



CHAPTER xlix.

An Act to authorise the Undertakers of the Aire and Calder Navigation to construct training walls in the rivers Humber and Trent at Trent Falls to provide for payment by the Humber Conservancy Board of the cost of constructing the said training walls and for other purposes. A.D. 1926.
[15th July 1926.]

WHEREAS by the Act 10 and 11 William III. cap. XIX. and various other Acts (local and personal) powers for making and keeping navigable the rivers of Aire and Calder in the county of York and for constructing and maintaining certain canals and other works in that county and other powers have been conferred on the Undertakers of the Aire and Calder Navigation (hereinafter referred to as "the Undertakers"):

And whereas under and by virtue of the Humber Conservancy Acts 1852 to 1907 the Humber Conservancy Board (hereinafter referred to as "the Conservancy Board") are the conservancy authority for the River Humber and the estuary thereof from the confluence of the rivers Ouse and Trent to the sea and of the River Trent below the south side of the stone bridge at Gainsborough and are also charged with the duty of lighting buoying and beaconing the said rivers within their jurisdiction:

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And whereas by the Ouse (Lower) Improvement Act 1884 the Undertakers were constituted conservators of the lower portion of the River Ouse in the county of York between the Skelton Railway Bridge situate a short distance above the port of Goole to the point where the jurisdiction of the Conservancy Board commences at the confluence of the said River Ouse with the said rivers Humber and Trent at Trent Falls and were authorised by that Act to construct training walls and to execute other works for the improvement of the navigation of that portion of the said River Ouse :

And whereas by the Aire and Calder Navigation Act 1914 (hereinafter referred to as "the Act of 1914") the Undertakers were empowered subject as hereinafter mentioned to construct a further training wall in the said River Ouse in an easterly direction from the termination of the training wall described in the said Act of 1884 as "Right Bank Training Wall No. 4" to the limit of the jurisdiction of the Undertakers under the Act of 1884 :

And whereas by section 18 of the Act of 1914 it was (inter alia) provided that unless and until otherwise agreed between the Undertakers and the Conservancy Board the Undertakers should not commence to construct the portion of the training wall authorised by the Act of 1914 between the point marked on the deposited plans as distant one mile and four furlongs from the commencement of the said training wall and the termination thereof namely on the line of boundary between the respective jurisdictions of the Undertakers and the Conservancy Board (in the said section and hereinafter referred to as "the eastern part of the said training wall or embankment") unless and until statutory powers should have been obtained for the carrying out of works of river improvement at or near the confluence of the rivers Ouse and Trent with the Humber in conjunction with the eastern part of the said training wall or embankment and that if and when such agreement should be entered into or statutory powers as aforesaid should have been obtained the construction of the eastern part of the said training wall or embankment should subject to the provisions of the Act of 1914 be carried out by and at the cost of the Undertakers and subject to such conditions stipulations and limitations

and in such manner as might be provided in the said agreement or the Act or Order conferring such statutory powers as aforesaid : A.D. 1926.

And whereas the Undertakers are in course of constructing the western part of the training wall or embankment authorised by the Act of 1914 and it is anticipated that the construction thereof will be completed in the course of the current year :

And whereas in order to enable the Undertakers to proceed with the construction of the eastern part of the said training wall or embankment it is expedient that statutory powers should be conferred for carrying out the works of river improvement at the confluence of the rivers Ouse and Trent with the Humber contemplated by section 18 of the Act of 1914 and described in this Act :

And whereas such works will be situate within the jurisdiction of the Conservancy Board :

And whereas the Conservancy Board have approved of the construction of the said works and have agreed with the Undertakers that the said works shall be carried out by the Undertakers at a cost to the Conservancy Board not exceeding seventy-six thousand pounds and it is expedient to confirm and give effect to such agreement as in this Act provided :

And whereas it is expedient that such further powers in relation to the construction of the said works should be conferred on the Undertakers and the Conservancy Board as are contained in this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands which may be taken for the purposes or under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the west riding of the county of York and the clerk of the peace for the parts of Lindsey in the county of Lincoln and are in this Act referred to as the deposited plans sections and book of reference respectively :

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

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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 :—

Short title.

1. This Act may be cited as the Trent Falls Improvement Act 1926.

Incorporation of Acts.

2. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof as respectively amended by any subsequent Act are so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act incorporated with and form part of this Act.

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 with this Act have the same respective meanings And—

The expression "the Undertakers" means the Undertakers of the Aire and Calder Navigation;

The expression "the Conservancy Board" means the Humber Conservancy Board;

The expression "the navigation" means the Aire and Calder Navigation;

The expression "the Act of 1884" means the Ouse (Lower) Improvement Act 1884;

The expression "the Act of 1914" means the Aire and Calder Navigation Act 1914;

The expression "high-water mark" means high-water mark of ordinary spring tides Admiralty datum.

In the Acts wholly or partially incorporated with this Act—

The expressions "the company" "the undertakers" and "the promoters of the undertaking" and other like expressions mean for the purposes of this Act the Undertakers;

The expressions "railway" "work" and "the undertaking" or other like expressions in the Lands Clauses Acts and in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act mean for the purposes of this Act the training walls or embankments and works connected therewith authorised by this Act and the expression "centre of the railway" in the last-mentioned provisions means any part of such works.

