



CHAPTER xxiii.

An Act to confirm a Scheme made by the Minister of Transport under the Public Works Facilities Act 1930 relating to the Weaver Navigation Trustees and the Cheshire County Council. A.D. 1931.
 [11th June 1931.]

WHEREAS under the provisions of the Public Works Facilities Act 1930 the Minister of Transport has made a Scheme which needs confirmation by Parliament : 20 & 21 Geo. 5. c. 50.

Be it therefore 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 :—

1. The Scheme of the Minister of Transport which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Scheme in schedule confirmed.

2. This Act may be cited as the Public Works Facilities Scheme (Acton Swing Bridge) Confirmation Act 1931. Short title.

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SCHEDULE.

PUBLIC WORKS FACILITIES SCHEME
(ACTON SWING BRIDGE).

*Scheme under the Public Works Facilities Act 1930
empowering the Weaver Navigation Trustees and the
Cheshire County Council to construct works and for
other purposes.*

WHEREAS the Weaver Navigation Trustees and the Cheshire County Council are desirous of providing constructing and carrying out the works described in this Scheme;

And whereas the powers contained in this Scheme are required by the Trustees and the County Council for the purpose of enabling them to execute those works or are incidental or consequential provisions necessary for giving full effect to the Scheme;

And whereas the Minister of Transport is satisfied—

- (a) that the works will materially contribute to the relief of unemployment; and
- (b) that the relief to unemployment will be materially expedited by reason of the powers being conferred by this Scheme instead of by a local Act; and
- (c) that the powers conferred by this Scheme are such as are customarily conferred on statutory undertakers by local Acts; and
- (d) that the powers so conferred will not enable the Trustees and the County Council to undertake functions of a different nature from those already within their statutory powers:

Now therefore the Minister of Transport in pursuance of the powers given to him by section 1 of the Public Works Facilities Act 1930 and of all other powers enabling him in that behalf hereby makes the following Scheme :—

PART I.

PRELIMINARY.

Short title.

1. This Scheme may be cited as the Acton Swing Bridge Scheme 1931.

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2. This Scheme shall come into force and have effect upon the day when the Act confirming this Scheme is passed which date is in this Scheme referred to as "the commencement of this Scheme."

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—
Commence-
ment of
Scheme.

3. This Scheme is divided into Parts as follows (namely) :—

Division into
Parts.

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Financial.

Part V.—Miscellaneous.

4. Subject to the necessary adaptations 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 Scheme are incorporated with and form part of this Scheme (that is to say) :—

Incorpora-
tion of Acts.

The Lands Clauses Acts (except sections 127 to 131 of the Lands Clauses Consolidation Act 1845);

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the application of such provisions to the new swing bridge the term "railway" and the expression "the centre of the railway" shall respectively mean the swing bridge.

5. In this Scheme 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—

Interpreta-
tion.

"the Trustees" means the Weaver Navigation Trustees constituted under the Weaver Navigation Act 1895;

"the County Council" means the county council of the administrative county of the county palatine of Chester;

"the swing bridge" means the swing bridge (Work No. 1) and approaches and the works in connection therewith by this Scheme authorised;

"the canal bridge" means the canal bridge (Work No. 5) and approaches and the works in connection therewith by this Scheme authorised;

"the Lands Clauses Acts" means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919;

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“deposited plans” and “deposited sections” mean respectively the plans and sections deposited for the purposes of this Scheme with the clerk to the county council;

“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;

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

PART II.

WORKS.

Power to
construct
works.

