



CHAPTER xxix.

An Act to empower the county council of the administrative county of the county palatine of Chester and the county council of the administrative county of the county palatine of Lancaster to construct a bridge across the river Mersey and the Manchester Ship Canal between Runcorn and Widnes and approaches to such bridge to provide for the removal of the existing transporter bridge to amend the Lancashire Quarter Sessions Act 1928 and the Manchester Division and Borough of Salford (Stipendiary Justices) Act 1878 and for other purposes. [31st July 1947.]

WHEREAS the construction of a bridge for vehicular and pedestrian traffic over the river Mersey and the Manchester Ship Canal between the borough of Widnes in the county of Lancaster and the urban district of Runcorn in the county of Chester would be of public and local advantage and it is expedient that the county councils of the administrative counties of the counties palatine of Chester and Lancaster should be empowered to construct the bridge and other works by this Act authorised:

And whereas it is expedient that provision should be made for the removal by the mayor aldermen and burgesses of the borough of Widnes of the existing transporter bridge authorised by the Widnes and Runcorn Bridge Act 1900 and transferred to the Widnes Corporation by the Widnes and Runcorn Bridge (Transfer) Act 1911:

63 & 64 Vict.
c. lxxxvi.
1 & 2 Geo. 5.
c. lxxv.

And whereas by the Lancashire Quarter Sessions Act 1928 provision is made for the maximum salaries to be paid to chairmen of courts of quarter sessions held in the county palatine of Lancaster:

18 & 19
Geo. 5. c. xxx.

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And whereas the duties of such chairmen have substantially increased and it is expedient that the salaries to be paid to such chairmen should be such amount as may be determined from time to time by the justices of quarter sessions subject to the approval of the Lord Chancellor:

41 & 42 Vict.
c. lv.

And whereas by the Manchester Division and Borough of Salford (Stipendiary Justices) Act 1878 provision was made for the appointment of a stipendiary justice together with a clerk and clerical staff and office accommodation for the transaction of the business of the county sessions division of Manchester:

And whereas the office of such stipendiary justice became vacant in the year one thousand nine hundred and sixteen and has not since been filled but the charge for the administration of justice in the said division is met by a special rate levied on the county districts within the said division as provided by the said Act:

And whereas it is expedient that such charge should become part of the general county charge for the administration of justice in the county of Lancaster and that the said Act of 1878 should be amended accordingly:

And whereas the Minister of Transport has with the approval of the Treasury determined to make contributions out of the Road Fund towards the cost of the works by this Act authorised:

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

And whereas estimates have been prepared of the cost of constructing the works by this Act authorised (including the amount necessary for the purchase of lands and easements required therefor) and the provision of housing accommodation and such estimates are as follows:—

	£
The purchase of land and easements ...	367,000
The construction of the bridge authorised by this Act	647,000
The construction of the other works authorised by this Act	1,897,000
The provision of housing accommodation ...	482,300

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

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

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

And whereas in relation to the promotion of the Bill for this Act the Councils have observed the requirements of Part XIII of the Local Government Act 1933:

23 & 24
Geo. 5.
c. 51.

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):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Cheshire and Lancashire County Councils (Runcorn-Widnes Bridge &c.) Act 1947. Short title.

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

- Part I.—Preliminary.
- Part II.—Works.
- Part III.—Lands.
- Part IV.—Finance.
- Part V.—Protective provisions.
- Part VI.—Provisions for county of Lancaster.
- Part VII.—Miscellaneous.

3. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts incorporated with this Act meanings are assigned shall have in relation to the relative subject matters the same respective meanings and the expressions— Interpretation.

“ the Cheshire Council ” means the county council of the administrative county of the county palatine of Chester;

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“ the Lancashire Council ” means the county council of the administrative county of the county palatine of Lancaster;

“ the Councils ” means the Cheshire Council and the Lancashire Council and includes either of the said Councils;

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

“ the Runcorn Council ” means the Runcorn Urban District Council;

“ the joint committee ” means the joint committee of the Councils to be appointed under this Act;

“ the Minister ” means the Minister of Transport;

“ the bridge ” means the bridge (Work No. 2) by this Act authorised and includes the carriageway and footways thereon;

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

“ the Lands Clauses Acts ” means those Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part II of the Town and Country Planning Act 1944 and by this Act;

“ the Act of 1933 ” means the Local Government Act 1933;

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

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

4.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(a) The Lands Clauses Acts (except section 92 and sections 127 to 131 and section 133 of the Lands Clauses Consolidation Act 1845);

(b) The provisions of the Railways Clauses Consolidation Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 with respect to—

the temporary occupation of lands near the railway during the construction thereof;

the crossing of roads or other interference therewith;

9 & 10 Geo. 5.
c. 57.
7 & 8 Geo. 6.
c. 47.

41 & 42 Vict.
c. 76.

Incorporation of
Acts.

8 & 9 Vict.
c. 18.

8 & 9 Vict.
c. 20.
13 & 14 Geo. 5.
c. 20.

works for the accommodation of lands adjoining the railway; and

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—cont.

mines lying under or near the railway:

Provided that for the purposes of section 78 of the provisions substituted by Part II of the Mines (Working Facilities and Support) Act 1923 for sections 78 to 85 of the Railways Clauses Consolidation Act 1845 relating to minerals under railways the area of protection for the bridge works in relation to any seam of minerals shall be the area comprising any railway or works of the company and such a lateral distance therefrom on all or both sides thereof as is equal at each point along the railway to one-half of the depth of the seam below the surface of the ground or the bed of the river Mersey (as the case may be) or forty yards whichever be the greater and subsection (5) of the the said substituted section 78 shall be read and have effect accordingly.

(2) For the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the said Acts shall be construed to mean the Councils the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section the expression "the railway" in the Railways Clauses Consolidation Act 1845 shall be construed to mean the works by this Act authorised and the expression "the centre of the railway" in the said Act shall be construed to mean any part of the said works.

PART II.

WORKS.

5. Subject to the provisions of this Act the Cheshire Council may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute the following work (that is to say):—

Power to
Cheshire
Council to
execute work.

In the county palatine of Chester—

Work No. 1 An approach road in the urban district of Runcorn commencing at the junction of Greenway Road with Chapel Street and terminating at the south bank of the Manchester Ship Canal.

6. Subject to the provisions of this Act the Councils may in the lines or situations and within the limits of deviation

Power to
Councils
to execute
work.

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shown on the deposited plans and according to the levels shown on the deposited sections execute the following work (that is to say):—

In the counties palatine of Chester and Lancaster—

Work No. 2 A bridge over the Manchester Ship Canal and the river Mersey commencing at the termination of the approach road (Work No. 1) by this Act authorised and terminating in the borough of Widnes in the county palatine of Lancaster at the north bank of the river Mersey.

Power to
Lancashire
Council to
execute
works.

7. Subject to the provisions of this Act the Lancashire Council may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute the following works (that is to say):—

In the county palatine of Lancaster—

Work No. 3 An approach road in the borough of Widnes commencing at the termination of the bridge (Work No. 2) by this Act authorised and terminating between Martley Street and Bridge Street;

Work No. 4 An approach road in the borough of Widnes commencing at the termination of the approach road (Work No. 3) by this Act authorised and terminating by a junction with Waterloo Road near Pear Street;

Work No. 5 An approach road in the borough of Widnes commencing at the termination of the approach road (Work No. 3) by this Act authorised and terminating near the junction of Ditton Road with Lower House Lane;

Work No. 6 A new road in the borough of Widnes commencing at the termination of the approach road (Work No. 5) by this Act authorised and terminating by a junction with Ditton Road near Steward's Brook.

Works
affecting
river
Mersey and
Manchester
Ship Canal.

8. Subject to the provisions of this Act the Councils may in connection with and at or near the bridge works construct place and maintain in the river Mersey and in the Manchester Ship Canal and the banks bed and foreshore thereof all such temporary piles fenders booms dolphins pontoons caissons stagings coffer-dams embankments piers abutments wharves walls fences drains stairs buildings and other works and conveniences as they may deem expedient or necessary.

9. Subject to the provisions of this Act the Councils may for the purposes of or in connection with the bridge works and within the limits of deviation shown on the deposited plans construct and execute all such bridges arches piers viaducts embankments tunnels abutments wing walls and other works as they may deem necessary or expedient for carrying the bridge works over or under any railway canal or water-course or any land and may for the purpose of and during the execution of the bridge works over or under any railway or canal erect place or execute and maintain upon over or under such railway or canal all such temporary structures erections works apparatus and appliances as may be necessary or convenient and as will not prevent the safe use of such railway or canal or interfere to any greater extent than is reasonably necessary with the traffic thereon.

PART II.
—cont.
Power to construct bridges &c. and to execute temporary works on railways and canals.

10. In executing any of the bridge works the Councils may deviate laterally to any extent from the line or situation thereof within the limits of deviation shown on the deposited plans and vertically from the levels thereof shown on the deposited sections to any extent not exceeding thirty feet upwards and to any extent not exceeding twenty feet downwards.

Power to deviate.

11.—(1) The Councils may for the purposes of and in connection with the bridge works stop up the whole or such portion or portions as they think fit of so much of the highways referred to in this section as is shown on the deposited plans as intended to be stopped up.

Stopping up of highways.

(2) The highways hereinbefore referred to are specified in the First Schedule to this Act.

(3) On the stopping up of any highway or part of a highway under the powers of this section all rights of way over such highway or the part thereof stopped up shall be extinguished and the site and soil thereof if the highway or the part thereof stopped up is situate in the urban district of Runcorn shall vest in the Cheshire Council or if the Cheshire Council so agree in the Runcorn Council or if such highway is situate in the borough of Widnes shall vest in the Lancashire Council or if the Lancashire Council so agree in the Widnes Corporation.

(4) The Councils shall not permanently stop up any highway or portion thereof or appropriate the site and soil thereof unless one of the aforesaid authorities are owners in possession of all houses and lands on both sides of the highway or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may consent thereto

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but such consent shall not be unreasonably withheld and any question which may arise as to whether or not such consent is unreasonably withheld shall be determined by arbitration.

Power temporarily to stop up or interfere with streets &c.

12. Subject to the provisions of this Act the Councils within the limits of deviation shown upon the deposited plans may stop up break up make junctions and communications with and alterations of the lines and levels of and otherwise interfere with alter or divert temporarily all or any part of any road street bridge stairs footpath way wharf stream or water-course as they shall think necessary and may put up or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such road street bridge stairs footpath way or wharf open for traffic and make such orders for regulating the traffic as to them shall seem proper:

Provided that the Councils shall provide reasonable access for all persons bona fide going to or returning from any house in any such road street or place.

Underpinning of houses near works.

13. Whereas in order to avoid in the execution and maintenance of any of the bridge works injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same therefore the Councils at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Every such notice if given by the Councils shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent if such premises are in the county of Chester to the clerk of the Cheshire Council and if such premises are in the county of Lancaster to the clerk of the Lancashire Council:
- (3) If any owner lessee or occupier of any such house or building or the Councils shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or

strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers and the Arbitration Acts 1889 to 1934 shall apply to the reference:

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—cont.

