

ELIZABETH II



1965 CHAPTER XXI

An Act to empower the British Railways Board to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands; to empower the Fishguard and Rosslare Railways and Harbours Company to construct works and to acquire lands; to confer further powers on the Board and the company; and for other purposes. [5th August 1965]

WHEREAS by the Transport Act, 1962, the British Railways c. 46. Board (hereinafter referred to as "the Board") were established:

And whereas it is the duty of the Board under the Transport Act, 1962 (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

And whereas it is expedient that the Board should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas by the Fishguard Bay Railway and Pier Act, 1893, c. xcvi. the Fishguard Bay Railway and Pier Company was incorporated:

c. cxxxvii. And whereas by the Fishguard and Rosslare Railways and Harbours Act, 1894, the name of the company was changed to the Fishguard and Rosslare Railways and Harbours Company (hereinafter referred to as "the company"):

c. clxxxvi. And whereas by an agreement dated the 27th May, 1898, between the company and the Great Western Railway Company scheduled to and confirmed by the Fishguard and Rosslare Railways and Harbours Act, 1899, the part of the undertaking of the company in England and Wales was maintained and managed by the Great Western Railway Company:

And whereas the Board are the successors of the Great Western Railway Company and now manage and maintain such part of the undertaking of the company in accordance with the said agreement:

And whereas it is expedient that the company should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas it is expedient that the period now limited for the compulsory purchase by the Board of certain lands should be extended as provided by this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Board and the company and that the other provisions in this Act contained should be enacted:

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and plans of the lands authorised to be acquired or used by 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 the said lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerks of the county councils of the several counties and the town clerk of the county borough within which the said works will be constructed or the said lands are situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

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:—

PART I
PRELIMINARY

1. This Act may be cited as the British Railways Act 1965. Short title.

2.—(1) 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 partly incorporated herewith, have in relation to the relative subject-matter the same respective meanings and—

“ the Act of 1845 ” means the Railways Clauses Consolidation c. 20. Act, 1845;

“ the Act of 1863 ” means the Railways Clauses Act, 1863; c. 92.

“ the Act of 1963 ” means the British Railways Act, 1963; c. xviii.

“ the Act of 1964 ” means the British Railways Act, 1964; c. xvi.

“ the Board ” means the British Railways Board;

“ enactment ” means any enactment, whether public, general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“ the limits of deviation ” means the limits of deviation shown on the deposited plans;

“ the Minister ” means the Minister of Transport;

“ the tribunal ” means the Lands Tribunal;

“ the works ” means the works authorised by Part II (Works) of this Act.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment, as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

(3) All distances and lengths stated in any description of works, powers or lands shall be construed as if the words “ or thereabouts ” were inserted after each such distance and length and distances between points on a railway shall be taken to be measured along the railway.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

PART I
—cont.Incorporation
of general
Acts.

3. The following Acts and parts of Acts, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

c. 18.

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

(b) The Act of 1845, except sections 7, 8, 9, 19, 20, 22 and 23 thereof, and Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Act of 1863:

Provided that—

(i) for the purposes of the provisions of the Act of 1845 and the Act of 1863 as incorporated with this Act—

(A) the expression “the company”, where used in the said incorporated provisions, means the Board;

(B) Work No. 2 shall be deemed to be a railway authorised by the special Act;

(ii) the provisions of sections 18 and 21 of the Act of 1845 shall not extend to regulate the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

c. 39.

(A) by the provisions of Part II of the Public Utilities Street Works Act, 1950; or

(B) by the provisions of section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963 as incorporated with this Act.

PART II

WORKS

Power to
make works.

4. Subject to the provisions of this Act, the Board may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In the county of Lancaster—

(Railway at
Morecambe)

Work No. 1 A railway (494 yards in length) wholly in the borough of Morecambe and Heysham commencing by a junction with the railway between Morecambe

and Heysham at a point 237 yards south-east of the level crossing by which Schola Green Lane is carried across the said railway and terminating by a junction with the railway between Morecambe and Carnforth at a point 4 yards west of the bridge carrying Lancaster Road over the last-mentioned railway:

PART II
—cont.