6. The Trustees and the County Council may subject to the provisions of this Scheme and in the line or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections construct the works in the county of Chester hereinafter described with all necessary and proper footways carriageways junctions connections approaches sewers drains works and conveniences connected therewith

By the Trustees—

Work No. 1 A swing bridge and approaches thereto across the river Weaver in the parish of Acton in the rural district of Northwich commencing at a point 233 yards or thereabouts measured in a northerly direction from the junction of Acton Lane with the Warrington-Whitchurch Road (A.49) and terminating at a point 113 yards or thereabouts measured in a north-easterly direction from the said point of commencement:

By the County Council—

Work No. 2 A widening of the said Warrington-Whitchurch Road in the said parish of Acton on both sides thereof between a point 185 yards or thereabouts eastward of the junction of Acton Lane with the said road and the said junction;

Work No. 3 A new road to be situate in the said parish of Acton commencing at the junction of Acton Lane with the said Warrington-Whitchurch Road and terminating at the point of commencement of Work No. 1 hereinbefore described;

Work No. 4 A new road to be situate partly in the said parish of Acton and partly in the parish of Little Leigh in the said rural district of Northwich com-

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mening at the point of termination of Work No. 1 A.D. 1931.
 hereinbefore described and terminating at the point of
 commencement of Work No. 5 hereinafter described; —

Work No. 5 A bridge and approaches across the Trent
 and Mersey Canal to be situate in the parish of
 Bartington in the rural district of Runcorn commenc-
 ing at a point 468 yards or thereabouts measured in a
 north-easterly direction from the point of termination
 of Work No. 1 hereinbefore described and terminating
 at a point 10 yards or thereabouts measured in a
 north-easterly direction from the said point of
 commencement;

Work No. 6 A new road to be situate in the said parish of
 Bartington commencing at the point of termination of
 Work No. 5 hereinbefore described and terminating
 by a junction with the said Warrington-Whitchurch
 Road at a point 70 yards or thereabouts from the point
 of termination of Work No. 5 hereinbefore described;

Work No. 7 A widening of the said Warrington-
 Whitchurch Road in the said parish of Bartington
 on the east side thereof commencing at the termina-
 tion of Work No. 6 hereinbefore described and
 terminating in the said Warrington-Whitchurch Road
 at a point 266 yards measured in a northerly direction
 from the said commencement;

Work No. 8 A widening of the said Warrington-
 Whitchurch Road in the parish of Weaverham in the
 said rural district of Northwich on both sides thereof
 between a point 93 yards or thereabouts measured
 in a southerly direction along the said road from the
 entrance gate of the drive to Merebank House to a
 point in the said road 200 yards or thereabouts
 measured in a northerly direction from the said gate.

7. Subject to the provisions of this Scheme the Trustees Subsidiary
 may make on or in the banks bed and soil of the river Weaver works
 and elsewhere in connection with the swing bridge and at or affecting
 near any works or erections to be made or put up by the Trustees river
 for or connected with the construction of the swing bridge and Weaver.
 may place and keep in the said river all such temporary piles
 fenders booms dolphins pontoons caissons stagings cofferdams
 and all such permanent embankments piers abutments wharves
 walls fences drains stairs subways buildings and all such other
 works and conveniences as they may deem proper or find necessary
 or expedient.

8. Upon the issue as provided by this Scheme of the certificate Removal of
 of completion of the works by this Scheme authorised the Trustees existing
 shall close for traffic and take down and remove the existing swing bridge.

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A.D. 1931. swing bridge over the river Weaver in the parish of Little Leigh in the rural district of Northwich together with any pipes wires lamps and apparatus therein or attached thereto and will erect and maintain good and sufficient fences at each end of the site of the existing swing bridge.

Removal of existing canal bridge. 9. Upon the issue as provided by this Scheme of the certificate of completion of the works by this Scheme authorised the County Council shall close for traffic and take down and remove the existing bridge over the Trent and Mersey Canal at Acton Quay in the parish of Bartington in the rural district of Runcorn together with any pipes wires lamps and apparatus therein or attached thereto.

