

ELIZABETH II



1972 CHAPTER xlii

An Act to empower the London Transport Executive to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands; to confer further powers on the Executive; and for other purposes.

[9th August 1972]

WHEREAS by the Transport (London) Act 1969 the London 1969 c. 35. Transport Executive (in this Act referred to as "the Executive") were established:

And whereas it is the general duty of the Executive under the said Act of 1969 to exercise and perform their functions, in accordance with principles from time to time laid down or approved by the Greater London Council, in such manner as, in conjunction with the British Railways Board and the National Bus Company, and with due regard to efficiency, economy and safety of operation, to provide or secure the provision of such public passenger transport services as best meet the needs for the time being of Greater London:

And whereas it is expedient that the Executive 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 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 Executive 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 clerk of the Greater London Council, 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

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| Short title. | 1. This Act may be cited as the London Transport Act 1972. |
| Division of Act into Parts. | 2. This Act is divided into Parts as follows:—
Part I.—Preliminary.
Part II.—Works.
Part III.—Lands.
Part IV.—Protective provisions.
Part V.—Miscellaneous. |
| Interpretation. | 3.—(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—

PART I
—cont.

- “ the Act of 1845 ” means the Railways Clauses Consolidation Act 1845; 1845 c. 20.
- “ the Act of 1863 ” means the Railways Clauses Act 1863; 1863 c. 92.
- “ the Act of 1950 ” means the Public Utilities Street Works Act 1950; 1950 c. 39.
- “ the Act of 1963 ” means the London Transport Act 1963; 1963 c. xxiv.
- “ the Act of 1964 ” means the London Transport Act 1964; 1964 c. xxvi.
- “ the Act of 1965 ” means the London Transport Act 1965; 1965 c. xli.
- “ the Act of 1966 ” means the London Transport Act 1966; 1966 c. xxxiii.
- “ the Act of 1967 ” means the London Transport Act 1967; 1967 c. xxxix.
- “ the Act of 1969 ” means the London Transport Act 1969; 1969 c. 1.
- “ the Act of 1971 ” means the London Transport Act 1971; 1971 c. xl.
- “ the (No. 2) Act of 1971 ” means the London Transport (No. 2) Act 1971; 1971 c. lxii.
- “ the Council ” means the Greater London Council;
- “ enactment ” includes any public general, local or private Act and any order or other instrument having the force of an Act;
- “ the Executive ” means the London Transport Executive;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ the works ” means the works authorised by Part II (Works) of this Act.

(2) Any reference to the Board in any of the provisions incorporated with this Act under section 9 (Incorporation of provisions of Acts of 1963, 1965 and 1969 relating to works), section 16 (Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands) and section 17 (Incorporation of protective provisions of Acts of 1963, 1965, 1969 and (No. 2) 1971) of this Act shall be construed as a reference to the Executive.

(3) 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.

(4) 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.

PART I
—cont.

(5) 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.

Incorporation
of general
Acts.

4. 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:—

1845 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, 11, 12, 13, 19, 20, 22 and 23 thereof; and
- (c) 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 Executive;
 - (B) Works Nos. 4, 5, 6, 7, 7A, 7B and 8 shall be deemed to be railways authorised by the special Act;
- (ii) the provisions of sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Executive and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—
 - (A) by the provisions of Part II of the Act of 1950;
 - or
 - (B) by the provisions of section 42 (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.

5. Subject to the provisions of this Act, the Executive 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:—

(Railways—
New Cross to
Lewisham).

In Greater London—

In the London borough of Lewisham—

Work No. 1 A railway (985 yards in length) commencing beneath a point 10 yards north-east of the

junction of Alpha Road and Florence Road by a junction with the termination of Work No. 2 of the (No. 2) Act of 1971 and terminating beneath a point 110 yards south-east of the junction of Albyn Road and Bolden Street.

PART II
—cont.

Work No. 2 A railway (985 yards in length) commencing beneath a point 5 yards south-west of the junction of Alpha Road and Florence Road by a junction with the termination of Work No. 3 of the (No. 2) Act of 1971 and terminating beneath a point 115 yards south-east of the junction of Albyn Road and Bolden Street.

In the London boroughs of Lewisham and Greenwich—

Work No. 3 A railway (1,272 yards in length) commencing in the London borough of Lewisham by a junction with Works Nos. 1 and 2 at their terminations (hereinbefore described) and terminating in the said borough beneath a point 70 yards east of the junction of Lewisham High Street and Albion Way.

