



## CHAPTER lxvii.

An Act to empower the Essex County Council to  
construct a new bridge over the River Roding  
at Barking in the county of Essex and for other  
purposes. A.D. 1923.  
[31st July 1923.]

**W**HEREAS the Minister of Transport for the purpose of providing better means of communication between London and Tilbury has under the powers of the Development and Road Improvement Funds Act 1909 constructed in the administrative county of Essex (hereinafter called "the county") a new road leading from the junction of Prince Regent Lane and Beckton Road in the county borough of West Ham to Ripple Road in the urban district of Barking Town :

And whereas the said new road is intersected by the River Roding and it is expedient that the Essex County Council (hereinafter called "the Council") should be authorised to construct a bridge over the said river to carry the said new road over the same :

And whereas an estimate has been prepared by the Council of the cost of the acquisition of land for and the execution of the works by this Act authorised and such estimate amounts to sixty thousand pounds :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands required or which may be taken for the purposes or under the powers of this Act with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the

[Ch. lxxvii.] *Essex County* [13 & 14 GEO. 5.]  
*Council (Barking Bridge) Act, 1923.*

A.D. 1923

occupiers of those lands have been deposited with the clerk of the peace for the county of Essex which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 so far as the same are applicable have been observed :

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) :—

Short title.

1. This Act may be cited as the Essex County Council (Barking Bridge) Act 1923.

Incorporation of Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845) ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the application of such provisions to the bridge the term " railway " shall mean the bridge and the expression " the centre of the railway " shall mean the bridge or other work as the case may be.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And

" The Council " means the county council for the administrative county of Essex ;

“The county” means the administrative county of Essex; A.D. 1923.

“The river” means the River Roding;

“The bridge” means the bridge (including any carriageway and footways thereon) and the approaches thereto by this Act authorised;

“The new road” means the new road constructed by the Minister of Transport under the Development and Road Improvement Funds Act 1909 and leading from the Beckton Road in the county borough of West Ham to Ripple Road in the urban district of Barking Town;

“Street” has the meaning assigned to that term in the Public Health Act 1875 and the Acts amending the same;

“Two justices” means two justices acting together in petty sessions;

“The Port Authority” means the Port of London Authority;

“High-water mark” means high-water mark of ordinary tides except where otherwise expressly enacted.

4. The Council may subject to the provisions of this Act and in the line or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections construct in the urban district of Barking Town in the county the works hereinafter described with all necessary and proper footways carriageways approaches works and conveniences connected therewith (that is to say):— Power to execute works.

A bridge and approaches for vehicular and pedestrian traffic across the River Roding commencing at a point on the new road 77 chains or thereabouts measured in a north-easterly direction along the new road from the point of the junction thereof with East Ham Manor Way in the borough of East Ham and terminating at a point on the new road 9 chains or thereabouts measured in a south-westerly direction along the new road from the point of the junction thereof with Gascoigne Road in the said urban district.

A.D. 1923.

Subsidiary  
works  
affecting  
river.

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

Power to  
deviate.

6. Subject to the provisions of this Act the Council may in the construction of the bridge deviate to any extent not exceeding three feet downwards and five feet upwards from the levels defined on the deposited sections and may deviate laterally from the line of the bridge to any extent within the limits of deviation defined on the deposited plans Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Port Authority.

Subsidiary  
works.

7. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council may make junctions with and may alter the line or level of any street bridge way stream or water-course interfered with by or contiguous to the bridge and may alter and interfere with any steps walls railings windows and pavements and they may execute any works for the protection of any adjoining land or buildings Any pipes paving metalling or materials in on or under any street so altered shall vest in the Council In the exercise of the powers conferred by this section the Council shall cause as little detriment and inconvenience as circumstances admit to any company or person and shall make reasonable compensation for any damage caused to any company or person by the exercise of such powers.

Alteration  
of water gas  
and other  
pipes.