Power to deviate. 10. Subject to the provisions of this Scheme the Trustees and the County Council as the case may be in constructing the works authorised by this Scheme may deviate laterally to any extent within the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Power to make subsidiary works. 11. Subject to the provisions of this Scheme and within the limits of deviation defined on the deposited plans the County Council and the Trustees respectively in connection with the works by this Scheme authorised may break up make junctions and interfere with and alter the line or level of any street bridge way stream or watercourse interfered with by or contiguous to any portion of the said works and may alter and interfere with any steps walls railings and pavements and execute any works for the protection of any adjoining lands or buildings In the exercise of the powers conferred by this section the County Council and the Trustees respectively 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.

Alteration of position of water gas and other pipes. 12.—(1) Subject to the provisions of this Scheme the County Council and the Trustees respectively may for any purpose in connection with the works by this Scheme authorised upon the lands shown upon the deposited plans and also in any street within the limits of deviation defined on the said plans raise sink or otherwise alter the position of any water pipe or gas pipe belonging to or connected with any house or building and also any main or other pipe laid down or used by any company or person for carrying a supply of water or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes or for supplying electricity (all or any of which mains pipes tubes wires or apparatus are in this section included in the expression "apparatus") and may remove any other obstruction making

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where necessary proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person who suffers damage by any such alteration. A.D. 1931.

(2) Before the County Council or the Trustees alter the position of any apparatus they shall (except in cases of emergency) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so. Any such notice shall be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done (at the expense of the County Council or the Trustees as the case may be) under the superintendence (if given) of the company or person to whom such apparatus belongs and the County Council or the Trustees as the case may be shall execute such work to the reasonable satisfaction of such company or person.

(3) If any such company or person shall before the time specified in the notice for the commencement of the work for effecting any such alteration of any apparatus of any such company or person give to the County Council or the Trustees as the case may be notice in writing that they desire themselves to alter the position of such apparatus they may carry out such alteration under the superintendence (if given) and to the reasonable satisfaction of the County Council or the Trustees as the case may be and the County Council or the Trustees as the case may be shall repay the reasonable expenses incurred by such company or person in connection therewith. Provided always that if any company or person who has given any such notice as is mentioned in this subsection fails to commence the alteration forthwith or to proceed with the same with due dispatch the County Council or the Trustees as the case may be may carry out the same as if no such notice had been given to them.

(4) The County Council shall not cause any street to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main or other pipe in any part a covering of less than two feet where the covering now existing is not less than two feet unless the County Council shall in such case protect the said main or pipe from frost or injury by artificial covering to the reasonable satisfaction of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the County Council in such case provide special means of access to the said main or pipe to the reasonable satisfaction of such company or person.

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(5) The County Council shall not raise sink or otherwise alter the position of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

(6) If any difference arises between the County Council and any such company or person under the foregoing provisions of this section or touching anything to be done or not to be done thereunder such difference shall be referred to and settled by arbitration.

Power to
stop up or
interfere
temporarily
with streets.

13. The County Council and the Trustees respectively for the purposes of this Scheme and during the execution of the works by this Scheme authorised may in or upon the lands shown upon the deposited plans temporarily stop up or interfere with alter or divert all or any part of any street place wharf stream or watercourse and may cause to be put up sufficient palisades hoardings and other erections and may construct temporary works for keeping any such street place or wharf open for traffic and may make such orders for regulating the traffic as to them shall seem proper and they may remove and alter any drinking troughs lamp posts and other erections on the said lands.

The County Council and the Trustees as the case may be shall provide reasonable access for all persons bona 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 reasonable compensation to all persons injuriously affected by the exercise of the powers of this section.

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

14. The County Council and the Trustees respectively may cause to be removed arched over or filled up all such culverts sewers or drains or parts thereof which shall be in or near any street which shall be interfered with for the purposes of the works by this Scheme authorised as shall appear to them necessary for executing the purposes of this Scheme but no culvert sewer or drain (unless the same become unnecessary) shall be in any wise disturbed injured or prejudiced without another equally serviceable and convenient culvert sewer or drain being substituted therefor All such substituted culverts sewers and drains when made and completed shall be under the same jurisdiction care management and direction as the culverts sewers or drains for which they were substituted.

