

## CHAPTER cxi.

An Act to empower the county council of the A.D. 1925.

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.]

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.]

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 séction:

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 sub- Interpretaject or context repugnant to such construction the several tion. words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—

"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 A.D. 1925. shall be deemed to be a local authority;

"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 Power to 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):—

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 Subsidiary Riding Council may make on or in the banks bed soil and foreshore of the river and elsewhere in connection with river. 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.

works

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Power to deviate.

A.D. 1925. 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 highwater 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.

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 watercourse 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 A.D. 1925. 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.

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 Sewers or 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 or filled up. 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.

drains to be removed arched over

10. Subject to the provisions of this Act and within Power to 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

streets.

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

Carriageways and footways on improvement.

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 below highwater mark to be subject 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 A.D. 1925. 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 Trade. 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.

Survey of works by Board of

14.—(1) Where any work constructed by the West Abatement Riding Council under the powers of this Act and situate of work wholly or partially on under or over the shore or bed of abandoned 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 highwater 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.

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.

Lights on works during construction.

- 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 navi- .A.D. 1925, gation 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 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 Certain pay. 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 Council to of Trade " "Survey of works by Board of Trade" "Abatement of work abandoned or decayed" and of construc-"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.

ments by West Riding be deemed part of cost tion of improve-

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

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

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

works for obtaining motive power) shall be A.D. 1925. deemed to be part of the cost of the construction of the bridge.

20. The works authorised by this Act (so far as Conditions they affect the navigation of the river) when commenced as to exeshall be proceeded with and completed as early as prac-cution of ticable and upon completion of the permanent works the West Riding Council shall remove the whole and every part of any temporary works and materials for temporary works which may have been placed in the river in connection with the construction of such permanent works and if the West Riding Council fail so to do the Ouse trustees after giving reasonable notice to the West Riding Council requiring them so to do may remove the same and may recover the cost reasonably incurred by them in so doing from the West Riding Council.

21. Any electric apparatus for the opening and For protecclosing of the opening span of the bridge and any works tion of Postin connection therewith provided by the West Riding Council under this Act shall be so constructed maintained and used as not to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such line.

22. If the improvement be not completed within Period for five years from the passing of this Act then on the expi-completion ration of that period the powers of the West Riding of improve-Council under this Act for the construction thereof shall cease except so far as the same shall then have been completed.

23. Subject to the provisions of this Act the West Power to Riding Council may enter upon take and use all or any of the lands shown on the deposited plan and described in the deposited book of reference which they may require for the purposes of the improvement or of recoupment or exchange or for other purposes of this Act.

West Riding Council to take lands.

24. In addition to the other lands which the West Power to Riding Council are by this Act authorised to purchase and acquire they may purchase take on lease or acquire

acquire additional lands by agreement.

by agreement and may hold for the purposes of this Act any lands not exceeding three acres:

Provided that nothing in this Act shall exonerate the West Riding Council from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them under the provisions of this section.

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

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- 25. And whereas in the exercise by the West Riding Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plan will be sufficient for the required purposes 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:—
- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the West Riding Council or each or any of them are hereinafter included in the term 'the owner' and the said properties are hereinafter 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 West Riding Council 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 West Riding Council such portion only without the West Riding Council being obliged or compellable to purchase the whole the West Riding Council 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 West Riding Council 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 West Riding Council have compulsory powers of purchase) can be so severed:

A.D. 1925.

- (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

- properly incurred by him in consequence of such notice:
- (7) 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 but that any such other portion as aforesaid can be so severed the West Riding Council 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 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.

Persons under disability may grant easements &c.

26. 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 West Riding Council 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.

Correction of errors in deposited plan and book of reference.

27. 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 plan or specified in the deposited book of reference the West Riding Council after giving ten days' notice to the

owners lessees and occupiers of the lands in question may apply to two justices acting for the West Riding or the East Riding (as the case may be) for the correction thereof and if it shall appear to the justices 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 misstated or wrongly described and such certificate shall be deposited with the respective clerks of the peace for the said ridings and duplicates thereof shall be deposited with the clerk of the rural district council of the rural district and the clerk of the parish council or chairman of the parish meeting of the parish in which the lands in question are situate and such certificate and duplicates shall be kept by such clerks or chairman with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the West Riding Council to take the lands and execute the works in accordance with such certificate.

