otherwise agreed in writing between the Corporations and the company apply and have effect (that is to say):—

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For protec-  
tion of  
Pelling  
Stanley and  
Co. Limited.

(1) The Corporations shall not enter upon take use or interfere with either permanently or temporarily any part of the protected premises whether above ground or under ground or any subsoil or under surface under the protected premises except such part thereof if any as lies under the surface of Rainford Gardens or the footpath thereof and except as aforesaid no part of the tunnel shall be constructed under the protected premises but the Corporations shall be entitled to underpin or otherwise strengthen so much of the protected premises as may be necessary for the purposes of the works by this Act authorised. Provided that such works of underpinning or strengthening shall be effected with as little detriment and inconvenience to the company their lessees and tenants as possible and the Corporations shall make compensation to the company their lessees and tenants for any loss or damage which may result to them by reason of the execution of such works of underpinning or strengthening:

(2) No part of the tunnel within one hundred feet of any part of the protected premises and no such works of underpinning or strengthening as aforesaid shall be constructed otherwise than in accordance with such plans as shall be reasonably approved by the company or in case of any difference respecting such plans in accordance with such plans as shall be settled by arbitration in manner in this section provided for the determination of differences between the company and the Corporations:

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- (3) The Corporations shall not stop up such part of Rainford Gardens as lies to the north of an imaginary line drawn across Rainford Gardens in continuation of the southern wall of the protected premises :
- (4) In case of any damage to the protected premises caused by any subsidence owing to the works of the Corporations which takes place during the construction of the tunnel or during the carrying out of any work of maintenance thereof the Corporations shall indemnify the company their lessees and tenants for any loss or damage arising therefrom :
- (5) Any difference which shall arise between the company and the Corporations under this section shall be determined by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that when the parties do not agree in the appointment of an arbitrator the Minister of Transport shall have the power of the court or a judge under section 5 of the said Act.

For protec-  
tion of Post-  
master-  
General.

**57.**—(1) Nothing contained in this Act or shown upon the deposited plans shall empower the Corporations except with the consent in writing of the Postmaster-General to enter upon take or use the properties numbered on the said plans 287 288 289 290 291 292 and 293 in the city or any part thereof respectively.

(2) For the purposes of the Telegraph Acts 1863 to 1924 the tunnel shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act 1878.

(3) The Corporations shall in constructing the tunnel provide for the telegraphic lines of the Postmaster-General such reasonable accommodation as shall be sufficient for twenty-five lead-covered cables each with an external diameter of three inches The accommodation shall be provided and constructed 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 Corporations his disapproval thereof or made any requirement with

respect thereto he shall be deemed to have approved the same. A.D. 1925.

**58.** For the protection of Macfie and Sons Limited or other the owners lessees or occupiers of the land and premises situate in Moorfields and Tithebarn Street in the city extending from Moorfields to Vernon Street (which land and premises are usually known collectively as 34 Moorfields and are now used as a sugar refinery) (all of whom are in this section referred to as "the owners") the following provisions shall unless otherwise agreed between the Corporations and the owners apply and have effect (that is to say) :—

For protec-  
tion of  
Macfie and  
Sons  
Limited.

- (1) If it shall be proved that the construction of the tunnel has caused any diminution in the supply of water to the well and bore-holes situate upon the said land and premises the Corporations shall make compensation in money to the owners or at the option of the Corporations shall free of cost to the owners afford a supply of water to the owners equal to any such diminution as aforesaid :
- (2) The Corporations may if they think fit in lieu of making compensation in money for any such diminution of supply deepen the said well and bore-holes or make such borings therein or headings therefrom or sink a new well and bore-holes so as to make good the said diminution and the owners shall without making any charge therefor give to the Corporations access and every facility for carrying out such works as aforesaid and the Corporations shall not be liable in respect of any claim made by the owners under this section if they shall have failed to afford to the officers servants or other representatives of the Corporations at all reasonable times after the passing of this Act access to the said well and bore-holes for the purpose of ascertaining particulars thereof and the level of the water therein :
- (3) All claims under this section shall be made within five years from the date when the tunnel shall be first opened for vehicular traffic and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889

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save that where the parties do not concur in the appointment of an arbitrator he shall be appointed by the President of the Institution of Civil Engineers on the application of either party.

For further  
protection  
of Mersey  
Railway  
Company.

**59.** The following provisions for the protection of the Mersey Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the Joint Committee and the company apply and have effect (that is to say) :—

(1) For the period during which the Joint Committee are authorised to demand take and recover tolls tolls shall be charged for chars-a-banc omnibuses wagonettes and other public service vehicles of a similar description passing through the tunnel and carrying passengers for hire or reward on any route between the city or the county borough of Bootle on the one hand and the borough or any place within the Wirral Peninsula lying within a radius of eight miles measured in a straight line from the Birkenhead Town Hall on the other hand and vice versâ and for the passengers carried through the tunnel in such chars-a-banc omnibuses wagonettes or vehicles of such proper and reasonable amounts not exceeding the maximum tolls specified in the Fourth Schedule to this Act as shall from time to time be approved by the Minister of Transport after giving the company an opportunity of being heard :

(2) From and after the expiration of the period mentioned in subsection (1) of this section the fares to be charged for passengers conveyed in any char-a-banc omnibus wagonette or other public service vehicle of a similar description passing through the tunnel and carrying passengers between the city on the one hand and the borough on the other hand and vice versâ shall be such as shall from time to time be approved by the Minister of Transport as proper and reasonable after giving the company an opportunity of being heard. Provided that

no such fare shall be less than the third-class fare for the time being charged by the company for the conveyance of passengers between the James Street station of the company in the city and the station of the company in the borough nearest to the point of taking up or setting down (as the case may be) the passenger conveyed in such vehicle.