Carriage-
ways and
footways on
new bridges.

15. Subject to the provisions of this Scheme the Trustees may cause such part of the swing bridge and the County Council may cause such part of the canal bridge to be laid out for carriage-ways and such part thereof for footways as they may respectively think proper and may upon the lands acquired by or vested in

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them under the powers of this Scheme and within the limits of deviation defined on the deposited plans construct and provide such works and conveniences as they may respectively think proper for the purposes of such bridges and in laying out or forming such carriageways footways and works the Trustees and the County Council respectively may in addition to the powers by this Scheme 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. A.D. 1931.

16. Any sewers drains or works laid or constructed by the Trustees and the County Council respectively in connection with the works by this Scheme authorised for the purpose of draining or carrying away surface water therefrom or otherwise may be connected with any available river stream or watercourse and the Trustees and the County Council respectively may accordingly but within the limits of deviation shown on the deposited plans lay down maintain and alter or remove any conduits pipes and other works and make any convenient connections with any such river stream watercourse sewer or drain. Connection of drains &c. with streams &c.

17. If the works authorised by this Scheme be not completed within seven years from the coming into operation of this Scheme then on the expiration of that period the powers of the Trustees and of the County Council under this Scheme for the construction thereof shall cease except so far as the same shall have been completed. Period for completion of works.

18. When and so soon as the works authorised by this Scheme are completed a certificate thereof shall be issued under the seals of the Trustees and of the County Council and any copy of such certificate certified under the hand of the clerk to the Trustees or the clerk to the County Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate the works authorised by this Scheme shall subject to the provisions of this Scheme be open to the public accordingly. Certificate of completion.

19.—(1) Upon the issue as provided by this Scheme of the certificate of completion of the works by this Scheme authorised the County Council may stop up so much of the Warrington-Whitchurch Road (A.49) as lies between the junction of Acton Lane and Weaverham Lane and the southern end of the existing swing bridge and between the northern end of the existing swing bridge and a point in the said road eighty feet or thereabouts north of the said end of such bridge and thereupon Power to stop up highway.

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 — The County Council shall make all reasonable compensation to
 any person other than the Trustees who suffers damage by such
 stopping up.

(2) Upon such stopping up the existing bridge known as
 Acton Bridge and the site of the said road so stopped up shall
 vest in and become the property of the Trustees.

(3) Notwithstanding the stopping up of the portions of
 the said road the Postmaster-General shall continue to have
 the same powers and rights in regard to any telegraphic line
 which remains in under upon along over or across the site of
 the portions of the said road as if the same had continued to be
 part of the said road. Provided that if the Trustees desire to
 alter the telegraphic lines the enactments of section 7 of the
 Telegraph Act 1878 shall apply as though the Trustees were
 "undertakers" within the meaning of that Act.

Prohibiting
 works on
 swing bridge.

20. Notwithstanding anything in any Act to the contrary
 it shall not except as by this Scheme expressly provided be
 lawful for any person to enter upon break up or interfere with
 any part of the swing bridge or the carriageway and footways
 over the same for the purpose of executing any work whatsoever
 therein thereon or thereunder except with the consent of the
 Trustees in writing and in accordance with such terms and con-
 ditions either as to the payment of any rent or other valuable
 consideration or otherwise as the Trustees may determine :

Provided that nothing in this section contained shall alter
 prejudice or affect any of the rights powers and authorities of the
 Postmaster-General under the provisions of the Telegraph Acts
 1863 to 1926.

As to
 manage-
 ment of
 swing bridge.

21. The swing bridge shall be controlled managed and
 operated by the Trustees in such manner as may be agreed
 from time to time between the Trustees and the County Council.

As to main-
 tenance of
 bridges.