28. The West Riding Council and their surveyors Power to officers and workmen and any person duly authorised in writing under the hand of the clerk of the West Riding Council may at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands by this Act authorised to be taken or used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

West Riding Council to enter upon property for survey and valuation.

29. For the purpose of determining any question of Compensadisputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say):—

(1) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the first day of November one thousand nine hundred and twenty-four and before the date of the passing of this Act if in the opinion of the

tion in case of recently acquired interest.

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

(b) subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said first day of November and before the date of the passing of this Act:

- (4) The West Riding Council shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.
- 30. Notwithstanding anything contained in this Power to Act or shown on the deposited plan the West Riding acquire Council shall not be required to purchase or acquire any part of the bed banks or foreshore of the river or to acquire any greater right or interest therein than the right or easement of using the same for the purpose of constructing and maintaining the improvement and any works connected therewith but the West Riding Council may purchase and acquire and the owners of and other persons interested in the said bed banks and foreshore shall sell to the West Riding Council if required such right or easement as aforesaid and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of any such right or easement as fully as if the same were lands within the meaning of this Act.

easements.

31. Subject to the provisions of this Act the West Agreements Riding Council may in connection with the powers with owners granted to them by this Act enter into and carry into effect agreements with any owners of property or other persons interested in lands houses or property shown or partly shown on the deposited plan with respect to the purchase by the West Riding Council of any such lands houses or property or any rights or easements in over or affecting the same for such consideration being a sum of money in gross or a grant of land or partly money and partly land as may be agreed upon between the West Riding Council and such owners or other persons.

of property.

32. The powers of the West Riding Council for the compulsory purchase or taking of lands or easements

Period for compulsory purchase of lands.

for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to sell materials.

- 33.—(1) The West Riding Council may sell or dispose of any materials taken from any property acquired by them under the powers of this Act and not required for the purposes of the improvement and also all materials in under or upon any road street or other place altered by them for the purposes of this Act.
- (2) The net proceeds of any sale by the West Riding Council under the provisions of this section shall be accounted for by them and shall be applied in reduction of the cost of constructing the improvement.

For preventing interference with navigation.

- 34.—(1) In constructing executing maintaining and working the bridge the West Riding Council or the two County Councils (as the case may be) shall not interrupt the navigation of the river and shall not to any greater extent than is necessary interfere with or obstruct such navigation and the navigable width of one hundred and twenty-five feet mentioned in subsection (2) of the section of this Act of which the marginal note is "As to construction of bridge" shall so far as practicable be maintained during the construction repair or alteration of the bridge.
- (2) The opening span of the bridge shall be used maintained and worked in such a manner as to give absolute preference and priority to all vessels boats and craft navigating or employed on the river over all traffic passing over the bridge Provided that the master or person having command or charge of any vessels desiring to have the opening span of the bridge opened shall before the vessel comes within half a mile of the bridge show or make a signal in accordance with the byelaws to be made in pursuance of this Act which shall indicate to the person in charge of the bridge that such master or person requires to have the opening span of the bridge opened and if any such master or person shall show or make any such signal as aforesaid when the opening of the opening span of the bridge was not reasonably necessary for the passage of the vessel under his command or charge he shall be liable to pay to the two County Councils a sum not exceeding ten pounds Provided further that if any such master or person shall be guilty of wilful neglect or unnecessary delay in passing

phonon and the

or preparing to pass through the bridge he shall be liable A.D. 1925. to pay to the two County Councils a sum not exceeding five pounds.

- (3) If owing to any act or default on the part of the two County Councils or either of them or the person in charge of the bridge any vessel is wilfully or negligently detained or unreasonably obstructed the two County Councils jointly or the said person in charge (as the case may be) shall be liable on summary conviction to a penalty not exceeding twenty pounds for each hour or part of an hour during which such detention or obstruction continues which penalty shall be recoverable by the owner or person in charge of such vessel.
- 35.—(1) Before the bridge is opened for public Byelaws for traffic the two County Councils shall make byelaws regu-bridge. lating the times and mode of opening and closing the opening span thereof for the passage of vessels along the river and of traffic along the bridge and the two County Councils may from time to time make further byelaws in relation to the matters aforesaid and also for regulating the use of the bridge and for prohibiting the use thereof in certain cases and by certain engines carriages or vehicles or other classes of traffic and for providing that the bridge may be temporarily closed to road traffic for repairs or other emergencies.

(2) No such byelaws shall come into operation until the same have been approved by the Minister of Transport Provided that in the case of any byelaws which the Minister of Transport in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the Board were substituted for the Minister.

