CHAPTER xv

An Act to provide for the construction and maintenance of a bridge in the counties of Berks and Buckingham across the river Thames with approach roads thereto, to make further provision for the construction of bridges across the river Thames, to confer further powers on the county councils of the administrative counties of Berks and Buckingham, to make provision with reference to the powers and constitution of the Bucks Water Board; and for other purposes.

[18th May, 1961]

WHEREAS—

(1) Pursuant to the provisions of the Highways Act, 1959, the county council of the administrative county of Berks (in this Act referred to as "the Berks Council") and the county council of the administrative county of Buckingham (in this Act referred to as "the Bucks Council") propose to construct a highway (hereinafter referred to as "the new road") for the purpose of relieving the congestion of traffic which now occurs in the High Street in the urban district of Eton and on the Windsor Bridge across the river Thames and also for the purpose of forming a connection with the Slough by-pass (forming part of the intended London to South Wales motorway) authorised by a scheme under the Special Roads Act, 1949:

(2) The course of the new road is intersected by the river Thames and the construction of a bridge to carry the new road across the same is essential and would be of public and local advantage:

(3) It is expedient that the construction of the said bridge together with approach roads thereto should be authorised:

(4) It is expedient to confer on the Berks Council and the Bucks Council the powers in this Act contained relative to the purchase and use of land for the purposes mentioned in this Act and to provide for the extinguishment of Lammas or other rights over certain land in the urban district of Eton:

(5) It is expedient to empower the Minister of Transport to authorise the construction of further bridges across the river Thames by the Berks Council and the Bucks Council or either of those councils:

(6) It is expedient that the powers of the Berks Council and of the Bucks Council should be enlarged and extended as by this Act provided:

(7) The Bucks Council are a constituent authority of the Bucks Water Board and it is expedient to make further provision in relation to the finances and constitution of that board and to amend enactments relating to that board as by this Act provided:

(8) It is expedient that the other provisions contained in this Act be enacted:

(9) The purposes of this Act cannot be effected without the authority of Parliament:

(10) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

The construction of the works authorised by this Act	£3,094,000

(11) 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:

(12) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

(13) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the respective clerks of the county councils of the administrative counties of Berks and Buckingham which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen'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

Citations.

1.—(1) This Act may be cited as the Berkshire and Buckinghamshire County Councils (Windsor-Eton Bridge, &c.) Act, 1961.

(2) The Bucks Water Acts and Orders, 1937 to 1959, and Part VI (Provisions relating to Bucks Water Board) of this Act may be cited together as the Bucks Water Acts and Orders, 1937 to 1961.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Works.
Part IV.—Further powers to construct bridges.
Part V.—Miscellaneous provisions relating to Bucks Council.
Part VI.—Provisions relating to Bucks Water Board.
Part VII.—Finance and general.

Incorporation of Acts.

3.—(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 with the following exceptions and modification (namely):—

(i) section 92 (Parties not to be required to sell part of a house, etc.) of the Lands Clauses Consolidation Act, 1845, and sections 127 to 132 of that Act which relate to the sale of superfluous lands are not incorporated with this Act;

(ii) the bond required by section 85 of the said Act of 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(*b*) sections 16 and 30 to 44 of the Railway Clauses Consolidation Act, 1845:

Provided that—

(i) in the construction of those provisions "the railway" shall mean the works authorised by this Act and "the centre of the railway" shall mean any part of those works;

(ii) in section 32 of the Railways Clauses Consolidation Act, 1845, the words "the expiration of the period by the special Act limited for" shall be omitted.

(2) In the construction of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act, 1845,

PART I —*cont.*

incorporated with this Act the expressions "the promoters of the undertaking" and "the Company" mean respectively the Councils.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by section 295 of the Highways Act, 1959, have the same respective meanings unless there be something in the subject or context or in this section repugnant to such construction.

(2) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires—

"the Act of 1947" means the Town and Country Planning Act, 1947;

"the Berks Council" means the county council of the administrative county of Berks;

"the borough" means the Royal Borough of New Windsor;

"the bridge" means the bridge (Work No. 2) authorised by this Act and includes all improvements thereto and the carriageways and footways thereon;

"the Bucks Council" means the county council of the administrative county of Buckingham;

"the conservators" means the conservators of the river Thames;

"the Councils" means the Berks Council and the Bucks Council or either of those councils;

"the electricity board" means the Southern Electricity Board;

"enactment" includes an enactment in this Act or in any general or local Act and any order, byelaw or regulation for the time being in force;

"the gas board" means the North Thames Gas Board and the Southern Gas Board or either of them;

"the generating board" means the Central Electricity Generating Board;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, by Part V of the Act of 1947, by the Lands Tribunal Act, 1949, by the Town and Country Planning Act, 1954, by the Town and Country Planning Act, 1959, and by this Act;

"the Minister" means the Minister of Transport;

"the river" means the river Thames;

"the specified lands" means the lands in the urban district numbered 21 to 29, 31 and 36 on the deposited plans;

"the tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Lands Tribunal Act, 1949;

PART I —*cont.*

"the urban district" means the urban district of Eton;

"the works" means the works authorised by this Act.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

LANDS

Power to acquire lands.

5.—(1) Subject to the provisions of this Act the Councils may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the following purposes:—

(*a*) as regards the lands numbered 1 to 31, 39, 40, 42 and 43 and part of the land numbered 41 on the deposited plans for the purposes of the works or any purpose connected therewith;

(*b*) as regards the lands numbered 33 to 36 and part of the land numbered 41 on the deposited plans for purposes of education.

(2) Subject to the provisions of this Act the Berks Council may enter upon, take and use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 37 and 38 for the purpose of providing land for a recreation ground to be given in exchange for the land numbered 33 on the deposited plans.

(3) The powers for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December, nineteen hundred and sixty-one.

(4) The Councils shall not under the powers of this Act enter upon take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 30 in the urban district or any part of those lands:

Provided that the Councils may in accordance with the provisions of section 13 (Power to acquire easements only) of this Act acquire such easements and rights over or in those lands as they may require for the purposes referred to in paragraph (2) of section 48 (For protection of British Transport Commission) of this Act.

Correction of errors in deposited plans and book of reference.

6.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Councils after giving ten days' notice to the owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the lands are situated for the correction thereof.

PART II —*cont.*

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county in which the land to which the certificate relates is situated and with every clerk of a local authority with whom a copy of the deposited plans, or so much thereof as includes the land to which the certificate relates, has been deposited in accordance with the Standing Orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Councils to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Acquisition of part only of certain properties.

7.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act, 1845.

(2) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden unless the tribunal determines—

(*a*) in the case of a house, building or factory that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or

(*b*) 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 to which it belongs.

(3) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part 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, factory, park or garden.

Power to expedite entry.

8. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act or in respect of any easement or right in any such land but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Councils may enter on and take possession of the land, or

PART II —*cont.*

such part thereof as is specified in the last-mentioned notice, or enter on the land in respect of which the easement or right is to be acquired (as the case may be), without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

Provided that the Councils shall pay the like compensation for land of which possession is taken under this section or for the easement or right acquired and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

9. Any person acting on behalf of the Councils and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land that the Councils are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Councils not less than seven days before the date of the first entry, and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land.

Disregard of recent improvements and interests.

10. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(*a*) any improvement or alteration made, or building erected, after the fifth day of December, nineteen hundred and sixty; or

(*b*) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

Extinction of private rights of way.

11.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall, if the Councils so resolve and give notice of their resolution to the owner of the right, be extinguished as from the acquisition of the land whether compulsorily or by agreement, or as from the expiration of one month from the service of the notice, whichever is the later.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Councils compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Lands Tribunal Act, 1949.

Extinction of rights over certain lands.