8. Subject to the provisions of this Act the Council may for any purpose in connection with the bridge upon the lands shown on the deposited plans and in any street within the limits of deviation defined on the said plans raise sink or otherwise alter the position of any water-

course water pipe or gas pipe belonging to or connected with any house or building and also any main or other pipe laid down or used by any company or person for carrying a supply of water or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person who suffers damage by any such alteration Provided always that before the Council alter the position of any main pipe tube wire or apparatus laid down or used by any such company or person they shall (except in cases of emergency in which cases as long notice as possible shall be given) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done (at the expense of the Council) under the superintendence of the company or person to whom such main pipe tube wire or apparatus belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the engineer of such company or person Provided also that the Council shall not cause any street to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main or other pipe in any part a covering of less than two feet where the covering now existing is less than two feet unless the Council shall in such case protect the said main or pipe from frost or injury by artificial covering to the reasonable satisfaction of the engineer of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide special means of access to the said main or pipe to the reasonable satisfaction of the engineer of such company or person :

A.D. 1923.

[Ch. lxvii.] *Essex County* [13 & 14 GEO. 5.]  
*Council (Barking Bridge) Act, 1923.*

A.D. 1923.

If any difference arise between the Council and any such company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Council to any such company or person or touching any work matter or thing with reference to such mains or other pipes to be done or executed under such provisions by the Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the Council and such company or person respectively or failing agreement by such engineer as shall on the application of the Council or any such company or person be named by the Minister of Transport and the decision of such engineer shall be final and binding and the expenses of the reference shall be borne as he may direct :

Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section :

Provided also that the Council shall not alter the position of or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

Temporary  
stopping up  
of streets.

9. The Council for the purposes of this Act and during the construction of the bridge may in or upon the lands shown in connection therewith upon the deposited plans stop up or interfere with alter or divert temporarily all or any part of any street place stream or watercourse and may cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such street place stream or watercourse open for traffic and may make such orders for regulating the traffic as to them shall seem proper :

The Council shall provide reasonable access for all persons bona fide going to or returning from any house in any such street or place and shall in each case do as little damage as possible and shall make full compensation to all persons injuriously affected by the exercise of the powers of this section.

**10.** The Council may cause to be removed arched over or filled up all culverts sewers or drains or parts thereof which shall be in or near any highway which shall be interfered with for the construction of the bridge so far as shall appear to them necessary for executing the purposes of this Act so as that no culvert sewer or drain (unless the same become unnecessary by reason of the purchase by or vesting in the Council of the property entitled to the use thereof) shall be in any wise disturbed injured or prejudiced without another culvert sewer or drain being made in lieu thereof equally serviceable and convenient Provided always that before removing or filling up any culvert sewer or drain or part thereof as aforesaid the Council shall where necessary cause to be made and built other good and sufficient culverts sewers and drains in substitution for the culverts sewers or drains which shall be removed or filled up and when made and completed the said culverts sewers and drains shall be under the same jurisdiction care management and direction as the existing culverts sewers or drains for which they are substituted.

A.D. 1923.  
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Sewers or drains to be removed arched over or filled up.

**11.** Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council may for the purposes of and in connection with the powers granted to them by this Act stop up and appropriate the site and soil of any streets ways roads courts passages alleys or plantations shown upon the said plans making all reasonable compensation to any person who suffers damage by any such stopping-up as aforesaid.

Power to stop up streets.

**12.** Subject to the provisions of this Act the Council may cause such parts of the bridge to be laid out for carriageway and such parts thereof for footways as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct and provide such works and conveniences as they may respectively think proper for the purpose of the bridge and in laying out or forming such carriageways and footways and works the Council may in addition to the powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only in respect thereof as are imposed upon any urban or road authority when

Carriage-ways and footways on bridge.

A.D. 1923. — they stop up temporarily any road thoroughfare or any part thereof in the repairing or repaving of any street.

No works on new bridge except with consent of Council.

**13.** Notwithstanding anything in any Act to the contrary it shall not except as by this Act expressly provided be lawful for any person to enter upon break up or interfere with the bridge or the carriageways and footways over the same for the purpose of executing any work whatsoever therein thereon or thereunder except with the consent of the Council in writing and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the Council may reasonably determine. Provided that nothing in this section contained shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1922.

For protection of Postmaster-General.

**14.** The Council shall in constructing the bridge provide a space not less than one foot six inches wide by two feet six inches deep under the footway on one side of the bridge for the accommodation of pipes containing telegraphic lines of the Postmaster-General.

The expression "telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

Abatement of work abandoned or decayed.

**15.** If a work constructed by the Council on or over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and be recoverable as a Crown debt or summarily.

Provision against danger to navigation.