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4. Subject to the provisions of this Act the Undertakers may make and maintain in the lines and according to the levels shown on the deposited plans and sections the training walls or embankments in the parishes of Ousefleet and Adlingfleet in the county of York and the parish of Alkborough in the county of Lincoln hereinafter described and may make and maintain in connection with the said works and from time to time alter and repair all necessary and convenient drains culverts flood gates flood banks sluices arches training and other walls dams embankments dolphins moorings groynes grids buoys lights beacons tide-gauges slipways buildings lightkeeper's houses cranes roads approaches fences rails and other works and conveniences and do all such things as may be necessary or convenient for the purposes aforesaid and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

Power to
execute
works.

The works hereinbefore referred to and authorised by this Act are—

A training wall or embankment (to be called "Right Bank Training Wall No. 1") in the River Humber commencing in the parish of Ousefleet in the county of York on an imaginary straight line drawn across the River Ouse at its confluence with the rivers Humber and Trent from the marking or boundary post at Faxfleet Ness to the marking or boundary post at Bosom Cross at a point eight hundred and fifty yards or thereabouts measured in a north-north-easterly direction from the last-mentioned marking or boundary post and terminating in the parish of Alkborough in the county of

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Lincoln (parts of Lindsey) at a point in the River Humber seven hundred and twenty-three yards or thereabouts measured in an easterly direction from the said point of commencement; A training wall or embankment (to be called "Left Bank Training Wall No. 1") in the rivers Trent and Humber commencing on the left bank of the River Trent at the boundary between the parish of Adlingfleet in the county of York and the parish of Garthorpe in the county of Lincoln (parts of Lindsey) and terminating at the point hereinbefore described as the termination of the Right Bank Training Wall No. 1.

Subsidiary
powers.

5. Subject to the provisions of this Act the Undertakers may within the limits of deviation of the training walls or embankments authorised by this Act shown on the deposited plans temporarily or permanently cross open or break up divert alter stop up remove or otherwise interfere with any streams watercourses sewers drains culverts flood gates flood banks sluices staiths piers jetties landings gangways wharves laybyes moorings groynes grids gas and water mains and pipes telegraphic telephonic electric and other wires pipes posts and apparatus and other works so far as may be necessary for the purposes of the said training walls or embankments the Undertakers providing or causing to be provided to the reasonable satisfaction of the parties responsible therefor proper substitutes before interrupting the supply or flow of gas water or sewage Provided that in the exercise of the powers of this section the Undertakers shall do as little damage as may be and shall make full compensation to all parties entitled thereto for all damage sustained by reason of the exercise of such powers the amount thereof to be determined in the manner provided by the Lands Clauses Acts for settling cases of disputed compensation Provided also that nothing in this section shall extend to authorise any interference with any telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General and that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 otherwise than in accordance with the provisions of section 15 of that Act.

6. In constructing the training walls or embankments by this Act authorised the Undertakers may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

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Limits of
deviation.

7. The Undertakers may for the purposes of the construction and maintenance of the training walls or embankments by this Act authorised and works connected therewith by agreement and as part of the lands which they are hereinbefore authorised to acquire for those purposes purchase or take on lease and hold and subsequently dispose of any quarry or quarries of stone lime or other materials conveniently situated for the purpose and may work the same in such manner and by means of such engines rails staiths cranes lighters hoppers dredgers or other craft and other apparatus and appliances as they think fit and convey the materials gained therefrom to the places where they are to be used or disposed of for the purposes aforesaid and the cost thereof and of the working and conveyance aforesaid shall be deemed to be expenditure in connection with the said training walls or embankments and works.

Under-
takers may
provide
quarries &c.

8. The Undertakers may from time to time build purchase hire use and provide all such engines pumps lighters hoppers dredgers and other machinery implements apparatus and appliances as they may think necessary for or in connection with the construction and maintenance of the training walls or embankments by this Act authorised and works connected therewith and any moneys expended by the Undertakers for those purposes shall be deemed to be expenditure in connection with the said training walls or embankments and works.

Under-
takers may
provide
apparatus
for purposes
of Act.

9. Subject to the provisions of this Act the Undertakers may and if required by the owners of any lands which at the time of the passing of this Act abut upon the foreshore of or drain into the River Trent shall extend or lengthen any warping or other drains or water-courses within the limits of deviation shown on the

Under-
takers to
prolong
drains and
water-
courses.

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deposited plans which now discharge into the said river so as to secure the ingress and egress of the waters to and from the same and shall thereafter scour and maintain the extended or lengthened portion of any such drains or watercourses and shall make and maintain such openings in the training walls or embankments authorised by this Act as may be necessary for the above purposes.

Power to acquire additional lands.

10. The Undertakers may for the purposes of the training walls or embankments by this Act authorised and works connected therewith (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or on lease or otherwise and hold any land and foreshore not exceeding in the whole ten acres and any right easement or privilege therein thereunder thereover or thereupon not being an easement of water.

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

11.—(1) Subject to the provisions of this Act any work authorised by this Act shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

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

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Undertakers and the amount of such cost shall be a debt due from the Undertakers to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Lights on works during construction.

12.—(1) The Undertakers shall at or near such part of the works by this Act authorised as shall be below high-water mark during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of

danger to navigation as the Board of Trade shall from time to time require or approve. A.D. 1926.

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

13.—(1) After the completion of the works by this Act authorised the Undertakers shall at the outer extremity of those works below high-water mark exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Conservancy Board shall from time to time direct. Permanent
lights
on works.