12.—(1) On and from the date on which the Bucks Council acquire the specified lands or any part thereof all Lammas, common, commonable and other rights on or over the specified lands or that part of such lands shall be and are hereby extinguished:

PART II —*cont.*

Provided that nothing in this section shall be deemed to extinguish any Lammas, common, commonable or other rights on or over any part of the specified lands before that part shall have been acquired by the Bucks Council.

(2) (*a*) The Bucks Council shall pay or make compensation for the rights so extinguished to the persons (if any) who, or whose predecessors in title, have lawfully exercised such rights at any time during the period of twenty years immediately preceding the fifth day of December, nineteen hundred and sixty, and who shall within a period of six months after the publication by the Bucks Council in one or more local newspapers circulating in the urban district of notice of the extinguishment of any such rights deliver to the Bucks Council a claim in writing to such compensation.

(*b*) For the purpose of this subsection any letting or subletting of rights extinguished by this Act within the said period of twenty years shall be deemed to be a lawful exercise of such rights during that period.

(3) If the Bucks Council shall dispute the right of any person to compensation under subsection (2) of this section that dispute shall be determined by arbitration.

(4) The compensation to be paid or made by the Bucks Council under subsection (2) of this section to any person entitled to such compensation shall be settled in manner provided by the Lands Clauses Acts:

Provided that the Bucks Council may in respect of any part or parts of the specified lands acquired by them on one date, by resolution passed within three months after the expiration of the period within which claims for compensation are to be delivered to them under subsection (2) of this section, determine that all questions of compensation arising under this section in respect of those claims shall be settled in accordance with subsection (5) of this section.

(5) If the Bucks Council pass the resolution referred to in subsection (4) of this section the following provisions shall have effect (namely):—

(*a*) The Bucks Council shall, within four months after the expiration of the period within which claims for compensation are to be delivered to them under subsection (2) of this section, convene a meeting of the persons who have delivered the claims in the same manner as if the rights extinguished by this Act were commonable rights within the meaning of section 102 of the Lands Clauses Consolidation Act, 1845;

(*b*) The meeting shall be held at a time and place determined by the chairman of the Bucks Council and shall be convened by the service, personally or by post, of a notice thereof upon each of the persons referred to in the last foregoing paragraph, but the failure of any such

PART II —*cont.*

person to receive a notice shall not invalidate the meeting or the business to be transacted thereat and any such business may be transacted although all of such persons are not present;

(*c*) The meeting shall proceed to the appointment of a committee in manner provided by section 103 of the Lands Clauses Consolidation Act, 1845, and, in the event of the committee and the Bucks Council being unable to agree upon a sum of money or other compensation to represent the value of the rights extinguished by this Act of the persons entitled to compensation under this section, the question shall be determined and compensation shall be paid and apportioned in accordance with the provisions of the Lands Clauses Acts which relate to the determination, apportionment and payment of compensation for commonable and other rights referred to in sections 99 to 107 of the Lands Clauses Consolidation Act, 1845.

(6) In the application to the specified lands of sections 99 to 107 of the Lands Clauses Consolidation Act, 1845, those provisions shall have effect subject to the provisions of this section.

Power to acquire easements only.

13.—(1) The Councils may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the works or of doing any other thing necessary in connection with the works.

(2) Accordingly the Councils may give notice to treat in respect of any such easement or right describing the nature thereof; and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Councils have acquired an easement or right only in any land under this section—

(*a*) they shall not be required or, except by agreement or during the execution of the works, be entitled to fence off or sever that land from the adjoining land;

(*b*) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Councils to acquire the land the Councils shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and

PART II —*cont.*

if the tribunal does not so determine, the Councils may acquire the land compulsorily after the expiration of the period mentioned in subsection (3) of section 5 (Power to acquire lands) of this Act, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

14.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit, subject to the provisions of those Acts, grant to the Councils any easement or right required for the purposes of this Act in, over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Power to reinstate owners or occupiers of property.

15.—(1) The Councils may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Councils may pay or receive money for equality of exchange.

Agreements with adjoining owners.

16.—(1) The Councils may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the works or of land that may be acquired under this Act with respect to the sale by the Councils to him of any land including any part of a street appropriated by the Councils under this Act and not required for the works.

(2) The Councils may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Councils for the purposes of this Act or any easement or right so required.

Proceeds of sale of ecclesiastical property.

17.—(1) Any sums agreed upon or awarded for the purchase under the powers of this Act of land being ecclesiastical property, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Church Commissioners of England to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or measure authorising such a sale or disposing of the proceeds of such sale.

(2) In this section the expression "ecclesiastical property" means land belonging to any ecclesiastical benefice.

PART III

WORKS

Power to construct works.

18.—(1) Subject to the provisions of this Act the Councils may make and maintain, in the lines shown on the deposited plans and according to the levels shown on the deposited sections, the works referred to in this section together with all necessary and proper carriageways, footways, works and conveniences connected therewith or incidental thereto (that is to say):—

In the administrative county of Berks—

Work No. 1 An approach road in the borough commencing by a junction with Clarence Road opposite its junction with Imperial Road and terminating at a point one hundred and forty-eight yards or thereabouts north of the junction of Barry Avenue with Stovell Road.

In the administrative counties of Berks and Buckingham—

Work No. 2 A bridge across the river for vehicular and pedestrian traffic commencing in the borough by a junction with Work No. 1 authorised by this Act and terminating in the urban district at a point forty yards or thereabouts north of the north bank of the river.

In the administrative county of Buckingham—

Work No. 3 An approach road in the urban district commencing by a junction with Work No. 2 authorised by this Act and terminating at the boundary between the urban district and the borough of Slough at a point five hundred yards or thereabouts west of the railway between Slough and Windsor;

Work No. 4 An approach road in the urban district commencing by a junction with Work No. 3 authorised by this Act and terminating at the boundary between the urban district and the borough of Slough at a point four hundred and thirty yards or thereabouts north of the sewage pumping station of the Eton Urban District Council;

Work No. 5 An approach road in the urban district commencing by a junction with Work No. 3 authorised by this Act and terminating by a junction with Work No. 4 authorised by this Act.

(2) The Councils shall erect a good and sufficient fence on each side of the bridge.

Power to deviate.

19.—(1) The Councils in constructing the works may deviate from the lines thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate from the levels shown on the deposited sections to any extent not exceeding ten feet either upwards or downwards:

PART III —*cont.*

Provided that as respects any work affecting the navigation of the river the Councils shall not deviate downwards from the levels shown on the deposited sections without the consent of the conservators.

(2) Notwithstanding anything in this Act or shown on the deposited sections the Councils in constructing Works Nos. 1, 3, 4 and 5 authorised by this Act may, if they think fit, construct on embankment the whole or any part of such part of those works as is shown on the deposited sections as intended to be constructed on viaduct, and construct on viaduct the whole or any part of such part of those works as is shown on the deposited sections as intended to be constructed on embankment.

Power to make subsidiary works.

20.—(1) Within the limits of deviation shown on the deposited plans the Councils in connection with and as part of the works may execute or do any of the following works or things:—

(*a*) make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works and divert, widen or alter the line, or alter the level of any such existing street;

(*b*) execute any works for the protection of any adjoining land or buildings;

(*c*) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;

(*d*) alter or remove any monument, drinking trough, lamp-post, refuge, railings or other structure erected upon any street or land; and

(*e*) raise, sink or otherwise alter the position of any of the steps, areas, cellars, windows and pipes or spouts belonging to any house or building, and remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

and shall make compensation for any damage done by them in exercise of the powers of this section.

(2) Any question of disputed compensation payable under the provisions of this section shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Lands Tribunal Act, 1949.

Subsidiary works in river and elsewhere.