In the London borough of Lambeth—

Work No. 4 A ventilation shaft and subway (107 yards in length) commencing at a point 70 yards north-west of the junction of Union Road and Clapham Road and terminating by a junction with the running tunnels of the Executive's Northern Line railway beneath a point 35 yards south-west of the junction of Clapham Road and Clitheroe Road. (Ventilation shaft and subway at Union Road, Stockwell).

Work No. 5 A draught relief shaft and subway (43 yards in length) commencing at a point 52 yards north-east of the junction of Landor Road and Bedford Road and terminating by a junction with the station tunnel at Clapham North station of the Executive's Northern Line railway. (Draught relief shaft and subway at Clapham North station)

In the London borough of Camden—

Work No. 6 A draught relief subway (70 yards in length) commencing by a junction with an existing shaft at Kentish Town station of the Executive's Northern Line railway beneath a point 60 yards south-east of the junction of Leighton Road and Kentish Town Road and terminating by a junction with the southbound running tunnel of the Executive's Northern Line railway beneath a point 15 yards west of the junction of Leighton Road and Kentish Town Road. (Draught relief subway at Kentish Town station).

PART II
—cont.

(Station, draught relief and ventilation subways at Russell Square station).

Work No. 7 A subway (147 yards in length) commencing beneath a point 40 yards south of the junction of Woburn Place and Russell Square and terminating at Russell Square station of the Executive's Piccadilly Line railway beneath a point 35 yards east of the junction of Herbrand Street and Bernard Street.

Work No. 7A A draught relief subway (45 yards in length) commencing by a junction with the existing lift shaft at Russell Square station of the Executive's Piccadilly Line railway and terminating by a junction with the eastbound and westbound station tunnels of the said railway at the said station.

Work No. 7B A ventilation subway (68 yards in length) commencing by a junction with the existing lift shaft at Russell Square station of the Executive's Piccadilly Line railway and terminating by a junction with the eastbound running tunnel of the said railway at the said station.

In the London borough of Hammersmith—

(Subway at Hammersmith station).

Work No. 8 A subway (220 yards in length) commencing at Hammersmith station of the Executive's Metropolitan Line railway at a point 70 yards north-east of the junction of Beadon Road and Hammersmith Grove and terminating at Hammersmith station of the Executive's District Line and Piccadilly Line railways at a point 53 yards south-west of the junction of Hammersmith Road and Foreman Court.

General provisions as to mode of construction of Works Nos. 1, 2 and 3.

6. The following provisions shall apply to the construction of Works Nos. 1, 2 and 3:—

- (1) Works Nos. 1 and 2 shall be constructed in single tunnels and Work No. 3 shall be constructed in two tunnels for separate up and down traffic except at cross-overs and junctions where it may be constructed in single tunnels of enlarged diameter:
- (2) Works Nos. 1, 2 and 3 shall be approached by means of stairs, inclines, subways, electric or other lifts or escalators:
- (3) (a) The tunnels comprised in Works Nos. 1, 2 and 3 (including those for the stations) shall be lined throughout with iron or other sufficient metal plates or with concrete or other suitable material;

- (b) Every permanent shaft shall be constructed either by underpinning or by sinking and shall be lined with cast iron, brick, concrete or other equally suitable and durable material;
- (c) The station tunnels of Works Nos. 1, 2 and 3 shall not have an internal diameter exceeding 30 feet, the cross-over and junction tunnels shall not have an internal diameter exceeding 40 feet and the tunnels between the stations shall not (except at cross-overs and junctions or where necessary for adjustment at curves or for other constructional purposes) have an internal diameter exceeding 15 feet, and the internal diameter of the shafts shall not exceed 40 feet;
- (d) Any space between the lining of the tunnels (including station, cross-over and junction tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure:
- (4) If water is found to be present in the works on Works Nos. 1, 2 and 3 in such quantity as to necessitate the employment of compressed air, the Executive shall immediately stop all excavating work at the point where the same is so found and the further driving of the tunnels at the working face at that point until the Executive shall have provided air-compressing machinery which will produce such a pressure of air as will prevent the inflow of any sand, water, gravel or soil, and such machinery shall be maintained in full working order and the work at such working face carried on under compressed air as long as may be necessary:
- (5) Except in the case of unforeseen accident or for the purpose of removing rain-water or other trifling amounts of water, no use shall be made of pumping or of other like modes of removing water from the tunnels of Works Nos. 1, 2 and 3 or from the shafts.