- (4) The said engineer shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Councils shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Councils shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers of this section:
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Councils such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Councils then and in every such case unless such underpinning or strengthening shall have been done in pursuance of the requirements of and in the mode prescribed by the arbitrator the Councils shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Councils from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

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—cont.
Power to
pump
water and
use sewers
for
removing
water.

14.—(1) Subject to the provisions of this Act the Councils may pump any water found by them in the execution and maintenance of the bridge works and may use for the discharge of any such water the river Mersey and the Manchester Ship Canal or any available stream or watercourse or any sewer or drain and for that purpose may within the limits of deviation shown on the deposited plans lay down take up and alter conduits pipes and other works and make any convenient connections with any such stream watercourse sewer or drain:

Provided always that the Councils shall not make any opening into any such sewer save in accordance with plans reasonably approved by and under the superintendence (if the same shall be given) of the local or other authority (if any) in which such sewer may be vested.

Any question arising between the Councils and any such local or other authority under the provisions of this section shall unless otherwise agreed be determined by arbitration.

(2) The powers of this section shall not be exercised so as to damage or injuriously affect the railways of a railway company or railway joint committee.

Power to
alter
sewers and
drains.

15. The Councils may after consultation with the local authority affected raise lower divert alter remove arch over or fill up or otherwise interfere with all such sewers or drains or parts thereof as shall be necessary for the purposes of this Act but so that no sewer or drain or part thereof (unless the same becomes unnecessary by reason of the purchase by the Councils of the property entitled to the use thereof) shall be removed or filled up without another sewer or drain being made in lieu thereof equally serviceable and convenient before such removal or filling up and when made and completed any substituted sewer or drain or part thereof shall be under the same jurisdiction care management and direction as the existing sewer or drain or part thereof for which it is substituted The powers of this section shall not be exercised so as to damage or injuriously affect the railways of a railway company or a railway joint committee.

Alteration
of position
of water
gas and
other
pipes.

16.—(1) Subject to the provisions of this section the Councils may for the purposes of this Act upon the lands acquired by them under the powers of this Act and also in any street road or place within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by any company authority or person for carrying a supply of water or water for hydraulic power or

gas and also any pipe tube wire or apparatus laid down or placed for telegraphic postal or other purposes or for supplying electricity (all of which mains pipes tubes wires and apparatus are in this section included in the expression " apparatus ") and may remove any other obstruction making proper substituted works before interfering with the flow of water gas or electricity or telegraphic or other communication in any apparatus and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company authority or person who suffers damage by any such alteration.

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

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

Provided that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the Councils.

(4) The Councils shall not—

(a) cause any land street road or place to be lowered nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering of less than three feet where the covering now existing is not less than three feet or the existing covering if the existing covering is less than three feet unless the Councils shall in such case protect such apparatus from frost or injury by artificial covering to the reasonable satisfaction of the engineer of the company authority or person to whom the same belongs; nor

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(b) cause any land street road or place to be raised nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering of more than three feet where the covering now existing does not exceed three feet or more than the existing covering where the existing covering exceeds three feet unless the Councils shall in such case provide special means of access to such apparatus to the reasonable satisfaction of the engineer of such company authority or person:

(5) If any difference arises between the Councils and any such company authority or person touching the amount of any costs expenses or charges under the provisions of this section to be paid by the Councils to any such company authority or person or touching any work matter or thing with reference to such apparatus under such provisions to be done or executed by the Councils or the mode of doing or executing the same such difference shall unless otherwise agreed be settled by arbitration.

17. The Councils may within the limits of deviation shown on the deposited plans and for the purposes of this Act—

(a) raise sink or otherwise alter or cause to be altered the position of any of the steps areas vaults cellars cellar-flaps pavement lights gratings boundary walls railings fences windows watercourses pipes or spouts belonging to any house or building and remove all other obstructions so as to cause in so doing as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Councils shall make compensation to any person who suffers damage by any such alteration;

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

18. The Councils may lay out the bridge works or any part thereof for carriageways and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriageways and footways and may from time to time execute all such works and do all such acts in under or upon any of the carriageways and footways forming part of the bridge works as they may from time to time think proper for preserving repairing or improving those works and may for that purpose enter upon and break open the soil and pavement of such carriageways and footways and any sewers drains or tunnels within or under the same

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

Laying out
and repair
of carriage-
ways and
footways.

causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriage-ways footways sewers drains or tunnels as nearly as practicable to the same condition as they were in before such breaking and opening.

PART II.
—cont.

19.—(1) The Councils may light any bridge works and may enter into and carry into effect any agreement with any other body or person with respect to lighting the same or any of them and any expense incurred in lighting draining or otherwise maintaining the said works or any of them shall be deemed to be part of the expense of constructing and maintaining the said works and shall be defrayed accordingly and for the purposes of the Development and Road Improvement Funds Act 1909 as amended by any subsequent Act the said works shall be deemed to be a new road and such lighting draining or other maintenance shall be deemed to be maintenance of the said new road.

Lighting
&c. of
bridge
works.

9 Edw. 7.
c. 47.

(2) In addition to the foregoing powers the Councils shall have the same powers for carrying such drains and other works and conveniences as they may consider necessary or convenient for the drainage of the works authorised by or vested in the Councils under this Act as a local authority have under the Public Health Act 1936 for carrying sewers within and without their district and when exercising such powers the Councils shall be subject to the restrictions to which a local authority would be subject if exercising the same and the provisions of that Act relating to the construction of sewers shall with any necessary modifications apply accordingly.

26 Geo. 5. &
1 Edw. 8.
c. 49.

(3) Neither the Councils nor any other body or person for the time being responsible for lighting the bridge shall place any light upon that part thereof which is situate over the river Mersey otherwise than in accordance with proposals previously submitted to and approved by the Upper Mersey Navigation Commissioners and in giving their approval to any such proposals the said commissioners may direct that any light not required in connection with the navigation of the river Mersey shall be effectually screened on the side facing the said river.

20. When the bridge works or any part thereof are or is completed a certificate thereof shall be issued under the seals of the Councils and any copy of such certificate certified under the hands of the clerks of the Cheshire Council and the Lancashire Council or of one of them 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 so much of the bridge works to which such

Bridge works
to form
public streets.

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certificate relates as has been laid out as carriageway or footway shall form part of the street and may be used by the public accordingly.

County
boundary
for
purposes of
Act.

21. For the purposes of this Act the boundary between the counties of Chester and Lancaster shall be the boundary shown on the deposited plans and the Councils shall in the construction of the bridge cause to be affixed thereon a mark indicating the point at which the bridge passes over such boundary and the said boundary shall be deemed to be the boundary as so indicated.

Agreements
with
government
departments
and others.

22.—(1) The Councils on the one hand and the Minister on the other hand may enter into and carry into effect agreements and arrangements with respect to the construction or maintenance of the bridge works or any part thereof and as to other objects or purposes of this Act and matters incidental thereto.

(2) The Councils on the one hand and any government department or any company body or person on the other hand may enter into and carry into effect agreements and arrangements with respect to the construction of any works by this Act authorised which may affect any property of such department company body or person or with respect to the maintenance of any such works or property and as to any matters incidental thereto or as to any other objects or purposes of this Act.

(3) Any such agreement or arrangement may make provision as to the payments to be made by any party thereto to any other party thereto in respect of any such matter but any such agreement with respect to the construction of any works by this Act authorised shall be subject to the approval of the Minister.

(4) Any payments to be made by the Minister under any such agreement or arrangement may be made by the Minister out of the Road Fund and save so far as may be otherwise provided by such agreement shall be deemed to be part of the cost of the bridge works.

As to closing
bridge works.

23. The Councils may whenever in their opinion it is necessary so to do for the purposes of the maintenance repair or improvement of the bridge or any of the bridge works wholly or partially close the bridge or any such work or any portion thereof.

No mains
or pipes to
be laid in
bridge.

24. Notwithstanding anything contained in any enactment no person shall enter upon break up or interfere with the bridge or any of the bridge works or the carriageways and

footways of the same for the purpose of laying down any main pipe or wire or executing any work therein thereon or thereunder except with the consent of the Councils in writing and in accordance with such terms and conditions as the Councils may determine.

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—cont.

25. The Councils may sell or dispose of all matters or things excavated or obtained in the construction of the bridge works and all building and other materials of any houses buildings or structures acquired by them under the powers of this Act and not required for the purposes of this Act and also all matters or things in or upon any road street or other place altered by them for the purposes of this Act and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act.

Power to sell materials.

26.—(1) The land (which expression includes land covered with water and any right in over or under land) in or on which the bridge works are to be constructed shall (before during and after such construction) be deemed to be a road for the purposes of the Restriction of Ribbon Development Act 1935 and the provisions of that Act shall (subject to the provisions of subsection (2) of this section) apply accordingly.

Application of Restriction of Ribbon Development Act 1935.
25 & 26 Geo. 5.
c. 47.

(2) For the purposes of the Restriction of Ribbon Development Act 1935 as applied by this section—

(a) the functions conferred by the said Act on highway authorities shall as respects the land referred to in subsection (1) of this section be exercised exclusively in the county of Chester by the Cheshire Council and in the county of Lancaster by the Lancashire Council; and

(b) the centre lines of the said works as respectively shown on the deposited plans shall be deemed to be the middle of the road.

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

Period for completion of works.

28. Notwithstanding anything contained in any Act the bridge works and the carriageways and footways thereof and the buildings (not being dwelling-houses or office buildings) machinery apparatus and works used in connection therewith shall not be assessed to any local rate.

Bridge works to be exempt from rates.

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—cont.
Removal of
existing
transporter
bridge.

29.—(1) The Widnes Corporation shall within a period of two years after the bridge is opened for public traffic close for traffic and as soon as practicable thereafter take down and remove the existing transporter bridge across the river Mersey and the Manchester Ship Canal authorised by the Widnes and Runcorn Bridge Act 1900 and transferred to the Widnes Corporation by the Widnes and Runcorn Bridge (Transfer) Act 1911.

(2) The Widnes Corporation may sell the structure and materials of the transporter bridge and apply the proceeds as follows (that is to say):—

First In payment of the expenses of taking down and removing the transporter bridge;

Secondly In such manner as the Minister of Health may approve towards the discharge of any debt of the Widnes Corporation or otherwise for any purpose for which capital money may properly be applied.

(3) As from the completion of the removal of the transporter bridge the Widnes and Runcorn Bridge Act 1900 and the Widnes and Runcorn Bridge (Transfer) Act 1911 and the Widnes Order 1921 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 8) Act 1921 shall be and are hereby repealed.

(4) In executing the works for or in connection with the taking down and removal of the transporter bridge the Widnes Corporation shall comply with such directions as may be given by the Minister and if in the opinion of the Minister the execution of the said works is likely to cause danger to the navigation of the river Mersey the Widnes Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to such navigation as shall from time to time be directed by the Minister after consultation with the Upper Mersey Navigation Commissioners and shall apply to the Minister for directions as to the means to be taken.

PART III.

LANDS.

30. Subject to the provisions of this Act the Councils may enter upon take and use all or any part of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of or in connection with the bridge works and for providing space for the erection of houses and buildings adjoining or near to the bridge works and for the purposes of recouplement reinstatement or exchange and for other purposes of this Act or for any of those purposes.

Power to
acquire
lands.

31. No person shall be required to sell a part only of any house building or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building manufactory park or garden unless the arbitrator determine that in the case of a house building or manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the arbitrator so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Councils that part of the house building manufactory park or garden.