(3) (a) Not less than one month before submitting to the Minister of Transport for approval any byelaws made under the provisions of this section the two County Councils shall advertise in two or more newspapers of which one shall be a newspaper circulating in the West Riding and another shall be a newspaper circulating in the East Riding the intention of the two County Councils to make such byelaws and shall send a copy thereof to the Ouse trustees and also (on payment of a sum not exceeding one shilling per copy) to any person making application for a copy and before approving any such

byelaws the said Minister shall consider any representations with reference thereto which may be made to him by the Ouse trustees or any other person appearing to the Minister to be affected by such byelaws within six weeks from the date of the receipt by the Ouse trustees from the two County Councils of the copy of the proposed byelaws.

- (b) At the same time as they submit any representations to the Minister of Transport under the provisions of this section the Ouse trustees shall send copies thereof to the two County Councils.
- (4) Any person offending against any byelaw made and approved under the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds for a first offence and ten pounds for a second or any subsequent offence.
  - (5) Any byelaws made and approved under the provisions of this section may be enforced by the West Riding Council or the East Riding Council.

Sinking of vessels and formation of shoals.

- 36.—(1) If by reason or in consequence of the construction of the bridge or of any failure thereof or of any neglect to maintain the same in good repair and condition any vessel shall be sunk otherwise than owing to the negligence of the person or persons navigating the same or if any shoal obstructing the passage of vessels through or under the bridge shall be formed within a distance of one hundred yards above or below the bridge the two County Councils shall as soon as reasonably practicable raise and remove such vessel or remove such shoal (as the case may be) and shall hand over such vessel to the owner thereof.
- (2) The provisions of this section with respect to the raising and removal of vessels shall not apply in any case in which the owner of a sunken vessel shall within forty-eight hours after the vessel shall have been sunk take such steps as may be necessary for the raising or removal of the vessel and shall thenceforth continuously and diligently prosecute and do all such works and things as may be necessary and proper for the raising and removal of the vessel as speedily as possible.
- (3) Nothing in this section shall prejudice the rights of the person who at the time of the sinking of the vessel was the owner of the vessel to recover damages from the

two County Councils in respect of any liability in A.D. 1925. contract or tort.

- (4) Except as expressly provided by this section nothing in this Act shall entitle or require the two County Councils or either of them to remove any wreck (as defined by section 510 of the Merchant Shipping Act 1894) to the prejudice or in derogation of the rights with respect to such wreck of the Receiver of Wreck under the provisions of Part IX. of the said Merchant Shipping Act.
- 37. Notwithstanding anything in any Act to the No works contrary it shall not except as by this Act expressly provided be lawful for any person to enter upon or interfere with the bridge or to break up the carriageway and footways over the same for the purpose of executing any work whatsoever therein thereon or thereunder except Councils. with the consent of the two County Councils in writing and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the two County Councils may reasonably determine:

on bridge except with consent of the two County

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 in so far as affects the bridge other than the opening span thereof.

38.—(1) When the improvement is completed the Improveengineer shall issue a certificate thereof to the two County Councils and as soon as practicable after the receipt of such certificate each of the two County Councils shall pass a resolution declaring the improvement open for public traffic.

ment to form public street.

- (2) As from the date or latest date of the passing of the said resolutions so much of the improvement as has been laid out as carriageway or footway shall form a street and may be used by the public accordingly.
- (3) A copy of either of the said resolutions certified under the hand of the clerk to the county council by which the resolution was passed shall in all proceedings and for all purposes be admissible and received as evidence that such resolution was duly passed.

Restriction as to landing places.

39. Except for the purpose of landing or loading from or into vessels not arriving from or departing for foreign parts any goods or materials required for or used in the construction maintenance or repair of the improvement none of the works constructed under the powers of this Act shall be used as a landing or loading place for goods or passengers conveyed or intended to be conveyed in any vessel.

Power to employ persons for purposes of Act.

40. The two County Councils may employ and pay all such persons as they may deem necessary or expedient for the purposes of this Act including the working of the apparatus machinery and appliances for the opening and closing of the opening span of the bridge.

Bridgemaster and other employees.