In the county borough of Reading—

Work No. 2 A widening on the south side thereof of (Bridge the bridge carrying the railway between Reading and Twyford over Vastern Road. widening at Reading)

5. If Work No. 1 is not completed within the period expiring on 31st December, 1971, then, on the expiration of that period, the powers by this Act granted to the Board for making and completing the said work or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of railway.

6. Subject to the provisions of this Act, the Board may stop up and discontinue the portions of road and footpaths hereinafter mentioned and may make and maintain the works hereinafter described:— Stopping up of portions of road and footpaths, etc

(a) In the county of Derby—

In the parish of Killamarsh in the rural district of Chesterfield—

so much of the footpath from Beighton to Killamarsh as lies between the points marked “ A ” and “ D ” on the deposited plans and may substitute therefor a new footpath between the points marked “ A ”, “ B ”, “ C ” and “ D ” on the deposited plans:

(b) In the county of Durham—

In the urban district of Felling—

so much of the footpath and bridleway as lies between the points marked “ A ” and “ B ” on the deposited plans:

(c) In the county of Hampshire—

In the borough of Basingstoke—

so much of the footpath as lies between the points marked “ A ” and “ D ” on the deposited plans and may substitute therefor a new footpath between the points marked “ A ”, “ B ”, “ C ” and “ D ” on the deposited plans:

PART II
—cont.

(d) In the county of Lancaster—

In the borough of Morecambe and Heysham—

so much of the road known as Schola Green Lane as lies between the points marked “A”, “B”, “C” and “D” and “E” and “H” on the deposited plans and may substitute therefor—

(a) a new road between the points marked “A” and “D” on the deposited plans; and

(b) a new footpath and footbridge between the points marked “E”, “F”, “G” and “H” on the deposited plans.

As to certain
level crossings.

7.—(1) As from the passing of this Act, all rights of way over the level crossings referred to in Part I of Schedule 1 to this Act shall be extinguished:

Provided that the owners and occupiers of land abutting upon Blackcarr Lane, Nafferton, and Low Field Lane, Carnaby, shall have the right of passage over the railway at Black Carr Lane and Haisthorpe crossings respectively.

(2) As from the passing of this Act, all rights of way over the level crossings referred to in Part II of the said schedule, other than a right of way for all persons to use those level crossings as a bridleway or on foot, shall be extinguished, and the Board shall provide and maintain on both sides of the railway at each of the said level crossings gates for the convenience of persons on horseback or leading horses, and persons on foot.

(3) As from the passing of this Act, all rights of way over the level crossings referred to in Part III of the said schedule, other than a right of way for all persons to use those level crossings on foot, shall be extinguished, and the Board shall provide and maintain on both sides of the railway at each of the said level crossings wicket-gates or stiles for the convenience of persons on foot.

c. 45.
c. 55.

(4) The provisions of the Highway (Railway Crossings) Act, 1839, of section 9 of the Railway Regulation Act, 1842, of section 47 of the Act of 1845, and of sections 5, 6 and 7 of the Act of 1863, and any other provisions to the same or similar effect incorporated with or contained in any enactment relating to any of the level crossings referred to in the said schedule shall cease to apply to those level crossings.

(5) The level crossings referred to in the said schedule (including the gates thereof, other than the gates provided in pursuance of subsections (2) and (3) of this section) shall be deemed for all purposes to be works provided by the Board at the passing of

this Act pursuant to section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway at each of the said level crossings respectively, that is to say, for the purpose of making good any interruptions caused by such railway to the use of the lands through which the same has been made, as if the making of such railway had been authorised by this Act.

PART II
—cont.

c. 20

(6) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the level crossings referred to in the said schedule shall be entitled to be paid by the Board compensation to be determined, in case of dispute, by the tribunal.

(7) Subsection (6) of section 15 (As to certain level crossings) of the British Transport Commission Act, 1955, shall cease to apply to the level crossings known as Belaugh Lane crossing, Coltishall Lane crossing and Sloley Church Lane crossing referred to in Part IV of the Third Schedule to that Act.

c. xxx.