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—cont.

As to taking parts of certain properties.

32. The Councils and their surveyors officers and workmen and any person duly authorised in writing may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses 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 houses and buildings.

Power to enter upon property for survey and valuation.

33. At any time after notice to treat has been served for any land or easement which the Councils are by this Act authorised to purchase compulsorily the Councils may after giving to the owner and occupier of the land or easement not less than one month's notice enter on and take possession of the land or such part thereof or easement therein 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 payment of the like compensation for the land or easement of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Further powers of entry.

34. In determining the amount of compensation or purchase money to be paid by the Councils in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of the bridge works or arising through

Benefits to be set off against compensation.

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—cont.

such adjoining land becoming land fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Acquisition of easements compulsorily.

35.—(1) The Councils may in lieu of acquiring any lands for the purposes of the bridge works or otherwise for the purposes of this Act where the same are intended to be constructed above the level of the ground acquire such easements only in or in respect of such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall extend and apply to such easements as fully as if the same were lands within the meaning of those Acts except that no such easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 31 (As to taking parts of certain properties) of this Act.

(2) As regards any lands in respect of which the Councils have acquired easements only under the provisions of this section the Councils shall not be required or entitled to fence off or sever such lands from the adjoining lands but unless otherwise agreed the owners or occupiers for the time being shall subject to such easements have the same rights of using such lands at all times as if this Act had not been passed.

Period for compulsory purchase of lands.

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

Extinction of private rights of way.

37.—(1) Any private right of way over land which the Councils are authorised to acquire compulsorily shall if the Council acquiring the land so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition by them of the land or as from the expiration of one month from the service of the notice whichever may be the later.

(2) The Councils shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall in case of dispute be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

Compensation in case of recently acquired interest.

38. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the arbitrator 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 the land created after the twentieth day of November one thousand nine hundred and forty-six if in the opinion of the arbitrator

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 Act.

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—cont.

39.—(1) If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any land shown on the deposited plans or specified in the deposited book of reference the Councils after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof.

Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the justices that the omission misstatement 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.

(3) Such certificate shall be deposited with the clerk of the county council for the county in which the lands therein referred to are situate and a duplicate thereof shall also be deposited with the town clerk of the borough or the clerk of the council of the urban district in which such lands are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and the Councils may take the lands and execute the works in accordance with such certificate.

40. 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 Councils 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 or 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.

Persons under disability may grant easements.

41. Subject to the provisions of this Act the Councils may in connection with the powers granted to them by this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property which may be acquired under the provisions of this Act or which may be in the neighbourhood of the bridge with respect

Agreements with owners of property.

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to the sale or purchase by the Councils of any lands or property or any rights or easements in on or affecting the same for such consideration as may be agreed upon between the Councils and such person or with respect to the reinstatement of such person or the exchange of lands for such purpose and the Councils may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by them for the purposes of this Act and may pay or receive money for equality of exchange.

Retention
and
disposal of
lands.

42.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Councils may retain and 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 on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or 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:

Provided that the Councils shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister of Health is necessary or has been obtained.

(2) Nothing in this section shall release the Councils or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions payable in respect of or affecting the lands other than the restrictions imposed by sections 127 to 131 of the Lands Clauses Consolidation Act 1845 but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

Removal
of human
remains.

43.—(1) If and when the Lancashire Council shall acquire the lands comprising St. Mary's Old Churchyard numbered on the deposited plans 285 in the borough of Widnes or any part thereof they shall before applying or using any part

thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in so much of the said lands as shall be so acquired:

Provided that a Secretary of State on the application of the Lancashire Council and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

(2) Before proceeding to remove any such remains the Lancashire Council shall publish a notice for three successive days in two local newspapers circulating in the said borough to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in so much of the said lands as shall be acquired by the Lancashire Council may give notice in writing to the Lancashire Council of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of Liverpool to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Lancashire Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Liverpool who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the Lancashire Council such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Lancashire Council in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Lancashire Council may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such other

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consecrated burial ground or cemetery in which burials may legally take place as the Lancashire Council think suitable for the purpose subject to the consent of the bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Lancashire Council be removed and re-erected at the place of reinterment of such remains or at such place within the borough of Widnes as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Lancashire Council and that council shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough of Widnes.

As to compensation for St. Mary's Old Churchyard.

44. Any sum agreed upon or awarded for the purchase by the Lancashire Council of the lands comprising St. Mary's Old Churchyard numbered on the deposited plans 285 in the borough of Widnes or any part thereof or to be paid by way of compensation for damage to be sustained by reason of severance or injury affecting the land shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

Power to lay out streets &c.

45. The Councils may with the consent of the Minister of Health lay out as streets or otherwise any lands acquired by them under the powers of this Act and not required for the purposes for which they were acquired and may also grant any easements rights or privileges in under or over such lands or any part or parts thereof.

Acquisition of land for re-location of population or industry.

46.—(1) The Councils may purchase land by agreement in any part of the counties in order to provide for the re-location of population or industry from any lands within the limits of deviation shown on the deposited plans.

(2) The Councils may be authorised to purchase compulsorily any land in any part of the counties for the purpose aforesaid by means of an order made by the Councils and submitted to the Minister of Health and confirmed by him in accordance with the Acquisition of Land (Authorization Procedure) Act 1946.

9 & 10 Geo. 6.
c. 49.

47.—(1) The Councils may with the consent of the Minister of Health in connection with the re-location of population or industry from any lands within the limits of deviation shown on the deposited plans lay out and develop—

- (a) any land acquired by them either by agreement or compulsorily under or in pursuance of this Act; and
- (b) any land belonging to them and not required for the purpose for which it was acquired;

and may erect and maintain houses shops offices warehouses factories and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any such land and may sell lease exchange or otherwise dispose of any such land houses shops offices warehouses factories or buildings upon and subject to such terms conditions and restrictions as they may think fit.

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

(3) The Councils in selling or disposing of such land may convey or lease the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and the use to which such buildings may be put.

48.—(1) In the exercise of their powers in respect of the disposal of land acquired under this Act the Councils shall so far as practicable secure that any person—

(a) who on the date of the service of notice to treat for the acquisition of such land or (as the case may be) on the date on which the Councils give to such person notice under section 50 (As to powers of compulsory purchase) of this Act of their decision to exercise their option with reference to the interest of such person in land to be acquired is living or carrying on business or other activities on land acquired by the Councils for the purposes of the works authorised by Part II of this Act; and

(b) who on the fifteenth day of November one thousand nine hundred and forty-six was living or carrying on business or other activities as aforesaid;

shall if he desires to obtain accommodation on land acquired for the purposes of the said works and is willing to comply

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Power to develop lands.

Provision for persons dispossessed.

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—*cont.*

with any reasonable requirements of the Councils as to its development and use have an opportunity to obtain thereon accommodation suitable to his reasonable requirements on terms settled (notwithstanding any contrary enactment) with due regard to the price at which any such land has been acquired from him.

(2) In complying with the provisions of subsection (1) of this section the Councils shall grant to such person an interest in the land on which such accommodation is afforded as aforesaid equivalent to the interest which such person held in the land acquired from him.

Payment of allowances to certain persons displaced.

49.—(1) The Councils may pay to any person displaced from a house or other building which has been acquired by them under the provisions of this Act such reasonable allowance as they think fit towards his expenses in removing and to any person carrying on any trade or business in any such house or other building they may pay also such reasonable allowance as they think fit towards the loss which in their opinion he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

(2) The provisions of this section shall be in addition to and not in derogation of any other enactment or any rule of law in relation to compensation for disturbance.

As to powers of compulsory purchase.

50.—(1) The powers granted by this Act for the compulsory purchase of lands shall not be exercised before the expiration of three months from the date of the passing of this Act.

(2) Subject to the provisions of this section if during the said period of three months the owner of any interest in any land which the Councils are by this Act authorised to acquire compulsorily (in this section called "the owner") serves on the Councils a notice setting forth the nature and extent of his said interest and informing them that he is prepared to grant the Councils an option to purchase his said interest on the terms and conditions set out in subsection (3) of this section and produces evidence of his title to the said interest the Councils shall not exercise their powers of compulsory purchase in respect of that interest but may in lieu thereof require the owner forthwith to grant the said option and thereupon the said option shall be deemed to have been granted and shall be binding upon successive owners of the said interest or any part thereof.

(3) An option within the meaning of this section shall be subject to the following terms and conditions:—

- (a) The option subject as is in this section provided may be exercised by the Councils during a period of ten years in the case of a freehold interest and in the case of a leasehold interest at any time during the unexpired term of the lease within a period of ten years;
- (b) The Councils shall not exercise the option unless and until the land to which the option relates is required by them for the purposes of this Act or until a reasonable time before the land is required for those purposes;
- (c) The Councils shall give to the owner his successors or assigns not less than six months' notice of their decision to exercise the option;
- (d) The Councils on exercising the option and on the completion of the purchase in pursuance of the option shall pay to the owner an amount equivalent to the amount of compensation assessed in accordance with the law relating to compensation in respect of land acquired compulsorily by a local authority in force at the date on which the notice given by the Councils to the owner of their decision to exercise the option expires.

(4) Where an owner grants or is deemed to grant an option to the Councils to purchase his interest in land under this section he shall not create any new interest in the land or make any alterations of or improvements to existing buildings or erect any new building on the land without the consent in writing of the Councils which shall not be unreasonably withheld and if a new interest in the land is created the owner thereof shall be deemed to have granted to the Councils an option in respect of that interest in accordance with this section.

(5) The provisions of the Lands Clauses Acts except so far as they are varied by this section and except the provisions limiting the time for the exercise of powers for the compulsory purchase or taking of lands shall notwithstanding anything contained in this section apply to the lands in respect of which an option has been or is deemed to have been granted to the Councils.

(6) The provisions of section 33 (Further powers of entry) of this Act shall apply to land in respect of which an option has been or is deemed to have been granted to the Councils with the substitution of the giving of a notice by the Councils of their decision to exercise the option for the service of a

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notice to treat but the Councils shall not exercise the powers of that section in respect of the interest to which the option relates until the expiration of the notice of their decision to exercise the option.

(7) A notice to be given by the Councils under this section may be served in the manner prescribed by section 285 of the Public Health Act 1936.

(8) An option granted or deemed to be granted to the Councils in pursuance of this section shall be deemed to be a local land charge within the meaning of section 15 (Registration of local land charges) of the Land Charges Act 1925 and shall be registered accordingly and no other registration shall be necessary.

15 & 16
 Geo. 5. c. 22.

As to
 rehousing
 obligations
 under
 Housing
 Act 1936.
 26 Geo. 5.
 and 1 Edw. 8.
 c. 51.

51. Nothing in this Part of this Act shall affect the application of section 137 of and the Eleventh Schedule to the Housing Act 1936 with respect to the provision of housing accommodation for persons of the working classes.

PART IV.

FINANCE.

Power to
 borrow.

52.—(1) The Councils shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Councils may severally determine not exceeding those respectively mentioned in the third column of the said table:—

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) The purchase of lands and easements for the purposes of this Act	£ 367,000	Sixty years.
(b) The construction of the bridge ...	647,000	Sixty years.
(c) The construction of the bridge works other than the bridge	1,897,000	Sixty years.
(d) The provision of housing accommodation	482,300	Sixty years.
(e) The payment of the costs charges and expenses of this Act	The sum requisite	Five years from the passing of this Act.