- 41.—(1) The two County Councils shall employ and pay a bridge-master and such other employees as may be reasonably necessary and sufficient for securing compliance with the byelaws to be made pursuant to the section of this Act of which the marginal note is "Byelaws for bridge" and for opening and closing the opening span of the bridge in accordance with the provisions of those byelaws and this section.
- (2) The said bridge-master or some person duly authorised by the two County Councils to act as a substitute for or to discharge temporarily the duties of such bridge-master and also such other employee or employees (if any) as may be necessary for opening and closing the opening span of the bridge shall be in attendance at the bridge at all times whether by day or night.

Signals.

- 42.—(1) The byelaws to be made pursuant to the section of this Act of which the marginal note is "Byelaws for bridge" shall prescribe a code of signals for the opening and closing of the opening span of the bridge adapted for use by day or by night and visible (when atmospheric conditions permit) at least half a mile above and below the bridge.
  - (2) Throughout the duration of any fog which in the reasonable opinion of the said bridge-master renders the bridge invisible for a distance of half a mile in either direction or such less distance as may at any time and from time to time be prescribed by the Corporation of Trinity House Deptford Strond on the application of the two County Councils shall

cause a sufficient and effective gong bell or siren to be A.D. 1925. sounded from the bridge at least once in every two minutes.

43. The two County Councils shall at all times keep Life buoys at the bridge and in accordance with any requirements &c. to be made by the Board of Trade a sufficient number of life buoys with lanyards and life lines in good order and fit and ready for use.

44. All street lamps or other lights used upon the As to lamps bridge which are not required in connection with the on bridge. navigation of the river shall be effectually screened on the side facing the river.

45.—(1) As from the date or latest date of the Vesting and passing of the resolutions referred to in the section of this Act of which the marginal note is "Improvement to form public street "unless and except so far as may be otherwise agreed between the two County Councils:—

ance of improvement.

- (a) the bridge shall become and be vested in the two County Councils jointly as a county bridge under the joint jurisdiction control and management of the two County Councils and shall subject to the provisions of this Act be maintained by them accordingly at their joint expense;
- (b) the West Riding approach shall be vested in the West Riding Council as a main road and shall subject to the provisions of this Act be maintained accordingly by and at the expense of that Council; and
- (c) the East Riding approach shall be vested in the East Riding Council as a main road and shall subject to the provisions of this Act be maintained accordingly by and at the expense of that council.
- (2) For the purposes of paragraph (a) of subsection (1) of this section the cost of the maintenance of the bridge shall be deemed to include—
  - (a) the cost of the maintenance renewal repair and working of the apparatus machinery and appliances for the opening and closing of the opening span of the bridge (including the remuneration of any persons employed by the two County

Councils for working such apparatus machinery and appliances);

- (b) all costs charges and expenses relative to the maintenance and keeping in proper repair working order and condition of the bridge and the said apparatus machinery and appliances and to the management of the bridge and the said opening span;
- (c) the cost of maintaining renewing and keeping in repair any banks walls or other defences against water and all other expenses incurred in meeting any liability arising out of the use or possession of any land acquired by the West Riding Council under the powers of this Act; and
- (d) all expenses incurred by the two County Councils or either of them under subsections (3) (5) or (6) of the section of this Act of which the marginal note is "For protection of Ouse trustees."
- (3) Any grants received by the two County Councils or either of them from the Minister of Transport by way of contribution towards the cost of maintenance of the bridge and the West Riding approach and the East Riding approach or any of those works shall be accounted for by the two County Councils or the county council receiving the same and credited to the two County Councils in equal proportions.

For protection of Ouse trustees.

- 46. Subject to 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" and "Crown rights" but notwithstanding any other provision of this Act or anything shown on the deposited plan and section the following provisions for the protection of the Ouse trustees unless otherwise agreed in writing between the Ouse trustees on the one hand and the West Riding Council (as respects any matter arising before the completion of the improvement) or the two County Councils (as respects any matter arising after such completion) on the other hand shall have effect (that is to say):—
  - (1) Not less than two months before the West Riding Council commence to construct any of the piers of the bridge they shall submit to the Ouse

trustees plans and sections of the bridge including the piers thereof and showing the depth to which it is proposed to carry down the foundations of the said piers and the manner in which it is proposed to construct the said foundations If within two months after the submission to them of such plans and sections as aforesaid the Ouse trustees intimate in writing to the West Riding Council their disapproval of the proposed depth and manner of construction of and any other particulars shown on such plans and sections with reference to the piers of the bridge or the foundations of such piers the construction of the said foundations shall not be commenced until the matters in difference between the Ouse trustees and the West Riding Council shall have been settled by arbitration as hereinafter provided:

- (2) The West Riding Council shall contemporaneously with the construction of the bridge—
  - (a) for the purpose of guiding vessels into the opening span provide and maintain to the reasonable satisfaction of the Ouse trustees dolphins at the eastern and western ends of the pier forming the southern side of the opening span of the bridge and timber construction at the eastern and western ends of the pier forming the northern side of the said span or (if in either case there be more than one pier) at the eastern end of the easternmost pier and the western end of the westernmost pier; and
  - (b) set up and erect to the like satisfaction a sufficient number of mooring posts on the banks of the river for distances of one hundred yards above and one hundred yards below the bridge with all necessary capstans and capstan bars for the moving of vessels by manual power to and through the said opening span;

and the two County Councils shall at all times maintain in good order and condition the dolphins mooring posts capstans and capstan

bars so provided set up and erected but shall not be under any obligation to provide or bear or contribute towards the cost of the provision of motive power for the working of the said capstans:

- The two County Councils shall to the reasonable satisfaction of the Ouse trustees at all times after the completion of the bridge maintain in good repair and condition the structure thereof and all works in connection therewith so far as such structure or works affect or would if not so maintained affect the navigation of vessels through or under the bridge and if and whenever the two County Councils fail so to do after receipt of notice from the Ouse trustees requiring them so to do the Ouse trustees may make or do such repairs and the cost reasonably incurred by them in so doing shall be repaid to the Ouse trustees by the two County Councils:
- (4) Nothing in this Act shall authorise the two County Councils or either of them to make any alteration or addition to the bridge in such a manner as to conflict with the provisions of this section or of the sections of this Act of which the marginal notes are respectively "As to construction of bridge " and " For preventing interference with navigation "in relation to the construction of the bridge:

(a) at any time any part of the banks of the river forming the site of any part of the bridge or any works connected therewith; or

(b) at any time within seven years from the date or latest date of the passing of the resolutions referred to in the section of this Act of which the marginal note is "Improvement to form public street '' any part of the banks of the river within a distance of one hundred varida above or below the bridge and not form yards above or below the bridge and not forming the site of any part of the bridge or any works connected therewith

shall require strengthening or repairing owing to erosion resulting from any deflection of

currents caused by the construction of the A.D. 1925. bridge the two County Councils or one of them shall at their own expense carry out the works necessary for such strengthening or repairing to the reasonable satisfaction of the Ouse trustees and if the two County Councils or one of them fail so to do the Ouse trustees after giving reasonable notice to the two County Councils requiring them so to do may carry out the works necessary and may recover from the two County Councils the cost reasonably incurred by them in so doing:

- (6) The West Riding Council or the two County Councils (as the case may be) shall be responsible for and shall make good all costs losses damages and expenses which may be occasioned to the Ouse trustees or to any of their works or property by reason of the execution or failure of the bridge or the works in connection therewith or otherwise in consequence of the exercise of the powers of this Act or of any act or omission of the West Riding Council or the two County Councils (as the case may be) or of any of the persons in their employ or of their contractors or others and the West Riding Council or the two County Councils (as the case may be) shall effectually indemnify and hold harmless the Ouse trustees from all claims or demands upon or against them by reason of such execution or failure and of any such act or omission:
- (7) If any difference shall arise between the two County Councils or either of them on the one hand and the Ouse trustees on the other hand under the foregoing provisions of this section or under the provisions of the sections of this Act of which the marginal notes are respectively "Subsidiary works affecting river" "Power to deviate" and "Conditions as to execution of works 's such difference shall be referred to and determined by an arbitrator to be appointed (in default of agreement between the parties in difference) on the application of either party (after notice in writing to the other of them) by the Minister of Transport and sub-

- ject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference:
- (8) Nothing in this Act shall extend to prejudice alter or take away any of the rights privileges or powers of the Ouse trustees otherwise than is herein expressly provided.

Power to discontinue Booth Ferry.

47. For the protection of James Fox and Sons Limited or other the owners for the time being of the ferry across the river known as Booth Ferry (in this section called "the owners") the following provisions shall have effect—

The owners shall be at liberty at any time after the opening of the bridge for traffic to abandon or discontinue the maintenance and use of the said ferry.

As to maintenance &c. of Booth Ferry Road. 48. The execution of the alteration of level of Booth Ferry Road (Work No. 4) by this Act authorised shall not alter or affect the right or duty of maintaining and repairing that road vested in or imposed upon the authority responsible at the date of the passing of this Act for such maintenance and repair.

