



Whitchurch Bridge Act 1988

CHAPTER vi

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ELIZABETH II



1988 CHAPTER vi

An Act to modify the Transport Charges &c. (Miscellaneous Provisions) Act 1954 in its application to the bridge undertaking of the Company of Proprietors of Whitchurch Bridge; to confer other powers on the proprietors and to amend or repeal certain of the local statutory provisions applicable to them; and for other purposes. [15th March 1988]

WHEREAS by an Act passed in the thirty-second year of the reign of His late Majesty King George 3 intituled "An Act for building a Bridge, at or near the Ferry over the River Thames, from Whitchurch, in the county of Oxford, to the opposite Shore in the Parish of Pangbourn in the County of Berks" (hereinafter referred to as "the Act of 1792") the Company of Proprietors of Whitchurch Bridge (hereinafter in this Act called "the Company") were incorporated and authorised to construct the said bridge (hereinafter referred to as "the bridge") and to levy tolls for passage thereover:

1792 c. 97.

And whereas the bridge continues to serve the needs of substantial volumes of traffic and at the same time the cost of maintaining and eventually replacing the bridge continues to increase:

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

1954 c. 64.

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of a reserve fund and that certain of the local enactments applicable to the Company should be amended and others repealed as by this Act provided:

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

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

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Whitchurch Bridge Act 1988.

(2) The Act of 1792 and this Act may be cited together as the Whitchurch Bridge Acts 1792 and 1988.

Interpretation.
1792 c. 97.

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

“the Act of 1792” means the Act passed in the thirty-second year of the reign of His late Majesty King George 3 intituled “An Act for building a Bridge, at or near the Ferry over the River Thames, from Whitchurch, in the County of Oxford, to the opposite Shore in the Parish of Pangbourn, in the County of Berks”;

“the bridge” means the Whitchurch Bridge of the Company and all the lands, easements, rights, toll-houses, toll-gates, signals, offices and other assets of whatever description for the time being held or used by the Company in connection with that bridge;

“the Company” means the body corporate constituted by the Act of 1792 under the name of “The Company of Proprietors of Whitchurch Bridge”.

Modification
of Transport
Charges &c.
(Miscellaneous
Provisions)
Act 1954.
1954 c. 64.

3.—(1) In its application to the Company, section 6 (3) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (revision of charges) shall have effect as if for the words “the paid up share capital of the undertaking” there were substituted the words “the investment of the Company of Proprietors of Whitchurch Bridge in the bridge as defined in section 2 of the Whitchurch Bridge Act 1988”.

(2) Without prejudice to the generality of the proviso to the said section 6 (3) in its application to the Company, the following shall be taken to be special circumstances affecting the Company's undertaking:—

(a) the application by the Company, within the period referred to in that proviso, of revenue for any purpose other than those specified in section 4 of this Act; and

(b) the burden on regular users of the bridge of tolls levied by the Company, having regard to the level of any concessionary rate at which season tickets are made available within that period.

Application of
money derived
from tolls.

4. Tolls taken under the Act of 1792 shall be applied by the Company—

(a) in meeting all expenses incurred in, and in connection with, taking of tolls and other administrative expenses of the Company incurred in connection with the bridge;

(b) in defraying costs incurred as provided by section 10 of this Act:

- (c) in the payment of taxes (if any);
- (d) in defraying the cost of providing, maintaining and renewing toll houses, toll-gates, signals, offices, equipment or other conveniences held or used by the Company in connection with the bridge;
- (e) in meeting any expenditure incurred by the Company in, or in connection with, the maintenance, repair or alteration of the bridge;
- (f) in paying interest on any moneys borrowed under section 6 of this Act; and
- (g) in setting apart contributions to a reserve fund under section 7 of this Act;

and any balance remaining may be applied by the Company in payment of dividends on its paid up share capital.

5. The Company may enter into a composition with any person with respect to the payment of tolls and may issue season tickets at concessionary rates for users of the bridge.

Power to compound for payment of tolls.

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

Power to borrow.

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

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

7.—(1) The Company shall make due provision for the maintenance and renewal of the bridge by setting apart in each year out of revenue sums for the formation and maintenance of a reserve fund in accordance with this section.

Reserve fund.

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

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

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

General and special meetings.

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

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

(4) Subject to subsection (5) below, for any general meeting not less than 14 days' notice in writing shall be given personally or by post sent to the address within the United Kingdom of any proprietor being his place of abode or the address supplied by him to the Company for the giving of notices to him. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, pre-paying and posting a letter containing the notice, and to have been effected at the expiration of 24 hours after the letter containing the same is posted.

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

Amendments
and repeals.

9.—(1) (a) In section 43 (When Bridge impassable, a Ferry to be provided) of the Act of 1792 for the words "a proper and convenient Ferry for the Passage of Travellers, Cattle, and Carriages" there shall be substituted the words "convenient means of transport for pedestrians and cyclists".