22. The structure of the swing bridge shall be maintained
 by and at the expense of the Trustees in such manner as may
 be agreed from time to time between the Trustees and the County
 Council and the structure of the canal bridge shall be maintained
 by and at the expense of the County Council and the carriageways
 and footways on the swing bridge and on the canal bridge shall
 be deemed to be public highways and the said carriageways and
 footways and any drains therein or thereon shall be maintained
 and repaired by the Trustees and the County Council in such
 manner as may be agreed from time to time between them.

As to
 working of
 swing bridge.

23. The Trustees may operate the opening span of the
 swing bridge by such electrical or other mechanical power as they
 may think fit and may for such purpose erect maintain provide

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work use and obtain all necessary or convenient machinery plant apparatus and power. A.D. 1931.

24. Any electrical plant or apparatus provided or maintained under this Scheme shall be so provided maintained worked and used as not to interfere or be likely to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such line. For protection of Postmaster-General.

25. All materials removed by the Trustees or the County Council from any street road or other place altered by them under the powers of this Scheme or from the subsoil thereunder or otherwise obtained by them in the execution of any works under the powers of this Scheme shall vest in the Trustees or the County Council as the case may be who may use the same or any part thereof for such purposes as they may think fit. The Trustees and the County Council as the case may be shall sell or dispose of all such materials as aforesaid (including any part of the structure or any materials of the existing swing bridge) as may not be permanently required for any such purposes and shall credit the proceeds of any such sale or disposal against the costs and expenses of and in relation to the execution of any works authorised by this Scheme and the acquisition of any lands and easements therefor. Sale of materials.

PART III.

LANDS.

26.—(1) Subject to the provisions of this Scheme the Trustees and the County Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may respectively require for the purposes of the works by this Scheme authorised or of recoupment or exchange or for other purposes of this Scheme. Provided that nothing herein shall authorise the compulsory acquisition of land which is the property of any local authority or has been acquired by any statutory undertakers for the purposes of their undertaking. Power to take lands.

(2) In respect of any land which the Trustees or the County Council are authorised by this Scheme to purchase compulsorily the Trustees or the County Council as the case may be may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

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—
 Owners may
 be required
 to sell parts
 only of cer-
 tain proper-
 ties.

27. And whereas in the construction of the works by this Scheme authorised or otherwise in the exercise of the powers of this Scheme it may happen that portions only of the houses or buildings numbered on the deposited plans 12 in the parish of Little Leigh and 1.M. in the parish of Weaverham may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the said houses or buildings may if such portions can in the opinion of the tribunal to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the County Council the portions only of the premises required without the County Council being obliged or compellable to purchase the whole or any greater portions thereof the County Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Purchase of
 lands by
 agreement.

28. In addition to the other lands which the Trustees and the County Council are by this Scheme respectively authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of this Scheme any lands not exceeding ten acres or any rights or easements therein :

Provided that nothing in this Scheme shall exonerate the Trustees and the County 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.

Persons
 under dis-
 ability may
 grant ease-
 ments &c.

29. 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 Scheme grant to the Trustees or the County Council as the case may be 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 Scheme 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

30. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited

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book of reference the Trustees or the County Council as the case may be after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Chester 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 mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Chester and such certificate shall be kept by such clerk with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Trustees or the County Council as the case may be to take the lands and execute the works in accordance with such certificate.

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plans and
book of
reference.

31. All private rights of way over any lands which shall under the powers of this Scheme be acquired compulsorily shall as from the date of their acquisition be extinguished. Provided that the Trustees or the County Council as the case may be shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

As to
private
rights of
way over
lands taken
compul-
sorily.

32. The Trustees or the County Council as the case may be and their respective surveyors officers and workmen and any person duly authorised in writing 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 and buildings which may be taken or used under the powers of this Scheme 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.

Power to
enter upon
property for
survey and
valuation.

33. In settling any question of disputed purchase-money or compensation under this Scheme the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in lands created after the first day of November one thousand nine hundred and thirty if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Scheme.

Compensa-
tion in cases
of recently
altered
buildings.