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## PART III.

## CONSTITUTION AND POWERS OF JOINT COMMITTEE &amp;C.

**60.**—(1) A Joint Committee to be called “the Mersey Tunnel Joint Committee” shall be and is hereby incorporated for the purpose of exercising for and on behalf of the Corporations subject to the provisions of this Act the powers hereinbefore in this Act conferred upon the Corporations and such powers shall be exercised by the Joint Committee accordingly.

Establish-  
ment of  
Joint Com-  
mittee.

(2) The Joint Committee shall be a body corporate with perpetual succession and a common seal and with power to acquire hold and dispose of lands and shall consist of ten members to be appointed by the Liverpool Corporation and seven members to be appointed by the Birkenhead Corporation and a chairman and vice-chairman of the Joint Committee shall be appointed by and from the members of the Joint Committee but shall not both be persons appointed by the same Corporation.

(3) Subject to the provisions of this Act the provisions of the Fifth Schedule to this Act with respect to the constitution and proceedings of the Joint Committee shall have effect.

(4) The proceedings of the Joint Committee shall not require the approval of the Corporations.

**61.**—(1) At the first meeting of the Joint Committee and subsequently at the first meeting of the Joint Committee held after the ninth day of November in each year a standing arbitrator shall be appointed to determine questions submitted to him under the provisions of this Act and unless three-fourths of the members of the Joint Committee present and voting at a meeting of the Joint Committee holden not earlier than the seventh day after notice calling the meeting

Standing  
arbitrator.



A.D. 1925. — and specifying the object of the meeting agree in the choice of a standing arbitrator he shall from time to time be a person nominated by the President of the Institution of Civil Engineers.

(2) This Act shall be deemed within the meaning and for the purposes of the Arbitration Act 1889 to be a submission by the Joint Committee to the standing arbitrator as a single arbitrator of all differences which by this Act are referred to the decision of the standing arbitrator.

(3) Every standing arbitrator chosen or appointed under the provisions of this Act shall continue in office for one year from the time of his appointment and thereafter until re-appointment or until the appointment of another standing arbitrator by the Joint Committee unless in any case the office is sooner vacated by death incapacity to act resignation or otherwise in which case a standing arbitrator shall be chosen or appointed in his place in manner hereinbefore provided but to hold office only to the end of the period for which his predecessor was appointed.

(4) Any standing arbitrator vacating office shall be capable of re-appointment.

(5) The remuneration of the standing arbitrator shall be fixed from time to time by the Joint Committee and shall be paid as part of the expenses of the Joint Committee under this Act.

References  
to standing  
arbitrator.

**62.**—(1) If any question as to any matter in which the interests of the Corporations are not identical (as to which a memorandum in writing under the hands of a majority of the members of the Joint Committee representing the same Corporation shall be conclusive) arise at a meeting of the Joint Committee then on the request in writing of the representatives or of the majority of the representatives of either of the Corporations signified under their hands and delivered to the chairman or clerk of the Joint Committee within ten days after such meeting such question shall be referred to the standing arbitrator and shall be decided by him notwithstanding that his term of office expires before his decision shall have been given.

(2) The decision of the standing arbitrator shall in all cases be final and binding on the Joint Committee and on the Corporations.

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(3) The standing arbitrator shall nevertheless on the request of the Joint Committee or of a majority of the members representing either of the Corporations on the Joint Committee signified under their hands review any previous decision of himself or of any former arbitrator but any alteration of any such decision shall have prospective operation only and shall not affect anything done or suffered under the decision reviewed.

**63.**—(1) The ferry undertaking of the Birkenhead Corporation as from time to time existing or if the Birkenhead Corporation and the Joint Committee so agree such part thereof as they may determine shall for a period of twenty-one years from and after the opening of the tunnel for public traffic be worked and managed by the said Corporation for and on behalf of the Joint Committee under and in accordance with such directions as may from time to time be given by the Joint Committee but save as in this Act expressly provided subject in all respects to the Acts relating to the said undertaking or such part thereof as aforesaid and the Joint Committee may give such directions accordingly For the purposes of this section the Birkenhead Corporation shall from time to time furnish to the Joint Committee all such papers books accounts vouchers information and explanations as may be required by the Joint Committee.

Birkenhead  
ferry under-  
taking to be  
worked  
under direc-  
tion of Joint  
Committee.