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

14. Notwithstanding anything in this Act any cables pipes or wires to be laid or placed under the powers of this Act by the Undertakers on under or over any tidal waters or tidal lands below high-water mark shall be laid or placed at such depth under or such height over the tidal waters or tidal lands as the Board of Trade may require. Cables
pipes or
wires
on under
or over
tidal
waters or
tidal lands.

15. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Undertakers under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark or of the site upon which it is proposed to construct any such work the Undertakers shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Undertakers to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt. Survey of
works by
Board of
Trade.

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Provision
against
danger to
navigation.

16.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark the Undertakers 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 Conservancy Board and shall apply to the Conservancy Board for directions as to the means to be taken.

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

Abatement
of work
abandoned
or decayed.

17.—(1) Where any work constructed by the Undertakers under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark is abandoned or suffered to fall into decay the Board of Trade or the Conservancy Board may by notice in writing either require the Undertakers at their own expense to repair and restore such part of such work as is situate below high-water mark or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade or the Conservancy Board may think proper.

(2) Where any part of such work which has been abandoned or suffered to fall into decay is situate above high-water mark and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade or the Conservancy Board may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Undertakers they have

failed to comply with such notice the Board of Trade or the Conservancy Board may execute the works required to be done by the notice at the expense of the Undertakers and the amount of such expense shall be a debt due from the Undertakers to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt or if incurred by the Conservancy Board shall be a debt due to them and recoverable summarily.

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18. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works by this Act authorised or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of such works shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds in addition to the payment to the Undertakers of the amount of any damage caused.

Penalty for obstructing works.

19. All moneys expended or received by the Undertakers in connection with the training walls or embankments authorised by this Act and works in connection therewith and with any land or foreshore acquired under the powers of this Act and in payment of the costs charges and expenses of preparing for obtaining and passing of this Act shall be deemed to form part of the expenditure or receipts of the Undertakers for the purposes of or under the Act of 1884 and shall according to the nature thereof be carried to the debit or credit as the case may be of the Lower Ouse improvement capital account or the Lower Ouse improvement revenue account and the provisions of the said Act of 1884 which relate to money expended or received for the purposes of or under that Act shall apply to the expenditure and receipts of the Undertakers in connection with the said training walls or embankments works land and foreshore and such costs charges and expenses as aforesaid.

Act of 1884 to apply to expenditure and receipts in connection with training walls &c.

20. If the training walls or embankments by this Act authorised are not completed within eight years from the passing of this Act then on the expiration of that period the powers granted to the Undertakers for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed

Period for completion of works.

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 Repeal of
 section 18
 of Act of
 1914.

For
 protection
 of Conser-
 vancy
 Board.

21. As from and after the passing of this Act section 18 (Suspension of power to construct eastern part of training wall) of the Act of 1914 shall be and the same is hereby repealed.

22. The following provisions shall unless otherwise agreed in writing between the Undertakers and the Conservancy Board apply and have effect for the protection of the Conservancy Board (that is to say):—

(1) The portion of the training wall or embankment authorised by the Act of 1914 which is described in section 18 of that Act as “the eastern part of the said training wall or embankment” and the training walls or embankments authorised by this Act and all subsidiary works in connection therewith and all other works below high-water mark which the Undertakers are authorised to construct under the powers of this Act shall be constructed under the supervision (if the same be given) and to the reasonable satisfaction of the engineer of the Conservancy Board and in accordance with working plans and sections to be submitted to and to be subject to the reasonable approval of the said engineer before the work to which such plans and sections relate is commenced. Provided that such approval shall not be unreasonably withheld and shall be deemed to have been given unless the said engineer shall signify his disapproval thereof within twenty-one days after the submission to him of such plans and sections:

(2) The training walls or embankments by this Act authorised shall subject to the provisions of this Act at all times be maintained in good repair and condition by and at the expense of the Undertakers and to the reasonable satisfaction of the said engineer and if the Undertakers refuse or neglect to maintain the said training walls or embankments in such good condition and repair as aforesaid the Conservancy Board may from time to time execute the necessary works and recover the expenses of so doing from the Undertakers summarily as a civil debt:

(3) From and after the completion of the training walls or embankments authorised by this Act

the Undertakers shall provide and maintain at or near the said training walls or embankments effective fog-signalling apparatus and shall duly and properly work such apparatus in foggy weather for the purpose of warning passing vessels of the existence of such training walls or embankments : A.D. 1926.

- (4) (a) The Undertakers shall within a reasonable period after the passing of this Act commence the construction of the eastern part of the training wall or embankment authorised by the Act of 1914 and also of the training walls or embankments by this Act authorised;

(b) The Undertakers shall after commencement of the works mentioned in this section proceed with the construction of the same with all due diligence and shall complete the whole of the works within the period limited by this Act :

- (5) The provisions of the sections of this Act of which the marginal notes are—

“ Limits of deviation ” ;

“ Works below high-water mark to be subject to approval of Board of Trade ” ;

“ Lights on works during construction ” ;

“ Cables pipes or wires on under or over tidal waters or tidal lands ”

shall with the necessary modifications apply to the Conservancy Board as if the Conservancy Board were named therein in addition to the Board of Trade :