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—
Power to
acquire
easements.

34. Notwithstanding anything contained in this Scheme or shown on the deposited plans the Trustees shall not be required to purchase or acquire any part of the bed or banks of the river Weaver or to acquire any greater right or interest therein than the right to use such part of the same as they may respectively deem necessary for the purpose of constructing and maintaining the swing bridge and other works by this Scheme authorised but the Trustees may purchase and acquire and the owners of and other persons interested in the said bed or banks shall sell to the Trustees if required such right as aforesaid and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of any such right as fully as if the same were lands within the meaning of this Scheme.

Agreements
with owners
of property:

35. Subject to the provisions of this Scheme the Trustees or the County Council as the case may be may enter into and carry into effect agreements with any owners of property or other persons interested in any lands or property shown or partly shown on the deposited plans with respect to the purchase by the Trustees or the County Council as the case may be of any such lands or property or any rights or easements in 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 Trustees or the County Council as the case may be and such owners or other persons.

Power to
retain and
sell lands.

36. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Trustees or the County Council as the case may be may subject to the provisions of this Scheme retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or purchased by or transferred to them respectively under this Scheme and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Period for
compulsory
purchase of
lands.

37. The powers of the Trustees and the County Council respectively for the compulsory purchase or taking of lands for the purposes of this Scheme shall cease after the expiration of three years from the coming into operation of this Scheme.

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PART IV.

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FINANCIAL.

38.—(1) The Trustees may from time to time borrow and re-borrow at interest in addition to any sums which they are authorised to borrow— Power to Trustees to borrow.

(a) for and in connection with the construction of the swing bridge and the removal of the existing swing bridge and for other the purposes of this Scheme such sums as may be required for those purposes not exceeding in the aggregate ten thousand pounds;

(b) for paying one-half of the costs charges and expenses of this Scheme the sum requisite for that purpose.

(2) For the purpose of securing the repayment of any sums which the Trustees may borrow under this Scheme the Trustees may mortgage the rates duties tolls and charges leviable under the Canal Tolls and Charges No. 6 (River Lee &c.) Order Confirmation Act 1894 and any other Acts relating to the River Weaver Navigation and other the revenues of the Trustees.

39. All moneys borrowed by the Trustees under this Scheme shall be repaid within the respective periods following (that is to say) :— Periods for repayment by Trustees of borrowed money.

(a) As to moneys borrowed under paragraph (a) of subsection (1) of the section of this Scheme whereof the marginal note is "Power to Trustees to borrow" within thirty years from the date or dates of borrowing the same;

(b) As to moneys borrowed under paragraph (b) of the said subsection within five years from the commencement of this Scheme.

40. The following provisions of the Weaver Navigation Act 1896 shall subject to and so far as not inconsistent with the provisions of this Scheme extend and apply mutatis mutandis in respect of any moneys borrowed by the Trustees under this Scheme as if the same with the necessary modifications were expressly re-enacted in this Scheme with reference thereto (namely) :— Application of financial provisions of Weaver Navigation Act 1896.

Section 9 (For appointment of a receiver);

Section 10 (Repayment of moneys borrowed by Trustees);

Section 11 (Provisions as to sinking fund);

Section 12 (Annual return to Board of Trade with respect to sinking fund &c.);

Section 14 (Application of moneys borrowed).

[Ch. xxiii.] *Public Works* [21 & 22 GEO. 5.]
Facilities Scheme (Acton Swing Bridge)
Confirmation Act, 1931.

A.D. 1931.

Application
of certain
moneys by
Trustees.

41. Subject to the provisions of this Scheme the Trustees shall apply all moneys from time to time received by them in exercise of the powers conferred by the section of this Scheme of which the marginal note is "Power to retain and sell lands" in or towards paying off moneys borrowed by them under this Scheme and for the time being owing and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Scheme.

Power to
County
Council to
borrow.