(2) Notwithstanding anything contained in the Acts relating to the ferry undertaking of the Birkenhead Corporation the said Corporation shall during the said period of twenty-one years if the said undertaking or any part thereof shall be worked and managed by the said Corporation on behalf of the Joint Committee under and pursuant to this section pay and account to the Joint Committee for the revenue of the said undertaking or of such part thereof as shall be worked and managed on behalf of the Joint Committee as the case may be and the Joint Committee shall pay to and indemnify the said Corporation against all expenses properly incurred by the said Corporation in working and managing such undertaking or such part thereof as aforesaid including in such expenses during the period

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aforesaid the provision to be made by the said Corporation for interest and sinking fund in respect of moneys borrowed for the purpose of the said undertaking or such part thereof as shall be worked for and on behalf of the Joint Committee as aforesaid. For the purpose of all payments to be made to or by the Joint Committee as aforesaid all proper and necessary apportionments shall be made and if any question dispute or difference shall arise between the Joint Committee and the said Corporation with respect to the amount of any such payment to be made by either of them to the other of them or the amount thereof or any such apportionment the same shall be determined by arbitration under and in the manner provided by the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

(3) The revenue of the said undertaking or such part thereof as aforesaid payable to the Joint Committee shall during the said period of twenty-one years be carried to the credit of the revenue account of the Joint Committee and for all purposes be and be deemed to be revenue of the Joint Committee and all liabilities of the Birkenhead Corporation in respect of the said undertaking or such part thereof as aforesaid which under the provisions of the said Acts are properly payable out of revenue shall during the said period be paid by the Joint Committee out of their revenue as part of their expenditure on revenue account and the Joint Committee shall be deemed to be the person carrying on the said undertaking or such part thereof as aforesaid.

Revision of  
Birkenhead  
ferry tolls.

**64.**—(1) If at any time it is represented in writing to the Minister of Transport (in this section referred to as “the Minister”)—

(a) by any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Birkenhead Corporation the Corporations or the Joint Committee;

that under the circumstances then existing all or any of the tolls authorised in respect of the ferry undertaking of the Birkenhead Corporation should be revised the Minister may if he thinks fit make an order revising all

or any of such tolls as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister may if he thinks fit cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this Act. A.D. 1925.

(2) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the person holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

#### PART IV.

#### TOLLS BYELAWS &C.

**65.** Until the expiration of a period not exceeding twenty years from the opening of the tunnel for public traffic or until the end of the financial year of the Joint Committee in which the aggregate amount of the tolls collected by them in pursuance of this Act in respect of traffic using the tunnel (after deducting therefrom the amount of expenses incurred in and about such collection) shall amount to one million two hundred and fifty thousand pounds whichever shall first happen the Joint Committee may demand take and recover in respect of all traffic passing through or into the tunnel tolls not exceeding those specified and set forth in the Fourth Schedule to this Act and for any other services rendered by the Joint Committee in connection with the tunnel such reasonable charges as they may think fit and upon the expiration of the said period or financial year the power to demand take and recover the said tolls and charges shall cease and determine. Provided that the tolls from time to time actually demanded in respect of such traffic shall be subject to the approval of the Minister of Transport. Tolls.

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Revision of  
tolls.

**66.**—(1) If at any time it is represented in writing to the Minister of Transport (in this section referred to as “the Minister”)—

(a) by any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Corporations or the Joint Committee;

that under the circumstances then existing all or any of the tolls authorised in pursuance of this Act should be revised the Minister may if he thinks fit make an order revising all or any of such tolls as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister may if he thinks fit cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this Act.

(2) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the person holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

Power to  
provide toll-  
houses &c.

**67.** The Joint Committee may from time to time provide set up maintain and remove at or upon the tunnel and the approaches thereto such toll-houses toll-gates offices and other conveniences in connection with the works by this Act authorised as may be necessary or convenient.

List of tolls  
to be ex-  
hibited.

**68.** 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 Joint Committee shall at all times be exhibited in a conspicuous place at or near the places where such tolls shall be payable.

Regulations  
as to pay-  
ment of  
tolls.

**69.** The tolls by this Act authorised to be demanded and taken shall be paid to such persons and at such places in or near the tunnel and in such manner and



under such regulations as the Joint Committee may by notice appoint and the Joint Committee may recover such tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction.

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**70.** If the tolls payable by any person desirous of using the tunnel 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 tunnel 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.

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

**71.** The Joint Committee may compound and agree with any person using the tunnel for the passage of any such person or of any traffic through the tunnel. Provided that such compositions shall be subject to the approval of the Minister of Transport and shall be paid in advance and in the like circumstances at all times charged equally to all persons.

Power to compound for payment of tolls.

**72.** Without prejudice to any existing right of His Majesty and save as provided by the Army Act and the Air Force Act nothing in this Act shall extend to authorise any tolls to be demanded or received from any person when on duty in the service of the Crown or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or from any police officer acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908. If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

Exemption from tolls in case of persons in service of Crown &c.

**73.** If any person shall wilfully refuse or neglect to pay any toll when the same shall be demanded from him by virtue of this Act he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalties on persons practising frauds.

**74.**—(1) The Joint Committee may in pursuance of this Act and any other Act enabling them in that behalf

Byelaws.

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make and enforce byelaws for the control and the protection of the tunnel and the approaches thereto and of persons resorting to or using the same and for the management regulation direction and control of traffic of every description using the tunnel and approaches with power to fix a speed limit for motor vehicles to prohibit the passage of particular traffic at certain hours and to appropriate any portion of the tunnel for the exclusive use of any particular class of vehicle or traffic.

(2) All byelaws from time to time made in pursuance of this section shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority as if the Joint Committee were an urban sanitary authority except that as regards confirmation of such byelaws and inquiries in relation thereto the Minister of Transport shall be substituted for the Minister of Health.

(3) The Minister of Transport shall before confirming any byelaw made in pursuance of this section for the management regulation direction and control of traffic take into consideration any objections to such byelaw submitted to him by any representative body of the users of mechanically propelled vehicles and may for that purpose cause a public inquiry respecting such byelaw to be held in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this Act.