8. As from the passing of this Act, all rights of way over so much of the road known as Blue House Lane in the urban district of Boldon in the county of Durham as lies to the north of the level crossing whereby the said road is crossed by the railway between East Boldon and Seaburn stations (other than a right of way for all persons to use the said road on foot) shall be extinguished.

As to Blue
House Lane,
Boldon.

9. The following provisions of the Act of 1963 are incorporated with and form part of this Part of this Act:—

Incorporation
of provisions
of Act of 1963
relating to
works.

Section 5 (Power to deviate);

Section 7 (Repair of roads where level not permanently altered);

Section 11 (Stopping up roads and footpaths without providing substitute);

Section 12 (Stopping up roads and footpaths in case of diversion or substitution);

Section 13 (Provision as to repair of roads and footpaths);

Section 14 (Power to make agreements with road authorities);

Section 15 (Underpinning of houses near works);

Section 16 (Power to make trial borings); and

Section 17 (Use of sewers, etc., for removing water).

PART III

LANDS

Power to
acquire lands.

10.—(1) Subject to the provisions of this Act, the Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.

(2) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section, the Board may, subject to the provisions of this Act, enter upon, take and use for the purposes specified in column (3) of Schedule 2 to this Act all or any of the lands referred to in columns (1) and (2) of the said schedule.

(3) Subject to the provisions of this Act, the Board may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the works without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(4) The Board shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 27, 28 and 29 in the borough of Morecambe and Heysham and 1 in the borough of Stockton-on-Tees or any part of those lands.

Power to
acquire
easements
only in
certain cases.

11. Notwithstanding anything in this Act, the Board may acquire such easements or rights as they may require for the purpose of constructing, maintaining, renewing and using the works in, under or over any railway, tramway, tramroad, river canal, navigation, watercourse, aqueduct, drain, dyke or sewer, without being obliged or compellable to acquire any greater interest in, under or over the same respectively, and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act), the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts.

Extinction of
private rights
of way.

12.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

PART III
—cont.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Board compensation to be determined, in case of dispute, by the tribunal.

13. In determining any question of disputed compensation or purchase money in respect of land or easements or rights over or in land acquired under this Act, the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvements or alteration made, building erected or work done after 5th December, 1964; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected, done or created with a view to obtaining or increasing the compensation or purchase money.

14. The powers of the Board for the compulsory purchase of the lands and easements which they are authorised to acquire by this Part of this Act shall cease on 31st December, 1968.

Period for compulsory purchase of lands or easements.

15. The following provisions of the under-mentioned Acts are incorporated with and form part of this Part of this Act:—

Incorporation of provisions of Acts of 1963 and 1964 relating to lands.

The Act of 1963—

Section 19 (Correction of errors in deposited plans and book of reference);

Section 21 (Power to expedite entry);

Section 22 (Power to enter for survey or valuation);

Section 26 (Grant of easements by persons under disability); and

Section 28 (As to cellars under streets not referenced):

The Act of 1964—

Section 14 (Acquisition of part only of certain properties).

PART IV

FISHGUARD HARBOUR

16. In this Part of this Act—

Interpretation of Part IV.

“ the company ” means the Fishguard and Rosslare Railways and Harbours Company;

“ the harbour works ” means Works Nos. 3 and 4;

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

“ tidal work ” means so much of any work authorised by this Part of this Act as is on, under or over tidal waters or tidal lands below the level of high water.

PART IV
—cont.

Power to
company to
construct
works and
acquire lands.

17.—(1) Subject to the provisions of this Act, the company may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the harbour works hereinafter described with all necessary works and conveniences connected therewith, 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 they may require for the purposes of the harbour works or for any purpose connected with or ancillary to their undertaking:—

(Harbour
works at
Fishguard)

In the county of Pembroke—

Partly in the urban district of Fishguard and Goodwick and partly on the foreshore and bed of the sea adjacent thereto—

Work No. 3 A breakwater (169 yards in length) commencing at the south end of Fishguard Harbour station and extending into Fishguard Harbour in an easterly direction for a distance of 31 yards, thence in a north-easterly direction for a distance of 138 yards and there terminating;

Work No. 4 A jetty (121 yards in length) in the said urban district commencing at a point 103 yards south-west of the commencement of Work No. 3 and extending into Fishguard Harbour in a north-easterly direction for a distance of 53 yards, thence in a northerly direction for a distance of 68 yards and there terminating.