- (6) (a) If at any time during the construction of the eastern part of the training wall or embankment authorised by the Act of 1914 or of the training walls or embankments authorised by this Act or any part or parts thereof or if at any time within four years after the completion of the same and in consequence of the construction or execution of such works or any part or parts thereof any accumulation of silt or other material shall be created in the Humber which shall cause an impediment to the free navigation of the Humber or increase the difficulties of

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such navigation or render the navigation less convenient than was the case immediately before the commencement of the said works or any part or parts thereof the Undertakers shall at the joint expense of the Undertakers and the Conservancy Board remove such accumulation of silt or other material and execute such other works as may be necessary to restore the navigable channel or channels of the Humber to its or their former state and condition or if the Undertakers fail to do so the Conservancy Board may themselves cause the works to be done And the Undertakers or the Conservancy Board as the case may be may recover one half of the expenses of such works from the Conservancy Board or the Undertakers as the case may be summarily as a civil debt;

(b) Should any such accumulation as aforesaid arise within the said period of four years and be removed in accordance with the provisions of this section then any recurrence of such accumulation shall be deemed to have arisen or to have been occasioned by reason of the construction or execution of the eastern part of the training wall or embankment authorised by the Act of 1914 or of the training walls or embankments authorised by this Act or any part or parts thereof and shall from time to time be removed as aforesaid for a period of twelve years from the completion of the works aforesaid;

(c) If any difference shall arise under this subsection as to whether or not any impediment to the free navigation of the Humber or any injurious affecting of the said navigation has been caused or has arisen in consequence of the works of the Undertakers or as to the nature of the remedial work or works necessary to be undertaken to restore the navigable channel or channels of the Humber to its or their former state and condition or as to the amount of the expenses incurred as aforesaid such difference shall be referred to arbitration as mentioned in subsection (10) of this section;

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(d) For the purposes of any such arbitration the survey or chart of that part of the Humber affected by the said works lastly prepared by the Conservancy Board or the Admiralty (as the case may be) before the commencement of the said works shall be deemed to give a true and accurate description of the state and condition of the Humber and the navigable channel or channels thereof immediately before the commencement of such works :

- (7) If at any time during the construction of the training walls or embankments authorised by this Act or any part or parts thereof or if at any time within two years after the completion of the same and in consequence of the construction or execution of such works or any part or parts thereof it may become necessary or expedient to construct any works for the protection of the foreshores of the Humber at Trent Ness the Undertakers shall subject to the provisions of this Act construct such protective works or if they fail to do so the Conservancy Board may themselves cause the works to be done and may recover the expenses of so doing from the Undertakers summarily as a civil debt :
- (8) The expression "the Humber" where used in this section shall have the same meaning as that assigned to it by section 3 (Interpretation) of the Humber Conservancy Act 1907 :
- (9) Nothing in this Act shall impose or be deemed to impose or imply any obligation upon the Conservancy Board to execute any further works of river improvement in the Humber :
- (10) If any difference shall arise between the Undertakers and the Conservancy Board under this Act such difference shall be determined by the arbitration of an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and in other respects the provisions of the Arbitration Act 1889 shall apply to an arbitration under this section.

A.D. 1926.

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For
protection
of Trent
Navigation
Company
and
Nottingham
Corpora-
tion.

23.—(1) If during the progress of the works by this Act authorised or any part thereof or within two years after the completion of the same or so much thereof as shall be completed under the powers of this Act it shall appear to the Trent Navigation Company (in this section called “the company”) or to the mayor aldermen and citizens of the city of Nottingham and county of the same city (in this section called “the corporation”) that in consequence of the execution of such works or such part thereof as aforesaid any impediment obstruction or danger by reason of silting eddies cross currents or otherwise has been or is likely to be caused to the navigation of the rivers Trent and Humber or either of them opposite to any portion of and on the easterly side of the Left Bank Training Wall No. 1 or within one thousand yards measured in a southerly direction along the course of the River Trent from the point of commencement of the said Left Bank Training Wall No. 1 so as to render the rivers Trent and Humber or either of them inferior to their condition and less convenient and safe for navigation purposes than immediately before the commencement of the said works the company and the corporation or either of them may make a representation to the Board of Trade setting out the impediment obstruction or danger which they allege has been so caused or is likely to be caused and the Board of Trade after hearing any representations of the Undertakers shall decide whether or not such an impediment obstruction or danger has been so caused or is likely to be caused.

(2) If the Board of Trade decide that such an impediment obstruction or danger has been so caused or is likely to be caused they shall direct the Undertakers to carry out and the Undertakers shall carry out such further works as may be so directed for the purpose of restoring the said portions of the rivers Trent and Humber or either of them specified in subsection (1) of this section to a not less satisfactory state and condition for navigation purposes than the state and condition in which the said portions of the said rivers or either of them were immediately before the commencement of the said works In case of any neglect on the part of the Undertakers to comply with any direction of the Board of Trade given in pursuance of the provisions of this subsection within such period as the Board of Trade

may prescribe or to maintain any work so directed as aforesaid to be carried out the Undertakers shall for every day on which such neglect occurs forfeit and pay to the company and to the corporation jointly (who may sue for and recover the same) the sum of five pounds.

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(3) For the purposes of this section the survey or chart of the portions of the rivers Trent and Humber described in subsection (1) of this section lastly prepared by the Conservancy Board or the Admiralty (as the case may be) before the commencement of the works referred to in that subsection shall be deemed to give a true and accurate description of the state and condition for navigation purposes of the said portions of the said rivers immediately before the commencement of such works.

