CHAPTER lxiii.

An Act to authorise the lord mayor aldermen and burgesses of the city of Bristol to execute street works and to acquire lands for those works and for the erection of a maternity clinic and for other purposes. [4th June 1930.]

A.D. 1930.

WHEREAS the city of Bristol (hereinafter referred to as "the city") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the lord mayor aldermen and burgesses of the city (hereinafter referred to as "the Corporation") are the urban sanitary authority for the city:

And whereas it is expedient that the Corporation should be authorised to construct the new streets street widenings and other works by this Act authorised and to acquire lands for the purposes of those works and for the erection of a maternity clinic:

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

[*Price* 1*s. Net.*] A 1

A.D. 1930.

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the execution of the works by this Act authorised - - - - -	107,770
For the acquisition of lands and easements therefor and for other purposes - - - - - - -	422,100

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

And whereas plans and sections showing the lines situations and levels of the works by this Act authorised and plans showing the lands which the Corporation may acquire under the powers of this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the respective clerks of the peace for the counties of Gloucester and Somerset and are in this Act respectively referred to 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Bristol Corporation (No. 1) Act 1930.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Street works.
Part III.—Lands.
Part IV.—Finance and miscellaneous.

Incorporation of Acts.

3. 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 incorporated with and form part of this Act (that is to say):—

(1) The Lands Clauses Acts with the following exception and modification—

(*a*) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section:

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to works for the accommodation of lands adjoining the railway and with respect to mines lying under or near to the railway:

Provided that for the purposes of this Act in the said incorporated provisions of the Railways Clauses Consolidation Act 1845 the expression "the company" means "the Corporation" and the expressions "the railway" "the centre of the railway" and "the boundaries of the railway" mean respectively the several works by this Act authorised and the centre lines and the boundaries of those works respectively.

Interpretation.

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

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

"The city" means the city and county of Bristol;

"The Corporation" means the lord mayor aldermen and burgesses of the city acting by the council of the city;

A.D. 1930.

"The town clerk" means the town clerk of the city and includes any person duly authorised to discharge temporarily the duties of that office;

"The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the city;

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

"The tribunal" means the arbitrator 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;

"The street works" means the new streets and widenings of existing streets by this Act authorised;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878;

"Corporation security" means any stock mortgage grant of annuity bill or other security issued or granted or to be issued or granted by the Corporation under any statutory borrowing power.

PART II.

STREET WORKS.

Power to construct street works.

5.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the street works hereinafter mentioned together with all necessary or proper works and conveniences connected therewith or incidental thereto.

(2) The street works hereinbefore referred to and authorised by this Part of this Act will be situate in the city and are—

Work No. 1 A new street commencing by a junction with Stokes Croft and terminating by a junction with Wellington Road;

Work No. 2 A widening of Haberfield Street on the western side thereof between Wellington Road and Elbroad Street;

Work No. 3 A new street commencing by a junction with Old Market Street and terminating by a junction with Avon Street;

Work No. 4 A widening of Avon Street on the eastern side thereof between Victoria Street and a point 82 yards or thereabouts southward of the buildings at the eastern corner of the junction of Avon Street and Temple Back;

Work No. 5 A widening of Avon Street on the western side thereof between Tower Street and Victoria Street;

Work No. 6 A widening of Hotwell Road on the southern side thereof between Merchants Road and a point 24 yards or thereabouts southward of the south-eastern corner of the gardens in Dowry Square;

Work No. 7 A widening of Hotwell Road on the northern side thereof commencing at a point 27 yards or thereabouts eastward of the south-eastern corner of the gardens in Dowry Square and terminating at a point 16 yards or thereabouts eastward of the south-eastern corner of Church Path Steps.

Power to deviate.

6. In the construction of the street works the Corporation may deviate from the lines or situations thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Power to make subsidiary works.

7.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the street works may execute or do any of the following works or things (namely):—

(*a*) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the street works or any of

A.D. 1930.

them and divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of the street works;

(*b*) Stop up any street or part of a street within the said limits which they may consider unnecessary to retain or to throw into the street works;

(*c*) Execute any works for the protection of any adjoining land or buildings;

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

(*e*) Alter or remove any drinking-trough lamp-post refuge railings or other structure erected upon any street or land within the said limits; and

(*f*) Raise lower alter and interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

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

(2) Provided that the Corporation shall not raise lower alter or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to alter steps areas pipes &c.