(2) The company may within the limits of deviation extend, enlarge, alter, replace or reconstruct the harbour works.

Power to
company to
make
subsidiary
works.

18. The company may, in connection with the harbour works, from time to time construct or place and maintain in, under or over any of the lands delineated on the deposited plans relating to the harbour works and described in the deposited book of reference, all such works and conveniences subsidiary or ancillary to the harbour works and all such appliances, machinery and apparatus as they may from time to time deem necessary or convenient for any purpose of or in connection with the harbour works or the accommodation of vessels and traffic thereat.

Power to
dredge.

19. The company may from time to time deepen, dredge, scour, cleanse, alter and improve the bed of Fishguard Harbour and the bed of the sea in or near to any approach to the harbour works, and blast any rock within the said harbour and any rock in the sea in or near to any approach to the harbour works and any materials taken up or collected in the course of any such

operations shall be the property of the company and may be used, sold, removed, deposited or otherwise disposed of as the company may think fit:

PART IV
—cont.

Provided that no such materials shall be deposited below the level of high water, except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Board of Trade.

20. In the execution of any, or any part, of the harbour works the company may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 10 feet upwards and to such extent downwards as may be found necessary or convenient.

Power to deviate for harbour works.

21.—(1) The company and the Board may enter into and carry into effect agreements as to the construction, maintenance and operation of the harbour works and as to any other matters incidental thereto or consequential thereon, including the defraying of or the making of contributions towards the cost of the matters aforesaid by the Board or by the company, or by the Board and the company jointly.

Agreements as to construction of harbour works.

(2) Any such agreement may provide (inter alia) for the exercise by the Board of all or any of the powers of the company in connection with the harbour works subject to the like provisions in relation thereto as would apply if those powers were exercised by the company.

22.—(1) A tidal work shall not be constructed, altered or extended except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board of Trade before the work is begun.

Tidal works not to be executed without approval of Board of Trade.

(2) If a tidal work is constructed, altered or extended in contravention of this section or of any condition or restriction imposed under this section—

(a) the Board of Trade may by notice in writing require the company at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the company they have failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or

PART IV
—cont.

(b) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the company as a simple contract debt.

Survey of
tidal works.

23. The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the company as a simple contract debt.

Lights on
tidal works
during
construction.

24.—(1) The company shall at or near a tidal work during the whole time of the construction, alteration or extension thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct.

(2) If the company fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Permanent
lights on
tidal works.

25.—(1) After the completion of a tidal work the company shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

(2) If the company fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Abatement of
works
abandoned
or decayed.

26.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the company at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade think proper.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable

apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade may include that part of the work, or any portion thereof, in any notice under this section.

PART IV
—cont

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the company they have failed to comply with the requirements of the notice the Board of Trade may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the company as a simple contract debt.

27.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the company shall forthwith notify the Corporation of Trinity House of Deptford Strond and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the said corporation shall from time to time direct.

Provision
against danger
to navigation.

(2) If the company fail to notify the said corporation as required by this section or to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

28. The harbour works shall be deemed to form part of Fishguard Harbour as defined in section 3 of the Fishguard and Rosslare Railways and Harbours Act, 1914, and all the enactments relating to Fishguard Harbour shall (so far as the same are applicable and are not inconsistent with or varied by the provisions of this Act) apply to the harbour works as if those works had been authorised by the said Act of 1914.

Harbour
works to
form part of
Fishguard
Harbour.
c. ix.

29. In their application to this Part of this Act, section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act and section 33 (Crown rights) of this Act shall have effect as if any reference therein to the Board were a reference to the company.

Application
of certain
protective
provisions
and of
saving for
Crown rights.
c. xviii.

30. Nothing in this Part of this Act shall be taken as exempting the company from the provisions of sections 9 and 10 of the Harbours Act, 1964 in relation to the works authorised by this Part of this Act.

Saving for
Harbours
Act, 1964.
c. 40.

