



CHAPTER cxi.

An Act to empower the county council of the West Riding of Yorkshire to construct a new bridge over the River Ouse to provide for contributions thereto by the county council of the East Riding of Yorkshire the lord mayor aldermen and citizens of the city and county of Kingston upon Hull and the Goole Urban District Council and for the vesting of the said bridge in the said county councils and for other purposes.
[7th August 1925.]

A.D. 1925.

WHEREAS the construction of a bridge across the River Ouse for vehicular and pedestrian traffic with an opening span for the passage of vessels navigating that river would be of public and local advantage :

And whereas the Minister of Transport has agreed to contribute one-half of the cost of constructing such a bridge and of obtaining this Act and the county council of the administrative county of the West Riding of Yorkshire (hereinafter referred to as "the West Riding Council") the county council of the administrative county of the East Riding of Yorkshire the lord mayor aldermen and citizens of the city and county of Kingston upon Hull and the Goole Urban District Council have agreed to defray in certain proportions the remainder of such cost :

[Price 1s. 6d. Net.]

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13

A.D. 1925.

— And whereas it is expedient that the construction of the said bridge and approaches by the West Riding Council should be authorised and that the said county councils and other authorities should be empowered to borrow money for the purpose of the payments and contributions to be made by them respectively :

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

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

And whereas an estimate has been prepared by the West Riding Council of the cost of the acquisition of land and easements for and the execution of the works by this Act authorised and such estimate amounts to one hundred and twelve thousand five hundred pounds :

And whereas a plan and section showing the lines and levels of the works authorised by this Act such plan also showing the lands required or which may be taken for the purposes or under the powers of this Act with a book of reference to that plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the respective clerks of the peace for the counties of the West Riding and East Riding of Yorkshire which plan section and book of reference are in this Act respectively referred to as the deposited plan section and book of reference :

And whereas in relation to the promotion by the West Riding Council of the Bill for this Act the requirements of the Borough Funds Act 1872 as extended by the Local Government Act 1888 and the County Councils (Bills in Parliament) Act 1903 so far as the same are applicable 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 as follows (that is to say) :—

Short title.

1. This Act may be cited as the Boothferry Bridge Act 1925.

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

A.D. 1925.

Incorporation of Acts.

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

Section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway as amended in the case of an Act relating to a railway company by the Mines (Working Facilities and Support) Act 1923 and in the application of the said enactments to the improvement the expressions "railway" and "the centre of the railway" shall mean the bridge or other work (as the case may be) and the centre line thereof as shown on the deposited plan:

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the West Riding Council and shall be sufficient without the addition of the sureties mentioned in that section:

Provided also that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 shall be construed to mean the West Riding Council.

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

Interpretation.

"The West Riding" means the administrative county of the West Riding of Yorkshire;

"The East Riding" means the administrative county of the East Riding of Yorkshire;

"The West Riding Council" means the county council of the West Riding;

"The East Riding Council" means the county council of the East Riding;

A.D. 1925.

- “ The two County Councils ” means the West Riding Council and the East Riding Council;
- “ The county fund ” means the county fund or respective county funds of the riding or ridings in relation to which the expression is used;
- “ The Hull Corporation ” means the lord mayor aldermen and citizens of the city and county of Kingston upon Hull;
- “ The Goole Council ” means the urban district council of the urban district of Goole;
- “ The contributing authorities ” means the East Riding Council the Hull Corporation and the Goole Council;
- “ The river ” means the River Ouse;
- “ The Ouse trustees ” means the lord mayor aldermen and citizens of the city of York as trustees of the Ouse Navigation;
- “ The bridge ” means the bridge (including any carriageway and footway thereon) (Work No. 1) by this Act authorised;
- “ The West Riding approach ” means the approach road in the West Riding (Work No. 2) by this Act authorised;
- “ The East Riding approach ” means the approach road in the East Riding (Work No. 3) by this Act authorised;
- “ The improvement ” means the bridge and the West Riding approach and the East Riding approach and the alteration of level of Booth Ferry Road by this Act authorised;
- “ The engineer ” means the engineer for the time being responsible for the carrying out of the improvement;
- “ Street ” has the meaning assigned to that term in the Public Health Act 1875 and the Acts amending the same;
- “ Two justices ” means two justices acting together in petty sessions;
- “ High-water mark ” means high-water mark of ordinary spring tides;
- “ The Lands Clauses Acts ” means those Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 for the pur-

poses of which Act the West Riding Council shall be deemed to be a local authority; A.D. 1925.

“ The arbitrator ” means the arbitrator to whom any question of disputed compensation may be referred under the provisions of this Act.

4. The West Riding Council may subject to the provisions of this Act and in the lines or situations and within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited section construct the works hereinafter described with all necessary and proper footways carriageways approaches works and conveniences connected therewith (that is to say):— Power to execute works.