8. Within the limits of deviation shown on the deposited plans the Corporation may 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 may 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 the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

A.D. 1930.

Under-pinning of houses near street works.

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

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Corporation 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 town clerk :

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as " the referee ") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :

(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 strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :

A.D. 1930.

(5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section:

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

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

(9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Temporary stoppage of streets.

10.—(1) The Corporation during the execution of the powers of this Part of this Act may break up and also temporarily stop up divert and interfere with any street for the purpose of executing such powers and may for any reasonable time prevent all persons other than those bona fide going to or returning from any house in the street from passing along and using the same and

shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of any railway company.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or returning from any such house.

Land laid into streets to form part thereof.

11. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Application of road materials excavated in construction of works.

12. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Part of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Period for completion of street works.

13. If the street works are not completed on or before the first day of October one thousand nine hundred and forty then as from that date the powers of the Corporation under this Act for the execution of the street works shall cease except so far as the same are respectively then completed.

For protection of Bristol Waterworks Company.

14. For the protection of the Bristol Waterworks Company (in this section called "the water company") the following provisions shall have effect (that is to say):—

(1) At least fourteen days before the commencement of any work in pursuance of the powers of this Act involving any alteration of any main pipe or work of the water company a plan and section (showing the nature of the work proposed) shall be submitted to the water company together with particulars of the mode of executing such work and if within fourteen days from such submission the water company disapprove of the said plan section or particulars or make any further requirements such work shall not be

A.D. 1930.

commenced until the plan section and particulars have been agreed or settled by arbitration Provided that if the water company do not within fourteen days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof Every such work shall be constructed in accordance with the plan and section and particulars approved agreed or settled as aforesaid and shall (so far as it may involve any alteration of any such main pipe or work) be executed under the superintendence (if after reasonable notice from the Corporation the same be given) and to the reasonable satisfaction of and in such manner as shall reasonably be required by the engineer of the water company:

(2) If at any time within fourteen days after the submission to them of any such plans sections and particulars as aforesaid the water company by notice in writing addressed to the Corporation so require the water company may themselves execute in accordance with the said plans sections and particulars as agreed or settled by arbitration the alterations of their mains pipes or works involved in the execution of the works to which such plans sections and particulars relate and may execute and do all such other works and things as may be reasonably necessary by reason or in consequence of such alterations:

(3) Any mains or pipes of the water company which shall be raised diverted sunk or altered by the Corporation under or for the purposes of this Act shall be relaid at such depth as may be reasonably required by the water company for protecting such pipes from frost accident or injury:

(4) All costs charges and expenses reasonably incurred by the water company or their engineer under the provisions of this Act including the reasonable costs charges and expenses of and in relation to any superintendence or watching by the water company or their engineer or

officers of any works by this Act authorised by which any water apparatus of the water company may be interfered with or affected shall be paid by the Corporation to the water company on demand and in case of default may be recovered by the water company in any court of competent jurisdiction:

(5) If any interruption in the supply of water by the water company shall be occasioned by the Corporation or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any of them during the construction of the said works the Corporation shall indemnify and compensate the water company in respect of all damage or loss which they may sustain by reason or in consequence of such interruption and such compensation may be recovered by the water company in any court of competent jurisdiction:

(6) If by reason of the said works any increased length of water mains or pipes or any additional valves or apparatus be rendered necessary the same shall be provided and laid by the water company at the reasonable cost of the Corporation which shall be repaid to the water company by the Corporation and may be recovered by the water company in any court of competent jurisdiction:

(7) Whenever by the appropriation or destruction of property by this Act authorised to be acquired or by the stopping up of any street authorised by this Act to be stopped up any water mains pipes or works of the water company except pipes inside such property shall be rendered unnecessary the Corporation shall unless another water main pipe or work is substituted therefor under the provisions of this section pay to the water company the value of such water main pipe or work and the reasonable cost (if any) incurred by the company in disconnecting such water main pipe or work from any other water main pipe or work of the company and the water main pipe or

A.D. 1930.

work so rendered unnecessary shall become the property of the Corporation Such value shall in case of difference be determined by arbitration as hereinafter provided:

(8) Nothing in this Act contained shall deprive the water company of the powers conferred upon them by any Act or Acts of Parliament of laying down maintaining repairing renewing and altering any mains pipes valves hydrants and other apparatus which may be in or under any street which may be temporarily stopped up during the construction of the works by this Act authorised And the water company shall also have access at all times to any such mains pipes valves hydrants and other apparatus for the purpose of controlling and regulating the supply of water to the inhabitants of the said city:

(9) If any difference arise between the Corporation and the water company touching this section or anything to be done or not to be done or any moneys to be paid thereunder such difference shall be determined by an engineer to be appointed (unless otherwise agreed on between the parties) on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall extend and apply to the determination of such difference.