7. Subject to the provisions of this Act, the Executive may— Power to open surface of streets.

- (a) for the purpose of constructing Works Nos. 6 and 7 or either of them, enter upon, open, break up and interfere with so much of the surface of the following streets in the London borough of Camden as is within the limits of deviation:—

Frideswide Place;
Russell Square;
Woburn Place;
Bernard Street; and

PART II
—cont.

- (b) for the purpose of providing access to Work No. 7, make and maintain permanent openings in the carriage-ways and footways of so much of the street known as Russell Square in the London borough of Camden as is within the limits of deviation.

Further
works and
powers.

8.—(1) Subject to the provisions of this Act (and in so far as the same are shown on the deposited plans and sections in the lines or situations and according to the levels as shown), the Executive may, in connection with Work No. 3, make and maintain the further works described in this section with all necessary works and conveniences connected therewith, and may exercise the powers hereinafter mentioned:—

In Greater London—

In the London borough of Lewisham—

(i) they may stop up and discontinue the road known as Crathorn Street and numbered 184 on the deposited plans, but such stopping up shall not take place until the Executive are the owners in possession of all land abutting on both sides of the said road except so far as the owners, lessees and occupiers of those lands may otherwise agree;

(ii) they may construct for the purposes of interchange between road and rail traffic a bus station, road vehicle lay-by and car park on or over the lands numbered 167, 172 to 191, 193 to 214, 216 and 217 on the deposited plans.

(2) After the stopping up authorised by subsection (1) of this section, all rights of way over or along the said road shall be extinguished and the Executive may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway, appropriate without making any payment therefor and use for the purposes of their undertaking the site of the said road.

(3) Where in pursuance of the powers conferred by subsection (1) of this section the said road is stopped up, the following provisions of this subsection shall, unless otherwise agreed in writing between the Executive and the Post Office, have effect in relation to so much of any telegraphic line belonging to, or used by, the Post Office as is under, in, upon, over, along or across the land which by reason of the stopping up ceases to be a road (in this subsection referred to as “the affected line”), that is to say—

- (a) the power of the Post Office to remove the affected line shall be exercisable notwithstanding the stopping up of the said road, 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 one month

from the date of the sending of the notice referred to in subsection (4) of this section, unless, before the expiration of that period, the Post Office has given notice to the Executive of its intention to remove the affected line or that part thereof (as the case may be);

- (b) the Post Office may by notice in that behalf to the Executive 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 one month unless, before the expiration of that period, it has removed or given notice of its intention to remove it;
- (c) in any case where the Post Office has given notice to the Executive under paragraph (a) of this subsection of its intention to remove the affected line it shall remove it with all reasonable dispatch;
- (d) the Post Office shall be entitled to recover from the Executive 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 the Post Office may reasonably require;
- (e) where under paragraph (b) of this subsection the Post Office has abandoned the whole or any part of the affected line, it shall vest in the Executive and the provisions of the Telegraph Acts 1863 to 1916 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(4) As soon as practicable after the said road has been stopped up in pursuance of the powers conferred by subsection (1) of this section the Executive shall send to the Post Office a notice informing it of the stopping up.

(5) Any person who suffers loss by the extinguishment of any private right as a result of the stopping up authorised by subsection (1) of this section shall be entitled to be paid by the Executive compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

(6) In this section the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

1878 c. 76.

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

The Act of 1963—

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

Incorporation
of provisions
of Acts of
1963, 1965
and 1969
relating to
works.

PART II
—cont.

- Section 9 (Plans, etc., to be approved by Minister before Work No. 1 commenced);
 Section 10 (Provisions as to use of electrical power);
 Section 11 (Compensation for damage by working);
 Section 15 (Power to make trial holes); and
 Section 16 (Use of sewers, etc., for removing water).

The Act of 1965—

- Section 10 (Underpinning of houses near works).