Work No. 1 A bridge for vehicular and pedestrian traffic across the river commencing in the parish of Airmyn in the rural district of Goole in the West Riding and terminating in the parish of Howden in the rural district of Howden in the East Riding:

Work No. 2 An approach road to the bridge in the said parish of Airmyn:

Work No. 3 An approach road to the bridge commencing in the parish of Knedlington in the said rural district of Howden and terminating in the said parish of Howden:

Work No. 4 An alteration of the level of Booth Ferry Road commencing in the said parish of Knedlington and terminating in that parish.

5. Subject to the provisions of this Act the West Riding Council may make on or in the banks bed soil and foreshore of the river and elsewhere in connection with the bridge and at or near any works or erections to be made or put up by the West Riding Council for or connected with the construction of the improvement and may place and keep in the river either permanently or temporarily all such piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs subways buildings and other works and conveniences as they may deem proper or find necessary or expedient and may use any public mooring places on the river Provided that any such subsidiary works affecting the river or the navigation thereof shall be subject to the reasonable approval of the Ouse trustees. Subsidiary works affecting river.

A.D. 1925.

Power to
deviate.cl. 20
of 1925
p. 104

6. Subject to the provisions of this Act the West Riding Council may in the construction of the improvement deviate laterally from the lines or situations of the works by this Act authorised to any extent within the limits of deviation defined on the deposited plan and vertically from the levels defined on the deposited section to any extent not exceeding five feet upwards but shall not except with the consent of the Minister of Transport and (as respects any work affecting the navigation of the river) the Ouse trustees and to the extent (if any) authorised by the said Minister with the consent (as respects any such work as last aforesaid) of the said trustees deviate downwards from those levels. 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 no lateral deviation of any works authorised by this Act and affecting the navigation of the river shall be made from the lines thereof as shown on the deposited plan without the consent in writing of the Ouse trustees which consent shall not be unreasonably withheld where the extent of the deviation does not exceed ten feet.

Subsidiary
works.cl. 21
of 1925
p. 104

7. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plan the West Riding Council may make junctions with and may alter the line or level of any street way stream or water-course interfered with by or contiguous to the improvement and may alter and interfere with any steps walls gateways railings windows passages pipes and pavements and they may execute any works for the protection of any adjoining land or buildings. Any pipes paving metalling or materials in on or under any street so altered shall vest in the West Riding Council. In the exercise of the powers conferred by this section the West Riding Council shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of such powers. Provided that the West Riding Council shall not alter or interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of that Act.

8. The West Riding Council for the purposes of this Act and during the construction of the improvement may in or upon the lands shown in connection therewith upon the deposited plan stop up or interfere with alter or divert temporarily all or any part of any street place watercourse stairs or wharf and may cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such street place watercourse stairs or wharf open for traffic and may make such orders for regulating the traffic as to them shall seem proper.

A.D. 1925.

Temporary
stopping up
of streets.

The West Riding Council shall provide reasonable access for all persons bonâ fide going to or returning from any house in any such street or place and shall in each case do as little damage as possible and shall make full compensation to all persons injuriously affected by the exercise of the powers of this section.

9. The West Riding Council may cause to be removed arched over or filled up all culverts sewers or drains or parts thereof which shall be in or near any street which shall be interfered with for the construction of the improvement so far as shall appear to them necessary for executing the purposes of this Act. Provided always that before removing or filling up any culvert sewer or drain or part thereof as aforesaid (unless the same become unnecessary by reason of the purchase by or vesting in the West Riding Council of the property entitled to the use thereof) the West Riding Council shall where necessary cause to be made and built other good and sufficient culverts sewers and drains in substitution for the culverts sewers or drains or parts thereof which shall be removed or filled up and when made and completed the said culverts sewers and drains shall be under the same jurisdiction care management and direction as the existing culverts sewers or drains or parts thereof for which they are substituted.

Sewers or
drains to be
removed
arched over
or filled up.

10. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plan the West Riding Council may for the purposes of and in connection with the powers granted to them by this Act stop up and appropriate the site and soil of any streets ways or plantations shown upon the said plan making

Power to
stop up
streets.

A.D. 1925. all reasonable compensation to any person who suffers damage by any such stopping up as aforesaid.

Carriage-
ways and
footways on
improve-
ment.

11. Subject to the provisions of this Act the West Riding Council may cause such parts of the improvement to be laid out for carriageway and such parts thereof for footways as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plan construct and provide such works and conveniences as they may think proper for the purpose of the improvement and in laying out or forming such carriageway and footways and works the West Riding Council may in addition to the powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only in respect thereof as are imposed upon any urban or road authority when they stop up temporarily any road or thoroughfare or any part thereof in the repairing or repaving of any street.

Works be-
low high-
water mark
to be sub-
ject to
approval of
Board of
Trade.

12.—(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 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 subject to such restrictions and regulations as the said Board 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 may abate and remove the same and restore the site thereof to its former condition at the cost (as regards such construction) of the West Riding Council and (as regards any such alteration or extension) of the two County Councils jointly and the amount of such cost shall be a debt due from the said council or councils (as the case may be) to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

13. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the West Riding Council under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark or of the site upon which it is proposed to construct any such work the two County Councils shall defray jointly the expense of the survey and examination and the amount thereof shall be a debt due from the two County Councils to the Crown and be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

A.D. 1925.

