



Selby Bridge Act 1984

CHAPTER xi

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ELIZABETH II



1984 CHAPTER xi

An Act to modify the Transport Charges &c. (Miscellaneous Provisions) Act 1954 in its application to the bridge undertaking of the Company of Proprietors of Selby Bridge; to confer other powers on the Proprietors and to amend or repeal certain of the local statutory provisions applicable to them; and for other purposes. [12th July 1984]

WHEREAS by an Act passed in the thirty-first year of the reign of His late Majesty King George 3 intituled "An Act for building a Bridge, near the Ferry over the River Ouse, from Selby, in the West Riding of the County of York, to the opposite Shore in the Parish of Hemingborough, in the East Riding of the said County" (hereinafter referred to as "the Act of 1791") the Company of Proprietors of Selby Bridge (hereinafter in this Act called "the Company") were incorporated and authorised to construct the said bridge (hereinafter referred to as "the bridge") and to levy tolls for passage thereover; and further powers in connection with the bridge were conferred on the Company by an Act passed in the forty-third year of the reign of His said late Majesty King George 3 intituled "An Act to amend and render more effectual an Act, passed in the Thirty-first Year of the Reign of His present
1791 c. 60.
1803 c. xlviii.

Majesty, for building a Bridge over the River Ouse, from Selby in the West Riding of the County of York, to the opposite Shore, in the Parish of Hemingborough in the East Riding of the same County”:

And whereas the bridge continues to serve the needs of substantial volumes of traffic and in 1972 the Company took down and replaced the bridge, being a swing bridge accommodating the passage of vessels navigating the river Ouse, with a new swing bridge:

1954 c. 64. And whereas for the authorisation of tolls pursuant to the Transport Charges &c. (Miscellaneous Provisions) Act 1954 sufficient for the purposes of their undertaking, it is expedient that the provisions of that Act in their application to the Company should be modified as by this Act provided:

And whereas it is expedient that powers be conferred on the Company for maintenance, alteration and renewal of the bridge, the borrowing of money, the creation and investment of a reserve fund and for removal of the bridge in certain circumstances, as in this Act contained, and that certain of the local enactments applicable to the Company should be amended and others repealed as by this Act provided:

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

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

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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Selby Bridge Act 1984.

(2) The Act of 1791, the Act of 1803 and this Act may be cited together as the Selby Bridge Acts 1791 to 1984.

Interpretation.

2. In this Act, unless the context otherwise requires—

1791 c. 60.

“The Act of 1791” means the Act passed in the thirty-first year of the reign of His late Majesty King George 3 intituled “An Act for building a Bridge, near the Ferry over the River Ouse, from Selby, in the West Riding of the County of York, to the opposite Shore in the Parish of Hemingborough, in the East Riding of the said County”;

“The Act of 1803” means the Act passed in the forty-third year of the reign of His said late Majesty King George 3 intituled “An Act to amend and render more effectual an Act, passed in the Thirty-first Year of the Reign of His present Majesty, for building a Bridge over the River Ouse, from Selby in the West Riding of the County of York, to the opposite Shore, in the Parish of Hemingborough in the East Riding of the same County”; 1803 c. xlvi.

“the bridge” means the Selby Bridge of the Company and includes any alteration or renewal thereof authorised by section 3 (Maintenance, etc., of bridge) of this Act and all the lands, easements, rights, toll-houses, toll-gates, signals, offices and other assets of whatever description for the time being held or used by the Company in connection with that bridge;

“the Company” means the body corporate constituted by the Act of 1791 under the name of “The Company of Proprietors of Selby Bridge”;

“the river” means the river Ouse.

3. Subject to the provisions of this Act, the Company shall continue and maintain the bridge and without prejudice to section 60 (A Passage to be left under the Bridge of 31 feet wide) of the Act of 1791 may alter or renew the bridge in such materials and of such dimensions as they think fit, but extending laterally no more than two metres in any direction beyond the existing structure of the bridge save that the Company shall not be authorised by the provisions of this section to reduce the width of the existing carriageway. Maintenance, etc., of bridge.

4. In its application to the Company, section 6 (3) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (revision of charges) shall have effect as if for the words “the paid up share capital of the undertaking” there were substituted the words “the investment of the Company of Proprietors of Selby Bridge in the bridge as defined in section 2 of the Selby Bridge Act 1984”. Modification of Transport Charges &c. (Miscellaneous Provisions) Act 1954. 1954 c. 64.