31. So much of the harbour works as is outside the area of the petty sessional division of Fishguard in the county of Pembroke or the urban district of Fishguard and Goodwick shall be deemed to be within the said area or the said urban district, as the case may be.

Works to be
within petty
sessional
division and
urban district
of Fishguard
and Goodwick.

PART V

PROTECTIVE PROVISIONS

Incorporation
of section 33 of
Act of 1963.

32. Section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963 is incorporated with and forms part of this Act.

Crown rights.

33. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular, and without prejudice to the generality of the foregoing, nothing in this Act authorises the Board 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 Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

For
protection
of Postmaster
General.
c. 20.

34.—(1) Any electrical works or apparatus constructed, erected, laid, maintained or used in pursuance of section 16 of the Act of 1845 (as incorporated with this Act) shall be so constructed, erected or laid and so maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

(2) Where any portion of a road or footpath is stopped up under the powers of section 6 (Stopping up of portions of road and footpaths, etc.) of this Act the following provisions shall, unless otherwise agreed in writing between the Board and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up ceases to be a highway (in this subsection referred to as "the affected line") that is to say:—

(a) the power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up, so however that the said power shall not be exercisable, as respects the whole or any part of the affected line, after the expiration of a period of three months from the date of the sending of the notice referred to in the next following subsection unless before the expiration of that period the Postmaster General has given notice to the Board of his intention to remove the affected line, or that part thereof, as the case may be;

- (b) the Postmaster General may by notice in that behalf to the Board abandon the affected line or any part thereof, and shall be deemed as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) in any case where the Postmaster General has given notice to the Board under paragraph (a) of this subsection of his intention to remove the affected line the Board may at any time after the receipt of such notice send by post to the Postmaster General a notice requiring the affected line to be removed or abandoned within such period as may be specified in the notice (not being less than six months from the date on which the same was sent) and the Postmaster General shall before the expiration of the period so specified either remove the affected line or give notice to the Board of its abandonment;
- (d) the Postmaster General shall be entitled to recover from the Board the expense of providing, in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may reasonably require;
- (e) where under paragraph (b) or paragraph (c) of this subsection the Postmaster General has abandoned the whole or any part of the affected line, it shall vest in the Board and the provisions of the Telegraph Acts, 1863 to 1962 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

PART V
—cont.

(3) As soon as practicable after the stopping up referred to in subsection (2) of this section the Board shall send by post to the Postmaster General a notice informing him of such stopping up.

(4) In this section “telegraphic line” has the same meaning as in the Telegraph Act, 1878.

c. 76.

PART VI

MISCELLANEOUS

35.—(1) Section 16 of the Railway Regulation Act, 1840, in its application to any railway of the Board or to any stations or other works or premises connected therewith shall have effect as if after the words “in the discretion of such justice” there

Increase of penalties for certain offences in relation to railways.

c. 97.

PART VI
—cont.

were inserted the words “ be imprisoned for a term not exceeding one month or ”, and as if for the words “ five pounds ” there were substituted the words “ twenty pounds ”.

c. 55. (2) Section 17 of the Railway Regulation Act, 1842, in its application to any railway of the Board shall have effect as if for the words “ ten pounds ” there were substituted the words “ twenty-five pounds ”.

(3) Section 75 of the Act of 1845, as incorporated with any enactment relating to any railway of the Board (including this Act), shall have effect as if for the words “ forty shillings ” there were substituted the words “ twenty-five pounds ”.

c. 119. (4) Section 22 of the Regulation of Railways Act, 1868, in its application to a passenger in a train worked by the Board, shall have effect as if for the words “ five pounds ” there were substituted the words “ twenty-five pounds ”.

c. 57. (5) Section 5 of the Regulation of Railways Act, 1889, in its application to the railways of the Board, shall have effect as if in subsection (2) thereof after the word “ refuses ” there were inserted the words “ or fails ”.

c. xxix. (6) Section 55 (For better prevention of trespass on railways, etc.) of the British Transport Commission Act, 1949, in its application to the Board, shall have effect as if in subsection (1) thereof for the words “ forty shillings ” there were substituted the words “ twenty-five pounds ”.