For protection of Bristol Gas Company.

15. For the protection of the Bristol Gas Company (in this section called "the gas company") the following provisions shall unless otherwise agreed between the Corporation and the gas company have effect (that is to say):—

(1) Nothing in this Act contained shall deprive the gas company of the powers and privileges conferred upon them by any Act or Acts of Parliament of laying down and maintaining as occasion may require and repairing renewing and altering any mains pipes or apparatus of the gas company (including the private service pipes of any consumer of gas supplied by the gas company) in and under any part of the

streets roads footways or bridges upon over or under which the works authorised by this Act will be made or under any street road or court which may be temporarily stopped up during the construction of the works by this Act authorised :

(2) At least fourteen days before commencing the execution of any works authorised by this Act involving any alteration of any such mains pipes or apparatus the Corporation shall submit to the gas company plans sections and particulars showing the manner in which such mains pipes and apparatus are proposed to be dealt with (which shall be such that the gas company may be enabled to continue to afford an efficient supply of gas both during and after the execution of such works) and if within fourteen days from such submission the gas company disapprove of the said plans sections or particulars or make any further requirements in relation to the dealing with the same such works shall not be commenced until the said plans sections and particulars have been agreed or settled by arbitration as hereinafter provided Provided that if the gas company do not within fourteen days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved of such plans sections and particulars and such mains pipes and apparatus shall unless otherwise agreed be dealt with only in accordance with such plans sections and particulars and all works involving the interference with or affecting the same shall be executed under the superintendence (if after reasonable notice from the Corporation the same be given) and to the reasonable satisfaction of the engineer of the gas company or their duly authorised officer :

(3) If at any time within fourteen days after the submission to them of any such plans sections and particulars as aforesaid the gas company by notice in writing addressed to the Corporation so require the gas company may themselves

A.D. 1930.

execute in accordance with the said plans sections and particulars as agreed or settled by arbitration the alterations of their mains pipes or apparatus involved in the execution of the works to which such plans sections and particulars relate and may execute and do all such works and things as may be reasonably necessary by reason or in consequence of such alterations Provided that in doing so the gas company shall comply with all reasonable directions and requirements of the Corporation:

(4) All costs charges and expenses reasonably incurred by the gas company or their engineer under the provisions of this section including the reasonable costs charges and expenses of and in relation to the superintendence or watching by the gas company or their engineer or officers of any works of the Corporation authorised by this Act by which any such mains pipes or apparatus may be interfered with or affected shall be paid by the Corporation to the gas company on demand:

(5) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned or sustained by any act or omission of the Corporation or by the acts of any of their contractors agents workmen or servants or any duly authorised person in the employ of them or any or either of them in the execution of the powers of this Act the Corporation shall pay to the gas company a sum or sums of money equivalent to the value of any gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction and the Corporation shall also be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company (including injury and loss by explosion) through or by reason of or consequent on any such act or omission of the Corporation or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their

contractors or others in the execution of the powers of this Act and the Corporation shall effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of any such act or omission:

(6) If by reason of the exercise of the powers of this Act any substituted mains pipes or apparatus or increased length of mains or pipes be rendered necessary the same shall be provided and laid by the gas company at the reasonable cost of the Corporation Provided that if any substituted mains pipes or apparatus or additional length of mains or pipes so laid shall be of larger dimensions than the mains pipes or apparatus in substitution for or extension of which the same are laid the Corporation shall not be bound to pay to the gas company the increased cost thereby occasioned of providing laying down repairing renewing raising sinking altering inspecting or protecting such substituted or additional mains pipes or apparatus:

(7) Whenever by reason of the exercise of the powers of this Act any such main pipe or apparatus shall be rendered unnecessary the Corporation shall unless another main pipe or apparatus is substituted therefor under the provisions of this section pay to the company the value of the main pipe or apparatus so rendered unnecessary and such main pipe or apparatus shall become the property of the Corporation Such value shall in case of difference be determined by arbitration as hereinafter provided:

(8) If any difference shall arise between the Corporation and the gas company touching this section or anything to be done or not to be done thereunder such difference shall be determined by an engineer to be appointed (unless otherwise agreed on between the parties) on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall extend and apply to the determination of such difference.