21.—(1) Subject to the provisions of this Act, the Councils, in connection with and at or near any works to be executed or constructed under the powers of this Act, may execute, place and keep in the river and elsewhere, either permanently or temporarily, all such caissons, cofferdams, piles, piers, abutments, embankments, approaches, ways, access works, pumping works, wharves, walls, fences, drains, sewers, tunnels, fenders, mooring posts, bollards, booms, dolphins, pontoons, stagings, stairs, subways, buildings

and other works and conveniences as they may find necessary or expedient for or in connection with the construction, maintenance or use of the works:

Provided that the Councils shall ensure that any works executed or kept under the powers of this section shall not unnecessarily obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water or the passage of fish.

(2) On the completion of the bridge the Councils shall remove all temporary works placed by them in the river under the powers of this section for the construction of the bridge and shall at their own expense keep repaired any other works placed by them in the river under the powers of this section.

(3) If any works placed by the Councils in the river under the powers of this section shall at any time become redundant the Councils shall remove the same.

Under-pinning of houses near works.

22. Whereas in order to avoid in the execution and maintenance of the works injury to the houses and buildings within one hundred feet of the 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 fourteen days' notice shall, except in case of emergency, be given to the owners, lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice if given by the 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 to the clerk of the county council of the administrative county in which the premises are situate:

(3) If any owner, lessee or occupier of any such house or building or the Councils, as the case may require, shall within seven days after the giving of such notice give a counternotice 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 an arbitrator (in this section referred to as " the referee "):

(4) The referee 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

PART III —*cont.*

strengthening is necessary, he may and, if so required by the owner, lessee or occupier shall, prescribe the mode in which the same shall be executed and the Councils may and 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 granted by this section provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:

(6) (*a*) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Councils may, from time to time, after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the completion of that work, enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the Councils on the one hand and the owner, lessee or occupier of the house or building on the other hand shall be settled by arbitration;

(*b*) 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 at any time within twelve months from the completion of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or maintenance of such work, then, and in every such case, unless such underpinning or strengthening shall have been done in the mode prescribed by the referee, at the requirement of the owner, lessee or occupier of such house or building the Councils shall make compensation to the owners, lessees and occupiers of such house or building for such injury provided that 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:

PART III —*cont.*

(8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

Laying out and repair of carriageways and footways.

23. The Councils may lay out the bridge and any land acquired by them for the purposes of the works under the powers of this Act or any part thereof for carriageways and for footways as they may think proper and may sewer, level, pave, metal, flag, channel, light and complete such carriageways and footways and may, from time to time, execute all such works and do all such acts in, under or upon any of the carriageways and footways forming part of the works as they may, from time to time, think proper for preserving, repairing or improving the 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 causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways, footways, sewers, drains or tunnels as nearly as practicable to the same condition as they were in before such breaking open.

Power to sell materials.

24. The Councils may sell or dispose of all matters or things excavated or obtained in the construction of the 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, under 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:

Provided that the Councils shall not under the powers of this section sell or dispose of any matter or thing if any person other than the Councils proves to the satisfaction of the Councils that he is the owner thereof.

Works to form maintainable highways.

25. When the 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 Berks Council and the Bucks 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 works to which such certificate relates shall become for the purposes of the Highways Act, 1959, a highway maintainable at the public expense and subject to the provisions of that Act the Berks Council shall be the highway authority for so much of the works as is situate in the administrative county of Berks and the Bucks Council shall be the highway authority for so much of the works as is situate in the administrative county of Buckingham.

PART III —*cont.*

Stopping up of roads.

26. The Berks Council may stop up the whole, or such portion or portions as they think fit, of so much of Stovell Road and Barry Avenue in the borough as is shown on the deposited plans as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Berks Council may appropriate and use the site thereof:

Provided that the Berks Council shall not under the powers of this section stop up any part of the said roads under this Act (except temporarily under section 28 (Temporary stoppage of highways) of this Act) unless—

(1) such part is bounded on both sides by lands belonging to the Berks Council; or

(2) the Berks Council obtain the consent of the owners, lessees and occupiers of the houses and lands on both sides thereof.

Stopping up and diversion of footpaths.

27. The Bucks Council may stop up the whole or such portion or portions as they think fit of so much of the footpaths in the urban district as lies between the points marked "A and B," "C and D," "E and F" and "G and H" on the deposited plans and thereupon all rights of way over or along the same shall be extinguished and the Bucks Council may appropriate and use the site thereof:

Provided that the Bucks Council shall not under the powers of this section stop up any portion of any of the said footpaths (except temporarily under section 28 (Temporary stoppage of highways) of this Act) until the Minister has certified that a suitable alternative footpath in substitution for such portion has been provided by the Bucks Council and has been completed to his satisfaction and is open for public use.

Temporary stoppage of highways.

28.—(1) The Councils during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any highway and may for any reasonable time divert the traffic therefrom and prevent all persons, other than those bona fide going to or from any land, house or building abutting on the highway, from passing along and using the same.

(2) The Councils shall provide reasonable access for foot passengers bona fide going to or from any such land, house or building.

(3) The Councils shall not exercise the powers of this section—

(*a*) as respects any trunk road without the consent of the Minister; or

(*b*) as respects any other road without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

PART III —*cont.*

No mains or pipes to be laid in bridge.

29. Notwithstanding anything contained in the Public Utilities Street Works Act, 1950, or in any other enactment, no person shall be entitled to enter upon, break up or interfere with the bridge 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 and in accordance with such terms and conditions as the Councils may determine.

Agreements with local authorities as to lighting or cleansing.

30.—(1) The council of any county district within which any part of the works authorised by this Act may be situate may by agreement—

(*a*) with the Councils undertake on behalf or in lieu of the Councils the lighting or cleansing of the carriageways or footways of the works authorised by this Act or any part thereof;

(*b*) with the council of any other county district, within which any part of the works authorised by this Act may be situate, undertake on behalf or in lieu of that council the lighting or cleansing of so much of the carriageways and footways of the works authorised by this Act, or any part thereof as is situate within the county district of that other council.

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

(3) Nothing in this section shall derogate from the powers of the council of any such county district under section 77 of the Public Health Act, 1936.

PART IV

FURTHER POWERS TO CONSTRUCT BRIDGES

Power to Minister to authorise Councils to construct bridges.

31.—(1) In this section—

"highway" means any highway for which the Councils or the county council of the administrative county of Oxford are the highway authority including any proposed highway for which the Councils or that county council will be the highway authority when the highway is completed;

"the river" means any length of the river Thames which lies—

(*a*) wholly within the administrative county of Berks or the administrative county of Buckingham; or

(*b*) partly within one of the said administrative counties and partly within the other; or

(*c*) partly within the administrative county of Berks and partly within the administrative county of Oxford.

PART IV —*cont.*

(2) The Councils may be authorised by means of an order made by the Councils and confirmed by the Minister to construct a bridge for carrying any highway across the river.

(3) Before confirming an order under this section the Minister shall take into consideration the reasonable requirements of navigation over the waters affected by the order.

(4) An order under this section shall include such plans and specifications as may be necessary to indicate the position and dimensions of the proposed bridge, including the spans, headways and waterways thereof and in the case of a swing bridge contain such provisions as the Minister shall consider expedient for regulating its operation.

(5) Part I of the First Schedule to this Act shall have effect as to the making of an order under this section and Part II of the said First Schedule shall have effect as to the validity and date of operation of any such order.

(6) If objection to an order made under this section is duly made in accordance with the provisions of the said First Schedule by the conservators on the ground that the proposed bridge is likely to obstruct or impede the purposes of their functions under any enactment or to interfere with the reasonable requirements of navigation over the waters affected by the order and the objection is not withdrawn the order shall be subject to special parliamentary procedure.

Bridges to be highways

32. Any bridge constructed or to be constructed by virtue of an order under this Part of this Act shall be deemed to be a highway for the purposes of the Highways Act, 1959, and the provisions of that Act shall apply accordingly.

Crown rights.