5.—(1) The Company may, for the purposes of the bridge, borrow money on mortgage of all or any of their property, assets or revenues. Power to borrow.

(2) In addition to the powers to borrow money on mortgage under subsection (1) above, the Company may, for the purposes of the bridge, borrow by way of temporary loans or overdrafts (secured or unsecured) from banks or otherwise, any sums which they may temporarily require—

- (a) for the purpose of defraying expenses pending the receipt of revenues receivable by them in respect of the period of account in which those expenses are chargeable;
- (b) for the purpose of defraying, pending the borrowing of money or the receipt of capital moneys from any other source, expenses intended to be defrayed by means of such borrowing or receipt, as the case may be.

Reserve fund.

6.—(1) The Company may, by setting apart in any year out of revenue such sums as they think fit, form and maintain a reserve fund for the purposes mentioned in subsection (2) below.

(2) Any sums forming part of the reserve fund shall be available for meeting all costs, charges, demands and expenses incurred by or made upon the Company howsoever arising out of the renewal, repair or alteration of the bridge, or in the purchase of land required in connection with such renewal or alteration.

(3) Any sums forming part of the reserve fund which are not for the time being required for expenditure for purposes to which the fund is applicable may be invested in any manner prescribed by statute for the investment of trust funds; and the dividends and interest arising from such investment may also be invested in the same manner so as to accumulate at compound interest for the credit of the reserve fund.

(4) Nothing in this section shall authorise the making of any investment in contravention of the provisions of the Exchange Control Act 1947.

1947 c. 14.

Failure to pay tolls.

7.—(1) If any person refuses or neglects to pay any toll or part thereof lawfully due from him, the persons appointed to receive tolls may refuse to permit the person so in default to pass through or by any toll-gate or other place at which such toll should be paid and may stop and prevent the person so in default from passing through or by the same.

(2) A person who—

- (a) passes through or by any toll-gate or other place at which any toll should be paid or otherwise passes over or onto the bridge, in either case with intent to avoid paying any toll lawfully due from him; or
- (b) operates or attempts to operate a machine provided by the Company for the collection of tolls by the insertion of objects other than current coins of the realm of the appropriate denomination or tokens authorised by the Company to be used for the payment of such tolls;

- (c) otherwise interferes with such a machine as is mentioned in paragraph (b) above with the intention of dishonestly obtaining for himself a pecuniary advantage; or
- (d) intentionally obstructs a person appointed to receive tolls acting in the execution of his duty;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) Where the driver of a vehicle is alleged to be guilty of an offence under subsection (2) above—

- (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required in writing to give by or on behalf of a police officer or a person appointed to receive tolls; and
- (b) any other person shall if so required give any information which it is in his power to give and may lead to the identification of the driver.

(4) (a) A person who without reasonable excuse fails to comply with the requirement of subsection (3) (a) above shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was; and a person who fails to comply with the requirement of subsection (3) (b) above shall be guilty of an offence.

(b) A person guilty of an offence under this subsection shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

8. The Company may enter into a composition with any person with respect to the payment of any tolls authorised to be demanded for passage over the bridge but so that no preference be in any case given to any person, and may issue season tickets. Power to compound for payment of tolls.

9.—(1) Subject to the provisions of this section, the Secretary of State may, on an application made to him by the Company in accordance with the provisions of this section, by order authorise the stopping up of the highway carried by the bridge and such order shall take effect on a date to be determined by the Secretary of State and may contain such further provisions, including a provision directing the Company to remove the bridge, as the Secretary of State thinks fit. Stopping up of highway over bridge.

(2) Before the Company shall make any application to the Secretary of State in pursuance of subsection (1) above they shall—

(a) consult with—

(i) the North Yorkshire County Council and the Selby District Council; and

(ii) one or more organisations representing persons who use the bridge or are likely to be otherwise affected by the proposed stopping up of the highway;

(b) publish in one or more local newspapers circulating in the county of North Yorkshire and in the district of Selby a notice stating that—

(i) they propose to apply to the Secretary of State for an order stopping up the highway carried by the bridge;

(ii) within a period of 28 days from the date of the first publication of the notice any person may by notice to the Secretary of State object to the proposal;

(c) publish a similar notice in the London Gazette;

(d) cause a copy of the said notice to be displayed in a prominent position at each end of the bridge.