A.D. 1930.

For further protection of Bristol Gas Company.

16. For the further protection of the Bristol Gas Company (in this section referred to as " the gas company ") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas company have effect (that is to say) :—

The provisions of section 21 of the Bristol Corporation Act 1920 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply mutatis mutandis to and in relation to the works authorised and to the powers conferred on the Corporation by this Act as if the said section had been in terms re-enacted in this Act with reference to the said works and powers Provided that for the purposes of this section the said section 21 shall be read and have effect as if the following provision were substituted for subsection (1) of that section (namely) :—

(1) In constructing the bridge for carrying the new street (Work No. 3) by this Act authorised over the floating harbour the Corporation shall make such reasonable provision as their engineer may deem practicable for carrying in under or by the side of such bridge two gas mains each of an internal diameter not exceeding twelve inches.

PART III.

LANDS.

Power to take lands for works &c.

17.—(1) Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for and in connection with the construction of the street works and for the provision of space for the erection of buildings adjoining or near to such works or for the purposes of recoupment reinstatement or exchange or for other purposes of this Act.

(2) The powers of the Corporation for the purchase of lands by agreement shall subject to the provisions of this Act be deemed to extend to and to authorise the purchase by the Corporation by agreement of any other lands which they may think it desirable to purchase in

order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connection with the street works. A.D. 1930.

Power to acquire additional lands for maternity clinic.

18. Subject to the provisions of this Act the Corporation may enter upon take and hold the lands in the city described in the First Schedule to this Act which are delineated on the deposited plans and described in the deposited book of reference and may hold and use the said lands for the erection of a central maternity clinic and other purposes in connection therewith.

Correction of errors omissions &c.

19. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the city for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county in which the lands are situate and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Owners may be required to sell parts only of certain premises.

20.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without

A.D. 1930.

material detriment thereto Therefore the following provisions shall have effect:—

(*a*) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties";

(*b*) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(*c*) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;

(*d*) If the tribunal determines that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without

material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

(*e*) If the tribunal determines that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

(*f*) If the tribunal determines that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

(*g*) If the tribunal determines that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

A.D. 1930.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

Power to enter upon property for survey and valuation.

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

Compensation in case of recently acquired interest.

22. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November one thousand nine hundred and twenty-nine if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Benefits to be set off against compensation.

23. In determining the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining

lands arising out of the execution of the street works or any of them or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Persons under disability may grant easements &c.

24. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to Corporation to make agreements with owners of property &c.

25. The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the street works or of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property (including any part of a street or thoroughfare appropriated by or vested in the Corporation under the powers of this Act and not required for the street works) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

Power to reinstate owners of property.

26. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act or which may be in the neighbourhood of the street works or any of them with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

A.D. 1930.

Limit of time for compulsory purchase of lands.

27. The powers of the Corporation for the compulsory purchase of lands under the powers of this Act shall cease as respects lands to be acquired under the powers of the section of this Act of which the marginal note is "Power to take lands for works &c." on the first day of October one thousand nine hundred and thirty-five and as respects lands to be acquired under the powers of the section of this Act of which the marginal note is "Power to acquire additional lands for maternity clinic" on the first day of October one thousand nine hundred and thirty-three.

Power to stop up streets.

28. Subject to the provisions of this Act the Corporation may stop up the whole or so much as they may think fit of the streets and public places or parts of streets and public places in the city mentioned in the Third Schedule to this Act:

Provided that notwithstanding the stopping up of any street or public place or part of a street or public place mentioned in the said Third Schedule the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove therefrom any telegraphic line which is in under upon along over or across the same and the Corporation shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of the telegraphic line or of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

Vesting of streets &c. stopped up.