(4) The Undertakers shall and they are hereby expressly required to acquire and hold for the purposes of this Act such part of the lands described and referred to in the section of this Act of which the marginal note is "Power to acquire certain lands" as is coloured pink on a plan signed in duplicate by Henry Pickard on behalf of the Undertakers and by Frank Rayner on behalf of the company and the corporation.

24. Nothing in this Act contained shall be deemed or construed to repeal alter or take away any right of pre-emption to which the Co-operative Wholesale Society Limited may be entitled under or by virtue of section 36 of the Humber Conservancy Act 1876 and section 86 of the Humber Conservancy Act 1907 as owners of the lands between the points marked C and D on the deposited plans adjoining the lands between such points which may be hereafter reclaimed from the River Trent by reason of the execution by the Undertakers of the works authorised by this Act or any of such works.

For protection of Co-operative Wholesale Society Limited.

25. For the protection of the corporation of the Level of Hatfield Chase (in this section referred to as "the corporation") and the county council of the administrative county of the west riding of Yorkshire (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the corporation and the council on the one hand and the

For protection of corporation of Level of Hatfield Chase and West Riding

A.D. 1926. Undertakers on the other hand have effect (that is to say) :—

County
Council.

- (1) If the corporation or the council shall at any time hereafter be authorised to and shall construct a new outfall at or near the Left Bank Training Wall No. 1 by this Act authorised the Undertakers shall and will afford all reasonable facilities for the construction and maintenance of such outfall so far as it may affect such training wall and also for the exercise of rights of ingress or egress for navigation purposes :
- (2) All works in connection with the construction or maintenance of the said outfall whether for drainage or navigation purposes shall be carried out by the corporation or the council as the case may be at their own expense :
- (3) Not less than three months before the corporation or the council shall commence to construct the said works or any part thereof the corporation or the council as the case may be shall submit to the Undertakers for their reasonable approval plans and sections of the proposed works and the said works shall be constructed in all respects in accordance with such plans and sections as approved by the Undertakers and to the satisfaction and under the supervision if the same be given of the Undertakers or in case of difference as settled by arbitration as hereinafter provided Provided that if within three months after the receipt of such plans and sections as aforesaid the Undertakers do not intimate in writing to the corporation or the council as the case may be any objections thereto they shall be deemed to have approved thereof :
- (4) At all times after the completion of the said works pursuant to this section or any part thereof the corporation or the council as the case may be shall maintain and keep in repair the same and they shall not during such construction or maintenance in any way obstruct or interfere with the free flow of water in the River Trent :
- (5) If any difference shall arise under the provisions of this section such difference shall be referred to and determined by an arbitrator to be agreed

upon between the parties or failing such agree-[~] A.D. 1926.
ment to be 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 and subject as aforesaid the
provisions of the Arbitration Act 1889 shall
apply to any such reference.

26. For the protection of the Adlingfleet and Whit- For pro-
gift Drainage Commissioners (in this section referred to tection of
as "the commissioners") the following provisions shall Adlingfleet
unless otherwise agreed in writing between the commis- and
sioners and the Undertakers have effect (that is to say):— Whitgift
Drainage
Commissioners.

(1) The Undertakers shall give to the commissioners
not less than six months' notice in writing of
their intention to commence the construction of
the Left Bank Training Wall No. 1:

(2) (a) Contemporaneously with the construction of
the Left Bank Training Wall No. 1 by this Act
authorised the Undertakers shall at their own
expense and to the satisfaction and under the
supervision (if the same be given) of the com-
missioners construct from the wing walls at
the outer end of the existing sluice of the
Adlingfleet drain to and through the said left
bank training wall such trained channel as will
ensure the free and effective discharge into the
River Trent of the water flowing from the said
drain;

(b) If before the commencement of the con-
struction of the Left Bank Training Wall No. 1
the commissioners shall commence the work of
lowering the level of the cill of the Adlingfleet
drain sluice to an extent not exceeding two feet
six inches the Undertakers shall construct the
said trained channel of such depth as shall be
reasonably required in order to adapt the same
to the lowered level of the said cill Provided
that the commissioners having commenced the
said work of lowering shall proceed with and
complete the same with due diligence:

(3) Not less than one month before commencing to
construct the said left bank training wall the
Undertakers shall submit to the commissioners

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for their reasonable approval plans and sections of the trained channel to be constructed pursuant to subsection (1) of this section and the said trained channel shall be constructed in all respects in accordance with such plans and sections as approved by the commissioners or (in case of difference between the commissioners and the Undertakers) as settled by arbitration as hereinafter provided. Provided that if within one month after the receipt of such plans and sections as aforesaid the commissioners do not intimate in writing to the Undertakers any objections thereto they shall be deemed to have approved thereof :

- (4) At all times after the completion of the trained channel to be constructed pursuant to this section the Undertakers shall maintain and keep in repair the same and shall keep properly and efficiently cleansed and scoured the said trained channel and the Undertakers shall not during such construction in any way obstruct or interfere with the free discharge of water from the said Adlingfleet drain into the River Trent. If the Undertakers at any time make default for the space of two days after service of a notice in writing by the commissioners on the engineer for the time being of the Undertakers in complying with the provisions of this subsection the commissioners may themselves carry out the work required and recover from the Undertakers in any court of competent jurisdiction the cost reasonably incurred by them in so doing such notice shall be deemed duly given if sent by registered post to or left at the office of the said engineer :
- (5) In consideration of the obligation imposed upon the Undertakers by subsection (4) of this section the commissioners shall pay to the Undertakers on the first day of January in each year after the date on which the Undertakers commence to construct the said trained channel (a) such a sum of money as is equivalent to the average annual cost incurred by the commissioners in cleansing and scouring the existing outfall

channel during the period of five years expiring at the end of the financial year of the commissioners preceding the date on which the Undertakers commence to construct the said trained channel or (b) the sum of one hundred pounds whichever shall be the less :

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- (6) If any difference shall arise between the Undertakers and the commissioners under the provisions of this section such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed 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 apply to any such reference.