(3) If objection to the proposed application is duly made to the Secretary of State and is not withdrawn the Secretary of State shall cause an inquiry to be held with respect thereto, unless he considers that it is unnecessary to hold any such inquiry having regard to the circumstances or the nature of the objection and subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Company were a local authority.

1972 c. 70.

(4) The Secretary of State shall not make an order under subsection (1) above unless he is satisfied—

(a) that the requirements of paragraphs (b) to (d) of subsection (2) of this section have been fulfilled; and

(b) that either—

(i) the bridge by reason of its structural condition is unsafe for the passage of all traffic entitled to use it at the time of making the application under subsection (1) above and the Company should not reasonably be expected to repair it so as to make it safe for the passage of all such traffic; or

(ii) suitable alternative means of crossing the river are available in place of the bridge.

(5) Subject to any directions given by the Secretary of State, the Company shall, as soon as may be after an order has been made pursuant to subsection (1) above, publish and post notices of the making and effect of such order in the newspapers and at the places mentioned in paragraphs (b) to (d) of subsection (2) above.

(6) For the purpose of determining what traffic is entitled to use the bridge at the time referred to in sub-paragraph (i) of paragraph (b) of subsection (4) above any temporary prohibition or restriction of traffic in force at that time shall be disregarded.

10.—(1) If the Secretary of State makes an order under subsection (1) of section 9 (Stopping up of highway over bridge) of this Act directing the Company to remove the bridge, the Company shall, unless the order otherwise provides, as soon as reasonably practicable after the order has come into operation in accordance with the following provisions of this section take down and remove the bridge. Removal of bridge.

(2) The Company shall take down and remove to the satisfaction of the Secretary of State the bridge including such of its foundations, abutments and protective works in the river as the Secretary of State may direct and shall ensure so far as reasonably practicable that such taking down and removal does not unnecessarily obstruct or otherwise interfere with or impede navigation or the flow of the river.

(3) The Company shall, at or near the bridge during the whole time of the removal thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

(4) Subject to the provisions of section 11 (Defence to proceedings under section 10 of this Act) of this Act, if the Company fail to comply in any respect with such a direction to remove the bridge as is mentioned in subsection (1) above or with any other of the requirements of this section, they shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) The Company may sell the structure, machinery and materials of the bridge.

11.—(1) In any proceedings for an offence under section 10 (Removal of bridge) of this Act it shall be a defence for the Company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence. Defence to proceedings under section 10 of this Act.

(2) If in any case the defence provided by subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person the Company shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in their possession.

Tidal works.

12.—(1) Subject to subsection (3) below the following provisions in this section shall apply to tidal works, that is to say, works authorised by section 3 (Maintenance, etc., of bridge) of this Act on, under or over tidal waters or tidal lands below the level of high water.

(2) (a) In case of injury to or destruction or decay of a tidal work, or any part thereof, the Company shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(b) If the Company fail to notify Trinity House as required by this subsection or to comply in any respect with a direction given under this subsection they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(3) (a) The Company shall during the whole time of the construction and after the completion of a tidal work exhibit every night from sunset to sunrise in such positions on or near the tidal work as may be directed from time to time by Trinity House such lights, if any, as may be so directed; and shall take such other steps for the prevention of danger to navigation as may be so directed.

(b) If the Company fail to comply in any respect with a direction given under this subsection, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(4) (a) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the owners of the work at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(b) Where a work consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the

work on or over land above the level of high water is in such condition as to interfere, or to cause reasonable apprehension that it may interfere, with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work or any portion thereof in any notice under this subsection.

(c) If, on the expiration of 30 days from the date when a notice under this subsection is served upon the Company, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Company.

(5) The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Company.

(6) In this section—

“the level of high water” means the level of mean high-water springs;

“statutory maximum” means the prescribed sum as defined in section 32(9) of the Magistrates’ Courts Act 1980;

1980 c. 43.

“Trinity House” means the Corporation of Trinity House of Deptford Strond.