Agreements with local authorities as to lighting or cleansing improvement.

49.—(1) Any local authority within whose district any part of the improvement may be situate may by agreement with the two County Councils or either of them undertake on behalf or in lieu of such councils or council the lighting or cleansing of the carriageway and footways of the improvement or any part thereof.

(2) Any expenses incurred by any local authority under this section may be paid out of the district fund and general district rate of their district.

Joint committee of two County Councils. 50.—(1) A joint committee appointed by the two County Councils out of their respective bodies for the purposes of this Act under the provisions of section 81 of the Local Government Act 1888 shall have full power to carry out such of the powers of this Act exerciseable jointly by the two County Councils as the said councils shall from time to time determine and subject to such determination shall have full power to make and carry into effect all such agreements and arrangements as under the provisions of this Act may be made and carried into effect by the two County Councils.

Booth ferryBridge Act, 1925.

(2) Any joint committee appointed as aforesaid A.D. 1925. shall consist of five members appointed by the West Riding Council and five members appointed by the East Riding Council.

51.—(1) The contributing authorities shall con-Contributribute towards the cost incurred by the West Riding Council in or in connection with the construction of the improvement and the acquisition of lands therefor sums representing the proportions of such cost set opposite their respective names in the second column of the next following table (that is to say):—

tions by East Riding Council and other authorities.

Authority.

Amount.

East Riding Council - One twentieth part.
Hull Corporation - One tenth part.
Goole Council - One twentieth part.
- One twentieth part.

- (2) (a) The contributing authorities shall from time to time as the improvement is in course of construction respectively pay to the West Riding Council on account of the sums payable by the contributing authorities under the provisions of subsection (1) of this section sums representing the proportions hereinbefore specified of the cost from time to time certified by the engineer to have been incurred by the West Riding Council in or in connection with the execution of the improvement and the acquisition of lands or easements therefor up to the respective dates of such certificates and since the date of any previous certificate and when demanding payment of any sum under the provisions of this section the West Riding Council shall send to the contributing authorities copies of the certificate in respect of which such sum is demanded:
- (b) The final instalments of the contributions to be made by the contributing authorities under the provisions of subsection (1) of this section shall be paid by those authorities respectively to the West Riding Council forthwith after the issue of the certificate referred to in the section of this Act of which the marginal note is "Improvement to form public street."
- 52. The contributing authorities shall to the extent Indemnities hereinafter specified indemnify the West Riding Council against proand the inhabitants of the West Riding from and against

1.

all actions or proceedings which may be brought or instituted by any person against the West Riding Council or the said inhabitants by reason or in consequence of the execution of the powers of this Act or of anything done or omitted to be done under or in pursuance of the provisions thereof and from and against all claims demands costs charges expenses damages and penalties which may be made against or incurred by the West Riding Council or for which they may become liable by reason or in consequence of such execution or of anything so done or omitted to be done Provided that in the event of the contributing authorities being called upon for an indemnity under this section the liability of the said authorities shall be limited to the payment by them respectively to the West Riding Council of the same proportions of the sum with respect to which the indemnity is required as the proportions specified with reference to those authorities in the section of this Act of which the marginal note is "Contributions by East Riding Council and other authorities" Provided also that the provisions of this section shall cease to have effect as from the date or latest date of the passing of the resolutions referred to in the section of this Act of which the marginal note is "Improvement to form public street."

Contributions by contributing authorities to be debts due to West Riding Council. 53. If any of the contributing authorities neglect to pay to the West Riding Council any sum due from them to the West Riding Council within one month from the date when such sum became due or was demanded such sum shall be a debt due from the authority in default to the West Riding Council and shall be recoverable by that council in any court of competent jurisdiction with interest thereon at the rate of five per centum per annum from the said date.

Expenses of execution of Act.

54. All expenses incurred in carrying into execution the provisions of this Act (including all costs charges and expenses of and in relation to the borrowing of any moneys under the powers of this Act and all interest on and all instalments appropriations and sinking fund payments in respect of such borrowed moneys) other than such of them as are properly charge-

able to capital and payable out of borrowed money shall A.D 1925. be paid—

- (a) as respects the West Riding Council or the East Riding Council out of the county fund as expenses incurred for general county purposes;
- (b) as respects the Hull Corporation out of the district fund and general district rate of the city of Kingston upon Hull; and
- (c) as respects the Goole Council out of the district fund and general district rate of the urban district of Goole.
- 55.—(1) (a) The West Riding Council may from Power to time to time independently of any other borrowing power borrow at interest for or in connection with the acquisition of land for and the construction of the improvement any sum or sums not exceeding in the whole thirtythree thousand seven hundred and fifty pounds.

two County Councils to borrow.