27. For the protection of the commissioners of sewers for the county of Lincoln city of Lincoln and county of the said city and part of the county of Nottingham acting in and for the wapentakes of Manley Corringham and Aslaoe in the parts of Lindsey in the county of Lincoln (in this section called "the commissioners") and the rural district council of Glanford Brigg (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the commissioners and the council and the Undertakers apply and have effect (that is to say) :—

For protection of Lincolnshire Commissioners of Sewers and Glanford Brigg Rural District Council.

- (1) Nothing in this Act contained shall except as hereinafter provided be deemed or construed to prejudice diminish alter abridge or take away any of the jurisdictions rights powers or authorities now vested in the commissioners or in the council :
- (2) Before commencing to construct any part of the works by this Act authorised the Undertakers shall acquire and hold for the purposes of this Act such part of the lands described and referred to in the section of this Act of which the marginal note is "Power to acquire certain lands" as is coloured pink on the plan dated the sixteenth day of March one thousand nine hundred and twenty-six and signed in duplicate by Henry Pickard on behalf of the Undertakers and by Frank Rayner on behalf of the Trent

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Navigation Company and the Nottingham Corporation which is referred to in subsection (4) of the section of this Act of which the marginal note is "For protection of Trent Navigation Company and Nottingham Corporation.":

- (3) The Undertakers shall as soon as they have acquired the lands so coloured pink as aforesaid forthwith construct along the eastern boundary of such lands or as near as practicable to such boundary a new flood bank in substitution for such part of the existing flood bank on the lands so coloured pink as aforesaid as shall be riverward of such new flood bank. Such new flood bank shall be constructed of the same dimensions and character as the existing flood bank and in accordance with such plans and sections as shall before the construction of any part of such works is commenced have been submitted by the Undertakers to and reasonably approved by the commissioners and the council or as failing such approval shall have been settled by arbitration as hereinafter in this section provided. The said new flood bank shall be so maintained by the Undertakers to the reasonable satisfaction of the commissioners and the council for a period of seven years from the completion thereof:
- (4) Subject to the provisions of this section so soon as the said new flood bank shall have been so constructed as aforesaid all powers rights duties and obligations of the commissioners or the council which now affect or relate to the said part of the said existing flood bank shall extend and apply to the said new flood bank and shall cease to extend or to apply to the said part of the said existing flood bank:
- (5) If during the construction or within four years after the completion of the works authorised by this Act any damage arises to any flood bank (other than the existing flood bank referred to in subsection (3) hereof) sluice or other drainage work within the jurisdiction of the commissioners or of the council in any part of either the River Trent or the River Humber between an imaginary line drawn at right angles to and across

the River Trent at the point at which the southern boundary of the parish of Alkborough intersects the right bank of that river and an imaginary line drawn at right angles to and across the River Humber at a point on the right bank of that river at or near Whitton Ness two miles measured in an easterly direction from the point at which the eastern boundary of the said parish intersects the last mentioned bank by reason or in consequence of the construction or maintenance of any of the works so authorised the Undertakers shall on being so required by the commissioners or the council make good such damage or if the Undertakers make default in so doing within a reasonable time after the receipt by them of such requirement the commissioners or the council may themselves make good the same and all costs and expenses reasonably incurred by them in so doing shall be repaid to them by the Undertakers :

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- (6) Any difference arising between the commissioners or the council and the Undertakers under this section shall be referred to an arbitrator to be appointed unless otherwise agreed in writing between the parties in difference by the President of the Institution of Civil Engineers on the application of either the commissioners or the council or the Undertakers after notice to the other or others of them and in other respects the provisions of the Arbitration Act 1889 shall apply to an arbitration under this section.

28.—(1) If by reason or in consequence of the construction or maintenance of the works by this Act authorised or any part thereof and during the progress or within four years after the completion of the same or so much thereof as shall be completed under the powers of this Act—

- (a) the sectional area of any part of the River Trent co-extensive with the Left Bank Training Wall No. 1 is reduced to a sectional area less than that of the said river opposite Island House; or
- (b) any impediment shall arise in any part of the River Trent or River Humber owing to silting

For protection of Lindsey County Council and drainage authorities in that county.