10 & 11 GEO. 6. *Cheshire and Lancashire* Ch. xxix.
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(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

PART IV.
—cont.

(3) To the extent that the Minister may make a payment towards the purposes (a) (b) and (c) and the net loss in connection with purpose (d) referred to in this section the powers of the Councils to borrow for those purposes under this Act shall be reduced.

53.—(1) The Councils shall make equal contributions towards the cost of the bridge.

Contributions by Councils.

(2) The Councils shall make equal contributions towards the cost of lighting draining and otherwise maintaining the bridge.

(3) Any sums provided by either of the Councils may be provided in whole or in part out of their respective county funds or county rates or other their revenues or out of moneys borrowed under the powers of this Act.

54.—(1) The Widnes Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with taking down and removing the existing transporter bridge in accordance with the requirements of this Act the sum of fifty-five thousand pounds and they shall pay off all moneys so borrowed within a period of fifteen years from the date or dates of borrowing.

Power to Widnes Corporation to borrow.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

55. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order made under section 1 of the

Saving for powers of Treasury.
2 & 3 Geo. 6.
c. 62.
9 Geo. 6.
c. 10.

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9 & 10 Geo. 6.
c. 58.

Borrowing (Control and Guarantees) Act 1946 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Saving for
Local
Authorities
Loans Act
1945.
8 & 9 Geo. 6.
c. 18.

56. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

PART V.

PROTECTIVE PROVISIONS.

Crown
rights.

57. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Councils 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 Minister respectively without the consent in writing of the Commissioners of Crown Lands or the Minister as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown
minerals.

58. Notwithstanding the provisions contained in section 57 (Crown rights) of this Act or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Councils authorised to be taken or constructed by this Act.

Saving
rights of
Duchy of
Lancaster.

59. Nothing contained in this Act shall extend or operate to authorise the county councils to take use enter upon or in any manner interfere with any land soil water or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His Heirs or Successors in right of His said duchy.

For
protection
of Post-
master-
General.

60.—(1) Where in exercise of the powers conferred by section 11 (Stopping up of highways) of this Act any highway specified in that section or any portion of such a highway is stopped up or the public right of way over or along the same is extinguished the following provisions shall unless otherwise agreed in writing between the Councils and the Postmaster-

General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or portion of a highway at the time of such stopping up or extinguishment:—

PART V.
—cont.

- (a) The Postmaster-General shall have power to remove the line so however that the said power shall not be exerciseable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Councils of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the Councils in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Councils the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Councils and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any of the said highways has been stopped up or the public right of way over or along the same extinguished the Councils shall send by post to the Postmaster-General a notice informing him of such stopping up or extinguishment and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) The Councils in exercising the powers conferred by section 16 (Alteration of position of water gas and other pipes) of this Act shall not raise sink alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878.

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PART V.
—cont.
For further
protection
of Post-
master-
General.

61.—(1) Nothing in section 24 (No mains or pipes to be laid in bridge) of this Act shall alter prejudice or affect any of the rights and powers of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1943.

(2) The Councils shall in constructing the bridge works provide therein for the telegraphic lines of the Postmaster-General a space not less than three feet wide by two feet deep in the footway of the bridge works or of such other dimensions affording a cross-sectional area of not less than six square feet as may be agreed between the Postmaster-General and the Councils or failing agreement be determined in manner provided by section 6 of the Telegraph Act 1878. The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General:

Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Councils his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same:

Provided further that any extra expense which the Councils may reasonably incur in complying with the provisions of this section shall be borne and paid by the Postmaster-General.

62.—(1) Subject to the provisions of this Act any of the bridge works to be constructed on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Councils and the amount of such cost shall be a debt due from the Councils to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

(4) The Councils shall give to the Upper Mersey Navigation Commissioners not less than fourteen days' previous notice in writing of any application intended to be made by the Councils to the Minister for his approval of such plans and sections

Works
below
high-water
mark to be
subject to
approval
of Minister.

as are mentioned in subsection (1) of this section together with a copy thereof and before giving his approval under the said subsection (1) the Minister may afford to the Upper Mersey Navigation Commissioners such opportunity as he shall think reasonable of being heard in objection to such approval being given.

PART V.
—cont.

63.—(1) The Councils shall at or near such part of the bridge works as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister after consultation with the Upper Mersey Navigation Commissioners shall from time to time require or approve.

Lights on works during construction.

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

64.—(1) The Councils shall at or near the bridge exhibit and keep burning from sunset to sunrise after the completion of the bridge such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House shall from time to time direct.

Permanent lights on works.

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

65. If at any time the Minister deems it expedient for the purposes of this Act to order a survey and examination of any of the bridge works which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Councils shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Councils to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Survey of works by Minister.

66.—(1) Where any of the bridge works situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating

Abatement of work abandoned or decayed.

PART V.
—cont.

therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Councils at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister 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 Councils they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Councils and the amount of such expense shall be a debt due from the Councils to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Provision
against
danger to
navigation.

67.—(1) In case of injury to or destruction or decay of the bridge works 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 of ordinary spring tides the Councils shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Upper Mersey Navigation Commissioners and shall apply to such commissioners for directions as to the means to be taken.

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

Saving for
town and
country
planning.

68.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

(2) In this section the expression "Town and Country Planning Acts" means—

PART V.
 —cont.

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|--|--|
| <p>(a) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and</p> <p>(b) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.</p> | <p>22 & 23
 Geo. 5. c. 48.
 6 & 7 Geo. 6.
 c. 29.
 7 & 8 Geo. 6.
 c. 47.
 9 & 10 Geo. 6.
 c. 68.</p> |
|--|--|

69. For the protection of the Manchester Ship Canal Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company on the one hand and the Councils or the Widnes Corporation (as the case may require) on the other hand apply and have effect:—

For
 protection
 of
 Manchester
 Ship Canal
 Company.

(1) (a) Before commencing the construction of the bridge the Councils shall give to the company not less than three months' previous notice in writing of their intention so to do;

(b) At any time within three months from the receipt of such notice the company may by notice in writing require the Councils to execute works (hereinafter referred to as "the protective works") on the northern side of the Runcorn sea wall for preventing (so far as can be foreseen) erosion of or damage to the said wall or the foundations or supports thereof which might be caused or result by or in consequence of or in connection with the construction of the bridge;

(c) The nature and extent of the protective works and the plans sections and particulars relating thereto shall be such as may be agreed between the Councils and the company or as failing agreement shall be determined by arbitration and the protective works shall be executed in accordance with such plans sections and particulars and the Councils shall not commence the construction in the river Mersey of any pier of the bridge until after they have completed at their own expense and to the reasonable satisfaction of the company the execution of the protective works;

(d) At all times after the completion of the protective works the Councils shall to the reasonable satisfaction of the company maintain and keep the same in a good and sufficient state of repair and if and when necessary reconstruct or renew the same;

PART V.
—cont.

(e) If at any time the Councils shall fail to comply with the requirements of the foregoing sub-paragraph (d) of this paragraph the company may themselves execute such works as they may deem necessary for rendering the protective works efficient for the purpose for which they were constructed and may recover from the Councils the expenses incurred in so doing. Provided that except in any case of emergency the company shall not exercise the powers of this sub-paragraph without giving to the Councils not less than twenty-eight days' notice in writing of their intention so to do:

- (2) The Councils shall save harmless and indemnify the company against all damages losses costs expenses and liabilities which the company may suffer or incur and against all claims demands actions and proceedings which may be made or taken against the company by reason or in consequence of any damage or injury whatsoever which may arise or be occasioned by reason or in consequence of or in connection with the construction or failure of the bridge or any part thereof or any works in connection therewith:
- (3) The bridge shall be so constructed that the headroom thereof over the Manchester Ship Canal (in this section referred to as "the ship canal") shall be not less than that of the existing bridge adjacent thereto which carries the London Midland and Scottish Railway over the ship canal:
- (4) The foundations of the pier of the bridge to be placed on the southern bank of the ship canal shall be constructed at a depth sufficient to admit of the ship canal being deepened to a depth of twenty feet six inches below ordnance datum:
- (5) Subject to the foregoing provisions of this section the Councils in executing under the powers of this Act any works (including works in the river Mersey) affecting the ship canal or the Bridgewater Canal shall not except with the consent in writing of the company (which consent shall not be unreasonably withheld)—

(a) deviate from the lines or levels of the works by this Act authorised; or

(b) alter the number of piers of the bridge or the position of any of those piers;

as shown on the deposited plans and sections:

(6) Except with the consent in writing of the company (which consent shall not be unreasonably withheld) and (if such consent be given) subject to such conditions as the company may reasonably deem it necessary to prescribe the Councils shall not—

(a) exercise in respect of the ship canal or the Bridgewater Canal any of the powers of section 9 (Power to construct bridges &c. and to execute temporary works on railways and canals) of this Act other than those relating to the erection placing or execution and maintenance of temporary structures erections works apparatus and appliances (in this paragraph referred to as “temporary works”); or

(b) construct erect place or execute under the powers of the said section or of section 8 (Works affecting river Mersey and Manchester Ship Canal) of this Act any temporary works structures or things so as to obstruct the navigable waterway of the said canals or either of them or to interfere in any way with the safe and convenient use thereof or with the conduct of the undertaking of the company:

(7) Except with the consent in writing of the company (which consent shall not be unreasonably withheld) and subject to such conditions as the company may reasonably deem it necessary to prescribe the Councils shall not exercise with reference to the ship canal or the Bridgewater Canal or any sewer or drain connecting directly or indirectly with either of the said canals any such powers as are conferred by section 14 (Power to pump water and use sewers for removing water) of this Act:

(8) (a) All works of the Councils to be carried out under the powers of this Act over or on the banks of the ship canal or the Bridgewater Canal or on land of the company and all works (other than the protective works) necessary or incident to the construction of the works by this Act authorised or executed under the authority or in pursuance of any of the provisions of this Act and connected with or affecting the ship canal or the Bridgewater Canal or the works or property of the company (all which works other than the protective works are hereinafter referred to as “the said works”) shall be constructed in accordance with the provisions of this section and according to such plans sections and particulars as shall be

PART V.
—cont.

previously submitted by the Councils to and reasonably approved in writing by the chief engineer for the time being of the company (hereinafter referred to as "the chief engineer") and the Councils shall not commence the construction of the said works or any of them until such plans sections and particulars have been so submitted and approved. Provided that if the chief engineer shall for the period of one month from the date of the receipt of such plans sections and particulars neglect or refuse to approve the same he shall be deemed to have approved thereof or if he shall disapprove the same a difference shall be deemed to have arisen between the Councils and the company with reference to such plans sections and particulars;

(b) The said works shall be executed and maintained by and in all things at the expense of the Councils and to the reasonable satisfaction of the chief engineer:

- (9) In constructing executing and maintaining the said works or the protective works the Councils shall not except with the written consent of the chief engineer (which consent shall not be unreasonably withheld) and subject to such conditions as he may reasonably prescribe obstruct impede or interfere with the free and uninterrupted and safe use of the ship canal or the Bridgewater Canal or the traffic thereon and if any obstruction impediment or interference shall except as aforesaid be caused or take place the Councils shall forfeit and pay to the company the sum of three hundred pounds in the case of the ship canal and the sum of one hundred pounds in the case of the Bridgewater Canal as ascertained damages for every hour or part of an hour during which such obstruction or interference shall continue in addition to and without prejudice to any remedy the company may have by injunction or otherwise:
- (10) The Councils shall bear and pay to the company the expense of the employment by the company of a sufficient number of inspectors or watchmen for watching and regulating the traffic upon the ship canal the Bridgewater Canal and other works and property of the company with reference to and during the execution of the works referred to in the last preceding paragraph:
- (11) (a) The Councils shall at their own expense during the erection and construction of the bridge works and during any repair or maintenance thereof exhibit and

keep burning from sunset to sunrise such lights as the company may require for the prevention of danger to navigation on the ship canal or the Bridgewater Canal (as the case may be) and such lights shall be of such description and be so used and placed as the company shall require;

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

- (12) The Councils shall at or near the bridge exhibit and keep burning from sunset to sunrise after the completion of the bridge such lights (if any) as the company shall from time to time require for the prevention of danger to navigation on the ship canal;

If the Councils fail to comply in any respect with the provisions of this paragraph they shall for each day on which they so fail be liable to a penalty not exceeding twenty pounds:

- (13) Notwithstanding anything contained in Part III (Lands) of this Act the Councils shall not otherwise than by agreement with the company purchase any land held by the company for the purposes of their undertaking (other than land required for the actual construction of the bridge works) or acquire any easement in or over or in respect of any such land which would prevent or interfere with the use by the company of such land for the said purposes:

- (14) (a) Before commencing to take down and remove the transporter bridge referred to in section 29 (Removal of existing transporter bridge) of this Act the Widnes Corporation shall submit to the company in writing for their reasonable approval full particulars of their proposed method of executing the works necessary for the purpose in so far as the execution of those works would directly or indirectly affect the ship canal and the Widnes Corporation shall not commence such taking down and removal until after such particulars have been approved by the company or any difference between the company and the Widnes Corporation has been determined by arbitration;

(b) Without prejudice to the generality of the preceding sub-paragraph of this paragraph the Widnes Corporation shall demolish the existing southern pier

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of the said transporter bridge to such depth below the bed of the ship canal as the company may require;

(c) In executing the works referred to in this paragraph the Widnes Corporation shall not except with the written consent of the chief engineer (which consent shall not be unreasonably withheld) and subject to such conditions as he may reasonably prescribe obstruct impede or interfere with the free and uninterrupted and safe use of the ship canal or the traffic thereon and if any obstruction impediment or interference shall except as aforesaid be caused or take place the Widnes Corporation shall forfeit and pay to the company the sum of three hundred pounds as ascertained damages for every hour or part of an hour during which such obstruction or interference shall continue in addition to and without prejudice to any remedy the company may have by injunction or otherwise;

(d) The Widnes Corporation shall bear and pay to the company all expenses of the employment by the company of a sufficient number of inspectors or watchmen for watching and regulating the traffic upon the ship canal and other works and property of the company with reference to and during the execution of the works referred to in this paragraph:

- (15) Any difference which may arise between the Councils or the Widnes Corporation on the one hand and the company on the other hand under this section or with reference thereto shall unless the settlement thereof is otherwise provided for be from time to time settled by arbitration on the application of either party to the difference made after notice in writing to the other party.

70. The Councils shall indemnify the Upper Mersey Navigation Commissioners against all claims demands and costs of third parties in respect of any accidents damages and injuries happening through any act neglect failure or default by the Councils or by their servants or agents in connection with or by reason or in consequence of the construction and maintenance of the bridge or the works connected therewith or occasioned by any failure of the bridge or any such works Provided that the said commissioners shall not without the previous consent in writing of the Councils make any admission or promise or payment in connection with any scheme or matter in respect of which the Councils are pursuant to

For
protection
of Upper
Mersey
Navigation
Com-
missioners.

this section to indemnify the said commissioners or compromise any action or proceedings taken or instituted against the said commissioners relating to any such claim or matter.

PART V.
—cont.

71.—(1) If at any time during or after the construction of the bridge the respective entrance channels or approaches from the main low-water channel in the upper estuary of the river Mersey to the West Bank Dock at Widnes the Old Quay Lock entrance to the Manchester Ship Canal at Runcorn and the entrance to the St. Helens Canal at Widnes or any of them shall be impeded or obstructed or rendered less deep than before the date on which the construction of the bridge is commenced and the Upper Mersey Navigation Commissioners are reasonably of the opinion or it is determined by an arbitrator as hereinafter provided that such impediment or obstruction or reduction of depth is in consequence of the construction or maintenance of the bridge and constitutes an obstruction or danger to navigation the Councils if so requested by the commissioners (and as soon as reasonably practicable after the receipt by the Councils of such request) shall at their own expense execute such works as may be reasonably required by the said commissioners to remove or remedy such impediment or obstruction or to deepen the said entrance channels or approaches or any of them by dredging or otherwise and the said commissioners may recover from the Councils any expenses reasonably incurred by them in the provision of additional buoys lights or other means for the prevention of danger to navigation rendered necessary by reason of any such impediment or obstruction or reduction of depth which is agreed between the Councils and the commissioners or determined by the arbitrator to be in consequence of the construction or maintenance of the bridge.

For
protection
of entrance
to docks
&c. at
Widnes and
elsewhere.

(2) If any question arises between the Councils and the Upper Mersey Navigation Commissioners under the provisions of this section such question shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers upon the application of either party and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

72. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions shall unless otherwise agreed in writing between the Councils and the London Midland and Scottish Railway Company (in this section referred to as "the company") apply and have effect:—

For
protection
of London
Midland
and Scottish
Railway
Company.

(1) In this section—

"the railway" means the railways' bridges lands works and property of the company;

PART V.
—cont.

“ the works ” means so much of the bridge works and of any works connected therewith as may be constructed upon across under or over or within fifty yards from the railway or which will otherwise affect the same;

“ the engineer ” means the principal engineer for the time being of the company:

- (2) The Councils shall not (except for providing sites for abutments and except the lands numbered 320 in the borough of Widnes on the deposited plans) purchase or acquire compulsorily any part of the railway but in pursuance of section 35 (Acquisition of easements compulsorily) of this Act they may purchase and take and the company shall sell and grant accordingly such easement over the railway numbered on the deposited plans 321 in the borough of Widnes as may be reasonably necessary for the construction and maintenance of Work No. 5 by this Act authorised and also such easement as may be reasonably required under the viaduct of the company numbered on the deposited plans 289 in the urban district of Runcorn for the purpose only of a right of way between lands acquired by the Councils under the powers of this Act:
- (3) In constructing Works Nos. 1 2 3 and 5 by this Act authorised the Councils shall not deviate from the lines of any of the said works shown on the deposited plans so that there shall be a less distance between any portion of the foundations of the said works and any portion of the foundations of the viaducts and bridge carrying the Crewe to Liverpool railway of the company than thirty feet in the case of Works Nos. 1 and 2 (except that in the case of the southernmost pier of the said bridge in the borough of Widnes the minimum distance shall be twenty-five feet) and twenty feet in the case of Works Nos. 3 and 5:
- (4) The abutments and piers of the bridge carrying Work No. 5 by this Act authorised over the railway shall be in such positions as may be reasonably required by the engineer and a clear headway of not less than fifteen feet above rail level shall be provided and maintained by the Councils and if any subsidence shall occur by which the level of the said bridge shall be lowered so that the headway prescribed by this paragraph be not maintained or if by reason of subsidence it shall be reasonably necessary for the company to raise the level of their railway under

the bridge to its original height above ordnance datum so that such headway be not maintained the Councils shall at their own cost when called upon by the company to do so raise or lift the said bridge to such extent as may be necessary to restore the headway as so prescribed:

- (5) The Councils shall before commencing the construction of the works submit to the company proper and sufficient plans sections drawings and specifications of the works for the reasonable approval of the engineer and shall not commence the works until such plans sections drawings and specifications shall have been approved by the engineer or in case of difference settled by arbitration. Provided that if at the expiration of twenty-eight days after such plans sections drawings and specifications shall have been furnished to the company the engineer shall not have signified to the Councils his disapproval thereof or his requirements in relation thereto he shall be deemed to have approved thereof:
- (6) The works shall be constructed only according to such plans and particulars as shall be approved or deemed as aforesaid to be approved by the engineer and shall be constructed to the reasonable satisfaction of the engineer and the Councils shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply to the engineer all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (7) If within twenty-eight days of the submission to the company of plans and other particulars of the works the company give to the Councils notice that they desire themselves to construct the foundations of any part of the works which will be within a distance of twenty feet from the railway then the company may and shall construct the same according to such plans and other particulars as may be approved or deemed to be approved as aforesaid or settled by arbitration:
- (8) Upon signifying his approval or disapproval of plans and other particulars of the works under the foregoing provisions of this section the engineer may specify any temporary or permanent works which in his reasonable opinion should be carried out before the commencement of the works to ensure the stability of the railway or to protect the same from injury and any such temporary or permanent works

PART V.
—cont.

may and shall thereupon be constructed and carried out by the company with all reasonable dispatch and the Councils shall not commence the construction of the works until the engineer shall have signified that such temporary or permanent works have been completed:

- (9) The Councils shall give to the engineer fourteen days' notice in writing of their intention to commence the construction of any of the works:
- (10) The works shall when commenced be carried out continuously and with all reasonable dispatch and by such means and in such manner as to leave the railway undisturbed at all times and so as in no way to obstruct impede or interfere with the free uninterrupted and safe use thereof or with the traffic thereon or ancillary thereto And if any such obstruction or interference shall be caused or take place contrary to this enactment the Councils shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which they may be put as well as compensation for any loss sustained by them by reason of any such interruption or interference:
- (11) If it shall be reasonably necessary at any time during the construction of the works or within two years after the completion thereof and in consequence of the construction thereof that any further or other works or appliances be constructed or measures of precaution taken either by way of addition to the existing works of the company or in connection with the works or in relation to the method of construction of the works so as to prevent the subsidence of or injury to the railway the Councils shall on being thereunto reasonably required in writing under the hand of the engineer make and execute at their own expense and according to plans sections and specifications to be prepared by him and reasonably approved by the Councils such works or take such measures of precaution including the temporary cessation of the construction of the works as the engineer shall reasonably require:
- (12) If by reason of the construction of the works it shall be reasonably necessary within six months after the completion thereof to add to or alter the railway or any signal boxes or any signalling telegraph or other apparatus of the company the company may carry out any such work at the expense of the Councils as hereinafter provided:

(13) The Councils shall from time to time repay to the company all expenses reasonably incurred by them in pursuance of paragraphs (7) (8) (11) and (12) of this section including the cost of the preparation of any drawings and specifications together with any reasonable expenses certified by the engineer to have been incurred by the company—

(a) in respect of any special traffic working or resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services during the progress of the works or if necessary within a reasonable time thereafter;

(b) in lighting the railway in the vicinity of and during the progress of the works;

(c) in respect of the employment by the company of a sufficient number of inspectors watchmen signalmen and other persons to be appointed by them for inspecting lighting watching and signalling the railway with reference to and during the execution of the works and for preventing as far as may be all interference obstruction danger or accident arising therefrom; 1E