- (b) The East Riding Council may from time to time independently of any other borrowing power borrow at interest for the purpose of the contribution to be made by them towards the cost of the acquisition of land for and the construction of the improvement any sum or sums not exceeding in the whole five thousand six hundred and twenty-five pounds.
- (c) Money borrowed under this subsection shall be repaid within thirty years from the date or respective dates of borrowing.
- (2) (a) The two County Councils may also with the consent of the Minister of Health respectively borrow such further money as may be necessary for any of the purposes of this Act.
- (b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the said Minister.
- (3) In order to secure the repayment of money borrowed under this section the two County Councils may respectively mortgage the county fund and all or any of their respective revenues.
- (4) Sections 236 to 239 of the Public Health Act 1875 shall apply to all mortgages granted by the two

A.D. 1925. County Councils respectively under this section Provided that any application for the appointment of a receiver shall be made to the High Court instead of to a court of summary jurisdiction.

- (5) The two County Councils may respectively raise the whole or any part of the moneys which they are authorised to borrow under this section either by county stock issued under the Local Government Act 1888 or by debentures or annuity certificates under the Local Loans Act 1875.
- (6) Subsections (3) (4) (6) and (10) of section 69 of the Local Government Act 1888 shall apply and have effect with respect to the borrowing of money by the two County Councils under this section but subject as aforesaid the provisions of the said section 69 shall not apply to any such borrowing and in calculating the amount which the two County Councils may respectively borrow under the said Local Government Act the amount borrowed under this Act shall not be reckoned.

Power to Hull Corporation and Goole Council to borrow.

- 56.—(1) (a) The Hull Corporation and the Goole Council may respectively from time to time independently of any other borrowing power borrow at interest for the purposes of the contributions to be made by them respectively towards the cost of the acquisition of land for and the construction of the improvement any sum or sums not exceeding in the whole as respects the Hull Corporation eleven thousand two hundred and fifty pounds and as respects the Goole Council five thousand six hundred and twenty-five pounds.
- (b) All money borrowed under this subsection shall be repaid within a period of thirty years from the date or respective dates of borrowing and that period shall be deemed to be the prescribed period for the purposes of this Act and of the enactments referred to in the sections of this Act of which the marginal notes are respectively "Application of provisions of existing Acts relating to Hull Corporation" and "Application of provisions of existing Act relating to Goole Council."
- (2) (a) The Hull Corporation and the Goole Council may also with the consent of the Minister of Health respectively borrow such further money as may be necessary for any of the purposes of this Act.

(b) Any money borrowed under this subsection shall A.D. 1925. be repaid within such period as may be prescribed by the said Minister.

- (3) (a) The Hull Corporation may in lieu of raising by borrowing on mortgage all or any of the moneys which they are authorised by this section to borrow raise the whole or part of such moneys by the creation and issue of additional amounts of Hull Corporation redeemable stock in accordance with the provisions of the Hull Corporation Loans Act 1881 as amended by any subsequent Act or Order confirmed by Parliament or by any of the methods provided by the Local Loans Act 1875.
- (b) The contributions to the sums directed by the said Hull Corporation Loans Act 1881 to be carried to the corporation loans fund in respect of interest on and of redemption of stock created and issued by the Hull Corporation under the powers of this section shall be payable out of the district fund and general district rate of the city of Kingston upon Hull. \}
- (c) The provisions relating to sinking funds contained in the enactments referred to in the section of this Act of which the marginal note is "Application of provisions of existing Acts relating to Hull Corporation' shall apply to sinking funds formed for the repayment of moneys borrowed by the Hull Corporation by virtue of this section under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.
- (d) In order to secure the repayment of moneys borrowed on mortgage by the Hull Corporation under the powers of this section and the payment of interest thereon the Hull Corporation may mortgage or charge the said district fund and general district rate.
- (4) In order to secure the repayment of money borrowed by the Goole Council under the powers of this section and the payment of interest thereon the Goole Council may mortgage or charge the district fund and general district rate of the urban district of Goole and all or any of their funds and revenues.
- 57. The following sections of the Acts hereinafter Application mentioned shall so far as they are applicable to the purpose extend and apply with the necessary modifications to and in relation to the powers of borrowing money

of provisions of existing

Acts relating to Hull Corporation.

conferred by this Act upon the Hull Corporation (that is to say):—

The Kingston upon Hull Corporation Act 1897—Section 54 (Protection of lenders from inquiry).