33. Nothing in this Part of this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Part of this Act contained authorises the Councils to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

PART V

MISCELLANEOUS PROVISIONS RELATING TO BUCKS COUNCIL

Social rehabilitation.

34.—(1) For the purpose of rehabilitating any family (hereafter in this section referred to as " a special family ") residing in the administrative county of Buckingham which or any member

PART V —*cont.*

of which requires special treatment to fit them or him to be useful members of the community the Bucks Council may—

(*a*) either within or without the said county provide, equip, staff and maintain training centres for the accommodation and training of special families or any member thereof;

(*b*) employ persons specially skilled by experience or training in the subject of social rehabilitation (hereafter in this section referred to as " special home visitors ") to give advice or training to special families in their homes;

(*c*) supply to any special family such furniture, fittings and conveniences as the Bucks Council may think fit and for that purpose buy furniture, fittings and conveniences.

(2) (*a*) Instead of themselves providing training centres and employing special home visitors the Bucks Council may make arrangements with any voluntary organisation for the provision by that organisation of training centres or for the employment by them of special home visitors as aforesaid and may make contributions towards the expenses of any such voluntary organisation as aforesaid.

(*b*) In this subsection " voluntary " has the same meaning as is assigned thereto by section 79 of the National Health Service Act, 1946.

(3) The Bucks Council may recover from any person to whom any furniture, fittings or conveniences have been supplied under paragraph (*c*) of subsection (1) of this section such charges (if any) as having regard to the cost of the furniture, fittings or conveniences the Bucks Council may determine whether generally or in the circumstances of any particular case.

(4) For the purposes of the National Assistance Act, 1948, and the Children Act, 1948, a person in accommodation provided by the Bucks Council under this section without the said county shall be deemed to be ordinarily resident in the area, if any, in which he was ordinarily resident immediately before he was admitted to such accommodation whether or not he in fact continues to be ordinarily resident in that area.

Maintenance and repair of buildings of architectural interest.

35. The Bucks Council may make such contribution as they may think fit towards the cost of the maintenance and repair of any building in the administrative county of Buckingham—

(*a*) in respect of which a building preservation order (as defined in section 29 of the Act of 1947) is in force; or

(*b*) which is included in a list compiled or approved by the Minister of Housing and Local Government under section 30 of the Act of 1947.

PART V —*cont.*

Validity of Bucks County Council Control of Advertisements (Area of Special Control) No. 1 Order, 1957.

36. For the avoidance of doubt it is hereby declared that the Bucks County Council Control of Advertisements (Area of Special Control) No. 1 Order, 1957, made by the Bucks Council on the twenty-sixth day of April, nineteen hundred and fifty-seven, under section 31 of the Act of 1947 and confirmed by the Minister of Housing and Local Government on the twenty-second day of January, nineteen hundred and sixty, is valid and shall be deemed always to have been valid.

Amendment of Buckinghamshire County Council Act, 1957.

37. The Buckinghamshire County Council Act, 1957, shall have effect as if—

(1) in subsection (1) of section 14 (Development of land) after the words "was acquired" there were inserted the words "and any land acquired by them under section 8 (Further powers for acquisition of lands) of this Act";

(2) in subsection (1) of section 36 (Removal of trees &c. from streets) after the words "across any" there were inserted the words "county road or other".

PART VI

PROVISIONS RELATING TO BUCKS WATER BOARD

Bucks Council's liability for deficiencies in revenue of board.

38.—(1) Notwithstanding the provisions of section 117 (Apportionment of deficiency in revenue of board) of the Act of 1937 the board shall not apportion any sum required to meet any deficiency upon the Bucks Council if the rates and charges which the board are levying or charging for a supply of water are less than the maximum rates or charges which the board are for the time being authorised to levy or charge (except as provided by section 43 (Differential charges) of the Act of 1959).

(2) For the purposes of this section the board shall be deemed to be levying the maximum rates and charges when their general charges are the maximum authorised notwithstanding that the board are allowing reduced rates or charges to special users in accordance with the scale of charges for the board for the time being in operation.

(3) Any sum which but for this section would have been apportioned on the Bucks Council to meet any deficiency in the net revenue of the board shall be apportioned on the other constituent authorities of the board in the proportion mentioned in paragraph (*a*) of subsection (1) of section 117 of the Act of 1937.

(4) On the first day of January, nineteen hundred and sixty-five this section shall cease to have effect.

PART VI —*cont.*

Further modifications of section 117 of Act of 1937.

39. On and from the first day of January, nineteen hundred and sixty-five, section 117 (Apportionment of deficiency in revenue of board) of the Act of 1937 shall have effect subject to the following modifications:—

(1) In subsection (1) paragraphs (*a*), (*b*) and (*c*) shall be omitted and for the words "in manner and in the following order (that is to say):—" there shall be substituted the following:—

"upon the constituent authorities in proportion to the respective total rateable values of property comprised within their borough or district (or where part only of their borough or district is within the limits of supply the total rateable values of the property comprised within that part)".

(2) For subsection (3) there shall be substituted the following:—

"(3) Such sum shall be paid by the constituent authorities out of the general rate funds and general rate of their respective boroughs and districts."

(3) The following subsection shall be added:—

"(6) In this section the expression 'constituent authorities' shall not include the county council."

Contribution by Bucks Council.

40. In the year commencing the first day of April, nineteen hundred and sixty-five, and in every year thereafter the Bucks Council shall contribute to the expenses incurred by the board the sum of one hundred pounds.

Representation of Bucks Council on board.

41.—(1) On and from the first day of April, nineteen hundred and sixty-five—

(*a*) the number of members of the board shall be reduced by four;

(*b*) section 5 (Reconstitution of board) of the Act of 1959 shall be read and have effect as if—

(i) for the words "thirty-two" there were substituted the words "twenty-eight"; and

(ii) for the word "eight" there was substituted the word "four".

(2) (*a*) On the thirty-first day of March, nineteen hundred and sixty-five, four of the members of the board appointed by the Bucks Council shall cease to hold office.

(*b*) The four members of the board to retire under this section shall be determined by the Bucks Council.

PART VI —*cont.*

Interpretation of this Part of Act.

42. In this Part of this Act—

" the Act of 1937 " means the Bucks Water Act, 1937;

" the Act of 1959 " means the Bucks Water Board Act, 1959;

" the board " means the Bucks Water Board.

PART VII

FINANCE AND GENERAL

Power to borrow.

43.—(1) The Councils may borrow without the consent of any sanctioning authority for any of the purposes specified in the first column of the following table the sums specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed under the preceding subsection shall not exceed the period specified in relation thereto in the third column of the said table.

(3) Subject to the provisions of this section Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part and as if the following table were in the Eighth Schedule to that Act.

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section (other than the power of borrowing to pay the costs, charges and expenses of this Act) except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Purpose	Amount	Period for repayment calculated from the date or dates of borrowing
(*a*) The purchase of land and easements and rights under the powers of this Act including the payment of any compensation payable by the Councils under Part II of this Act	The sum requisite	Sixty years
(*b*) The construction of the works ...	£3,094,000	Fifty years
(*c*) The payment of the costs, charges and expenses of this Act	The sum requisite	Five years

PART VII —*cont.*

For protection of Conservators of the River Thames.