(4) A copy of all byelaws made in pursuance of this section shall at all times be exhibited in a conspicuous place at each entrance to the tunnel.

(5) Notwithstanding anything in section 253 of the Public Health Act 1875 the Joint Committee may take proceedings for the recovery of any penalty.

Recovery of  
penalties &c.

**75.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

PART V.

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FINANCE.

**76.** The general conditions relating to the grant by the Minister of Transport towards the cost of the works by this Act authorised as set forth in the First Schedule to this Act are hereby confirmed. Conditions of grant by Minister of Transport.

**77.**—(1) The Liverpool Corporation for and on behalf of the Corporations or for and on behalf of the Joint Committee may (in addition to any moneys which they are now authorised to borrow or which they may hereafter be authorised to borrow) borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the “revenues of the Corporation” as defined by the Liverpool Corporation Act 1921 and shall be repaid within the respective periods set forth in the third column thereof and any sum so borrowed may be applied for the said purposes respectively (that is to say):— Power to Liverpool Corporation to borrow and repayment of borrowed moneys.

Purpose.	Amount.	Period for Repayment.
(a) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.
(b) For the purchase of lands and the construction of works by this Act authorised.	£ 2,500,000	Eighty years from the date or dates of borrowing.
(c) For the payment out of capital of interest on borrowed moneys referred to in the section of this Act whereof the marginal note is “Suspension of payments into certain sinking fund” during the period of such suspension.	The amount necessary.	Eighty years from the date or dates of borrowing.
(d) For working capital for the Joint Committee.	25,000	Twenty - five years from the date or dates of borrowing.

(2) The Liverpool Corporation for and on behalf of the Corporations or for and on behalf of the Joint

A.D. 1925. Committee may also with the sanction of the Minister of Health borrow such further moneys as may be necessary for any of the purposes of this Act and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding eighty years as may be prescribed by that Minister and the revenues chargeable for any moneys so borrowed shall be such as that Minister shall prescribe.

(3) The annual provision from time to time required to be made by the Liverpool Corporation for interest on and redemption of any money borrowed or to be borrowed by them under this Act (in this Part of this Act referred to as "the provision for borrowed moneys") shall be provided by the Joint Committee and all sums so provided shall be deemed to be for all purposes a debt of the Joint Committee and be chargeable to and paid out of the revenue account of the Joint Committee and the Joint Committee shall be deemed to be the person by or through whom the interest is paid.

(4) The Liverpool Corporation shall from time to time in a minute of the Liverpool City Council estimate the amount of money required by them for the purposes of such provision and every such minute shall state the purpose or purposes for which such money is required and shall fix the time at which such money is to be paid to the bankers of the Liverpool Corporation and a copy of every such minute signed by the town clerk of Liverpool shall be sent to the clerk to the Joint Committee addressed to his office.

(5) The amount specified in the minute shall at or before the time so fixed be paid by the Joint Committee to the bankers of the Liverpool Corporation and shall be deemed to be a debt due from the Joint Committee to the Liverpool Corporation as from the date fixed for the payment thereof.

Suspension  
of payments  
into certain  
sinking  
fund.

**78.** 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 the purposes (b) and (c) referred to in the last preceding section of this Act to be suspended until the opening of the tunnel for public traffic Provided that such suspension shall not be for a longer period than ten years from the thirty-first day of March one thousand nine hundred and twenty-five.

**79.**—(1) The Joint Committee shall keep their accounts which shall be made up for each financial year so as to distinguish capital from revenue and all capital moneys received by the Corporations or the Joint Committee in pursuance of this Act shall be credited to the capital account of the Joint Committee and all moneys received on account of revenue by the Corporations or the Joint Committee in pursuance of this Act shall subject to the provisions of the section of this Act of which the marginal note is “Application of tolls” be credited to the revenue account of the Joint Committee.

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Accounts of  
Joint Com-  
mittee.

(2) The accounts of the Joint Committee shall in each year show the amount of borrowed moneys on which and the rate at which interest has been paid out of capital.

(3) The Joint Committee shall keep their accounts so as to show under a separate heading the receipts and expenditure relating to the ferry undertaking of the Birkenhead Corporation.

(4) The Joint Committee shall every year within three months after the closing of the financial year or such longer period as the Minister of Transport may allow furnish a copy of their accounts to the said Minister.

**80.**—(1) All expenditure in pursuance of this Act properly chargeable to capital account shall be made by the Joint Committee out of capital moneys which so far as not otherwise provided in pursuance of this Act shall be provided by the Liverpool Corporation in accordance with the provisions of this section.

Expendi-  
ture on  
capital  
account.

(2) The Joint Committee shall from time to time in a minute of the Joint Committee estimate the amount of capital moneys required by them for the purposes of this Act in addition to the capital moneys for the time being in the hands of the Joint Committee and every such minute shall state the purpose or purposes for which such moneys are required and shall fix the time at which such moneys are to be paid to the bankers of the Joint Committee and a copy of every such minute signed by the clerk to the Joint Committee shall be sent to the town clerk of Liverpool addressed to his office,



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(3) The amount specified in the minute shall at or before the time so fixed be paid by the Liverpool Corporation to the bankers of the Joint Committee and shall be deemed to be a debt due from the Liverpool Corporation to the Joint Committee as from the date fixed for the payment thereof.