The Kingston upon Hull Corporation Act 1901—Section 48 (Provisions of Public Health Act as to mortgages);

Section 49 (Mode of payment off of money borrowed);

Section 50 (Sinking fund).

The Kingston upon Hull Corporation Act 1903—Section 149 (Power to re-borrow).

The Kingston upon Hull Corporation Act 1906—

Section 72 (Application of money borrowed);

Section 74 (Corporation not to regard trusts);

Section 75 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);

Section 76 (Appointment of receiver);

Section 83 (Audit of accounts).

The Kingston upon Hull Corporation Act 1924—Section 19 (Mode of borrowing).

Application of provisions of existing Act relating to Goole Council.

58. The following sections of the Goole Urban District Council Act 1899 shall so far as they are applicable to the purpose extend and apply with the necessary modifications to and in relation to the powers of borrowing money conferred by this Act upon the Goole Council (that is to say):—

Section 24 (Mode of raising money);

Section 25 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 26 (Provisions of Public Health Act as to mortgages to apply);

Section 28 (Mode of payment off of moneys borrowed);

Section 29 (Sinking fund);

Section 30 (Power to re-borrow);

Section 31 (Protection of lender from inquiry);

**A.**D. 1925.

Section 32 (Council not to regard trusts);

Section 33 (Application of moneys borrowed);

Section 35 (Saving for existing charges).

59.—(1) The Minister of Health may direct any Inquiries by inquiries to be held by his inspectors which he may deem necessary in regard to the giving of any consent to the borrowing of money 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.

Minister of Health.

- (2) The authority applying for any such consent shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiry held in pursuance of this section in connection with such application 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.
- 60.—(1): The clerk of the West Riding Council the Returns to clerk of the East Riding Council the town clerk of Minister of the city and county of Kingston upon Hull and the clerk of the Goole Council (each of whom is in this section referred to as "the clerk") shall respectively if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the West Riding Council the East Riding Council the Hull Corporation or the Goole Council (each of which councils and corporation is in this section referred to as "the council'') as the case may be under the authority of this Act.
- (2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the council and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding

Health with respect to repayment of debt.

A.D. 1925, twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

> (3) If it appears to the Minister by such a return as aforesaid or otherwise that the council have failed to pay any instalment or annual payment required to be paid (whether such instalment or annual payment is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Arbitration.

61. Any question or difference arising under this Act as to the amount of any compensation costs damages or expenses to be paid by the West Riding Council or otherwise or as to any other matter of which question or difference the determination is not otherwise provided for shall be referred to and determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party to the question or difference after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

Recovery of

62. Save as otherwise by this Act expressly propenalties &c. vided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act 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.

Judges not disqualified.

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

64. Except as hereinafter expressly provided A.D. 1925. nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in parrights. ticular nothing herein contained authorises the West Riding Council or the two County Councils or either of them 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.

65. Sections 77 to 85 both inclusive of the Railways Crown Clauses Consolidation Act 1845 as amended by the Mines minerals. (Working Facilities and Support) Act 1923 shall in the case of any minerals in relation to which His Majesty is the mine owner or royalty owner and which are under the management of the Commissioners of Crown Lands apply as if those Commissioners were the mine owners or royalty owners as the case may be and so that any compensation payable by the West Riding Council to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the West Riding Council by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be

- 66.—(1) The costs charges and expenses pre-Costs of Act. liminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid in the first instance by the West Riding Council out of the county fund and six twentieth parts of the sum so paid shall be deemed to have been expended for a general county purpose.
- (2) The contributing authorities shall on demand repay to the West Riding Council in the proportions specified in the section of this Act of which the marginal note is "Contributions by East Riding Council and other authorities" four twentieth parts of the sum paid by the West Riding Council as aforesaid and the amount so repaid shall be carried by the West Riding Council to the credit of the county fund.

Boothferry Bridge Act, 1925.

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
Parish of Knedlington

 $\sim$  2 and 6.

- 12 13 14 and 15.

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