(b) Part I of Schedule 1 to this Act shall have effect for the purpose of making general amendments to the Act of 1792.

(c) The provisions of the Act of 1792 specified in column (1) of Part II of Schedule 1 to this Act are hereby amended as specified in column (2) of that Part.

(2) The provisions of the Act of 1792 specified in column (1) of Schedule 2 to this Act are hereby repealed to the extent specified in column (2) of that Schedule.

Costs of Act.

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

SCHEDULES

SCHEDULE 1

Section 9.

PART I

GENERAL AMENDMENTS TO THE ACT OF 1792

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

PART II

PROVISIONS OF THE ACT OF 1792 AMENDED

| Provision (1) | Amendment (2) |
|--|---|
| Section 20 (Business to be done at the First General Meeting. First Committee, Treasurer and Clerk to be appointed). | For the words from "at the said First Meeting" to the end of the section there shall be substituted the words "shall also appoint a Treasurer and a Clerk upon such terms as to salary and otherwise as may be thought fit." |
| Section 25 (Company to have Power to remove Committee Men and Officers and make and alter Bye Laws). | For the words from "Rules, Bye Laws and Orders for the good Government" to the end of the section there shall be substituted the words "Bye Laws for the good and orderly Management of the said Bridge and of the Tolls to be taken in respect of the same. Any person offending against any such Bye Law shall be guilty of an offence and shall be liable to a fine not exceeding five pounds." |
| Section 46 (Informations and Conviction to be before One Justice. The Recovery of Penalties and Forfeitures). | For the words from "That all Complaints" to the end of the section there shall be substituted the words "that all offences created by this Act may be prosecuted summarily." |

SCHEDULE 2

Section 9.

PROVISIONS OF THE ACT OF 1792 REPEALED

| Provision (1) | Extent of repeal (2) |
|---|---|
| Section 4 (Bodies Corporate, &c. empowered to sell Premises required for building the Bridge, &c.). | The whole section. |
| Section 5 (Commissioners to determine Differences). | The whole section. |
| Section 6 (If Parties cannot agree, the Matter to be settled by a Jury). | The whole section. |
| Section 7 (If a sufficient Number of Jurymen do not attend, the Jury to be made up from the Standers by Sheriff, &c. making Default, may be fined). | The whole section. |
| Section 8 (Commissioners or Jury not to act where interested). | The whole section. |
| Section 9 (Proprietors not to take Possession of Premises till Payment of Purchase Money). | The whole section. |
| Section 10 (Money payable to Bodies Corporate, &c. to be reinvested in Purchase of other Estates to the same Uses). | The whole section. |
| Section 11 (Paying Expences of the Jury). | The whole section. |
| Section 12 (Meetings of Commissioners to be held within a limited Distance). | The whole section. |
| Section 13 (Annual Rents, adjudged for Damages, to be paid). | The whole section. |
| Section 14 (When the Bridge shall be completed, Right of, in, and to the Ferry to cease, in Consideration of 350l). | The whole section. |
| Section 19 (General and Special Meetings how to be held). | The whole section. |
| Section 21 (Subsequent Committees how to be chosen; their Meetings to be monthly. Their Expences how to be borne). | The words "(not being at a greater Distance than Seven Miles from the Bridge)". |
| Section 23 (Committee to make Calls of Money from the Proprietors, when necessary. The Money to be paid to the Treasurer, and applied by the Committee. Powers of the Committee. Notice of calls. Persons not paying the First Call, may be sued. Penalty on persons not paying according to subsequent Calls). | The words from "in any of" to "allowed". |
| Section 35 (Penalty on evading Tolls, &c.). | The words from "whereof" to the end. |

| Provision (1) | Extent of repeal (2) |
|---|---|
| Section 36 (Penalty on conveying for Hire Persons, Cattle, or any other Article over the River, within a certain Distance, otherwise than over the Bridge). | The whole section. |
| Section 41 (Damaging the Bridge. &c. to be deemed Felony). | The whole section. |
| Section 43 (When Bridge impassable, a Ferry to be provided). | The words from "and it shall be lawful for such Person or Persons" to the end. |
| Section 44 (For obliging Subscribers to pay their Subscriptions). | The words "and the same shall be paid to the Treasurer of the said Company of Proprietors" and the words from "in the Name of their Treasurer or Clerk" to the end. |
| Section 47 (A Justice of the Peace for Oxfordshire and Berks. may take Cognizance of any Offence which shall extend to both Counties). | The whole section. |
| Section 48 (Distress not to be deemed unlawful for Want of Form). | The whole section. |
| Section 49 (Form of Conviction). | The whole section. |
| Section 50 (Appeal). | The words "or Treasurer". |
| Section 51 (Proceedings not to be quashed for Want of Form, or removed by Certiori). | The whole section. |
| Section 52 (Limitation of Actions. General Issue. Treble Costs). | The words from "and not afterwards" to the end. |
| Section 53 (Publick Act). | The whole section. |

SCH. 2
—cont.