29. Upon the stopping up of any street or public place or part of a street or public place under the powers of this Act all rights of way over the street or public place or part of a street or public place stopped up shall be extinguished and the site and soil thereof shall vest in the Corporation so far as such site and soil shall not already be vested in them but the Corporation shall not stop up any street or public place or portion thereof unless they are owners in possession of all houses and lands (other than lands forming part of any street or public place) on both sides of the street or public place or portion of street or public place to be stopped up except so far as the owners lessees and occupiers of such

houses and lands may otherwise agree Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. A.D. 1930.

Extinction of private rights of way.

30.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Retention and disposal of lands.

31.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

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

A.D. 1930.

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Proceeds of sale of surplus lands.

32.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

(*a*) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;

(*b*) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Powers with reference to leases of surplus lands.

33.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such times and on such terms and conditions as may be determined by the Corporation in their discretion.

(3) Provided that any such lease granted by the Corporation shall be subject to similar conditions and limitations as are prescribed in the section of this Act of which the marginal note is " Retention and disposal of lands " with respect to leases granted thereunder.

Reservation of easements &c.

34. The Corporation on selling any lands may reserve to themselves all or any part of the easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

For protection of Great Western Railway Company.

35. For the protection of the Great Western Railway Company (in this section referred to as " the company ") the following provisions shall unless

A.D. 1930.

otherwise agreed in writing between the Corporation and the company have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not enter upon take or use any portion of the property of the company fronting upon Avon Street between Temple Back and Rose Street except the portion (in this section referred to as "the blue land") shown coloured blue upon the plan signed by Raymond Carpmael on behalf of the company and Lessel Stephen McKenzie on behalf of the Corporation:

(2) Before entering upon taking or using any part of the blue land the Corporation shall convey to the company the land (in this section referred to as "the red land") shown coloured red on the said plan clear of all buildings thereover and all pipes mains and other works laid thereunder and freed from all public or private rights and the Corporation shall construct on the northern and western boundaries of the red land a boundary wall similar to the wall now enclosing the company's adjacent property and shall remove the existing boundary wall on the eastern side of the red land and reinstate on the red land or on other property of the company in positions to be approved by the company any buildings now situate on the blue land or any buildings adjoining the blue land and the red land respectively which may be affected by the acquisition of the blue land by the Corporation excepting the electrical sub-station of the company and shall make good to the reasonable satisfaction of the company the ends of that sub-station to the new boundary wall and shall carry out any necessary re-arrangement or reinstatement of drains sewers gas or water mains or electric cables and shall also form make up and pave any portion of the red land which shall not be occupied by buildings reinstated as aforesaid:

(3) Upon the completion of the said works the Corporation shall construct along the boundary

of the blue land between the points marked "A" and "B" on the said plan a boundary wall similar to the wall now enclosing the company's property and shall reproduce the existing entrance gates in positions to be approved by the company:

(4) All such works shall be carried out in accordance with plans and sections to be previously submitted to and reasonably approved by the engineer of the company and under his supervision and to his reasonable satisfaction and the company shall afford to the Corporation free of charge all reasonable facilities for the execution of such works and on the completion of such works the company shall have full frontage rights on to Avon Street as widened and diverted under the powers of this Act and on to Rose Street and Temple Back where the same adjoin the red land and the blue land respectively:

(5) At all times after the commencement of the demolition of the existing boundary walls on the eastern side of the red land and the western and southern sides of the blue land and until the completion of the new boundary walls to be erected pursuant to this section the Corporation shall provide and maintain such temporary fencing of the red land and the blue land or either of those lands as the company may reasonably approve or require for the purpose of preventing access by unauthorised persons through the said lands to the goods depôt of the company:

(6) In constructing the Works Nos. 3 and 4 by this Act authorised the Corporation shall not alter the levels of the surface of Avon Street where it abuts on the blue land so as to interfere with or make steeper the gradients of the access to the Temple Meads goods depôt of the company and shall construct so much of the said works as abuts on the red land approximately to the same level as that of the paving to be laid on the red land as hereinbefore provided:

A.D. 1930.

(7) The red land shall be conveyed by the Corporation to the company and the blue land shall (forthwith after the Corporation shall have completed the works to be executed by them under the foregoing provisions of this section) be conveyed by the company to the Corporation without the payment of any purchase money or compensation and neither party shall pay to the other of them any sum for equality of exchange :

(8) For the purposes of this section the Corporation shall exercise their powers under this Act of stopping up so much of Avon Street as is comprised in the red land :

(9) Any difference arising between the Corporation and the company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed (failing agreement) at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

PART IV.