44. The following provisions for the protection of the conservators shall, unless otherwise agreed in writing between the Councils and the conservators, apply and have effect:—

(1) In this section, unless the context otherwise requires—

"additional bridge" means a bridge, the construction of which is authorised by means of an order made under section 31 (Power to Minister to authorise Councils to construct bridges) of this Act;

"the authorised works" means Work No. 2 and all other works, whether temporary or permanent, authorised by Part III of this Act which affect the river and any additional bridge;

"river" includes the bed, banks and shores thereof and the towpath adjacent thereto;

"watercourse" means a watercourse which is to be treated as and deemed to be the main river and parts thereof and is shown by a distinctive colour on the map of the River Thames (above Teddington Lock) Catchment Area prepared in pursuance of section 5 of the Land Drainage Act, 1930, and for the time being in force:

(2) The authorised works shall be constructed by the Councils in accordance with plans, elevations and sections previously submitted to and approved in writing by the conservators (which approval shall not be unreasonably withheld) and all such works and all works of maintenance affecting the river shall be constructed to the reasonable satisfaction of the conservators and the navigation of the river shall not be interfered with more than is reasonably necessary in the construction of the works:

(3) Except with the consent of the conservators, which shall not be unreasonably withheld, the Councils shall not construct Works Nos. 1 and 3 authorised by this Act or any approach road to an additional bridge otherwise than in such manner as to allow the passage of flood waters under or through the said works or road:

(4) Before commencing any part of the authorised works or of Works Nos. 3, 4 and 5 authorised by this Act, which may be constructed on or over or in any way affecting a watercourse, the Councils shall submit to the conservators for their approval (which shall not be unreasonably withheld) sufficient plans, sections and particulars relating thereto and in giving any such approval the conservators may attach thereto such

PART VII —*cont.*

reasonable terms and conditions as they think fit and the Councils shall not commence the construction of the said part of the said works until such plans, sections and particulars shall have been approved, or shall have been deemed to have been approved by the conservators, or in case of difference until they shall have been settled by arbitration:

(5) (*a*) In the event of the conservators omitting to express their disapproval of any plans, elevations and sections within six weeks after the same shall have been delivered to them in pursuance of paragraphs (2) or (4) of this section they shall be deemed to have approved the same;

(*b*) If the conservators disapprove of any plans, elevations or sections delivered to them in pursuance of paragraphs (2) or (4) of this section they shall state in writing their reasons for such disapproval:

(6) (*a*) Throughout the period of construction of the temporary and permanent works in connection with the bridge or any additional bridge the Councils shall provide and maintain openings for the passage of vessels navigating the river of such widths between the piling and having such clear headways above water level as shall respectively reasonably be approved by the conservators;

(*b*) No pile driver, barge or other craft shall at any time, except with the consent of the conservators (except in cases of emergency), be allowed to lie in or obstruct any part of the said openings;

(*c*) The owners and masters of vessels shall not be liable to make good any damage which may be caused to such temporary works except such as may arise from the wilful act or from the neglect or default of such owners or masters or their servants or agents:

(7) Notwithstanding anything in section 21 (Subsidiary works in river and elsewhere) of this Act, all works placed in the river under the powers of that section and not forming part of the bridge shall on the completion of the bridge be removed by the Councils and all piles shall be drawn from the river and not cut off:

(8) During the construction of the authorised works and on the future occasion of any repair or maintenance of the bridge or an additional bridge affecting the river the Councils shall display such lights and signals as may be reasonably proper and sufficient for the navigation and safe guidance of vessels and such lights and signals shall be so placed and used as the conservators may approve:

PART VII —*cont.*

(9) The Councils shall not without the previous consent of the conservators embank or encroach upon or interfere with any part of the river otherwise than according to plans, elevations and sections approved by the conservators under this section:

(10) All works authorised by this Act including the exhibition of lights and signals as provided by this section shall be executed by the Councils at their sole risk and responsibility and the Councils shall indemnify the conservators against all actions, proceedings, claims and demands in respect of all or any damage which may at any time be occasioned to any person or persons or property by reason of the authorised works and against all claims in respect of damage to any person or craft occasioned through any failure to remove any works or materials for works:

Provided that the conservators shall give to the Councils reasonable notice of any action, proceedings, claim or demand as aforesaid, and no settlement or compromise thereof shall be made without the consent of the Councils:

(11) The Councils shall ensure the observance by themselves and their contractors and persons in the employment of the Councils or their contractors of the provisions of the Thames Conservancy Acts, 1932 to 1959, or any statutory modification thereof:

(12) Any difference arising between the Councils and the conservators under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection of certain statutory undertakers.

45. For the protection of the undertakers, the following provisions shall, unless otherwise agreed in writing between the Councils and the undertakers concerned, apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

"adequate alternative apparatus" means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

"apparatus" means—

(*a*) in relation to the electricity board or the generating board, electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by either of such undertakers;

PART VII —*cont.*

(*b*) in relation to the gas board, mains, pipes or other apparatus belonging to or maintained by that board;

(not being in any case apparatus in respect of which the relations between the Councils and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act, 1950) and includes any works constructed for the lodging therein of apparatus;

" authorised work " means any work carried out or thing done under the powers of section 18 (Power to construct works), section 20 (Power to make subsidiary works), section 21 (Subsidiary works in river and elsewhere) or section 22 (Underpinning of houses near works) of this Act;

" in " in a context referring to apparatus includes under, over, across, along or upon;

" position " includes depth;

" the undertakers " means the electricity board, the generating board and the gas board or any of them:

(2) Notwithstanding anything in this Act or shown on the deposited plans the Councils shall not under the powers of this Act acquire any apparatus otherwise than by agreement:

(3) (*a*) The Councils for the purpose of the construction of any authorised work may require the undertakers to remove any apparatus. If the Councils require the undertakers to remove such apparatus they shall give to the undertakers written notice of such requirement with a plan and section of the proposed work and of the proposed position of the alternative apparatus to be constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed;

(*b*) If the Councils require the undertakers to remove any apparatus, or if in consequence of the construction or carrying out of an authorised work the undertakers shall reasonably require to remove any apparatus, the Councils shall if practicable afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Councils and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Councils, and the Councils are unable to

afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the undertakers shall on receipt of a written notice to that effect from the Councils forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

(4) (*a*) Any alternative apparatus to be constructed in lands of the Councils in pursuance of paragraph (3) of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Councils or in default of agreement settled by arbitration;

(*b*) The undertakers shall after the alternative apparatus to be constructed shall have been agreed or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (3) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Councils to be removed under the provisions of this section and in default the Councils may remove the apparatus:

(5) Notwithstanding anything in the immediately preceding paragraph if the Councils give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed as will be situate in any lands of the Councils, such work in lieu of being executed by the undertakers shall be executed by the Councils with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Councils to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

(6) Where in accordance with the provisions of this section the Councils afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Councils of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted

PART VII —*cont.*

upon such terms and conditions as may be agreed between the Councils and the undertakers or, in default of agreement, determined by arbitration:

Provided that in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through an authorised work, the arbitrator shall—

(*a*) give effect to all reasonable requirements of the Councils for ensuring the safety and efficient operation of the authorised work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(*b*) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions applicable to the apparatus (if any) constructed through the lands of the Councils for which the alternative apparatus is to be substituted:

Provided also that if the facilities and rights to be afforded by the Councils in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the undertakers than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation by the Councils to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(7) (*a*) Not less than twenty-eight days before commencing to execute an authorised work which is near to or is likely to affect any apparatus the removal of which has not been required by the Councils under paragraph (3) of this section, the Councils shall submit to the undertakers a plan, section and description of the work to be executed;

(*b*) Such work shall be executed substantially in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the work proposed by the Councils, reasonably require the removal of any apparatus and give written notice to the Councils of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Councils under paragraph (3) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Councils from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of any such work a new plan, section and description in lieu of the plan, section and description previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

(*c*) The Councils shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(8) The Councils shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with—

(*a*) the removal and relaying or replacing of any apparatus and the provision and construction of any new apparatus under the provisions of paragraph (3) of this section; and

(*b*) the subsequent alteration or adaptation of apparatus required under the provisions of proviso (*a*) to paragraph (6) of this section;

and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act, 1950 (which imposes limitations on undertakers' rights to payment), shall so far as applicable extend and apply to any

PART VII —*cont.*

payment to be made by the Councils under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 45 (For protection of certain statutory undertakers) of the Berkshire and Buckinghamshire County Councils (Windsor-Eton Bridge, &c.) Act, 1961":