**16.** In case of injury to or destruction or decay of the bridge or any part thereof below high-water mark the Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Port Authority and shall apply to the Port Authority for directions as to the means to be taken and the Council shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.



**17.** Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of the bridge or of recoupment or exchange or for other purposes of this Act.

A.D. 1923.

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Power to Council to take lands.

**18.** In addition to the other lands which the Council are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement and may hold for the purposes of this Act any lands not exceeding three acres :

Power to acquire additional lands by agreement.

Provided that nothing in this Act shall exonerate the Council from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them under the provisions of this section.

**19.** The Council may in connection with or for the purposes of the bridge or otherwise in exercise of the powers of this Act take the parts of the several properties numbered 4 in the urban district of Barking Town shown on the deposited plans and described in the deposited book of reference which lie within the line marked limits of deviation or such part thereof as they may require without being required or compellable to purchase any greater part or the whole of any such property.

As to taking of part of certain properties.

The provisions of this section shall be stated in every notice given thereunder by the Council to sell and convey any premises.

**20.** 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 Council 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 any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

A.D. 1923.

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Correction  
of errors &c.  
in deposited  
plans and  
book of  
reference.

**21.** If there be any omission misstatement 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 Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county for the correction thereof and if it shall appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county and such certificate shall be kept by such clerk with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Power to  
Council to  
enter upon  
property for  
survey and  
valuation.

**22.** The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and buildings by this Act authorised to be taken or 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.

Costs of  
arbitration  
in certain  
cases.

**23.** The tribunal to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the tribunal shall have

power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. A.D. 1923.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

**24.** In settling any question of disputed purchase-money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in lands created after the sixteenth of November one thousand nine hundred and twenty-two if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. Compensation in case of recently altered buildings.

**25.** Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not be required to purchase or acquire any part of the river or of the bed banks and foreshore thereof or to acquire any greater right or interest therein than the right to use the same for the purpose of constructing and maintaining the bridge and any works connected therewith but the Council may purchase and acquire and the owners of and other persons interested in the said river and bed banks and foreshore shall sell to the Council if required such right or easement as aforesaid and Power to acquire easements.

[Ch. lxxvii.] *Essex County* [13 & 14 GEO. 5.]  
*Council (Barking Bridge) Act, 1923.*

A.D. 1923. — the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of any such right or easement as fully as if the same were lands within the meaning of this Act.

Agreements with owners of property. **26.** Subject to the provisions of this Act the Council may in connection with the powers granted to them by this Act enter into and carry into effect agreements with any owners of property or other persons interested in lands houses or property shown or partly shown on the deposited plans with respect to the purchase by the Council of any such lands houses or property or any rights or easements in, on or affecting the same for such consideration being a sum of money in gross or a grant of land or partly money and partly land as may be agreed upon between the Council and such owners or other persons.

Period for completion of new bridge and approaches. **27.** If the bridge be not completed within seven years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the construction thereof shall cease except so far as the same shall have been completed.

Period for compulsory purchase of lands. **28.** The powers of the Council for the compulsory purchase or taking of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Bridge to be vested in Council. **29.** So soon as the county surveyor of the county shall certify that the bridge has been properly completed the bridge shall become and be a county bridge under the jurisdiction control and management of the Council and shall subject to the provisions of this Act be maintained by them accordingly.

Agreements with local authorities for lighting or cleansing bridge. **30.**—(1) Any local authority within whose district any part of the bridge may be situate may by agreement with the Council undertake the lighting or cleansing of the carriageway and footways on the bridge or any part thereof.

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

Arbitration. **31.** Any question or difference arising under this Act as to the amount of any costs damages or expenses

to be paid by the Council or otherwise the determination whereof is not otherwise provided for or as to any other matter arising thereunder the determination whereof is not otherwise provided for shall be referred to and determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

A.D. 1923.  
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**32.** For the protection of the Port Authority the following provisions shall (unless otherwise agreed between the Council and the Port Authority) have effect (that is to say) :—

For protec-  
tion of Port  
of London  
Authority.