The Act of 1969—

- Section 6 (Power to deviate):

Provided that—

- (i) for the purposes of this Act references in the said sections 9, 10 and 11 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as references to Works Nos. 1, 2 and 3;
- (ii) the expression “river board” where used in the said section 16 of the Act of 1963, as so incorporated, shall mean a river authority established by an order under Part II of the Water Resources Act 1963, and shall include the Conservators of the River Thames and the Lee Conservancy Catchment Board, and the definition of “river board” in subsection (5) of the said section 16 shall be construed accordingly; and
- (iii) for the purposes of the said section 16 of the Act of 1963, as so incorporated, the expression “local authority” in section 144 of the Local Government Act 1948 shall be deemed to include the Council.

1963 c. 38.

1948 c. 26.

PART III

LANDS

Power to
acquire lands.

10.—(1) Subject to the provisions of this Act, the Executive 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) Subject to the provisions of this Act, the Executive 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 mentioned in subsection (1) of this section without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

11.—(1) Without prejudice to the generality of the powers conferred upon the Executive by subsection (1) of section 10 (Power to acquire lands) of this Act the Executive may enter upon, take and use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 1, 2 and 3 in the city of Westminster for the purpose of providing a road transport garage and depot on the said lands and may construct buildings thereon for that purpose together with means of access to and from Great Western Road and the unnamed road adjoining the western boundary of the said lands:

PART III
—cont.

As to lands at
Westbourne
Park.

Provided that the Executive shall not under the powers of this Act enter upon, take or use any part of the structure or highway thereover comprising the elevated motorway known as Westway over the said lands numbered 1 and 2 in the city of Westminster.

(2) In their application to the development authorised by subsection (1) of this section, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1963 (which permit development authorised by Private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by subsection (1) of this section were limited to development begun within ten years after the passing of this Act.

(3) In this section the reference to article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1963 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provision of an Act repealing that section. 1971 c. 78.

12.—(1) Notwithstanding anything in this Act, the Executive may, for the purposes of constructing, maintaining, protecting, renewing and using the works, enter upon, take and use so much of the subsoil and under-surface of or may acquire such easements or rights as they may require in, under or over—

Power to
acquire subsoil
or easements
only in
certain cases.

(a) any railway, river, dock, canal, navigation, watercourse, aqueduct, drain, dyke or sewer; or

(b) any of the lands described in Schedule 1 to this Act;

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 entry, taking and using and, in respect of the acquisition of any 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.

PART III
—cont.

(2) (a) If, in any case where the Executive enter upon, take and use the subsoil and under-surface of, or require an easement or right in or under, any of the lands described in the said schedule they also require to take, use and pull down or open any cellar, vault, arch or other construction forming part of any such lands they may enter upon, take and use such cellar, vault, arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar, vault, arch or other construction were lands within the meaning of those Acts.

(b) Section 12 (Acquisition of part only of certain properties) of the Act of 1964, as incorporated with this Act, shall apply in respect of the acquisition by the Executive under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.

Subsoil or easements only to be acquired under certain lands.

13.—(1) In this section—

“the specified lands” means the lands referred to in Schedule 2 to this Act; and

“the level of the surface of the specified lands” means ground surface level or, in the case of a building on the specified lands, means the level of the surface of the ground adjoining the building or, in the case of a river, dock, canal, navigation, watercourse or other water area, means the level of the surface of the adjoining ground which is at all times above water level.

(2) (a) Notwithstanding the provisions of subsection (1) of section 10 (Power to acquire lands) of this Act, the Executive shall not acquire compulsorily under the powers of this Act any part of the specified lands, except as provided in paragraph (b) of this subsection.

(b) The Executive may, within the limits of lateral deviation prescribed by this Act in respect of Works Nos. 1, 2 and 3, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purpose of constructing, maintaining, protecting, renewing and using those works and any necessary works and conveniences connected therewith, or acquire such easements and rights in the subsoil and under-surface of the specified lands as they may require for the said purposes without in either case being obliged or compellable to acquire any greater interest in, under or over the specified lands and may give notice to treat in respect of such entry, taking and using and the acquisition 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:

PART III
—cont.

Provided that for the purposes of this section the subsoil and under-surface of the specified lands shall be deemed not to include any such subsoil or under-surface which is within 30 feet of the level of the surface of the specified lands.

14.—(1) This section applies to the lands numbered on the deposited plans 1 in the London borough of Tower Hamlets (hereafter in this section referred to as “the said lands”).

Temporary
possession of
land.