(d) in respect of the approval by the engineer of plans sections drawings and specifications submitted by the Councils:

(14) If at any time hereafter the company shall in the exercise of powers existing at the passing of this Act be desirous of widening or altering any part of the railway affected by the works or of adapting any part of the railway so affected for working by electrical power the Councils shall give to the company all proper and reasonable facilities for that purpose including the right in connection with such electrification to make attachments to the works subject to the reasonable approval of the Councils:

(15) Any additional expense as certified by the engineer which the company may reasonably incur in widening altering reconstructing repairing or maintaining the railway in the exercise of powers existing at the passing of this Act by reason of the existence of the works shall be paid by the Councils to the company:

(16) Notwithstanding the approval of plans and specifications or superintendence by or completion of the

works to the satisfaction of the engineer and notwithstanding compliance by the Councils with the provisions of this section—

(a) The Councils shall be responsible for and make good to the company all costs losses damages and expenses not otherwise provided for which may be occasioned to the company by reason of the construction or alteration of the works or the failure of any part thereof repairable by the Councils (except where such costs losses damages and expenses arise from the neglect or default of the company their servants or agents) or of any act or omission of the Councils or of any of the persons in their employment or of their contractors;

(b) The Councils shall indemnify the company from and against all claims for damage or compensation in respect of any damage injury or loss which may be suffered by the employees of the company or by any passenger owner of merchandise or owner of property adjoining the works or of any other person or persons by reason of the existence construction or failure of the works or any such operation as aforesaid except as far as any damage injury or loss shall have been occasioned by or through the acts or defaults of the company or those for whom they are responsible:

- (17) If the Councils shall in pursuance of the powers of this Act stop up Desoto Road in the borough of Widnes they shall thereupon remove the bridge carrying that road over the railway and make good the site of such bridge to the reasonable satisfaction of the engineer and no part of the railway shall vest in the Lancashire Council or the Widnes Corporation in pursuance of section 11 (Stopping up of highways) of this Act:
- (18) The approach road Work No. 4 by this Act authorised shall not be opened for traffic before the opening for traffic of the approach road Work No. 5 by this Act authorised:
- (19) Any difference arising between the Councils and the company under this section (other than a difference as to the construction or meaning of this section) shall be referred to and determined by arbitration.

73. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the following provisions shall unless otherwise agreed in writing between the Councils and the Great Central and Midland Joint Committee (in this section referred to as "the railway committee") apply and have effect:—

PART V.
—cont.
For
protection
of Great
Central and
Midland
Joint
Committee.

(1) In this section—

"the railway" means the railway lands works and property of the railway committee;

"the works" means so much of Work Numbers 5 and 6 by this Act authorised and of any works connected therewith as may be constructed maintained or renewed upon across under or over the railway or which will otherwise affect the same and includes any retaining wall alongside the railway whether on the property of the railway committee or not;

"the engineer" means the railway committee's engineer;

"the signed plan" means the plan signed in duplicate by David Anderson on behalf of the Councils and John Isdale Campbell on behalf of the railway committee:

(2) The Councils shall not purchase or acquire compulsorily except as provided in this paragraph any part of the railway but the Lancashire Council may purchase and take and the railway committee shall sell—

(a) the whole or any part of the land coloured pink on the signed plan; and

(b) in pursuance of section 35 (Acquisition of easements compulsorily) of this Act such easement in under or over the land coloured blue on the signed plan;

as may be necessary for the construction and maintenance of the works:

(3) The Councils will pay to the railway committee the cost as certified by the engineer so far as it is reasonable of replacing the siding between the points marked A-B on the signed plan in such position on the railway as the engineer may determine:

(4) The Councils will if required by the engineer construct a retaining wall or some other work for preserving the stability of the railway between the points marked C-D and E-F respectively on the signed plan:

PART V.
—cont.

- (5) The works shall when commenced be carried out continuously and with all reasonable dispatch and shall be constructed in such line or situation within the land coloured pink and blue upon the signed plan and according to such levels as shall be reasonably approved by the engineer and by such means and in such manner as to leave the railway undisturbed at all times and so as in no way to obstruct impede or interfere with the free uninterrupted and safe use thereof or with the traffic thereon. And if any such obstruction or interference shall be caused or take place contrary to this enactment the Lancashire Council shall notwithstanding any approval as aforesaid pay to the railway committee all reasonable costs and expenses to which they may be put as well as reasonably adequate compensation for any loss sustained by them by reason of any such obstruction or interference:
- (6) The Lancashire Council shall not less than twenty-eight days before commencing the construction of any of the works furnish to the railway committee proper and sufficient plans sections drawings and specifications of the works for the reasonable approval of the engineer and shall not commence such works until such plans sections drawings and specifications shall have been approved by the engineer or in case of difference settled by arbitration. Provided that if at the expiration of twenty-one days after such plans sections drawings and specifications shall have been furnished to the railway committee the engineer shall not have disapproved of the same he shall be deemed to have approved thereof. Provided also that if he shall disapprove of such plans he shall do so in writing to the Lancashire Council within such period of twenty-one days:
- (7) If any additions or alterations either permanent or temporary to the railway or to the signal boxes signals signalling apparatus or the telephone or telegraph wires and works on the railway are reasonably necessary in consequence of the construction of the works the same shall be made by the railway committee at the expense of the Lancashire Council and the costs thereof as certified by the engineer so far as they are reasonable and reasonably incurred shall be repaid to the railway committee by the Lancashire Council:
- (8) The works so far as the same affect the railway shall be executed to the reasonable satisfaction of the

engineer and the Lancashire Council shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply to the engineer all such information as he may reasonably require with regard to the works or the method of construction thereof:

- (9) The Lancashire Council shall reimburse to the railway committee any reasonable costs charges and expenses certified by the engineer to have been incurred by the railway committee—

(a) in respect of any special traffic working or resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services during the progress of the works or if necessary within a reasonable time thereafter;

(b) in lighting the railway in the vicinity of and during the progress of the works;

(c) in respect of the employment by the railway committee of a sufficient number of inspectors watchmen signalmen and other persons to be appointed by them for inspecting lighting watching and signalling the railway with reference to and during the execution of the works and the renewal or repair of the work and for preventing as far as may be all interference obstruction danger or accident arising therefrom;

(d) in respect of the approval by the engineer of plans sections drawings and specifications submitted by the Lancashire Council:

- (10) The Councils shall be responsible for and make good to the railway committee all costs charges losses damages and expenses not otherwise provided for which may be occasioned to them or to the railway or to the traffic thereon or otherwise by reason of the construction or failure of the said works over under or adjacent to the railway (except where such costs charges losses damages or expenses arise from the neglect or default of the railway committee their servants or agents) or of any act or omission of the Councils or of any person or persons in their employ or of their contractors or others whilst engaged on works under or in pursuance of the provisions of this Act and the Councils shall effectually indemnify the railway committee from all claims and demands upon or against them by reason of such construction or failure or of any such act or omission

PART V.
—cont.

- Provided that the fact that any work or thing has been done in accordance with any plan section drawing or specification approved by the engineer or in accordance with any requirement of the engineer shall not excuse the Councils from any liability for damage as aforesaid or affect any claim of the railway committee for injury to the railway or the traffic thereon:
- (11) If at any time hereafter the railway committee shall in the exercise of powers existing at the passing of this Act be desirous of widening or altering any part of the railway affected by the works or of adapting any part of the railway so affected for working by electrical power the Councils shall give to the railway committee all proper and reasonable facilities for that purpose including the right in connection with such electrification to make attachments to the works subject to the reasonable approval of the Councils:
- (12) Any additional expense as certified by the engineer so far as it is reasonable and which the railway committee may reasonably incur in widening altering reconstructing repairing or maintaining the railway in the exercise of powers existing at the passing of this Act by reason of the existence of the works shall be paid by the Lancashire Council to the railway committee:
- (13) (a) If the Councils stop up the portion of Ditton Road bounded on both sides by land of the railway committee the site thereof shall vest in the railway committee free of all rights of way or other user and the railway committee shall be at liberty to remove the existing bridge carrying the railway over Ditton Road and to fill in the sites thereof;
- (b) If the Councils do not stop up such portion of Ditton Road the Councils will pay the costs as certified by the engineer so far as they are reasonable of maintaining the existing bridge from time to time incurred by the railway committee:
- (14) No land belonging to the railway committee in Lower House Lane shall vest in the Councils or either of them in pursuance of section 11 (Stopping up of highways) of this Act:
- (15) Any difference arising between the Councils and the railway committee under this section (other than a difference as to construction or meaning of this section) shall be referred to and determined by arbitration.

74. For the protection of the Mersey Power Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Councils have effect:—

PART V.
—cont.
For protection
of the Mersey
Power
Company
Limited.

(1) Where by reason or in consequence of the exercise of any of the powers of this Act any apparatus is rendered derelict or unnecessary the Councils shall pay to the company the value of such apparatus so rendered derelict or unnecessary unless proper and sufficient substituted apparatus is provided by or at the cost of the Councils:

(2) Notwithstanding the stopping up temporarily or permanently of any highway road street bridge footpath or way or any part thereof under the powers of section 11 (Stopping up of highways) or section 12 (Power temporarily to stop up or interfere with streets &c.) of this Act or the closing of the bridge or any of the bridge works or any portion thereof under the powers of section 23 (As to closing bridge works) of this Act the company their engineers and workmen and others in their employ shall at all times have such rights of access to all or any apparatus situate in or under any such highway road street bridge footpath way or work or part of a highway road street bridge footpath way or work as they had immediately before such stopping up or closing and shall be at liberty to execute and do all such works and things in upon or under such highway road street bridge footpath way or work or part of a highway road street bridge footpath way or work as may be necessary for inspecting repairing maintaining renewing or removing such apparatus:

Provided that this paragraph shall not apply in any case in which any highway or part of a highway is permanently stopped up and the value of the apparatus therein or thereunder is paid by the Councils pursuant to paragraph (1) of this section or such apparatus is replaced by proper and sufficient substituted apparatus by or at the cost of the Councils:

(3) Notwithstanding anything contained in section 24 (No mains or pipes to be laid in bridge) of this Act the company shall be entitled for the purposes of—

(i) laying down maintaining inspecting repairing renewing or removing any apparatus; and

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—cont.

(ii) laying down maintaining inspecting repairing renewing or disconnecting any service lines between any apparatus and any premises supplied or to be supplied with electricity therefrom;

to exercise from time to time the like rights of opening and breaking up any of the bridge works (other than the bridge) and the carriageways and footways of the same as they would be entitled to exercise if the said section had not been enacted:

- (4) The consent of the Councils to any application made by the company therefor under section 24 (No mains or pipes to be laid in bridge) of this Act in relation to the bridge shall not be unreasonably withheld nor shall any terms or conditions subject to which such consent is given be unreasonable and any question whether such consent is unreasonably withheld or whether any such terms or conditions are unreasonable shall be determined by arbitration:
- (5) Notwithstanding the closing for traffic pursuant to section 29 (Removal of existing transporter bridge) of this Act of the existing transporter bridge referred to in that section the company their engineers and workmen and others in their employ shall until the Widnes Corporation commence to take down and remove that bridge continue to have the same rights as heretofore of access to that bridge and to any apparatus upon over or along the same for the purpose of maintaining inspecting repairing renewing or removing that apparatus:
- (6) In this section the term "apparatus" includes any electric line as defined in the Electric Lighting Act 1882 and any other works or apparatus of the company:
- (7) Any difference which shall arise between the Councils and the company under the provisions of this section shall be determined by arbitration.