(7) Section 56 (Stone throwing on railway) of the said Act of 1949, in its application to the Board, shall have effect as if in subsection (1) thereof for the words “ forty shillings ” there were substituted the words “ twenty-five pounds ”.

c. 33. (8) In the application of this section to Scotland, for the reference to section 75 of the Act of 1845 there shall be substituted a reference to section 68 of the Railways Clauses Consolidation (Scotland) Act, 1845.

As to railway savings banks.

36.—(1) In this section, “ the savings banks ” means—

The Great Western Railway Savings Bank;

The Taff Vale Railway Savings Bank;

The Southern Railway Savings Bank;

The London and North Eastern Railway Savings Bank;

The London Midland and Scottish Railway Savings Bank.

(2) Notwithstanding anything in any enactment to the contrary, the accounts of the savings banks shall be balanced once a year on such date as may from time to time be determined by the Board, and there shall be sent to the Registrar of Friendly Societies within three months of the date so determined, a general statement (to be called the annual return) of the receipts and expenditure funds and effects of each of the savings banks as audited, made out to the said date so determined.

PART VI
—cont.

37.—(1) The enactments referred to in columns (1) and (2) of Schedule 3 to this Act, are hereby repealed to the extent specified in column (3) of the said schedule. Repeals.

(2) Any person who suffers loss by the extinguishment by this section of any private right, shall be entitled to be paid by the Board compensation to be determined, in case of dispute, by the tribunal.

38.—(1) The period now limited by the British Transport Extensions Commission Act, 1962, for the compulsory purchase of the lands referred to in Schedule 4 to this Act, is hereby extended until c. xlii. 31st December, 1968.

(2) In this section and in the said schedule the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the enactments referred to in the said schedule.

39.—(1) In this section—

“the enabling Act” means the British Transport Commission Act, 1962;

“the land” means any land which is for the time being authorised to be acquired compulsorily by the enabling Act, not being land referred to in subsection (4) of this section;

“lessee” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under subsection (2) of this section.

Powers to owners and lessees to give notice as to purchase of land.

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Board of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Board shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

PART VI
—cont.

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice, or in such part thereof as may be required by the Board; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice.

(3) Where notice is given under the last foregoing subsection by an owner or lessee of land specified in the notice, then—

(a) if the Board—

(i) fail to comply with that subsection; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection; or

(iii) serve notice on him in compliance with paragraph (c) of that subsection;

the powers conferred by the enabling Act for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat the powers conferred by the enabling Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

(4) This section shall not apply to land which the Board are by the enabling Act authorised to acquire for the purposes of a work which is shown on the sections deposited in respect of the Bill for the enabling Act as intended to be constructed under the surface of such land.

Saving for town and country planning.
c. 38.

40. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land, shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Arbitration.

41. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) is to be referred to or settled by arbitration, then, unless otherwise

provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties, or failing agreement, 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.

PART VI
—cont.

42. All 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 Board and may in whole or in part be defrayed out of revenue. Costs of Act.

SCHEDULES

Section 7.

SCHEDULE 1

THE LEVEL CROSSINGS REFERRED TO IN SECTION 7 (AS TO CERTAIN LEVEL CROSSINGS) OF THIS ACT

PART I

In the East Riding of the county of York—

In the parish of Nafferton in the rural district of Driffeld—

The level crossing known as Black Carr Lane crossing whereby Blackcarr Lane is crossed by the railway between Nafferton and Lowthorpe stations.

In the parish of Carnaby in the rural district of Bridlington—

The level crossing known as Haisthorpe crossing whereby Low Field Lane is crossed by the railway between Burton Agnes and Carnaby stations.

PART II

In the county of Norfolk—

In the parish of Quidenham in the rural district of Wayland—

The level crossing known as Hargham (No. 2) crossing whereby the unnamed road from Laundry Plantation to Cocks Close across Hargham Heath is crossed by the railway between Eccles Road and Attleborough stations.

In the county of Salop—

In the parish of Great Hanwood in the rural district of Atcham—

The level crossing known as Hanwood Station crossing whereby the road from the Great Hanwood to Shrewsbury road (A.488) to Cruckton is crossed by the railway at Hanwood station.