(9) Notwithstanding the stopping up temporarily or permanently of any street or part of a street under the powers of section 26 (Stopping up of roads), section 27 (Stopping up and diversion of footpaths) or section 28 (Temporary stoppage of highways) of this Act, the undertakers, their engineers or workmen and others in their employ shall at all times have such powers and rights (including rights of access) in respect of any apparatus situate in any such street or part thereof as they had immediately before such stopping up and shall be at liberty to execute or do all such works and things in upon or under such street or part thereof as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus:

Provided that—

(i) this paragraph shall not apply in any case in which any street or part of a street is permanently stopped up and the apparatus therein is replaced by adequate alternative apparatus by or at the cost of the Councils;

(ii) the undertakers may remove any apparatus in a footpath or portion of a footpath stopped up under the powers of the said section 27 and relay or replace it in the alternative footpath provided by the Bucks Council in substitution for such first-mentioned footpath or portion of a footpath or provide and lay or place new apparatus in such substituted footpath in lieu of the existing apparatus and the Bucks Council shall repay to the undertakers concerned the reasonable expenses incurred by them in or in connection therewith:

(10) (*a*) Any difference arising between the Councils and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration:

PART VII —*cont.*

(*b*) In settling any difference under this section the arbitrator may if he thinks fit require the Councils or the undertakers to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used or, as the case may be, with the progress of the authorised work.

For further protection of the electricity board.

46. For the protection of the electricity board the following provisions shall, unless otherwise agreed in writing between the Councils and the electricity board, apply and have effect:—

(1) In constructing the bridge the Councils shall provide therein accommodation and support for thirteen electric cables of the electricity board, two of these having an overall diameter of two decimal point eight eight inches each, four having an overall diameter of two decimal point five seven inches each, three having an overall diameter of two decimal point five two inches each, two having an overall diameter of one decimal point two inches each and two having an overall diameter of one decimal point nought four inches each, and together having a weight of one hundred and five decimal point three pounds per foot run; and shall also provide a means by which the electricity board may have access to such cables after the same are laid without breaking up the surface of the road and footway of the bridge:

(2) Such accommodation and support and means of access shall be of such nature and in such position as may be agreed between the Councils and the electricity board or, in default of agreement, settled by arbitration:

(3) (*a*) The additional cost reasonably incurred by the Councils in providing such accommodation and support and means of access shall be repaid to the Councils by the electricity board in a single payment or in such other manner as may be agreed between the Councils and the electricity board;

(*b*) For the purpose of this paragraph the additional cost of providing accommodation and support and means of access shall be the difference between the cost of constructing the bridge with such accommodation, support and means of access and the cost of constructing the bridge without such accommodation, support and means of access:

(4) (*a*) The electricity board shall before the Councils complete the construction of the bridge lay down in

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the accommodation provided either the said cables or an equivalent weight of other material as the Councils may reasonably approve;

(*b*) The work to be done by the electricity board under this paragraph shall be carried out within three months of a notice from the Councils that the work may be commenced and, in default, the Councils may at the expense of the electricity board provide and lay in the said accommodation or otherwise such weight of material as the Councils may reasonably decide to be required;

(*c*) The electricity board shall conform with the reasonable requirements of the Councils as to the time or times at which and the manner in which the electricity board are to carry out work under this section, and the Councils shall be entitled to superintend such work. The costs reasonably incurred by the Councils in such superintendence shall be repaid to them by the electricity board:

(5) The electricity board shall be entitled at all times to use, free of charge, the accommodation and means of access provided pursuant to the foregoing provisions of this section for the purposes of laying and placing therein the said cables with any necessary apparatus ancillary thereto and for the purpose of inspecting, repairing, maintaining, removing or renewing such cables and apparatus:

Provided that—

(*a*) nothing in this section contained shall entitle the electricity board to break up, interfere with or obstruct the surface of the road and footway of the bridge or to fix in, on or to the bridge anything other than the said cables and ancillary apparatus in the accommodation so provided;

(*b*) the said cables and apparatus shall at all times conform in their design, construction and use with the reasonable requirements of the Councils;

(*c*) except in case of emergency the electricity board shall give to the Councils not less than ten days' notice in writing of their intention to execute works authorised by this section and shall conform with the reasonable requirements of the Councils as to the time or times at which the electricity board may exercise the right of entering upon and executing works authorised by this section and as to the manner in which such works are executed and the Councils

shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Councils in such superintendence shall be repaid to them by the electricity board;

(*d*) the electricity board shall not in the exercise of their rights under this paragraph be entitled to increase the burden to be borne by the bridge structure above the maximum weights for which the Councils are to provide under paragraph (1) of this section nor to distribute such burden unequally nor to alter the position of such burden and if the electricity board shall desire to reduce the burden below the minimum for which provision is to be made as aforesaid they shall provide and maintain an equivalent weight of material as the Councils may reasonably require:

(6) (*a*) The electricity board shall maintain in good repair and to the reasonable satisfaction of the Councils all cables, apparatus and material placed on the bridge by the electricity board and shall from time to time carry out and maintain such works as the Councils may reasonably require to be done or provided for ensuring the safety and stability of the bridge and the safety and convenience of those using the bridge, being works reasonably required to be done in consequence of the exercise by the electricity board of the rights conferred upon them by this section, and in default the Councils may, at the expense of the electricity board, carry out and maintain such works and the electricity board shall repay to the Councils any expenses reasonably incurred by the Councils in carrying out any such works;

(*b*) The electricity board shall repay to the Councils any loss, damage or expenses suffered or incurred by the Councils by reason of the failure of the electricity board to comply with the provisions of this section or by reason of any fault in or accident occurring in relation to any cables, apparatus or material placed on the bridge by the electricity board, and shall indemnify the Councils against any actions, proceedings, costs, claims or demands arising out of or in any way attributable to the exercise by the electricity board of the rights conferred upon them by this section unless such actions, proceedings, costs, claims or demands shall arise by reason of the neglect or default of the Councils, their servants or agents:

Provided that, whenever any loss or damage occurs which might give rise to a claim against the electricity board under this section, the Councils shall as soon as

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possible give notice thereof to the electricity board and shall not concede or compromise any claim made upon the Councils without the concurrence of the electricity board:

(7) Any difference arising between the Councils and the electricity board under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection of Postmaster-General.

47.—(1) Nothing in this Act shall alter, prejudice or affect any powers or duties of the Postmaster-General under the provisions of the Telegraph Acts, 1863 to 1954.

(2) (*a*) The Councils shall, in constructing the bridge and so much of the Works Nos. 1, 3 and 5 authorised by this Act as is being constructed on viaduct (hereinafter called " the said works"), provide therein for telegraphic lines of the Postmaster-General the accommodation specified in paragraph (*b*) of this subsection and shall provide also means whereby the Postmaster-General may have access to such accommodation for the purpose of placing, inspecting, maintaining, repairing, altering, renewing and replacing telegraphic lines therein without breaking up or interfering with the surface of the road and footway of the bridge and of the said works and such means of access shall be the only means whereby the Postmaster-General shall have access to the accommodation provided pursuant to this subsection.

(*b*) The accommodation to be provided in the bridge and in each of the said works shall be such as shall be sufficient for six ducts, each duct having an overall diameter of four and three quarters inches and a maximum weight (including the weight of lines and apparatus therein) of seventeen and one half pounds per foot run.

(*c*) The said accommodation and means of access shall in the case of the bridge and of each of the said works be provided in accordance with plans, sections and particulars previously submitted to and reasonably approved by the Postmaster-General:

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

(*d*) (i) The additional cost reasonably incurred by the Councils in providing any such accommodation and means of access shall be paid to the Councils by the Postmaster-General in a single payment or in such other manner as may be agreed between the Councils and the Postmaster-General.