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or any other cause whatsoever occurring in any part of either of the said rivers between an imaginary line drawn at right angles to and across the River Trent at the point at which the southern boundary of the parish of Alkborough intersects the right bank of that river and an imaginary line drawn at right angles to and across the River Humber at a point on the right bank of that river at or near Whitton Ness two miles measured in an easterly direction from the point at which the eastern boundary of the said parish intersects the last-mentioned bank so as to be prejudicial to the interests of any drainage area wholly or partly within the parts of Lindsey and having a drainage outfall discharging into the River Trent or River Humber

then and in every such case the Undertakers shall carry out and thereafter maintain between the said imaginary lines such works or further works as may be directed by the Board of Trade after consultation with the Minister of Agriculture and Fisheries on the application of the Lindsey County Council or the drainage authority of any such drainage area as aforesaid and after hearing the representations of the Undertakers in relation thereto for the purpose of restoring and thereafter maintaining the said River Trent and/or the said River Humber as the case may be to and in a state and condition not less efficient for the purposes of any such drainage authority as aforesaid than the state and condition for such purposes immediately before the commencement of the said works.

(2) If any impediment attributable to silting or any other cause whatsoever as aforesaid shall arise within the said period of four years then any recurrence of such impediment which may occur after the expiration of that period and within twelve years from the completion of the works by this Act authorised or so much thereof as shall be completed under the powers of this Act shall be deemed to have arisen or to have been occasioned by reason of the construction or execution of the said works and shall from time to time during the said period of twelve years be removed as aforesaid.

(3) If any difference shall arise between the Undertakers on the one hand and the Lindsey County Council or the drainage authority of any such drainage area as

aforesaid on the other hand as to the existence or recurrence or the cause of any impediment or silting or as to any other matter or thing whatsoever under this section such difference shall be determined on the application of either party by the Board of Trade or by their nominee as an arbitrator and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to an arbitration under this section.

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29. For the protection of Lewis Robert Goulton Constable of Walcot Hall in the county of Lincoln (in this section called "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Undertakers apply and have effect (that is to say):—

For pro-
tection of
Lewis
Robert
Goulton
Constable.

(1) If during the progress of the works by this Act authorised or any part thereof or within four years after the completion of the same or so much thereof as shall be completed under the powers of this Act such works will in the opinion of the owner be liable to cause flooding of or other damage to any lands of the owner situate in the parish of Alkborough (in this section called "the Walcot Estate") and that in order to prevent such flooding or other damage it is necessary to alter any of his drainage works on the Walcot Estate or to construct thereon any new drainage works or any other works of protection against such flooding or damage the owner may give notice to the Undertakers that he proposes to make such alteration or to execute such works accompanied by plans and sections showing the proposed alterations and works:

(2) If the Undertakers do not within twenty-eight days from the receipt from the owner of such notice plans and sections inform the owner in writing whether they agree to the same or object thereto the Undertakers shall be deemed to agree thereto but if within such twenty-eight days the Undertakers shall object to such plans and sections on the ground that the proposed alterations and works or any of them are unnecessary or on any other ground the difference so arising shall be settled by arbitration as hereinafter in this section provided:

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(3) Forthwith after such plans and sections shall have been so agreed or such difference so settled the owner may carry out all such alterations of drainage works and works of defence against flooding as shall be shown on the said plans and sections and the Undertakers shall pay to the owner all expenses reasonably incurred by the owner in or in relation to carrying out the same :

(4) Any difference which may arise between the owner and the Undertakers with respect to any matter referred to in this section shall unless otherwise agreed be determined on the application of either party by an engineer to be agreed upon between the owner and the Undertakers or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and in other respects the provisions of the Arbitration Act 1889 shall apply to an arbitration under this section.

Power to
acquire
certain
lands.

30. Subject to the provisions of this Act and in addition to the other lands which the Undertakers are by this Act authorised to acquire the Undertakers may enter upon take use and hold for the purposes of this Act all or any part of the lands hereinafter described and delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

A piece of land situate in the parish of Alkborough in the county of Lincoln (parts of Lindsey) on the right banks of the rivers Trent and Humber being parts of the enclosures numbered 19 20 21 22 and 45 on sheets V-6 and V-7 of the $\frac{1}{2500}$ Ordnance survey map of the county of Lincoln (edition 1886).

Power to
take ease-
ments &c.
by agree-
ment.

31. 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 Undertakers 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. A.D. 1926.

32. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Undertakers shall make full compensation to all parties 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. As to private rights of way over lands taken compulsorily.

33. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Undertakers award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Undertakers by the claimant giving sufficient particulars and in sufficient time to enable the Undertakers 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 Undertakers 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. Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Undertakers to amend the statement in writing of the claim delivered by him to the Undertakers 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 Undertakers if they object to the amendment and such amendment shall be subject to such terms enabling the Undertakers 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 to the effect of this enactment. Costs of arbitration &c. in certain cases.

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Single
arbitrator.

34. In all cases of disputed compensation arising under this Act in respect of land to be taken compulsorily or otherwise or of injurious affection of land which fall to be determined under the provisions of the Lands Clauses Acts it shall unless the Undertakers and the other party or parties to the dispute concur in the appointment of a single arbitrator pursuant to the said Acts be in the power of the Undertakers or such other party or parties to apply to the Board of Trade to appoint a single arbitrator to determine the compensation to be paid and it shall not be competent thereafter to have the same determined by arbitrators umpires justices or jury acting under the Lands Clauses Acts. The said arbitrator upon appointment shall be deemed to be a single arbitrator within the meaning of the Lands Clauses Acts and the provisions of those Acts with regard to arbitration shall apply accordingly.

Period for
compulsory
purchase
of lands.

35. The powers of the Undertakers for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of October one thousand nine hundred and twenty-nine.

Property to
stand
vested in
trustees.