Expendi-  
ture on  
revenue  
account.

**81.**—(1) All expenditure in pursuance of this Act properly chargeable to revenue account shall be made by the Joint Committee out of moneys to be provided by the Corporations in accordance with the provisions of this section or out of other moneys received on account of revenue for the time being in the hands of the Joint Committee.

(2) The Joint Committee shall in each financial year in a minute of the Joint Committee estimate the amount of money required by them in the ensuing financial year on revenue account for the purposes of this Act in addition to moneys received on account of revenue for the time being in the hands of the Joint Committee and every such minute shall state the purpose or purposes for which such money is required and shall fix the time at which such money is to be paid to the bankers of the Joint Committee and a copy of every such minute signed by the clerk to the Joint Committee shall be sent to the town clerks of Liverpool and Birkenhead addressed to their respective offices.

(3) The amount specified in the minute shall subject to the provisions hereinafter in this section contained and at or before the time so fixed be paid to the bankers of the Joint Committee by the Liverpool Corporation out of the city fund and by the Birkenhead Corporation out of the borough fund subject as hereinafter in this section provided in proportion to the assessable value of the hereditaments within the city and the borough respectively and the said proportions shall be deemed to be debts due from the said Corporations respectively to the Joint Committee as from the date fixed for the payment thereof :

Provided that the amount required to be paid in any year by the Birkenhead Corporation in pursuance of this section shall not exceed the amount produced by levying a borough rate of fourpence in the pound :

Provided further that any part of the said proportion of the Birkenhead Corporation which but for the last preceding proviso would be payable by the Birkenhead Corporation by virtue of this section shall be paid by the Liverpool Corporation out of the city fund.

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(4) All moneys so provided by the Corporations as aforesaid shall in the hands of the Joint Committee be deemed to be and shall be moneys raised by rate.

**82.** As regards any rates which may be laid or as regards any increase in any rate which may be made under or for the purposes of this Act whether by the Liverpool Corporation the Birkenhead Corporation or any other authority the Mersey Railway Company the London Midland and Scottish Railway Company the London and North Eastern Railway Company the Great Western Railway Company and the Cheshire Lines Committee in respect of any land used as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be chargeable with one-fourth part only of the amount in the pound of any such rate or increase and the accounts of the Joint Committee shall at all reasonable times be open to inspection by or on behalf of the said companies and committee.

Differential  
rating of  
certain rail-  
ways and  
canals.

**83.**—(1) In each year of the period during which the tolls by this Act authorised to be collected shall continue to be collected there shall be transferred from the revenue account of the Joint Committee and carried to an account to be called "the loans equalisation fund" a sum equal to the amount by which the said tolls received in such year shall exceed the amount of thirty-five thousand pounds.

Application  
of tolls.

(2) From and after the end of such period there shall be transferred from and out of the moneys in the loans equalisation fund to the revenue account of the Joint Committee in each year such a sum as the Joint Committee at the expiration of the said period and of each succeeding period of ten years shall determine as the appropriate amount necessary to secure the provision from and out of the said moneys in the said fund of an equal annuity during the remainder of the period prescribed for repayment of the loans raised for the purchase of lands and the construction of works by this Act authorised.

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(3) The moneys at any time standing to the credit of the loans equalisation fund shall from time to time be invested in statutory securities and accumulated at compound interest. Provided that any such moneys may be applied in repayment of the moneys borrowed by the Liverpool Corporation in pursuance of this Act and in any such case from and after the date of such repayment the said sum of thirty-five thousand pounds referred to in subsection (1) of this section and the said sum referred to in subsection (2) of this section as the case may be shall be reduced in respect of each one hundred pounds so repaid by an amount equal to the rate of interest which would otherwise have been payable thereon and five shillings in addition.

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

84. Notwithstanding anything contained in this or any other Act the Liverpool Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund or reserve fund of that Corporation or the moneys from time to time standing or to accrue to the credit of the loans equalisation fund (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

(a) The moneys so used shall be repaid by the borrowing fund to the lending fund as and when required for meeting the obligations for which the said fund was established and if and so far as they are not so required within the periods by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be payable:

Provided that the Liverpool Corporation may if they so determine repay to the lending fund the money so used at any time within the period aforesaid:

(b) Interest shall be paid by the borrowing fund to the lending fund on any moneys so used and for the time being not repaid to the fund. Such interest shall be calculated at a rate per centum per annum to be determined by the Liverpool Corporation and to be equal as nearly

as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the revenues of the Liverpool Corporation which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

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- (c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to the reborrowing of sums raised under the statutory borrowing power shall apply thereto.

**85.** Any local or road authority with the consent of the Minister of Health and any dock authority may out of their funds rates or revenues make an annual or other contribution to the funds of the Joint Committee.

Contribu-  
tions to  
funds of  
Joint Com-  
mittee.

**86.**—(1) The Joint Committee shall from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Joint Committee in such manner as the Joint Committee direct Any auditor or auditors appointed by the Joint Committee under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

Audit of  
accounts of  
Joint Com-  
mittee.

(2) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Joint Committee and may be for such term and subject to such conditions as the Joint Committee may think fit.

(3) The capital and revenue accounts of the Joint Committee shall be made up for each financial year and shall be audited by the appointed auditor and he shall be entitled to require from any officer of the Joint Committee all such papers books accounts vouchers information and explanations as may be necessary for the performance of his duties.