PART III

In the county of Durham—

In the urban district of Boldon—

The level crossing known as Blue House crossing whereby the road known as Blue House Lane is crossed by the railway between East Boldon and Scaburn stations.

In the county of Glamorgan—

SCH. 1
—cont.

In the parish of Coychurch Lower in the rural district of Penybont—

The level crossing known as Coychurch crossing whereby the road from Coychurch to Hendre is crossed by the railway between Pencoed and Bridgend stations.

In the county of Lincoln, Parts of Kesteven—

In the urban district of Sleaford—

The level crossing known as Holdingham Lane crossing whereby Holdingham Lane is crossed by the railway between Sleaford and Ruskington stations.

In the county of Nottingham—

In the parish of South Leverton in the rural district of East Retford—

The level crossing known as Cow Pasture Lane crossing whereby Cow Pasture Lane is crossed by the railway between Saxilby and Retford stations.

In the county of Oxford—

In the parish of Claydon with Clattercote in the rural district of Banbury—

The level crossing known as Claydon crossing whereby the road from Claydon to the Banbury to Southam road (A.423) is crossed by the railway between Banbury and Fenny Compton stations.

In the county of Radnor—

In the parish of Llangunllo in the rural district of Knighton—

The level crossing known as Heyope crossing whereby the unnamed road from Lower Cwmheyope to Cwm Heyop is crossed by the railway between Knighton and Llangunllo stations.

Section 10.

SCHEDULE 2

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 10 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purpose for which the lands may be acquired or used (3)
In the county of Durham— Urban district of Felling	1 to 18	To provide a railway depot and to provide the said lands with means of access to and from Follingsby Lane at the points marked "C" and "D" on the said plans.
In the county of Hampshire— Borough of Basingstoke	1	To provide a substation for the supply of electricity to the Board's railways.

Section 37.

SCHEDULE 3

ENACTMENTS REFERRED TO IN SECTION 37 (REPEALS) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
c. lv	The Lynn and Ely Railway Act 1845	Section XXV (Provision for crossing Wisbech Canal).
c. cxxviii	The London and North-western Railway (Lines near Liverpool) Act 1861	Section 64 (The Company to construct a Footbridge for the Use of the Public). Section 65 (As to Construction and completion of Footbridge). Section 66 (Toll to be taken for Passage over the Bridge).
c. xxxvi	Great Northern Railway Act 1895	So much of section 8 (Power to cross certain roads on the level) as relates to the construction of a footbridge in the parish of Greatford.

SCHEDULE 4

Section 38.

LANDS THE PERIOD FOR THE COMPULSORY ACQUISITION OF WHICH IS
EXTENDED BY THIS ACT TO 31ST DECEMBER, 1968

1. The lands described in and authorised to be acquired by section 13 (Power to company to acquire lands) of the London Midland and Scottish Railway Act, 1934, in the parishes hereinafter c. xxxix. mentioned:—

In the county of Essex—

In the parish of Dunton in the rural district of Billericay—

The lands numbered 1 and 4 on the plans deposited in respect of the Bill for the said Act:

In the parish of Little Burstead in the rural district of Billericay—

The lands numbered 3, 7 and 8 on the said plans:

In the parish of Lee Chapel in the rural district of Billericay—

The lands numbered 5, 8, 11, 14, 15, 19, 22, 25, 27, 30, 31, 32, 33, 35, 36 and 37 on the said plans:

In the parish of Fobbing in the rural district of Orsett—

The lands numbered 1, 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 on the said plans:

In the parish of Basildon in the rural district of Billericay—

The lands numbered 3, 4, 5, 6, 7, 8, 11, 13a and 16 on the said plans:

all of which parishes now form part of the urban district of Basildon.

2. The lands authorised to be acquired by section 43 (Power to acquire lands) of the British Transport Commission Act, 1959, for the c. xliv. purposes of Works Nos. 3, 28, 29, 30 and 31 authorised by Part II (Works) of the said Act.



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British Railways Act 1965

CHAPTER xxi

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