45 & 46 Vict.
c. 56.

For
protection
of Imperial
Chemical
Industries
Limited
and others.

75. For the protection of Imperial Chemical Industries Limited and any of their subsidiary or associated companies (all of which companies are hereinafter in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Act or shown upon the deposited plans and sections and unless otherwise agreed in writing between the Councils and the company apply and have effect (that is to say):—

- (1) The Councils shall in constructing and maintaining the bridge works take all reasonable precautions to prevent interference with the channel of and the flow

of water in the river Mersey and with the supply of water from the river required by the company for the purposes of their West Bank power station and the works connected therewith:

- (2) If at any time during the construction of the bridge works or within a period of ten years after the completion and opening for traffic of the bridge the channel of that part of the river Mersey from which water is abstracted by the company by means of their intake works and pumping station for the purposes of their West Bank power station and the works connected therewith shall be impeded or obstructed or damaged by being rendered less deep than at the passing of this Act and it shall be agreed between the Councils and the company or failing agreement it shall be decided by the arbitrator to whom the question may be referred that such impediment obstruction or damage has been caused by or has resulted from the execution of the bridge works the Councils shall forthwith from time to time remove or remedy such impediment obstruction or damage or at their option construct at their own expense such new intake works together with all such necessary and proper works as may be required to provide the supply of water from the river required by the company for the purposes of their said power station and the works connected therewith or remedy such impediment obstruction or damage in such other manner as the arbitrator shall direct:
- (3) Notwithstanding the compliance by the Councils with the provisions of this section the Councils shall in addition to any other compensation which may be payable to the company by reason of the exercise of the powers of this Act be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to the said power station and works by reason of the construction of the bridge works and the Councils shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason thereof:
- (4) The Councils shall not—
 - (a) stop up or interfere with the access to the said power station by means of Parsonage Road or of Viaduct Street and the roadway leading from

PART V.
—cont.

Viaduct Street to the said power station numbered 170 in the borough of Widnes on the deposited plans;

(b) stop up either temporarily or permanently the highways known as Desoto Road Ditton Road Lower House Lane and Waterloo Road or any of such highways until they shall have provided to the reasonable satisfaction of the company alternative facilities of equal load-bearing capacity to the highway or highways so stopped up:

- (5) The Councils shall not under the provisions of this Act (except for providing sites for abutments embankments and piers) enter upon take or use the lands which are numbered 317 and 318 in the borough of Widnes on the deposited plans but in pursuance of section 35 (Acquisition of easements compulsorily) of this Act the Councils may acquire an easement or right of constructing and maintaining the bridge works over so much of those lands as is included in the land coloured pink upon the plan (in the section called "the signed plan") which has been signed in duplicate by David Anderson on behalf of the Councils and by Richard Antrobus Lynex on behalf of the company one copy of which plan is deposited with the Councils and the other with the company subject to the provisions of this section and the company shall sell and grant such easement or right according to their estate and interest in the said lands:
- (6) (a) The bridge works over the said lands numbered 317 and 318 shall be constructed in the line or situation and within the limits of the lands coloured pink upon the signed plan;

(b) The level of the underside of the bridge works at the points marked A B and C on the signed plan shall not be less than twenty-one thirty-three and fifteen feet respectively above the surface of the ground and the gradient of the bridge works between the points marked B and C on the signed plan shall be steady and uniform:

- (7) The Lancashire Council shall on land belonging to the trustees under the will of John Hutchinson deceased or other the owners for the time being of the estate of John Hutchinson deceased carry out to the reasonable satisfaction of the company the works for the improvement of the road access to

and from the Marsh chemical works of the company which are also shown and coloured pink on the signed plan:

- (8) The Councils shall not except with the consent of the company (which consent shall not be unreasonably withheld) exercise in relation to the lands numbered 317 and 318 in the borough of Widnes upon the deposited plans—
- (i) the provisions of section 32 of the Railways Clauses Consolidation Act 1845 incorporated with this Act; or
 - (ii) the powers conferred by section 17 (Power to alter steps areas &c. and execute protective works) or by subsection (2) of section 19 (Lighting &c. of bridge works) of this Act:
- (9) The Councils shall not raise sink or otherwise alter the position of or interfere with any main pipe or apparatus laid down or used by the company for the pumping and carrying of brine except in accordance with and subject to the provisions of section 16 (Alteration of position of water gas and other pipes) of this Act:
- (10) The provisions of section 26 (Application of Restriction of Ribbon Development Act 1935) of this Act shall not apply to the West Bank power station the Marsh chemical works or the Golding Davis works (situate on the marsh opposite the Marsh chemical works) or any part of the lands and works connected therewith respectively nor to the lands numbered 317 and 318 in the borough of Widnes on the deposited plans:
- (11) Any question or dispute which may arise between the Councils and the company under this section shall be referred to and determined by arbitration.

76. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the Birmingham Corrugated Iron Company Limited (in this section referred to as "the company") shall except so far as may be otherwise agreed in writing between the company and the Councils apply and have effect:—

For protection
of Birmingham
Corrugated
Iron Company
Limited.

(1) In this section—

"the company's land" means the land in the borough of Widnes numbered 323 on the deposited plans;

"the approach road" means Work No. 5 authorised by this Act and the works and conveniences connected therewith:

PART V.
—cont.

- (2) The Councils shall not enter upon take or use any part of the company's land other than the land coloured blue on a plan signed in duplicate by David Anderson on behalf of the Councils and by John Michael Parkes on behalf of the company or so much thereof as may be required for the purposes of the approach road:
- (3) In the exercise of the powers of section 32 (Power to enter upon property for survey and valuation) of this Act the Councils shall not interfere with or obstruct the business carried on on the company's land:
- (4) The Councils shall not enter upon or acquire the land referred to in paragraph (2) of this section (except in the exercise of the powers of the said section 32) or require the company to give up possession thereof before the expiration of two years after the date of the service of the notice to treat in respect thereof or (as the case may be) after the date on which the Councils give to the company notice under section 50 (As to powers of compulsory purchase) of this Act of their decision to exercise their option in reference to the said land:
- (5) The land referred to in subsection (2) of this section when acquired by the Councils shall be used only for the purpose of constructing Work No. 5 by this Act authorised:
- (6) The Councils shall not exercise upon and in reference to the company's land any of the powers contained in the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof except to such extent and upon and subject to such terms and conditions as may be agreed between the Councils and the company or as failing such agreement may be determined by arbitration:
- (7) The Councils shall not exercise the powers of section 14 (Power to pump water and use sewers for removing water) of this Act in reference to any sewer or drain belonging to the company nor shall they exercise upon the company's land the powers of section 15 (Power to alter sewers and drains) section 16 (Alteration of position of water gas and other pipes) or section 17 (Power to alter steps areas &c. and execute protective works) of this Act except to such extent in such manner and upon and subject to such terms and conditions as may be agreed between the

10 & 11 GEO. 6. *Cheshire and Lancashire* Ch. xxix.
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Councils and the company or as failing agreement may be determined by arbitration:

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—cont.

- (8) In the exercise of the powers of the said sections 15 16 and 17 the Councils shall make such alterations of the sewers drains apparatus and other works and conveniences situate upon the company's land as may be reasonably necessary:
- (9) The provisions of the Restriction of Ribbon Development Act 1935 as applied by section 26 (Application of Restriction of Ribbon Development Act 1935) of this Act shall not prevent or impede the erection of any building on the company's land:
- (10) The Councils shall not stop up Desoto Road or Ditton Road until they have provided alternative facilities to the reasonable satisfaction of the company:
- (11) Any question (other than a question to which the Lands Clauses Acts apply) between the Councils and the company under this section shall be determined by arbitration.

77. The following provisions for the protection of Greenall Whitley and Company Limited and Peter Walker (Warrington) Limited (in this section severally referred to as "the owners" as hereinafter defined) shall unless otherwise agreed between the Councils and the owners apply and have effect in addition to any other provisions of this Act for the protection of the owners:—

For
protection
of certain
brewery
companies.

(1) In this section—

"the licensed premises" means each or any (as the context may require) of the licensed premises specified in the Second Schedule to this Act "the owners" means the respective persons specified in the Second Schedule to this Act as the owners or lessees of the licensed premises and includes the successors in title to such owners or lessees:

- (2) In relation to the licensed premises the option referred to in paragraph (b) of subsection (3) of section 50 (As to powers of compulsory purchase) of this Act shall be effective on the date when the Councils give to the owners not less than twelve months' notice in writing of the decision of the Councils to exercise such option;
- (3) The assessment of the amount of compensation payable to the owners in respect of the licensed premises and the completion of the purchase shall be deferred until either the owners have obtained a final order

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from the justices for the removal of the licence granted in respect of the licensed premises or it is decided that the said licence shall lapse and the compensation shall be assessed according to the law in force at the date of such final order or lapse and as if a notice to treat had been served on such date:

- (4) The Councils shall not acquire in relation to the licensed premises any licences held (under the Licensing (Consolidation) Act 1910) by the owners their tenants or nominees:
- (5) The Councils shall not claim any interest to the detriment of the owners in any of the said licences and except on grounds of town planning the Councils shall not oppose the owners in any reasonable proposals which are made by the owners to the appropriate licensing authority relative to the distribution or disposal of the said licences.

10 Edw. 7.
& 1 Geo. 5.
c. 24.

For protection
of McKechnie
Brothers
Limited.

78. The interest of McKechnie Brothers Limited (hereinafter in this section referred to as "the company") in so much of the lands in the county palatine of Lancaster numbered 334 on the deposited plans as is edged red on the plan which has been signed in duplicate by Mott Hay and Anderson on behalf of the Councils and by J. D. McKechnie on behalf of the company one copy of which has been retained by the Councils and the other by the company shall not be acquired under the powers of this Act.

For
protection
of Thomas
Bolton &
Sons
Limited.

79. For the protection of Thomas Bolton & Sons Limited and their successors and assigns lessees for the time being of the protected premises as in this section defined or any part thereof (all of whom are in this section included in the expression "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections unless otherwise agreed in writing between the Lancashire Council and the company apply and have effect (that is to say):—

- (1) In this section "the protected premises" means that property occupied by the company situate in the borough of Widnes comprising land at present used as storage ground and known as plot "O" identified as No. 314 on the deposited plan sheet No. 3 the land and buildings known as the copper sulphate works occupying the area identified as No. 315 and the area identified as No. 316 described in the book of reference as a passage and "the signed plan" means the plan and section signed in duplicate by

David Anderson on behalf of the Lancashire Council
and John Alexander Foulds on behalf of the
company:

PART V.
—cont.