(4) The appointed auditor shall include in or append to any certificate given by him with reference to the

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accounts of the Joint Committee such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Penalties to  
be paid over  
to treasurer.

**87.** All penalties recovered on a prosecution under this Act or under any byelaw thereunder shall be paid to the treasurer of the Joint Committee and by him carried to the credit of the revenue account of the Joint Committee.

As to in-  
quiries &c.  
by Minister  
of Trans-  
port.

**88.** The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this Act—

(a) as if the Minister of Transport were referred to therein in lieu of the Board of Trade;

(b) as if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President" or of one of the secretaries of the Board."

Inquiries by  
Minister of  
Health.

**89.**—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Liverpool Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

Saving  
rights of  
Duchy of  
Lancaster.

**90.** Nothing contained in this Act shall authorise the Corporations or the Joint Committee to take use or in any manner interfere with any land soil tenements or hereditaments or any rights of whatsoever nature belonging to or enjoyed or exerciseable by the King's most excellent Majesty in right of His duchy of Lancaster without the consent in writing of the chancellor



of the said duchy on behalf of His Majesty first had and obtained for that purpose (which consent the said chancellor is hereby authorised to give) and as incidental to any such consent as aforesaid the said chancellor in the name of His Majesty and under the seals of the duchy and county palatine of Lancaster may convey to the Corporations or the Joint Committee any land hereditaments or rights belonging to His Majesty in right of His said duchy which may be required for the purposes of this Act and nothing in this Act contained shall divest take away prejudice diminish or alter any estate right privilege power or authority now or from time to time vested in or enjoyed or exerciseable by the King's Majesty His heirs or successors in right of the said duchy. A.D. 1925.

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

**92.** Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Corporations authorised to be taken or constructed by this Act but in the event of any such right being at any time intended to be exercised sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act shall apply as if the same were in relation to such minerals incorporated in this Act and as if the Corporations were a railway Crown minerals.

A.D. 1925. — company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Corporations to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Corporations by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

Costs of  
Act.

**93.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Joint Committee out of moneys to be borrowed by the Liverpool Corporation under this Act for that purpose.

The SCHEDULES referred to in the  
foregoing Act.

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### FIRST SCHEDULE.

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#### GENERAL CONDITIONS OF GRANT BY MINISTER OF TRANSPORT.

1. The Minister of Transport (hereinafter referred to as "the Minister") will make a grant from the road fund towards the cost of the works proposed to be authorised by the Mersey Tunnel Bill 1925 not exceeding 50 per centum of the approved cost thereof or £2,500,000 whichever be the less. For the purpose of calculating the amount of the grant by the Minister all sums realised by the sale of materials and plant and surplus lands (in so far as the purchase price thereof is charged as part of the constructional cost) shall be taken into account in order to arrive at the net cost upon which the said grant will be calculated.

2. In the event of difficulties of an engineering or similar character arising in connection with the construction of the said works involving an appreciable increase in the cost thereof beyond the original estimate the Minister will consider the question of making a further contribution from the road fund of not more than 50 per centum of any such increase.

3. All plans specifications estimates engineering details forms of contract and agreements relative to the said works or to the acquisition or sale of lands and any modifications thereof respectively and also the selection of contractors and engineers for the construction of the works shall be subject to the approval of the Minister.

4. In the event of tramways or railways being at any time laid through the tunnel a sum of £500,000 shall be repaid to the road fund at the date of the commencement of the construction of such tramways or railways.

5. The power to levy tolls for the use of the tunnel shall cease at whichever of the following shall be the earlier date viz. at the expiration of 20 years from the opening of the tunnel for public traffic or at the end of the financial year of the Joint Committee in which the aggregate amount of tolls received in

A.D. 1925. — respect of traffic using the tunnel (after deducting the expenses of collection thereof) shall amount to £1,250,000.

6. The scale of tolls from time to time in force shall be subject to the approval of the Minister.

## SECOND SCHEDULE.

### DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN COMPULSORILY.

Area.	Nos. on Deposited Plans.	Description of Property in Book of Reference.
County borough of Birkenhead.	57	House schools forecourt yard land glass-house and premises.
	232	Brass foundry office land and premises.
	233	Works repairing shops land and premises.
	234	Garage offices and premises.
City of Liverpool	8	Dock shed and works (disused) (Goree Dock).
	49	Land (site of new building).
	58	Offices cellars or vaults under and premises.
	59	Offices cellars or vaults under and premises.
	59A	Offices cellars or vaults under and premises.
	61	Offices courtyard cellars or vaults under and premises.
	62	Bank offices cellars or vaults under and premises.
	64	Bank offices cellars or vaults under and premises.
	65	Bank offices cellars or vaults under and premises.
	67	Warehouse offices wine-vaults and cellars under and premises.
	130	Shops offices forecourts courtyards bridge over passage restaurant cellars or vaults under and premises.
	136	The Cotton Exchange buildings postal telegraph office cable offices forecourts cellars or vaults under and premises.
	150	Offices courtyards cellars or vaults under and premises.
	151	Offices cellars or vaults under and premises.
	152	Offices cellars or vaults under and premises.
153	Offices cellars or vaults under and premises.	