(2) Notwithstanding anything in this Act or in the (No. 2) Act of 1971, the Executive shall not acquire compulsorily under the powers of this Act any part of the surface of the said lands but may, for the purpose of enabling them to construct Work No. 1 of the (No. 2) Act of 1971, enter upon and take possession temporarily of the said lands after giving to the owner and occupier thereof not less than one month’s previous notice in writing, and may remove any structures thereon and may construct temporary works, shafts and structures therein or thereon for the aforesaid purpose and the provisions of the Lands Clauses Acts shall extend and apply in relation to such entry, possession and use of the said lands as if they were lands within the meaning of those Acts:

Provided that the Executive—

- (a) shall not, without the agreement of the owner of the said lands and of the corporation, remain in possession of the said lands under the powers of this section after a period of five years from the date of entry thereon; and
- (b) except in pursuance of the powers of section 16 (Subsoil or easements only to be acquired under certain lands) of the (No. 2) Act of 1971, shall not be empowered to purchase compulsorily the said lands; and
- (c) shall not be required to purchase the said lands.

(3) Before relinquishing possession of the said lands the Executive shall remove all works and structures erected by them thereon and shall reinstate the said lands to the reasonable satisfaction of the owner thereof.

(4) In this section “the corporation” means the mayor, aldermen and burgesses of the London borough of Tower Hamlets.

15.—(1) The powers of the Executive for the compulsory purchase of the lands and easements which they are authorised by this

Periods for
compulsory
purchase
of lands and
easements.

PART III
—cont.

Act to acquire for the purposes of Works Nos. 1, 2 and 3 or for the purposes of the works authorised by section 8 (Further works and powers) of this Act shall cease on 31st December, 1978.

(2) The powers of the Executive for the compulsory purchase of the other lands and easements which they are authorised by this Act to acquire shall cease on 31st December, 1975.

Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands.

16. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 21 (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 12 (Acquisition of part only of certain properties);

Section 14 (Extinction of private rights of way).

The Act of 1965—

Section 13 (Correction of errors in deposited plans and book of reference).

The Act of 1966—

Section 13 (As to use of streets for permanent openings);

Section 14 (Power to expedite entry).

The Act of 1969—

Section 14 (Disregard of recent improvements and interests):

Provided that the provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word “acquire” there were inserted the words “or use”.

PART IV

PROTECTIVE PROVISIONS

Incorporation of protective provisions of Acts of 1963, 1965, 1969 and (No. 2) 1971.

17. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 42 (For protection of gas, water and electricity undertakers).

The Act of 1965—

Section 25 (As to works within Metropolitan Police District);

Section 27 (For protection of sewers of Greater London Council); and

Section 28 (As to metropolitan roads and road traffic, etc.).

The Act of 1969—

Section 18 (Crown rights).

The (No. 2) Act of 1971—

Section 21 (For protection of Post Office):

PART IV
—cont.

Provided that—

(i) the provisions of the said section 27 of the Act of 1965, as so incorporated, shall have effect as if—

(a) for the reference to the said works in paragraph (2) thereof there were substituted a reference to the specified works;

(b) for the reference in paragraph (7) thereof to section 11 (Incorporation of provisions of Act of 1963 relating to works) there were substituted a reference to section 9 (Incorporation of provisions of Acts of 1963, 1965 and 1969 relating to works) of this Act;

(c) the expression “sewer” included any main used for the conveyance of sewage sludge or sewage effluent;

(ii) the provisions of the said section 28 of the Act of 1965, as so incorporated, shall have effect as if—

(a) in paragraph (3) the words “(except in the case of Work No. 1)” were omitted and the words “(except in the case of any permanent opening authorised by this Act and in other cases except with such consent as aforesaid)” substituted therefor; and

(b) in paragraph (7) the words “for that road” were inserted after the word “loading” and the proviso at the end thereof omitted;

(iii) the provisions of the said section 18 of the Act of 1969, as so incorporated, shall have effect as if paragraph (b) of subsection (5) of that section were omitted;

(iv) the provisions of the said section 21 of the (No. 2) Act of 1971, as so incorporated, shall have effect as if for the reference to Works Nos. 1, 2 and 3 of the said Act, there were substituted a reference to Works Nos. 1, 2 and 3 of this Act.