- (2) Work No. 5 by this Act authorised where it passes over the protected premises shall be constructed so as to provide a minimum headroom of twenty-three feet above ground level at the south end of plot " O " adjoining Hutchinson's trustees' sidings rising to a minimum of thirty-three feet above floor level where the work passes over the buildings forming the copper sulphate works:
- (3) The spacing and location of the columns in connection with Work No. 5 shall be as shown on the signed plan:
- (4) Any alterations required by the Lancashire Council to the protected premises shall be carried out in such manner as shall be agreed between the Lancashire Council and the company or determined by arbitration and in all respects including the reasonable cost of supervision by the company at the expense of the Lancashire Council:
- (5) If by or in consequence of the construction or maintenance of Work No. 5 or the use of such work after completion any part of or any person or persons on the protected premises is injured or damaged the Lancashire Council shall make good such injury or damage to the reasonable satisfaction of the company and if they fail so to do the company may make good such injury or damage and recover from the Lancashire Council all costs reasonably incurred by them in connection therewith:
- (6) The Lancashire Council shall not under the powers of this Act unreasonably obstruct the access to or egress from the protected premises or any part thereof:
- (7) The company may employ watchmen or inspectors to watch any work to be executed by the Lancashire Council whereby the protected premises will or may be interfered with or affected and the reasonable expenses thereof shall be borne by the Lancashire Council:
- (8) Section 26 (Application of Restriction of Ribbon Development Act 1935) of this Act shall not apply to the protected premises:
- (9) Any difference which may arise between the Councils or either of them and the company shall be referred to arbitration.

PART V.
—cont.
For
protection
of John
Hutchinson's
trustees.

80. For the protection of Michael Austin MacDermott of Kingwood Common Henley-on-Thames in the county of Oxford mining engineer the trustee of the will of John Hutchinson deceased or other the owners for the time being of the estate of John Hutchinson deceased (in this section referred to as "the trustees") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections unless otherwise agreed in writing between the Lancashire Council and the trustees apply and have effect (that is to say):—

- (1) In this section "the signed plan" and "the signed plan No. 2" mean respectively the plan No. W.18 and the plan No. W.47 signed in duplicate by David Anderson on behalf of the Councils and the said Michael Austin MacDermott on behalf of the trustees:
- (2) Work No. 5 by this Act authorised shall be constructed so as to provide a minimum headroom of twenty-one feet where the said work passes over the railway sidings belonging to the trustees adjoining Dock Road as shown on the signed plan and a minimum headroom of fifteen feet from ground level where the said work passes over the railway sidings belonging to the trustees near Desoto Road:
- (3) The clearance to be provided between any part of the said Work No. 5 and any railway lines belonging to the trustees as existing or diverted shall be not less than five feet and one inch:
- (4) The Lancashire Council shall provide and maintain such means of access for pedestrians to West Bank Dock from Dock Road as the trustees may reasonably require:
- (5) If the powers conferred on the Lancashire Council by section 11 (Stopping up of highways) of this Act are exercised in respect of Desoto Road or any part thereof the Councils shall before stopping up the said road either temporarily or permanently provide alternative facilities reasonably satisfactory to the trustees of equal load-bearing capacity to the existing Desoto Road between the estate of the trustees and Ditton Road:
- (6) Before the stopping up either temporarily or permanently under the powers of this Act of Viaduct Street Waterloo Road and Lower House Lane the Councils shall provide adequate means either permanent or temporary so that traffic along such streets can be fully and freely maintained at all times:

- (7) Any alteration of the railway lines belonging to the trustees required by the Councils shall be carried out in such manner as shall be agreed between the Lancashire Council and the trustees or determined by arbitration and in all respects at the expense of the Lancashire Council:
- (8) If by or in consequence of the construction or maintenance of Works Nos. 4 5 and 6 or the use of such works after completion any part of or any person or persons on the property of the trustees is injured or damaged the Lancashire Council shall make good such injury or damage to the reasonable satisfaction of the trustees and if they fail so to do the trustees may make good such injury or damage and recover from the Lancashire Council all costs reasonably incurred by them in connection therewith:
- (9) The spacing and location of the columns in connection with Work No. 5 shall be as shown on the signed plan:
- (10) The Lancashire Council shall not under the powers of this Act unreasonably obstruct the access to or egress from the estate of the trustees:
- (11) The trustees shall grant facilities for the carrying out by the Lancashire Council on land belonging to the trustees coloured pink on the signed plan No. 2 of works for the improvement of the road access to and from the Marsh chemical works of Imperial Chemical Industries Limited:

Provided that such works shall be carried out to the reasonable satisfaction of the trustees:

- (12) The trustees may employ watchmen or inspectors to watch any work to be executed by the Lancashire Council whereby the estate of the trustees will or may be interfered with or affected and the reasonable expenses thereof shall be borne by the Lancashire Council:
- (13) Section 26 (Application of Restriction of Ribbon Development Act 1935) of this Act shall not apply to the estate of the trustees:
- (14) Any difference which may arise between the Lancashire Council and the trustees shall be referred to arbitration.

PART VI.

PROVISIONS FOR COUNTY OF LANCASTER.

As to salaries and expenses of chairmen of quarter sessions.

81.—(1) Subject to the provisions of the Lancashire Quarter Sessions Act 1928 (in this section referred to as "the Act of 1928") there shall be paid to each person appointed chairman of quarter sessions under the provisions of the Act of 1928 so long as he continues to officiate as such chairman such salary as may be approved by the Lord Chancellor.

(2) The justices of the quarter sessions by whom a chairman is appointed may make to such chairman an allowance in respect of expenses incurred or to be incurred by him by virtue of his appointment.

(3) The provisions of section 14 (As to payment of salaries pensions and fees) of the Act of 1928 shall apply to the payment of such expenses.

(4) Section 8 (Salaries of chairmen) of the Act of 1928 is hereby repealed.

Provision as to county sessions division of Manchester.

82.—(1) The provisions of Part I of the Manchester Division and Borough of Salford (Stipendiary Justices) Act 1878 which relates to the appointment of a stipendiary justice together with a clerk and clerical staff and office accommodation for the transaction of the business of the county sessions division of Manchester are hereby repealed as from the thirty-first day of December one thousand nine hundred and forty-seven.

51 & 52 Vict. c. 41.

(2) The provisions of Part IV of the Local Government Act 1888 shall apply to the property funds and liabilities relating to the said division as if the said date were the appointed day for the purposes of that Act.

(3) As from the said date the fee fund of the justices for the division of Manchester shall cease to exist and no further rates in aid of the said fund shall be levied in the townships and places specified in the said Act of 1878.

PART VII.

MISCELLANEOUS.

Appointment and powers of joint committee.

83.—(1) A joint committee of the Councils shall be appointed under and subject to the provisions of the Act of 1933 relating to joint committees and shall have power to exercise the powers of this Act conferred upon the Councils (except those relating to the acquisition of lands and easements) and for this purpose and subject to such exception shall have 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 Councils.

(2) Any joint committee appointed as aforesaid shall consist of sixteen members eight members appointed by the Cheshire Council and eight members appointed by the Lancashire Council. Two of the members appointed by the Cheshire Council shall be nominated by the Runcorn Council and two of the members appointed by the Lancashire Council shall be nominated by the Widnes Corporation.

(3) The joint committee shall not without the consent of the Councils authorise any alteration in the construction or design of the bridge works which will materially increase the sums which the Councils are authorised to borrow under the powers of this Act.

(4) Any two or more members of the joint committee representing the Cheshire Council or any two or more members of the joint committee representing the Lancashire Council may require any question relating to the carrying out of the bridge works and any alteration or modification of the approved mode of carrying out any part of the bridge works to be referred to the Councils and in that case such works alteration or modification shall not be carried into effect unless and until the same shall have been approved by the Councils or in case of difference settled by arbitration.

(5) Should any vacancy arise on the joint committee in consequence of the death or incapacity or refusal to act of any member the county council whose representative he was shall appoint another person to fill such vacancy and such person shall occupy the same position and have the same power as the other members of the joint committee.

(6) A quorum of the joint committee shall be fixed by the joint committee but shall consist of at least two members from each of the Councils.

84.—(1) The Councils may make and enforce byelaws for the regulation control and protection of the bridge works and of persons resorting to or using the same and for the management regulation direction and control of traffic of every description using the bridge works with power to fix a speed limit for motor vehicles and to prohibit the passage of all forms of traffic or particular traffic at certain hours. Byelaws.

(2) As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

85.—(1) Where any notice or other document under this Act or under the Lands Clauses Acts as incorporated with this Act requires authentication by either of the Councils or Authenti-
cation and
service of
notices &c.

PART VII.
—cont.

of the joint committee the signature of the clerk or other duly authorised officer of such council or of the joint committee shall be sufficient authentication.

(2) Notices and other documents required or authorised to be served or given by the Councils or either of them or by the joint committee under this Act or under any Act incorporated with this Act may be served by post or by delivering the same to or at the residences of the persons to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises:

Provided that—

(a) a notice to treat given under section 18 of the Lands Clauses Consolidation Act 1845 if served by post shall be served by registered post;

(b) in the case of a company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at its registered office or at its principal office or place of business.

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice as aforesaid which is required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming him) in respect of which the notice is given without further name or description.

Settlement
of questions
between
Councils.

86. Any question arising between the Cheshire Council and the Lancashire Council under any of the provisions of this Act shall be referred to and determined by arbitration.

Recovery
of penalties.

87. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner:

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Inquiries
by
Ministers.

88. The Minister and the Minister of Health may hold such inquiries as they may consider necessary in regard to the exercise of any powers conferred upon them by or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

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County Councils (Runcorn-Widnes Bridge &c.) Act, 1947.

89. Where under this Act any question or dispute is to be referred to an arbitrator or determined by arbitration (other than questions or disputes to which the provisions of the Lands Clauses Acts apply) then unless other provision is made the reference shall be to an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply accordingly.

PART VII.
—cont.
Arbitration.

90. The costs charges and expenses preliminary 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 borne by the Councils in equal shares and shall be paid out of their respective county funds or out of moneys to be borrowed under this Act.

Costs of
Act.

THE SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

HIGHWAYS WHICH MAY BE STOPPED UP.

County palatine of Chester :

Urban district of Runcorn—

Briscoe Street.
Duke Street.
Edith Street.
Greenway Road.
Handley Street.
Hope Street.
Lowlands Road.
Lyon Street.
South Bank Terrace.
Speakman Street.
Wellington Street.

County palatine of Lancaster :

Borough of Widnes—

Bank Street.
Bridge Street.
Cholmondeley Street.
Church Street.
Desoto Road.
Ditton Road.
Dock Road.
Dock Street.
Irwell Street.
Lower Church Street.
Lower House Lane.
Martley Street.
Mersey View.
Viaduct Street.
Waterloo Road.
West Bank Street.
Wright Street.

SECOND SCHEDULE.

PARTICULARS OF LICENSED PREMISES.

Situation.	Description.	No. on deposited plan.	Owners or lessees.
Runcorn ...	The Queens Hotel...	211	Peter Walker (Warrington) Limited.
Do. ...	The Bridge Hotel ...	83	Greenall Whitley & Co. Limited.
Do. ...	The Derby Arms ...	199	Do.
Do. ...	The Cleveland Hotel	260	Do.
Do.	The London & North Western Hotel.	268	Do.
Widnes ...	The Arches Hotel ...	280	Do.
Do. ...	The Swan ...	292	Do.
Do. ...	The Bridge Hotel ...	169	Do.

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County Councils (Runcorn-Widnes Bridge &c.) Act, 1947.

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