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Area.	Nos. on Deposited Plans.	Description of Property in Book of Reference.
	158	Shops offices cellars or vaults under and premises.
	187	Offices cellars or vaults under and premises.
	189	Offices cellars or vaults under and premises.
	190	Offices cellars or vaults under and premises.
	191	Offices café cellars or vaults under and premises.
	236	Banks offices shops café cellars or vaults under and premises.
	242	Offices café cellars or vaults and premises.
	243	Shops offices café cellars or vaults and premises.
	244	Shops office cellars or vaults under and premises.
	296	Shops stalls offices restaurants cafés arcade cellars or vaults under and premises.
	297	Offices café restaurant cellars or vaults under and premises.
	298	Shops offices café cellars or vaults under and premises.
	299	Shops offices café cellars or vaults under and premises.

### THIRD SCHEDULE.

#### DESCRIBING PROPERTIES UNDER WHICH EASEMENTS ONLY MAY BE TAKEN.

Area.	Nos. on Deposited Plans.
County borough of Birkenhead	3 11 21 56 63 73 to 256 (inclusive).
City of Liverpool	- - - 1 to 143 (inclusive) 224 to 235 (inclusive) 249 .281.



A.D. 1925:

## FOURTH SCHEDULE.

MAXIMUM TOLLS LEVIABLE IN RESPECT OF TRAFFIC  
USING THE MERSEY TUNNEL.

## PART I.

Horse-drawn vehicles (including driver and one horse)—

For every—	s.	d.
Brougham or cab -	2	0
Cart -	2	0
Float -	2	0
Hearse -	3	6
Lorry or wagon -	2	6
Oil tank wagon -	3	6
Trap -	2	0
Van—furniture -	3	0
Van—other than furniture -	2	0
Wagonette or omnibus -	2	6
For each additional horse	8	d.

## PART II.

Motor vehicles (including driver)—

For every—	s.	d.
Ambulance -	2	0
Bicycle and trader's side-car -	0	9
Car or chassis -	2	0
„ 3 wheels 2 seats -	1	0
Char-a-banc or omnibus (not exceeding 14 seats) -	2	6
„ „ (exceeding 14 seats) -	5	0
Van—furniture -	3	0
Van—other than furniture -	2	0
Hearse -	3	6
Lorry or wagon -	2	6
„ „ with trailer -	5	0
Motor bicycle -	0	6
Oil tank wagon -	3	6
Taxi cab -	2	0
Tractor engine -	5	0
„ „ with trailer -	7	0

## PART III.

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Steam propelled vehicles (including driver)—

For every—	s.	d.
Lorry or wagon - - - - -	2	6
"    "    with trailer - - - - -	5	0
Roller - - - - -	5	0
Tractor engine - - - - -	5	0
"    "    with trailer - - - - -	7	0

Between 12 midnight and 5 a.m. all tolls for vehicles in Parts I. II. and III. of schedule to be increased by 50 per centum.

## PART IV.

Animals—	s.	d.
Calves per head - - - - -	0	3
Cattle " " - - - - -	0	7
Dog - - - - -	0	2
Horse or donkey - - - - -	0	8
Sheep or pig - - - - -	0	1½
"    "    per 100 - - - - -	10	0

For animals conveyed in a vehicle no charge beyond the appropriate charge for the vehicle.

## PART V.

Foot passengers &amp;c.—

Single rate—	s.	d.
Adults - - - - -	0	2
Children under 14 years of age - - - - -	0	1
Bicycle - - - - -	0	3
Perambulator mailcart go-cart or bath chair - - - - -	0	4
Street organ - - - - -	2	6
Hand cart - - - - -	0	6
Truck (small hand) or wheelbarrow - - - - -	0	5

Between 12 midnight and 5 a.m. foregoing tolls in Part V. of schedule to be increased by 50 per centum.

	s.	d.
Return rate for workman - - - - -	0	3
"    "    "    and bicycle - - - - -	0	4

Workmen's tickets to be issued to workmen before 8 a.m. except on Sundays Christmas Day Good Friday and bank holidays to return at any time on day of issue.

All tolls for vehicles in Part V. of schedule include the person in charge thereof.

A.D. 1925.

## PART VI.

Passengers conveyed in any conveyance (other than the person in charge thereof)—

Same as single rate for foot passengers.

## PART VII.

Traffic not specified in schedule—

Tolls as nearly as may be equivalent to the tolls for the most similar description of traffic specified in schedule.

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**FIFTH SCHEDULE.**

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**CONSTITUTION AND PROCEEDINGS OF THE MERSEY  
TUNNEL JOINT COMMITTEE.**

## PART I.

**PROVISIONS AS TO APPOINTMENT AND QUALIFICATION OF  
MEMBERS TENURE OF OFFICE CASUAL VACANCIES &C.**

(1) The first appointment of members of the Joint Committee by the Liverpool Corporation and the Birkenhead Corporation (each of whom is in this schedule included in the expression "constituent authority") shall be made at a meeting of the constituent authority to be held before the eighth day of October one thousand nine hundred and twenty-five and the members so appointed shall subject to the provisions of this Act continue in office until the ninth day of November next following.

(2) Each constituent authority shall at their quarterly meeting held in the month of November in every year appoint the members of the Joint Committee whom they are by this Act authorised to appoint to hold office until the quarterly meeting in the month of November in the following year.

(3) If a constituent authority fail to appoint first members of the Joint Committee as by this Act provided it shall be competent nevertheless for the other members of the Joint Committee to exercise their powers under this Act and if a constituent authority fail subsequently to appoint members of the Joint Committee at the proper time for their appointment the then existing members of the Joint Committee representing such authority and qualified to be members of the Joint Committee shall continue in office till their successors are appointed.