Survey of
works by
Board of
Trade.

14.—(1) Where any work constructed by the West Riding Council 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 is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the two County Councils at their own expense to repair and restore such part of such work as is situate below high-water mark 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 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 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 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 two County Councils they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the two County Councils and the amount of such expense shall be a debt due from those councils to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

A.D. 1925.

Lights on
works dur-
ing con-
struction.

15.—(1) The West Riding Council during the whole time of the construction of such part of the works by this Act authorised as shall be below high-water mark and the two County Councils or one of them during the whole time of the alteration or extension of the said part of the said works shall exhibit and keep burning every night from sunset to sunrise at or near the said part of the said works such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the West Riding Council (as respects the period of such construction) or the two County Councils (as respects the period of any such alteration or extension) fail to comply in any respect with the provisions of this section the said council or councils (as the case may be) shall be liable or jointly 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.

Permanent
lights on
works.

16.—(1) After the completion of the works below high-water mark by this Act authorised the two County Councils or one of them shall at the outer extremities of those works exhibit and keep burning every night from sunset to sunrise such lights and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

(2) If the two County Councils fail to comply in any respect with the provisions of this section they shall be jointly 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.

Provision
against
danger to
navigation.

17.—(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 mark the two County Councils or one of them 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. .A.D. 1925,
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(2) If the two County Councils fail to comply in any respect with the provisions of this section they shall be jointly 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.

18. Any sum paid by the West Riding Council under the provisions of the sections of this Act of which the marginal notes are respectively "Works below high-water mark to be subject to approval of Board of Trade" "Survey of works by Board of Trade" "Abatement of work abandoned or decayed" and "Lights on works during construction" or any of those sections which shall be so paid in respect of any matter arising before the completion of the improvement and all expenses incurred by the West Riding Council under subsection (1) or subsection (2) of the section of this Act of which the marginal note is "For protection of Ouse trustees" or under the section of this Act of which the marginal note is "Conditions as to execution of works" shall for the purposes of this Act be deemed to have been paid or incurred as part of the cost of construction of the improvement. Certain payments by West Riding Council to be deemed part of cost of construction of improvement.

19. Notwithstanding anything contained in this Act or shown on the deposited plan or the deposited section:— As to construction of bridge.

(1) The bridge shall be so constructed that the clear headway between the underside thereof and high-water mark is not less than the headway shown on the deposited section:

(2) The bridge shall be so constructed that the northernmost of the main spans thereof shall be an opening span of a navigable width of not less than one hundred and twenty-five feet and that the remaining spans shall successively be of navigable width of not less than one hundred

A.D. 1925.

and thirty-eight feet six inches one hundred and forty-one feet six inches fifty-three feet fifty-three feet and thirty-seven feet respectively and the West Riding Council shall in constructing the bridge provide and fix all such apparatus machinery and appliances as shall be necessary for the opening and closing of the said opening span :

- (3) The opening and other spans of the bridge shall be placed in the respective positions shown on the plan (in this section referred to as " the signed plan ") signed by the Right Honourable the Earl of Strafford the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (of which plan copies have been deposited in the Private Bill Office of the House of Commons in the Parliament Office of the House of Lords with the Board of Trade with the clerk to the Ouse trustees and with the clerk of the West Riding Council) :
- (4) The foundations of the bridge shall be constructed and maintained at such a level as to allow the bed of the river around or near to the said foundations to be dredged to a level of fifteen feet below Ordnance datum without endangering the safety of the bridge :
- (5) No piers (other than such temporary structures as may be reasonably necessary for the purposes of and during the construction or repair of the bridge) shall be placed in the waterway of the river except such as are shown on the signed plan and the piers so shown shall not (except with the approval of the Board of Trade and the Ouse trustees) be placed elsewhere than in the positions marked on that plan :
- (6) For the purposes of this Act the cost of the provision and fixing of the apparatus machinery and appliances for the opening and closing of the opening span of the bridge (including the provision and laying of any pipes cables or

A.D. 1925.
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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 West Riding Council have compulsory powers of purchase) can be so severed :

- (4) If the arbitrator determines 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 West Riding Council the portion so determined to be severable without the West Riding Council being obliged or compellable to purchase the whole the West Riding Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :
- (5) If the arbitrator determines that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the 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 determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the West Riding Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and

A.D. 1925.
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arbitrator the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act :

(2) Subject as is hereinafter in this section provided the arbitrator shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the arbitrator materially enhances the value of such premises; or

(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act :

(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the West Riding Council of his intention to erect any building upon or to make any improvement or alteration of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the West Riding Council do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

A.D. 1925

The SCHEDULE referred to in the
foregoing Act.

DESCRIBING PROPERTIES OF WHICH THE WEST RIDING
COUNCIL MAY ACQUIRE PARTS ONLY.

Area.	Numbers on deposited Plan.
Parish of Airmyn - - -	2 and 6.
Parish of Knedlington - - -	12 13 14 and 15.

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