(ii) For the purpose of this sub-paragraph the additional cost of providing accommodation and means of access shall be the

difference between the cost of constructing the bridge and the said works with such accommodation and means of access and the cost of constructing the bridge and the said works without such accommodation and means of access.

(*e*) The Postmaster-General shall before the Councils complete the construction of the bridge or any of the said works lay down in the bridge or works all such ducting cables and supports as may be required for the purposes of the telegraphic lines therein.

(*f*) The work to be done by the Postmaster-General under paragraph (*e*) of this subsection shall, as regards the bridge and each of the said works, be carried out within three months of a notice from the Councils that the accommodation provided in the bridge or the work (as the case may be) for the said telegraphic lines is ready and, in default, the Councils may at the expense of the Postmaster-General provide and lay temporarily in the said accommodation or otherwise such weight of material as the Councils may reasonably decide to be required.

(*g*) The Postmaster-General shall conform with the reasonable requirements of the Councils as to the time or times at which and the manner in which the Postmaster-General is to carry out work under paragraph (*e*) of this subsection and the Councils shall be entitled to superintend such work. The costs reasonably incurred by the Councils in such superintendence shall be repaid to them by the Postmaster-General.

(3) (*a*) For the avoidance of doubt it is hereby declared that the conditions numbered (3) and (4) in section 6 of the Telegraph Act, 1878, shall apply in relation to the placing, repair and maintenance of telegraphic lines in the accommodation provided pursuant to subsection (2) of this section.

(*b*) The Postmaster-General shall maintain in good repair all access chambers (including covers) provided in connection with the said means of access pursuant to subsection (2) of this section and shall indemnify the Councils against any actions, proceedings, costs, claims or demands arising out of any failure by the Postmaster-General so to do unless such actions, proceedings, costs, claims or demands arise by reason of any wrongful act, neglect or default of the Councils, their servants or agents:

Provided that whenever any loss or damage occurs which may give rise to a claim against the Councils under this paragraph the Councils shall as soon as possible give notice thereof to the Postmaster-General and shall not concede or compromise any claim made upon the Councils without the written concurrence of the Postmaster-General.

(4) (*a*) Where in pursuance of section 20 (Power to make subsidiary works) of this Act the Councils stop up or divert the whole or any portion of a highway the following provisions of this

PART VII —*cont.*

subsection shall, unless otherwise agreed in writing between the Councils and the Postmaster-General, have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster-General as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion ceases to be a highway or portion of a highway (in this subsection referred to as " the affected line "), that is to say:—

(i) The power of the Postmaster-General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in paragraph (*b*) of this subsection unless before the expiration of that period the Postmaster-General has given notice to the Councils of his intention to remove the affected line or that part thereof, as the case may be;

(ii) The Postmaster-General may by notice in that behalf to the Councils abandon the affected line or any part thereof and shall be deemed as respects the affected 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;

(iii) The Postmaster-General shall be entitled to recover from the Councils the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may require;

(iv) Where under sub-paragraph (ii) of this paragraph the Postmaster-General has abandoned the whole or any part of the affected line it shall vest in the Councils and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(*b*) As soon as practicable after any such stopping up or diversion referred to in paragraph (*a*) of this subsection the Councils shall send by post to the Postmaster-General a notice informing him of such stopping up or diversion.

(5) The Councils shall not under the powers conferred by this Act alter any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878. In this subsection the expression " alter " has the same meaning as in the Telegraph Act, 1878.

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(6) The expression " Act of Parliament " in section 6 (which empowers the Postmaster-General to establish telegraphic lines on certain undertakings authorised by Act of Parliament) and section 7 (which makes provision as to work done in pursuance of Acts of Parliament involving any telegraphic lines) of the Telegraph Act, 1878, shall be construed as including an order made under section 31 (Power to Minister to authorise Councils to construct bridges) of this Act.

(7) Any question which may arise between the Postmaster-General and the Councils under this section shall be determined in manner provided by section 4 of the Telegraph Act, 1878.

(8) In this section the expression " telegraphic line " has the same meaning as in the Telegraph Act, 1878.

For protection of British Transport Commission.

48. For the protection of the British Transport Commission (in this section referred to as " the commission ") the following provisions shall unless otherwise agreed in writing between the Councils and the commission apply and have effect:—

(1) In this section—

" railway property " means any lands belonging to or occupied by the commission shown on the deposited plans and the railways and railway works of the commission thereon;

" the engineer " means an engineer to be appointed by the commission;

" plans " includes sections, drawings and specifications;

" works " means the bridge referred to in paragraph (2) of this section and any works or conveniences connected therewith, and includes the construction, maintenance and renewal of such works:

(2) The Councils may acquire such easements and rights over or in the lands of the commission numbered on the deposited plans 30 in the urban district as they may require for the purposes of constructing, maintaining and renewing a bridge to carry Work No. 4 authorised by this Act over the railway of the commission:

(3) Such bridge if constructed shall be constructed with a single span square to the railway of not less than thirty-four feet and with a clear headway throughout of not less than sixteen feet two inches above rail level:

(4) The Councils shall before commencing the works (other than works of maintenance and repair) furnish to the commission plans thereof for the reasonable approval of the engineer, and shall not commence the works

PART VII —*cont.*

until such plans have been approved in writing by the engineer, or, if he shall not approve the plans, until the same shall have been settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the commission the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved them:

(5) Upon signifying his approval or disapproval of the said plans the engineer may specify any temporary or permanent protective works which in his opinion should be carried out before the commencement of the works in order reasonably to ensure the stability of any railway property or to protect it from injury, and such temporary or permanent protective works as may be reasonably necessary for those purposes may be constructed by the Councils, or by the commission if the commission so elect and the Councils shall not commence the construction of the works until such temporary or permanent protective works have been completed:

Provided that any temporary or permanent protective works to be constructed by the commission in pursuance of this paragraph shall be constructed with all reasonable dispatch:

(6) The Councils shall give to the engineer twenty-eight days' notice in writing of their intention to commence the works except in cases of emergency when they shall give such notice thereof as may be reasonably practicable:

(7) The works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved, or deemed to be approved, or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer, and in such manner as to cause as little damage to railway property and as little interference with or delay or interruption to the conduct of traffic on the railway as may be; and if any damage to railway property or any such interference, delay or interruption shall be caused or take place by reason of the works the Councils shall, notwithstanding any such approval as aforesaid, forthwith make good such damage and pay to the commission all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference, delay or interruption other than damage, interference, delay or interruption caused by the neglect or default of the commission, their servants or agents:

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

(9) The commission shall at all times afford reasonable facilities to the Councils for access to any works carried out by the commission under this section during their construction and supply the Councils with all such information as they may reasonably require with regard to such works or the method of construction thereof:

(10) If any alterations or additions, either permanent or temporary, to railway property shall be reasonable necessary in consequence of the works, such alterations and additions may be effected by the commission after notice has been given to the Councils, and the Councils shall repay to the commission the reasonable cost thereof, including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing any such alterations or additions:

(11) The Councils shall repay to the commission all costs, charges and expenses reasonably incurred by the commission by reason of the works—

(*a*) in respect of the construction by the commission of any temporary or permanent protective works under the provisions of paragraph (5) of this section;

(*b*) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing as far as may be all interference, obstruction, danger or accident arising from the works;

(*c*) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed and which may be due to the construction of the works or from the substitution or diversion of services; and

(*d*) in additional lighting of railway property in the vicinity of the works:

(12) If at any time after the completion of the works the commission shall give notice to the Councils informing them that the state of repair of the works appears to be such as to affect prejudicially railway property, the Councils shall within twenty-eight days of the receipt of any such notice take such steps as may be reasonably necessary to put the works in such state

PART VII —*cont.*

of repair as not to affect prejudicially railway property and if and whenever the Councils fail to do so, the commission may make and do in and upon the lands of the commission or of the Councils all such works and things as shall be requisite to put the works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Councils:

(13) The Councils shall be responsible for, and make good to the commission, all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the commission, by reason of the works or the failure thereof, or by reason of any act or omission of the Councils, or of any persons in their employ or of their contractors or others whilst engaged upon the works; and the Councils shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of, or in connection with, the works or any such failure, act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any plan approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not excuse the Councils from any liability under the provisions of this section unless such costs, charges, damages or expenses shall be occasioned, or such claims and demands shall arise, by reason of the neglect or default of the commission their servants or agents or of their contractors:

Provided that the commission shall give to the Councils reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the consent of the Councils:

(14) (*a*) Any additional expense which the commission may reasonably incur in altering, reconstructing or maintaining the railway of the commission in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Councils to the commission;

(*b*) The commission shall give to the Councils one month's notice of their intention to commence any works of alteration, reconstruction or maintenance to which this paragraph applies:

(15) Before providing any illumination on the works the Councils shall consult with the commission and shall comply with any reasonable requirements of the commission in regard thereto:

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(16) Any difference arising between the Councils and the commission under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

Settlement of questions between Councils.