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(4) A person shall not be qualified to be a member of the Joint Committee unless he is a member of the constituent authority by whom he is appointed and if a member of the Joint Committee ceases to be a member of the constituent authority by whom he has been appointed or becomes disqualified he shall cease to be a member of the Joint Committee.

(5) A person shall be disqualified for being appointed or being a member of the Joint Committee if he—

(a) holds any paid office under the Joint Committee save as permitted by this Act; or

(b) is concerned in any bargain or contract entered into with the Joint Committee or participates in the profit of any such bargain or contract or of any work done under the authority of the Joint Committee :

Provided that a person shall not be disqualified for being appointed or being a member of the Joint Committee by reason of being interested—

(i) in any newspaper in which any advertisement relating to the affairs of the Joint Committee is inserted; or

(ii) in any bargain or contract with the Joint Committee as a shareholder in director or officer of any company ;

but he shall not vote at any meeting of the Joint Committee on any question in which he is so interested.

(6) Whenever an appointment of a member of the Joint Committee has been made the town clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Joint Committee and shall forthwith transmit the certificate to the clerk to the Joint Committee. Provided that in the case of the first appointment the town clerk to each constituent authority shall return the names of the members appointed by his authority to the town clerk to the other constituent authority.

(7) A member of the Joint Committee may resign his office by notifying in writing his intention so to do to the chairman or clerk to the Joint Committee.

(8) If any member of the Joint Committee dies or resigns or is disqualified or ceases to be a member of the Joint Committee the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Joint Committee in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

(9) Subject to the provisions of this Act the term of office of chairman and vice-chairman shall be one year.

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(10) A chairman or vice-chairman may if otherwise qualified be re-appointed 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 Joint Committee before the appointment of his successor.

(11) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification or otherwise another member shall be appointed by the Joint Committee in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

(12) If any member is absent from meetings of the Joint Committee for more than six months consecutively except for some reason approved by the Joint Committee he shall on the expiration of that period vacate his office.

(13) Where any member becomes disqualified for holding office or vacates his office from absence or otherwise the Joint Committee shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he was appointed in such manner as the Joint Committee think fit.

## PART II.

## PROVISIONS AS TO MEETINGS AND PROCEEDINGS.

(1) The Joint Committee shall hold their first meeting at the Municipal Buildings Liverpool on the eighth day of October one thousand nine hundred and twenty-five at three o'clock in the afternoon or at such other place or on such other day and at such other time as may be agreed between the constituent authorities and subsequent meetings of the Joint Committee (including their annual meetings) shall be held at such places on such days and at such times as the Joint Committee may from time to time appoint.

(2) The chairman or any four or more members of the Joint Committee may at any time by writing addressed and sent to the clerk to the Joint Committee require a special meeting to be convened and the clerk shall convene a meeting accordingly.

(3) The meetings of the Joint Committee shall be convened by the town clerk of Liverpool until the Joint Committee have appointed a clerk and afterwards by the clerk to the Joint Committee. Every meeting shall be convened by circular delivered to each member of the Joint Committee or sent by post to or delivered at his residence four clear days at least before the day of the meeting.

(4) To constitute a meeting of the Joint Committee there must be present not less than eight members of the Joint Committee.



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(5) Subject to the provisions of this Act at their first meeting and subsequently at their first meeting held after the ninth day of November in each succeeding year the Joint Committee shall appoint a chairman and a vice-chairman to hold office until the ninth day of November following.

(6)—(a) At every meeting the chairman of the Joint Committee shall preside but if he is not present at the time appointed for the meeting the vice-chairman if present shall preside and if neither the chairman nor vice-chairman is present the members then present shall choose one of their number to preside at that meeting.

(b) Subject to the provisions of this Act every question at a meeting of the Joint Committee 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 the person presiding at the meeting shall have a second or casting vote. Provided always that if at any meeting neither the chairman nor vice-chairman 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.

(7) Minutes of the proceedings of every meeting 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 copies or prints of such minutes shall after each meeting be forwarded by the clerk to the Joint Committee to the town clerk to each constituent authority and the minutes shall be signed by the chairman or other member presiding at the next ensuing meeting.

(8)—(a) A minute of the proceedings of the Joint Committee or of a committee of the Joint Committee signed at the same or the next ensuing meeting by a member of the Joint Committee describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(b) 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 of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

### PART III.

#### GENERAL.

(1) Subject to the provisions of this Act the Joint Committee may make standing orders for the regulation of their proceedings.

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(2) The Joint Committee 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 Joint Committee 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 to any committee of the Joint Committee so appointed. The provisions of section 82 of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the Joint Committee as if they were committees of a county council.

(3) The Joint Committee may appoint and may remunerate a clerk manager engineer treasurer and other such officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall (subject to the terms of their appointment) be removable by the Joint Committee at their pleasure. No member of the Joint Committee or of a constituent authority shall be an officer of the Joint Committee but an officer of a constituent authority may also be an officer of the Joint Committee. All acts and things required or authorised to be done by the clerk may (subject to any restrictions imposed by the Joint Committee) be done by a deputy-clerk who may act notwithstanding a vacancy in the office of clerk.

(4) No act or proceeding of the Joint Committee 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 Joint Committee.

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