18. The following provisions for the protection of the British Railways Board (in this section referred to as “the board”) shall, unless otherwise agreed in writing between the Executive Board and the board, apply and have effect:—

(1) In this section—

“railway property” means any railway of the board

For protection
of British
Railways
Board.

PART IV
—cont.

and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

“ the works ” means so much of Works Nos. 1, 3 and 6 and so much of any work constructed in, or over the lands numbered on the deposited plans and 3 in the city of Westminster as may be situated upon, across, under or over or may in any way affect railway property;

“ the engineer ” means an engineer or engineers to be appointed by the board;

“ plans ” includes sections, drawings and particulars

(2) The Executive shall not under the powers of this Act acquire compulsorily the lands numbered on the deposited plans 6 and 167 in the London borough of Lewisham or the lands numbered 26 and 27 in the London borough of Camden or any railway property beneath Kentish Town Road, but they may acquire so much of the subsurface and under-surface of, or may acquire such easements and rights under, the said lands in accordance with the provisions of section 12 (Power to acquire subsoil easements only in certain cases) of this Act as they may reasonably require for the purpose of the works and may occupy temporarily the said lands numbered 26 and 27 in the London borough of Camden for use as a working site for the construction of Work No. 6 for such period as may be reasonably necessary for that purpose provided that such use as aforesaid shall be deemed to be a part of the works as defined in this section:

(3) Notwithstanding the provisions of section 11 (As respects lands at Westbourne Park) of this Act, the Executive shall not under the powers of this Act acquire compulsorily the lands numbered 2 in the city of Westminster except the sites of pillars or retaining walls but they may acquire such air space, easements and rights (including rights of access) in, on and over—

(a) the remainder of the said lands; and

(b) so much of the adjoining railway property as may be agreed between the board and the Executive

as the Executive may reasonably require for the purpose of constructing, maintaining, repairing and using a road transport garage and depot thereover:

(4) In connection with the works to be constructed in, on or over so much of the lands numbered 2 in the city of Westminster and the adjoining railway property as the Executive shall be authorised to acquire air space, rights and easements only in, on and over the same, the Executive shall ensure that there is a minimum headroom of 15 feet between the ground level and the under-surface of any raft constructed over the said lands:

PART IV
—cont.

(5) The provisions of paragraphs (3) to (15) inclusive of section 41 (For protection of British Railways Board) of the Act of 1963 shall, in so far as they are applicable, extend and apply for the protection of the board in relation to the works as if those provisions were, with any necessary modification, re-enacted in this section and as if—

(a) for references therein to “the Board” there were substituted references to “the Executive” and as if for references to “the railways board” there were substituted references to “the board”;

(b) for references therein to “the works” there were substituted references to “the works” as defined in paragraph (1) of this section and as if this expression included the maintenance and repair of the works for the purposes of the application of paragraphs (7), (11) and (13) of the said section 41;

(c) for the reference therein to the Act of 1963 there were substituted a reference to this Act;

(d) for the reference therein to section 15 (Power to make trial holes) of the Act of 1963 there were substituted a reference to that section as incorporated by section 9 (Incorporation of provisions of Acts of 1963, 1965 and 1969 relating to works) of this Act.

PART V

MISCELLANEOUS

19.—(1) The period now limited by the Act of 1969 for the compulsory purchase of the lands authorised to be acquired by section 11 (Power to acquire lands) of the Act of 1969 for the purposes of Work No. 4 authorised by Part II (Works) of the Act of 1969 is hereby extended until 31st December, 1975. Extension of time.

PART V
—cont.

(2) In this section the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the Act of 1969.

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

20.—(1) In this section—

“the enabling Act” means the Act of 1969;

“the land” means any land which is for the time being authorised to be acquired compulsorily by the Executive 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.

(2) If at any time after 31st December 1972 any person being the owner or lessee of any of the land shall give notice in writing to the Executive of his desire for the acquisition as soon as may be by the Executive of his interest in any part of the land specified in the notice, the Executive 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

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

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

(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 Executive are 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.

21. Section 6 of the Regulation of Railways Act 1889 (which requires the chargeable fare to be printed or written on the face of passenger tickets issued by railway companies) shall cease to apply to passenger tickets issued by the Executive in respect of any of their railways.

As to section 6 of Regulation of Railways Act 1889.
1889 c. 57.