36. All lands purchased taken or used and all training walls or embankments buildings works and property erected or acquired under the powers of this Act shall subject to the provisions of this Act stand vested in trust for the purposes of this Act in the trustees of the navigation with the like indemnification as the property in the navigation is by virtue of the Acts heretofore passed relating to the navigation vested in the trustees.

Correction
of errors in
deposited
plans and
book of
reference.

37. 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 described in the deposited book of reference the Undertakers after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from accident or 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 said county and a duplicate thereof shall also be deposited with the clerk of the district council and with the clerk or chairman of the parish council or parish meeting with whom the portion of the deposited plans and sections relating to the parish in which the lands affected are situate was deposited and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerk of the district council or clerk or chairman of the parish council or parish meeting as the case may be 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 Undertakers to take the lands and execute the works in accordance with such certificate.

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38. Subject as hereinafter provided all costs charges and expenses reasonably and properly incurred by the Undertakers in and about the construction of the training walls or embankments by this Act authorised and the works and conveniences connected therewith and the purchase of lands therefor shall be paid by the Conservancy Board to the Undertakers as follows :—

Cost of works &c. to be paid by Conservancy Board to Undertakers.

- (1) Within twenty-eight days after the thirty-first day of December next following the date on which the Undertakers shall have commenced to construct the said training walls or embankments or either of them the engineer of the Conservancy Board shall certify in writing to the Conservancy Board the amount of such costs charges and expenses which have been incurred by the Undertakers during that period and shall within the like period after the expiration of each successive period of twelve months until the completion of the said works certify to the Conservancy Board the respective amounts of the further costs charges and expenses as aforesaid which have been incurred by the Undertakers :
- (2) Within twenty-eight days from the date of a certificate of the said engineer under the immediately preceding subsection the Conservancy Board shall pay to the Undertakers the amount of the costs charges and expenses appearing by

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such certificate to have been incurred by the Undertakers during the period to which the said certificate relates and in default of payment by the Conservancy Board of the amount so certified within the said period of twenty-eight days that amount shall bear interest at the rate of five pounds per centum per annum from the expiration of that period until the date of actual payment :

- (3) The total costs charges and expenses to be paid by the Conservancy Board to the Undertakers under this Act shall not exceed the sum of seventy-six thousand pounds exclusive of any expenses which may become payable by the Conservancy Board to the Undertakers under the section of this Act of which the marginal note is " For protection of Conservancy Board " :
- (4) The Conservancy Board shall upon the completion of the said training walls or embankments convey free of charge to the Undertakers all the estate and interest of the Conservancy Board in the sites of the said training walls or embankments and in so much of the foreshore or bed of the rivers Humber and Trent respectively as may be ingained or reclaimed by the construction of the said training walls or embankments :
- (5) The said engineer may at all reasonable times inspect such of the books and accounts of the Undertakers as may be necessary to enable him to certify to the Conservancy Board in accordance with the provisions of this section and the Undertakers shall afford to the said engineer all such other facilities and information as he may reasonably require for the purpose aforesaid :
- (6) If any difference shall arise under this section between the Undertakers and the Conservancy Board such difference shall be determined by the arbitration of an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party and in other respects the provision of the Arbitration Act 1889 shall apply to an arbitration under this section :

(7) The Undertakers shall within six months after the passing of this Act produce to the Commissioners of Inland Revenue a King's Printer's copy thereof stamped with the ad valorem duty which would be payable upon an instrument (as defined by the Stamp Act 1891) made between and under the respective seals of the Conservancy Board and the trustees of the navigation on the date of the passing of this Act and containing the provisions set out in this section and in default of such production the said duty with interest thereon at the rate of five pounds per centum per annum from the time hereinbefore fixed for production until payment shall be a debt due from the Undertakers to His Majesty. A.D. 1926.

39. The Undertakers may apply to the purposes of this Act any funds or capital belonging to or authorised to be raised or borrowed by them which are not required for the purposes for which the same were authorised to be raised or directed to be applied. Application of funds of Undertakers.

40. The purposes of this Act shall be deemed to be purposes of the Humber Conservancy Acts 1852 to 1907 within the meaning of section 79 (Board to keep separate revenue funds) and section 83 (Power to borrow) of the Humber Conservancy Act 1907 and the Conservancy Board may accordingly apply for the purposes of this Act the conservancy fund referred to in the first mentioned section and any money which they are authorised to borrow by the section secondly above mentioned of the said Act of 1907. Application of funds of Conservancy Board.

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

42. Except as hereinafter expressly provided nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Undertakers 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 Crown rights.

A.D. 1926. — 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.

Crown
minerals.

43. Notwithstanding the provisions contained in the section of this Act of which the marginal note is "Crown rights" or in the Act of 1914 or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Undertakers authorised to be taken or constructed by this Act or the Act of 1914 and any amending enactments but in the event of any such right being at any time intended to be exercised sections 77 to 85 (both inclusive) of the Railways Clauses Consolidation Act 1845 as incorporated in the Act of 1914 shall in relation to such minerals be deemed to be amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act and those sections as amended by the said Act of 1923 and the said schedules thereto shall apply as if the same were in relation to such minerals incorporated in this Act and the Act of 1914 and as if the Undertakers were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mine owners or royalty owners as the case may be and so that any compensation payable by the Undertakers to or for the benefit of His Majesty as the mine owner or royalty owner or payable to the Undertakers by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be.

Costs of
Act.

44. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Undertakers.

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