- (1) Notwithstanding anything in this Act or on the deposited plans and sections the bridge shall be constructed only on such alignment as may be previously approved in writing by the Port Authority under the hand of their secretary and the central span thereof shall have a clear width of not less than sixty feet measured on the square and a clear headway throughout of not less than thirty feet six inches above Ordnance datum :
- (2) All works by this Act authorised (whether temporary or permanent) which shall be situate in on under or over the river or the bed shores or banks thereof (in this section referred to as "the said works") shall be constructed only in accordance with plans elevations and sections to be previously approved in writing by the Port Authority under the hand of their secretary and deposited at their office and shall be executed and performed to the satisfaction and subject in all respects to the approval of the engineer of the Port Authority :
- (3) (a) All temporary works to be situate in on under or over the river or the bed shores or banks thereof shall be constructed or placed only in such positions and with openings of such clear widths between the piling and with such clear headway as shall be previously approved by the Port Authority ;  
(b) No pile-driver barge or other craft shall at any time except with the consent in writing

A.D. 1923.

of the Port Authority be allowed to lie in any part of the said openings;

(c) The owners and masters of vessels shall not be liable to make good any damage which may be caused to any temporary works by this Act authorised except where the damage arises from the wilful act or default of the owners or masters or their servants or agents :

- (4) In the construction and subsequent maintenance and repair of the said works the traffic of the river shall not be interfered with except so far as may be absolutely necessary and then only with the consent of the Port Authority :
- (5) The said works when commenced shall be proceeded with and completed as soon as practicable and the Council shall on completion of the bridge and in any event within the period by this Act prescribed for such completion remove any temporary works and materials for temporary works which may have been placed by the Council in the river or on the bed shores or banks thereof. If the Council fail so to do the Port Authority may remove the same charging the Council with the reasonable expense of so doing and the Council shall forthwith repay to the Port Authority all expenses so incurred :
- (6) The Council shall also bear and on demand pay to the Port Authority all costs and expenses specially incurred by the Port Authority in superintending the construction or any subsequent repairs of any of the said works and in taking any reasonable steps for the safety of the navigation of the river during such construction of the said works or the execution of any such repairs :
- (7) The Council shall hang out and exhibit on or near the said works during their construction or any repairs thereof and on the bridge when completed every night from sunset to sunrise lights to be kept burning by and at the expense of the Council and proper and sufficient for the navigation and safe guidance of vessels and the

lights shall from time to time be altered by the Council in such manner and be of such kind and number and be so placed and used as the Port Authority by writing under the hand of their secretary or other authorised officer shall approve or direct and if the Council fail so to comply with the provisions of this subsection they shall for every such failure forfeit to the Port Authority twenty pounds :

A.D. 1923.  
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- (8) The Council shall not (except so far as shall be necessary in the construction of the works by this Act authorised) take any gravel soil or other material from the bed or shore of the river without the previous consent of the Port Authority under the hand of their secretary :
- (9) The foundations of the piers of the bridge and of all works in connection therewith shall be constructed and maintained at such a level as to allow the bed of the river adjacent to and throughout the three openings of the bridge to be dredged to a depth of twenty-two feet six inches below the level of Ordnance datum and notwithstanding anything in the Port of London (Consolidation) Act 1920 or any other Act the Port Authority shall not be liable for any damage not arising from negligence to the bridge or other works by this Act authorised if occasioned by or resulting from their dredging operations :
- (10) Notwithstanding anything in this Act or in the Acts incorporated therewith the compensation or consideration payable to the Port Authority in respect of any lands taken or easements acquired under the powers of this Act or in respect of permanent or temporary works placed in the river or on or under the bed or shores thereof shall be assessed in accordance with the provisions of section 254 of the Port of London (Consolidation) Act 1920 or any statutory provision in lieu thereof for the time being in force and the Council shall pay to the Port Authority a fair and

A.D. 1923.

reasonable consideration (to be assessed in manner aforesaid) for or in respect of any main pipe cable wire or other work or apparatus which may be at any time carried across the river by means of the bridge under the provisions of the section of this Act of which the marginal note is "No works on new bridge except with consent of Council" The Council shall give notice in writing to the Port Authority of the placing of any such main pipe cable wire or other work or apparatus so carried over the river:

- (11) Nothing in this Act shall be deemed to authorise the Council in the construction of the said works to discharge or allow to escape either directly or indirectly into the River Thames or its tributaries any offensive injurious or solid matter in suspension or otherwise or to affect in any manner the powers of the Port Authority under sections 226 to 239 (inclusive) of the Port of London (Consolidation) Act 1920 or entitle the Council to infringe any of the provisions of those sections or any requirements of the Port Authority thereunder:
- (12) Nothing in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Port Authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of this Act the Port Authority did or might lawfully claim use or exercise under and by virtue of the Port of London (Consolidation) Act 1920:
- (13) If any difference shall arise between the Council and the Port Authority as to any matter or thing affecting the plans elevations and sections hereinbefore referred to or the mode of constructing the said works or as to anything to be done or not to be done under this section such difference shall be referred to and determined by an arbitrator to be agreed on between the parties or failing agreement appointed by the



President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference. A.D. 1923.  
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**33.** For the protection of the commissioners of sewers for the levels of Havering Dagenham Ripple Barking East Ham Leyton and Walthamstow in the county of Essex (in this section referred to as "the commissioners") the following provisions shall unless otherwise agreed in writing between the commissioners and the Council have effect (that is to say):— For protection of Havering and Dagenham Commissioners of Sewers.

(1) In constructing the bridge or otherwise exercising any of the powers of this Act the Council shall not alter or interfere with the existing river wall on the western bank of the river as shown by a red line on the plan (in this section referred to as "the signed plan") signed in duplicate by His Grace the Duke of Wellington the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (one of which has been deposited in the Parliament Office of the House of Lords and the other in the Private Bill Office of the House of Commons) or execute or do any work or thing so as to obstruct impede or interfere with the rights of the commissioners and their officers and servants and persons authorised by them of passing and repassing along the said bank of the river on the line of the said river wall for any purpose in connection with the exercise and performance of the powers and duties of the commissioners and such rights shall continue to be exerciseable by the commissioners and such officers servants and persons as aforesaid in all respects as if this Act had not been passed:

(2) As from the date on which the Council first acquire any lands or easements or rights for the construction of the bridge on the eastern bank of the river the existing line of the river wall on that bank as shown by a red line on the signed plan shall be deemed to be diverted into the line marked blue on that plan and as from that date all the rights powers jurisdiction and authority

[Ch. lxxvii.] *Essex County* [13 & 14 GEO. 5.]  
*Council (Barking Bridge) Act, 1923.*

A.D. 1923.

exercisable by or vested in the commissioners at the date of the passing of this Act in relation to so much of the said existing river wall as extends between the terminal points of the said diversion shall by virtue of this Act be transferred to and exercisable by or vested in the commissioners in relation to the said river wall as diverted. Such diverted wall shall be deemed for all purposes to be substituted for the said portion of the existing river wall. The Council shall not execute or do any work or thing so as to obstruct impede or interfere with the rights of the commissioners and their officers and servants and persons authorised by them of passing and repassing along the said bank of the river on the line of the said river wall as diverted as aforesaid for any purpose in connection with the exercise and performance of the powers and duties of the commissioners. Provided that nothing in this subsection shall be construed as requiring the Council to execute or bear or contribute towards the cost of any works of diversion of the existing river wall :

- (3) If any difference shall arise between the commissioners and the Council under the provisions of this section such difference shall be referred to an arbitrator to be agreed upon or failing such agreement appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers subject to and in accordance with the provisions of the Arbitration Act 1889 :
- (4) Except as is by this Act expressly provided nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the commissioners but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Recovery of penalties &c.

**34.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a

summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. A.D. 1923.  
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**35.** All expenses incurred by the Council in carrying into execution the provisions of this Act shall save so far as they may be otherwise provided for be paid out of the county fund and shall be deemed to be expenses for general county purposes. Expenses of execution of Act.

**36.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council 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 Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). Crown rights.

**37.** Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to the Crown under or adjacent to the lands and works of the Council authorised to be taken or constructed by this Act but in the event of any such right being at any time intended to be exercised the provisions of the Railways Clauses Consolidation Act 1845 relating to notice and compensation shall apply when the workings reach a point the distance of which from the nearest of such lands would not if measured horizontally exceed one half the depth of such workings below the surface level of such lands. Crown minerals.

**38.** Nothing in this Act contained shall prejudice or affect the powers rights and privileges of the Corporation of Trinity House of Deptford Strond. Saving for Trinity House of Deptford Strond.

[Ch. lxvii.] *Essex County* [13 & 14 GEO. 5.]  
*Council (Barking Bridge) Act, 1923.*

A.D. 1923.  
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Costs of  
Act.

**39.** 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 Council out of the county fund as a general county purpose.

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

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