13.—(1) The Company shall in each year hold a general meeting of its proprietors as its annual general meeting in addition to any other meetings in that year, and shall specify the meeting as such in the notices calling it; and not more than 15 months shall elapse between the date of one annual general meeting of the Company and that of the next.

General and special meetings.

(2) Any five or more of the proprietors of the company may by notice to the others of them stating the objects of the meeting convene any extraordinary general meeting of the proprietors.

(3) Five members personally present shall be a quorum for any general meeting.

(4) Subject to subsection (5) below, for any general meeting not less than 14 days’ notice in writing shall be given personally or by post sent to the address within the United Kingdom of any proprietor being his place of abode or the address supplied by him to the Company for the giving of notices to him. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, pre-paying and posting a

letter containing the notice, and to have been effected at the expiration of 24 hours after the letter containing the same is posted.

(5) The accidental omission to give notice of a general meeting to, or the non-receipt of notice of a general meeting by, any proprietor shall not invalidate the proceedings at that general meeting.

Amendments
and repeals.

14.—(1) (a) Part I of Schedule 1 to this Act shall have effect for the purpose of making general amendments to the Act of 1791 and the Act of 1803.

(b) The provisions of the Act of 1791 and the Act of 1803 specified in column (1) of Part II of Schedule 1 to this Act are hereby amended as specified in column (2) of that Part.

(2) The provisions of the Act of 1791 and the Act of 1803 specified in column (1) of Schedule 2 to this Act are hereby repealed to the extent specified in column (2) of that Schedule.

Costs of Act.

15. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company and may in whole or in part be defrayed out of revenue.

SCHEDULES

SCHEDULE 1

Section 14.

PART I

GENERAL AMENDMENTS TO THE ACTS OF 1791 AND 1803

For the words "carriage" and "carriages" wherever they occur there shall be substituted the words "vehicle" and "vehicles" respectively.

PART II

PROVISIONS OF THE ACTS OF 1791 AND 1803 AMENDED

Provision (1)	Amendment (2)
The Act of 1791— Section 28 (Committee to be appointed).	For the words from "at the said First Meeting" to the words "with a fixed Salary" there shall be substituted the words "shall also appoint a Clerk upon such terms as to salary and otherwise as may be thought fit".
Section 34 (General Meetings may remove Committee Men and Officers; and may make Bye Laws).	For the words from "Rules, Bye Laws and Orders for the good Government" to the end of the section there shall be substituted the words "Bye Laws for the good and orderly Management of the said Bridge and of the Tolls to be taken in respect of the same. Any person offending against any such Bye Law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds".
Section 54 (Navigation to be kept clear).	After the word "repairing" there shall be inserted the words "altering or being renewed" and at the end there shall be inserted the words "but nothing in this section shall apply during the carrying out of works of building repair alteration or renewal in respect of which the written consent of the Trustees of the Ouse Navigation has been obtained and any conditions attached to such consent have been complied with."
Section 55 (Vessels sunk to be weighed).	For the words "to weigh and remove all such Vessels as shall or may be sunk, and all Staiths, Jetties, Wood, Stone, or other Things" there shall be substituted the words "to remove all driftwood or debris".

SCH. 1
—cont.

Provision (1)	Amendment (2)
The Act of 1803— Section 2 (New Tolls).	For the words from “the several Sums following (that is to say)” to the words “putting the said recited and this Act into Execution” there shall be substituted the words “the several sums by way of tolls which the said Company of Proprietors are for the time being authorised by any enactment or order to ask, demand, receive, take and recover in respect of the passage of such traffic over the said Bridge.”
Section 5 (Inhabitants of Barlby, etc., exonerated).	For the words from “the several Towns of” to the words “and Riccall” there shall be substituted the words “the several parishes of Barlby, Cliffe, Hemingbrough, North Duffield, Riccall, Selby and Skipwith.” and the words “by this Act granted” shall be omitted.

Section 14.

SCHEDULE 2

PROVISIONS OF THE ACTS OF 1791 AND 1803 REPEALED

Provision (1)	Extent of repeal (2)
The Act of 1791— Section 3 (Some Restriction as to building the Bridge).	The words from “That the said Bridge shall” to the words “to be taken down; and”
Section 4 (Materials for the Bridge, etc., may be brought and worked upon any Waste Land near the Bridge).	The whole section.
Section 5 (For getting materials).	The whole section.
Section 6 (Bodies Corporate, etc., empowered to sell Premises required for building the Bridge, etc.).	The whole section.
Section 7 (Commissioners to determine Differences).	The whole section.
Section 8 (If Parties cannot agree the Matter to be settled by a Jury).	The whole section.