FINANCE AND MISCELLANEOUS.

Power to borrow.

36.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the next following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the general rate fund and the general rate and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of the enactments extended and applied to and for the purposes of this Act by the section of this Act of which the marginal note is " Application of certain provisions of existing Acts " shall respectively be " the prescribed

period ") mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	**Amount.**	**Period for repayment.**
	£	
For the execution of the street works -	107,770	Forty years from the date or dates of borrowing.
For the purchase of lands - - -	422,100	Sixty years from the date or dates of borrowing.
For the payment of the costs charges and expenses of this Act as hereinafter defined.	The sum requisite	Five years from the passing of this Act.

(2) (*a*) The Corporation may also borrow such money as may be necessary for any of the purposes of this Act other than the purposes mentioned in subsection (1) of this section and such further money as may be necessary for any of the last-mentioned purposes with the consent of the Minister of Health.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the said Minister and that period shall be the prescribed period for the purposes of this Act and the enactments applied thereby.

(*c*) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the said Minister.

(3) The provisions of this section prescribing or making provision for the prescribing of the fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 175 (Power to use one form of mortgage for all purposes) of the Bristol Corporation Act 1926 or affect the operation of any other enactment for the time being in force under or by virtue of which all Corporation securities are charged indifferently on all the revenues of the Corporation.

A.D. 1930.

Application of certain provisions of existing Acts.

37. The following sections of the Bristol Corporation Act 1897 (that is to say):—

Section 73 (Power to borrow under Local Loans Act 1875);

Section 74 (Incorporation of sections of Public Health Act 1875); and

Section 76 (As to sinking fund)

and the following sections of the Bristol Docks and Railways Act 1901 (that is to say):—

Section 102 (For protection of lenders);

Section 103 (Priority of existing mortgages); and

Section 104 (Corporation not to regard trusts)

shall extend and apply mutatis mutandis to and in relation to the borrowing of moneys by the Corporation on mortgage under the powers of this Act and the repayment of moneys so borrowed and otherwise in respect of such mortgages as if those sections had been re-enacted in this Act with reference thereto.

Application of moneys borrowed.

38. All moneys borrowed under the provisions of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Expenses of execution of Act.

39. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (including all costs charges and expenses of and in relation to the borrowing of any moneys under the powers of this Act and all interest on and all instalments appropriations and sinking fund payments in respect of such borrowed moneys) other than such of them as are properly chargeable to capital and payable out of borrowed moneys shall except as otherwise provided by this Act be paid out of the general rate fund and the general rate.

Inquiries by Minister of Health.

40.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall

for the purposes of any such inquiry have all such powers as they have for the purpose of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

Application of section 265 of Public Health Act 1875.

41. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Compensation how to be determined.

42. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Several sums in one summons.

43. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the city any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Judges not disqualified.

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

Powers of Act cumulative.

45. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

A.D. 1930.

Crown rights.

46. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

47. All 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 paid by the Corporation out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

LANDS TO BE ACQUIRED BY THE CORPORATION.

Lands and premises bounded on the north by Narrow Plain on the east by the eastern side of Goat Alley on the south by Old Bread Street and on the west by the western boundary of King William Court and of the premises respectively numbered 4 in King William Court and 13 in Narrow Plain.

SECOND SCHEDULE.

PROPERTIES OF WHICH PARTS ONLY MAY BE ACQUIRED.

NUMBERS ON DEPOSITED PLANS AND IN BOOK OF REFERENCE.

4 5 6 9 10 13 21 23 24 25 26 28 29 30 33 35 41 42 43 44 45 71 83 85 92 99 103 122 352 356 357 362 373 374 375 395a 407 409 411 412 418 419 446 484 492 500 505 516 517 519 610 611 612 613 614 615 616 617 618 619 620.

THIRD SCHEDULE.

STREETS TO BE STOPPED UP.

Gloucester Street Blinkers Steps Little Hanover Street Walcombe Place Hollister Street Hampton Court Cross Street (St. Paul's) Llewellins Court cul-de-sac leading from Wellington Road between the premises numbered 6 and 7 in Wellington Road Goat Alley Lyne's Court Butter Alley Nelson Place King William Court Morgan's Court Cumberland Cottages Allen's Court Avon Square Water's Court Pillinger's Place Ash Lodge Harris's Yard and Gough's Buildings.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.