22. The power of the Executive under section 14 (1) (c) of the Transport Act 1962, as applied to the Executive by section 6 (2) of the Transport (London) Act 1969, to acquire land for the purposes of their business shall include power to acquire land for the rehousing of the occupiers of dwellings acquired or to be acquired by the Executive.

As to power of Executive to acquire lands by agreement.
1962 c. 46.
1969 c. 35.

23. Sub-paragraph (a) of paragraph (17) of section 19 (For protection of British Airports Authority) of the Act of 1967 shall have effect as if for “ 31st December 1972 ” therein there were substituted “ 31st December 1976 ”.

Amendment of section 19 of Act of 1967.

24. The provisions of the Town and Country Planning Act 1971 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, or may be, authorised or regulated by or under this Act.

Saving for Town and Country Planning Act 1971.
1971 c. 78.

25. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts, as applied by this Act, 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.

Arbitration.

26. 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 Executive and may in whole or in part be defrayed out of revenue.

Costs of Act.

SCHEDULES

Section 12.

SCHEDULE 1

DESCRIBING LANDS IN RESPECT OF WHICH SUBSOIL OR EASEMENTS MAY BE TAKEN AS PROVIDED BY SECTION 12 (POWER TO ACQUIRE SUBSOIL OR EASEMENTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORKS NOS. 1, 2 AND 3	
London borough of Lewisham ...	3 to 7, 152 to 154, 156, 159 to 165, 167 to 183, 185 to 191, 193 to 201, 201A, 202 to 214, 216 to 226, 229 to 237, 245, 288.
WORK NO. 3	
London borough of Greenwich ...	5 to 9, 11, 20 to 25, 27 to 32, 34 to 39
WORK NO. 4	
London borough of Lambeth ...	4, 5, 7 to 9.
WORK NO. 5	
London borough of Lambeth ...	1.
WORK NO. 6	
London borough of Camden ...	26 to 28.
WORKS NOS. 7, 7A AND 7B	
London borough of Camden ...	17, 19 to 21.
WORK NO. 8	
London borough of Hammersmith	1 to 3, 6 to 13.

SCHEDULE 2

Section 13.

LANDS REFERRED TO IN SECTION 13 (SUBSOIL OR EASEMENTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORKS NOS. 1, 2 AND 3	
London borough of Lewisham ...	9, 10, 12, 14 to 20, 22 to 54, 56, 58 to 73, 75 to 107, 111 to 151, 166, 228, 238, 240, 241, 247 to 256, 256A, 256B, 257 to 259, 261 to 265, 267 to 286, 289, 290.
WORK No. 3	
London borough of Greenwich ...	1 to 4, 12 to 19.
WORK No. 6	
London borough of Camden ...	23, 24.
WORKS NOS. 7, 7A AND 7B	
London borough of Camden ...	3, 5 to 9, 12 to 15.

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London Transport Act 1972

CHAPTER xlii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of general Acts.

PART II

WORKS

5. Power to make works.
6. General provisions as to mode of construction of Works
Nos. 1, 2 and 3.
7. Power to open surface of streets.
8. Further works and powers.
9. Incorporation of provisions of Acts of 1963, 1965 and
1969 relating to works.

PART III

LANDS

Section

10. Power to acquire lands.
11. As to lands at Westbourne Park.
12. Power to acquire subsoil or easements only in certain cases.
13. Subsoil or easements only to be acquired under certain lands.
14. Temporary possession of land.
15. Periods for compulsory purchase of lands and easements.
16. Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands.

PART IV

PROTECTIVE PROVISIONS

17. Incorporation of protective provisions of Acts of 1963, 1965, 1969 and (No. 2) 1971.
18. For protection of British Railways Board.

PART V

MISCELLANEOUS

19. Extension of time.
20. Powers to owners and lessees to give notice as to purchase of lands.
21. As to section 6 of Regulation of Railways Act 1889.
22. As to power of Executive to acquire lands by agreement.
23. Amendment of section 19 of Act of 1967.
24. Saving for Town and Country Planning Act 1971.
25. Arbitration.
26. Costs of Act.

SCHEDULES:

Schedule 1—Describing lands in respect of which subsoil or easements may be taken as provided by section 12 (Power to acquire subsoil or easements only in certain cases) of this Act.

Schedule 2—Lands referred to in section 13 (Subsoil or easements only to be acquired under certain lands) of this Act.