Provision (1)	Extent of repeal (2)	SCH. 2 —cont.
Section 9 (If a sufficient Number of Jurymen do not attend, the Jury to be made up from the Standers by, Sheriff, etc., making Default, may be fined).	The whole section.	
Section 10 (Commissioners or Jury not to act where interested).	The whole section.	
Section 11 (Proprietors not to take Possession of Premises till Payments of Purchase Money).	The whole section.	
Section 12 (Money payable to Bodies Corporate etc., to be reinvested in Purchase of other Estates, to the same Uses).	The whole section.	
Section 13 (Recompence for Damage after Bridge is begun to be built).	The whole section.	
Section 14 (Paying Expenses of the Jury).	The whole section.	
Section 15 (Meetings of Commissioners to be held within a limited Distance).	The whole section.	
Section 16 (Annual Rents, adjudged for Damages, to be paid).	The whole section.	
Section 18 (Until the Bridge is completed, the Ferry may be continued).	The whole section.	
Section 23 (Power to raise a further Sum, if necessary, by Subscription: or mortgage of the Tolls, etc.)	The words from “or otherwise it shall be lawful” to the end.	
Section 24 (Entries of Assignments to be made. Assignments may be transferred).	The whole section.	
Section 25 (Interest to be paid).	The whole section.	
Section 27 (General and Special Meetings, when and how to be held).	The whole section.	
Section 29 (Subsequent Committees).	The words “(not being at a greater Distance than Two Miles from the said Bridge)”.	
Section 40 (Bridge, etc., vested in the Company. Tolls).	The whole section.	
Section 43 (Inhabitants of Barlby, etc., exonerated).	The whole section.	
Section 44 (Penalty on evading the Tolls).	The whole section.	
Section 45 (Penalty on conveying persons, etc., over the River for Hire within a certain Distance of the Bridge).	The whole section.	

SCH. 2
—cont.

Provision (1)	Extent of repeal (2)
Section 46 (Certain Exemptions from Toll).	The whole section.
Section 47 (Penalty on taking Benefit of Exemptions without being entitled to it).	The whole section.
Section 49 (Masters of Vessels made answerable for Damage done to the Bridge).	The whole section.
Section 50 (Persons wilfully damaging the Bridge to be deemed guilty of Felony).	The whole section.
Section 52 (When Bridge impassable, a Ferry to be provided).	The words "and they are hereby required".
Section 53 (For providing Capsterns, etc., at the Bridge).	The whole section.
Section 56 (A Hauling Path to be made to a certain distance from Bridge).	The whole section.
Section 57 (Regulations for mooring Vessels at Selby Quay).	The whole section.
Section 58 (Lord Petre not to receive Recompence for Land taken for a Hauling Path).	The whole section.
Section 59 (Obliging Subscribers to pay Subscriptions).	The words "and the same shall be paid to the Treasurer of the said Company of Proprietors" and the words from "in the Name of their Treasurer or Clerk" to the end.
Section 60 (A Passage to be left under the Bridge of 31 feet wide).	The words "contrary to the true Meaning of this Act or".
Section 62 (Informations, etc., to be before One Justice).	The whole section.
Section 63 (Justices may mitigate Penalties).	The whole section.
Section 64 (A Justice of either Riding may take Cognizance of any Offence relative to both).	The whole section.
Section 65 (Distress not to be deemed unlawful for Want of Form).	The whole section.
Section 66 (Form of conviction).	The whole section.
Section 67 (Appeals).	The words "or Treasurer".

Provision (1)	Extent of repeal (2)	SCH. 2 —cont.
Section 68 (Proceedings not to be quashed for Want of Form).	The whole section.	
Section 71 (Limitations of Actions).	The words from “and not afterwards” to the end.	
Section 72 (Public Act).	The whole section.	
The Act of 1803— Section 4 (Penalty on evading the Toll).	The whole section.	
Section 6 (Recovery of Penalties and Forfeitures).	The whole section.	
Section 7 (Public Act).	The whole section.	

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