49. Any question arising between the Councils under any of the provisions of this Act shall be referred to and determined by arbitration.

Arbitration.

50. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

Provision of Act	Person appointing arbitrator
Subsection (3) of section 12 (Extinction of rights over certain lands)	The President of the Law Society
Paragraph (3) of section 22 (Underpinning of houses near works)	The President of the Institution of Civil Engineers
Paragraph (6) of section 22 (Underpinning of houses near works)	The President of the Institution of Civil Engineers.
Section 44 (For protection of Conservators of the River Thames)	The President of the Institution of Civil Engineers (or, if the difference arises under subsection (2), the Minister).
Section 45 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Section 46 (For further protection of the electricity board)	The President of the Institution of Civil Engineers.
Section 48 (For protection of British Transport Commission)	The President of the Institution of Civil Engineers
Section 49 (Settlement of questions between Councils)	The President of the Law Society.

Local inquiries.

51.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Local Government Act, 1933, shall apply in relation to any such inquiry and for that purpose the definition of the expression "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

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Application of general provisions of Public Health Act, 1936.

52. The sections of the Public Health Act, 1936, mentioned in the Second Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

Saving for town and country planning.

53. This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

54.—(1) 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, except as regards—

(*a*) any costs, charges or expenses caused by any opposition to provisions relating to the acquisition of land or the widening, diversion or stopping up of highways which excepted costs, charges and expenses shall be borne by the county council of the administrative county in which such land or highways may be situate; and

(*b*) any costs, charges or expenses occasioned by the inclusion in this Act of Parts V or VI hereof which excepted costs, charges and expenses shall be borne by the Bucks Council.

(2) The costs, charges and expenses aforesaid shall be paid by the Councils out of their respective county funds or out of moneys to be borrowed under this Act.

SCHEDULES

FIRST SCHEDULE

PROVISIONS RELATING TO ORDERS MADE UNDER SECTION 31 (POWER TO MINISTER TO AUTHORISE COUNCILS TO CONSTRUCT BRIDGES) OF THIS ACT

PART I

PROCEDURE FOR CONFIRMING ORDERS

1. Where the Councils submit to the Minister an order under section 31 (Power to Minister to authorise Councils to construct bridges) of this Act they shall publish in at least one local newspaper circulating in the area in which any highway, or any proposed highway, to which the order relates is situated, and in the London Gazette, a notice—

(*a*) stating the general effect of the order as submitted to the Minister;

(*b*) naming a place in the said area where a copy of the order and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable hours during a period of three months from the date of the publication of the notice; and

(*c*) stating that, within the said period, any person may by notice to the Minister object to the confirmation of the order.

2. Not later than the day on which the said notice is published or, if it is published on two or more days, the day on which it is first published, the Councils shall serve on the electricity board, the generating board, the gas board and the conservators and on the council of every county district in which any works authorised by the proposed order are to be carried out—

(*a*) a copy of the said notice;
(*b*) a copy of the order; and
(*c*) a copy of any map or plan referred to in the order.

3. If any objection to the order is received by the Minister from any body or authority on whom a copy of the notice is required to be served under paragraph 2 of this Part of this schedule within three months from the date of their being served therewith or is received by the Minister from any other person appearing to him to be affected within three months from the day on which the notice of the order is published or, if it is published on two or more days, from the later or latest of them, and the objection is not withdrawn, the Minister shall cause a local inquiry to be held:

Provided that, except where the objection is made by a body or an authority entitled to receive a copy of the notice relating to the order in question by virtue of the said paragraph 2, the Minister may dispense with such inquiry if he is satisfied that in the circumstances of the case the holding of such an inquiry is unnecessary.

4. After considering any objections to the order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry, the Minister may confirm the order either without modification or subject to such modifications as he thinks fit.

1ST SCH. —*cont.*

PART II

VALIDITY AND DATE OF OPERATION OF ORDERS

1. As soon as may be after an order to which this schedule applies has been confirmed by the Minister the Minister shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has been confirmed and naming a place where a copy thereof may be inspected free of charge at all reasonable hours.

2. If a person aggrieved by an order to which this schedule applies desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or on the ground that any requirement of this Act has not been complied with in relation thereto, he may, within six weeks from the date on which the notice required by the foregoing paragraph is first published, make an application for the purpose to the High Court.

3. On any such application as aforesaid, the court—

(*a*) may by interim order suspend the operation of the order, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and

(*b*) if satisfied that the order, or any provision contained therein, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by failure to comply with any such requirement as aforesaid, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

4. Subject to the provisions of the last foregoing paragraph, an order to which this schedule applies shall not, either before or after it has been confirmed, be questioned in any legal proceedings whatever, and shall become operative on the date on which the notice required by paragraph 1 of this Part of this schedule is first published, or on such later date, if any, as may be specified in the order.

5. In relation to any order to which this schedule applies, being an order which is subject to special parliamentary procedure, the foregoing provisions of this Part of this schedule shall have effect subject to the following modifications:—

(*a*) If the order is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act, 1945, paragraphs 2 to 4 shall not apply; and

(*b*) In any case, paragraph 2 shall have effect as if, for the reference therein to the date on which the notice required by paragraph 1 is first published, there were substituted a reference to the date on which the order becomes operative under the said Act of 1945, and paragraph 4 shall have effect as if the words from "and shall become operative" to the end of the paragraph were omitted.

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283	Notices to be in writing; forms of notices &c.
284	Authentication of documents.
285	Service of notices &c.
286	Proof of resolutions &c.
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304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845	8 & 9 Vict. c. 20.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5 c. 57.
Land Drainage Act, 1930	20 & 21 Geo. 5 c. 44.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Bucks Water Act, 1937	1 Edw. 8 & 1 Geo. 6 c. xcv.
Statutory Orders (Special Procedure) Act, 1945	9 & 10 Geo. 6 c. 18.
Ministers of the Crown (Transfer of Functions) Act, 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
National Health Service Act, 1946 ...	9 & 10 Geo. 6 c. 81.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6 c. 51.
National Assistance Act, 1948	11 & 12 Geo. 6 c. 29.
Children Act, 1948	11 & 12 Geo. 6 c. 43.
Lands Tribunal Act, 1949	12 & 13 Geo. 6 c. 42.
Special Roads Act, 1949	12, 13 & 14 Geo. 6 c. 32.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
Town and Country Planning Act, 1954 ...	2 & 3 Eliz. 2 c. 72.
Buckinghamshire County Council Act, 1957	5 & 6 Eliz. 2 c. xviii.
Highways Act, 1959	7 & 8 Eliz. 2 c. 25.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2 c. 53.
Bucks Water Board Act, 1959	7 & 8 Eliz. 2 c. xxxii.

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