42.—(1) The County Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods mentioned in the fourth column thereof (namely) :—

Purpose.	Amount.	Charge.	Period of repayment.
(a) For and in connection with the works by this Scheme authorised.	£ 84,120	The county fund and county rate or either of them.	Thirty years from the date or dates of borrowing.
(b) For and in connection with the purchase of lands and easements under this Scheme.	3,000	The county fund and county rate or either of them.	Sixty years from the date or dates of borrowing.
(c) For paying one-half the costs charges and expenses of this Scheme.	The sum requisite.	The county fund and county rate.	Five years from the commencement of this Scheme.

(2) (a) The County Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Scheme.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of the interest thereon the County Council may mortgage or charge such fund rate or revenue as the Minister of Health may prescribe.

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Confirmation Act, 1931.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health. A.D. 1931.
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43. Subject to the provisions of this Scheme the County Council shall from time to time and on such terms as may be agreed between the Trustees and the County Council contribute towards the costs and expenses payable by the Trustees for or in connection with the construction of the swing bridge and the removal of the existing swing bridge and for other the purposes of this Scheme. Power to
County
Council to
contribute to
Trustees'
expenses.

44. The County Council may on such terms and conditions as they think fit guarantee the principal of and the interest on or the principal of or the interest on any moneys authorised to be borrowed by the Trustees and may apply in or towards payment of their guarantee of principal the county fund or any moneys which they are by this Scheme authorised to borrow or they may charge any of the revenues of the County Council or either such fund or such revenues or any part of such revenues with the payment of any such guarantee of interest. Provided always that the capital sums in respect of which the County Council shall have given any such guarantee as aforesaid shall not exceed the sum of ten thousand pounds. Power to
County
Council to
guarantee
moneys
borrowed by
Trustees.

45. Section 26 (Provision in event of default by Trustees in respect of loan guaranteed by County Council) of the Weaver Navigation Act 1896 shall extend and apply to the exercise of the powers of guarantee by this Scheme conferred upon the County Council as if that section were with any necessary modification re-enacted in this Scheme. Application
of section 26
of Weaver
Navigation
Act 1896.

PART V.

MISCELLANEOUS.

46. The Trustees and the County Council may enter into and carry into effect agreements and arrangements for and in relation to the acquisition or execution by the Trustees on behalf of the County Council or by the County Council on behalf of the Trustees of any lands or works for the purposes of or with respect or incidental to the construction maintenance and operation of any of the works by this Scheme authorised and as to the payments to be made to either of them by the other of them in respect to any such matters. Agreements
between
Trustees and
County
Council.

47. When any compensation costs damages or expenses is or are by this Scheme directed to be paid by the Trustees or the County Council as the case may be and the method for Compensa-
tion how
to be deter-
mined.

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Confirmation Act, 1931.

A.D. 1931. determining the amount thereof is not otherwise provided for
— such amount shall in case of dispute be ascertained in the manner
provided by the Public Health Acts.

Arbitration. 48. Where under this Scheme any matter is to be referred
to an arbitrator or arbitration (other than matters to which the
provisions of the Lands Clauses Acts apply) the reference shall
(save so far as may be otherwise expressly provided by this
Scheme) be to a single arbitrator to be agreed upon between
the parties or failing such agreement appointed by the President
of the Institution of Civil Engineers on the application of any
party to the dispute (after notice in writing to the other or others
of them) and subject thereto the provisions of the Arbitration
Act 1889 shall apply to any such reference.

Application 49. When confirmed by Parliament this Scheme shall for
of provisions the purposes of the Telegraph Act 1878 be deemed to be an Order
of Telegraph confirmed by Act of Parliament.
Act 1878.

Costs of 50. The costs charges and expenses preliminary to and of
Scheme. and incidental to the preparing applying for obtaining and
confirming of this Scheme as taxed by the taxing officer of the
House of Lords or of the House of Commons shall be borne by
the Trustees and the County Council in equal shares.

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