

County of Avon Act 1982

- For protection of baths and springs
- 33.** – (1) In this section-
“the deposited plan” means the plan marked “County of Avon – Hot baths and springs in Bath” and prepared in triplicate, one copy of which has been deposited in the office of the Clerk of Parliaments, one in the Private Bill Office of the House of Commons and one in the office of the proper officer of the Bath council;
“protected area A” means the lands shown edged green on the deposited plan;
“protected area B” means the lands shown edged blue on the deposited plan, not being land within protected area A;
“protected area C” means the lands shown edged red on the deposited plan, not being land within protected area A or protected area B.
- (2) This section applies to the following operations, that is to say:-
(a) the opening, digging, sinking or deepening of any pit or well;
(b) the opening or working of any mine or quarry; and
(c) the making of any excavation or opening by drilling or otherwise.
- (3) Any person who without the consent of the Bath council carries out an operation to which this section applies to a depth exceeding-
(a) within protected area A, 5 metres;
(b) within protected area B, 15 metres;
(c) within protected area C, 50 metres;
below the surface of the natural ground shall (without prejudice to any other remedy) be guilty of an offence and liable on summary conviction to a fine not exceeding £500.
- (4) A copy of the deposited plan shall be available at all reasonable times for inspection by the public without charge at the office of the proper officer of the Bath council.
- (5) The Bath council may refuse their consent under sub-section (3) above if in their opinion the operation to which this section applies is likely to cause injury or affect any of the hot baths or springs belonging to the Bath council:
Provided that if any difference arises between the Bath council and any person whether any of the said hot baths or springs is likely to be affected or injured or affected such difference shall be determined by a geologist to be agreed upon between the parties or, failing such an agreement, by a geologist to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.
- (6) (a) If it appears to a magistrate’s court on complaint by or on behalf of the Bath council that a person is carrying on an operation to which this section applies within protected area A, B, or C or is about to carry on such an operation in such a manner as to cause injury to or affect any of the hot baths or springs belonging to the Bath council the court may (and in cases to which subsection (3) above applies notwithstanding any such consent or determination as is hereinbefore referred to) make an order requiring the person within the period therein prescribed to discontinue the carrying on of that operation and if any such pit, well mine, quarry, excavation or opening has been made to fill it up and remedy any injury done to any of the said hot baths or springs.
(b) Any person who without reasonable excuse fails to comply with any such order shall be liable to a fine not exceeding £1,000 and to a daily fine not exceeding £100.
(c) It shall be lawful for the Bath council upon the expiration of the prescribed period to enter upon any lands where such excavation or opening shall have been made and to fill it up and remedy any injury that may have been done to any of the hot baths or springs of the Bath council and the Bath council may recover summarily any expenses incurred reasonably by them in so doing from the person who shall have failed to comply with the order.
- (7) (a) The provisions of this section shall not prevent the British Railways Board, the British Gas Corporation, the Central Electricity Generating Board or the South Western Electricity Board (each of which is in this subsection referred to as “the undertakers”) from duly carrying out any powers in connection with their railway undertaking, gas undertaking or electricity undertaking (as the case may be) conferred upon them by Parliament before the passing of this Act:
Provided that if the undertakers shall in the exercise of such powers interfere with or encounter any hot springs they shall forthwith give notice in writing thereof to the Bath council who shall thereupon have the right to inspect at all reasonable times the works of the undertakers and the hot springs interfered with or encountered thereby and the undertakers shall with all possible despatch and to the reasonable satisfaction of the Bath council carry out such works as shall be reasonably required by the Bath council for the preservation of such springs and for protecting the same from injury or interference and any expense reasonably incurred by the undertakers in so doing which would not have been incurred by them except for the provisions of this subsection shall be repaid to the undertakers by the Bath council.
(b) Any question arising between the Bath council and the undertakers under the provisions of this subsection shall be determined by arbitration.
- (8) An authorised officer of the Bath council on producing, if so required, a duly authenticated document showing his authority, may at all reasonable times enter upon any lands where there is reason to believe that any pit, well, mine, quarry excavation or opening is intended to be, is being or has been opened, sunk, used or made whereby any of the hot baths and springs of the Bath council may be or might have been endangered, injured, destroyed or affected for the purpose of inspecting them and making such examination as he considers necessary.
- (9) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to lands for the purposes of this section as they apply to entry to premises for the purpose of subsection (1) of that section.
- (10) Except in a case of emergency, the powers conferred by subsection (6) (c) and subsection (8) above shall not be exercised within the district of Wansdyke except after consultation with the Wansdyke District Council.