

ELIZABETH II



1973 CHAPTER xi

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. [5th July 1973]

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

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 a plan and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and a plan of the lands authorised to be acquired or used by this Act, and a book of reference to such plan 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 plan, sections and book of reference are respectively referred to in this Act as the deposited plan, 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

Short title.

1. This Act may be cited as the London Transport Act 1973.

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.

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—

- “ 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 1959 ” means the Highways Act 1959; 1959 c. 25.
- “ the Act of 1961 ” means the British Transport Commission Act 1961; 1961 c. xxxvi.
- “ 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 1969 ” means the London Transport Act 1969; 1969 c. 1.
- “ the Act of 1971 ” means the London Transport Act 1971; 1971 c. xl.
- “ 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 plan;
- “ 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 7 (Incorporation of provisions of Acts of 1963, 1965 and 1969 relating to works), section 11 (Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands) and section 12 (Incorporation of protective provisions of Acts of 1963 and 1965) 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.

PART I
—cont.

(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.

(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. 1 and 1A 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 plan 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:—

PART II
—cont.

In Greater London—

In the London borough of Wandsworth—

Work No. 1 A draught relief shaft and subway (105 yards in length) commencing and terminating beneath a point 30 yards east of the junction of Gilbey Road and Tooting High Street.

(Draught relief and ventilation subways at Tooting Broadway station).

Work No. 1A A ventilation shaft and subway (107 yards in length) commencing at a point 50 yards south-east of the junction of Garratt Terrace and Tooting High Street and terminating by a junction with the southbound running tunnel of the Executive's Northern Line railway beneath a point in Tooting High Street 40 yards north-east of its junction with Garratt Lane.

6. Subject to the provisions of this Act, the Executive may for the purpose of constructing Works Nos. 1 and 1A enter upon, open, break up and interfere with so much of the surface of Tooting High Street in the London borough of Wandsworth as is within the limits of deviation.

Power to open surface of street.

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

The Act of 1963—

Section 15 (Power to make trial holes); and

Section 16 (Use of sewers, etc., for removing water).

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

The Act of 1965—

Section 10 (Underpinning of houses near works).

The Act of 1969—

Section 6 (Power to deviate):

Provided that—

(i) 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

1963 c. 38.

(ii) 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.

1948 c. 26.

PART III

LANDS

Power to
acquire lands.

8.—(1) Subject to the provisions of this Act, the Executive may enter upon, take and use such of the lands delineated on the deposited plan 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 plan 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.

Power to
acquire subsoil
or easements
only in
certain cases.

9.—(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—

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

(b) any of the lands described in the Schedule 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.

(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.

PART III
—cont.

10. The powers of the Executive for the compulsory purchase of the lands and easements which they are authorised by this Act to acquire shall cease on 31st December 1976.

Period for compulsory purchase of lands and easements.

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

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

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); and

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 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

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

Incorporation of protective provisions of Acts of 1963 and 1965.

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); and

PART IV
—cont.

Section 27 (For protection of sewers of Greater London Council):

Provided that 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 7 (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.

13. The following provisions shall, unless otherwise agreed in writing between the Executive and the Council, apply and have effect:—

- (1) In this section “ road ” means a road which is for the time being a metropolitan road and “ highway ” means any highway within the meaning of the Act of 1959 which is situated in Greater London:
- (2) The Executive shall not without the consent of the Council construct any part of the works (other than trial holes) which will be within 25 feet of the surface of any road, or which will involve interference with any road, except in accordance with plans and sections submitted to and approved by the Council, but such approval shall not be unreasonably withheld:

Provided that if within two months after such plans and sections have been so submitted the Council have not approved or disapproved them they shall be deemed to have approved the plans and sections as submitted:
- (3) In the construction of any part of the works under a road no part thereof shall (except with the consent of the Council) be so constructed as to interfere with the provision of proper means of drainage of the surface of the road or be nearer than 2 feet 6 inches to the surface of the road:
- (4) Before commencing to construct any part of the works or any works or conveniences connected therewith which will involve interference with a road or the traffic in any highway the Executive shall consult the Council as to the time when such part shall be commenced and as to the extent of the surface of the road which it may be reasonably

As to metropolitan roads and road traffic, etc.

necessary for the Executive to occupy or the nature of the interference which may be caused to the said traffic in the construction of such part and as to the conditions under which such part shall be constructed, so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the road shall not be occupied by the Executive and the said interference with traffic shall not be caused except at the time, to the extent and in accordance with conditions agreed between the Executive and the Council:

- (5) At least twenty-eight days before commencing to make any trial hole from the surface of any part of any road the Executive shall serve notice in writing on the Council of their intention to commence the same and such notice shall describe the place at which any such hole is intended to be made and if within twenty-eight days after the receipt of such notice any objection is made by the Council the matter shall (unless otherwise agreed) be settled by arbitration before the making of the hole is commenced but if no such objection is made the making of the hole may be proceeded with:
- (6) Except with the consent of the Council the Executive shall not open or make any permanent openings or any ventilators, air shafts or other similar openings in, or erect or construct any structure or erection above, the surface of any road, and in constructing, maintaining and operating the said openings, ventilators, air shafts or other similar openings the Executive shall take all steps which are reasonably practicable to avoid causing a nuisance:
- (7) The Executive shall secure that so much of the works as is constructed under or so as to affect any road shall be designed, constructed and maintained so as to carry the appropriate loading recommended at the time of construction of such works by the Secretary of State as respects highway bridges carrying roads of the same class or description and the Executive shall indemnify the Council against and make good to the Council all expenses which the Council may reasonably incur or be put to in the maintenance or repair of any road or any tunnels, sewers, drains or apparatus therein by reason of any non-compliance by the Executive with the provisions of this paragraph:

Provided that this paragraph shall not apply to so much of the surface of any of the works as is not intended to carry traffic:

PART IV
—cont.

- (8) It shall be lawful for the officer of the Council duly appointed for the purpose at all reasonable times to enter upon and inspect any part of the works which is in or under any road, or which may affect any road or any property or work belonging to or under the jurisdiction or control of the Council, or repairable by them, during the execution thereof and the Executive shall give to such officer all reasonable facilities for such inspection and if he shall be of opinion that the construction of such works is attended with danger to any road or to any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work as aforesaid on or under any road the Executive shall adopt such measures and precautions as may be reasonably required by the Council for the purpose of preventing any damage or injury thereto:
- (9) The Executive shall not alter, disturb or in any way interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the Council on or under any road or repairable by them or the access thereto without the consent of the Council and any alteration, diversion, replacement or reconstruction of any such sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work as aforesaid which may be necessary shall be made by the Council or the Executive as the Council shall think fit and any costs, charges and expenses reasonably incurred by the Council in so doing shall be repaid to the Council by the Executive:
- (10) The Executive shall not remove any soil or material from any road except such as must be excavated in the carrying out of the works:
- (11) The Executive shall not, except with the consent of the Council, deposit any soil, subsoil or materials or stand any vehicle or plant on any road so as to obstruct the use of such road by any person or except with the like consent deposit any soil, subsoil or materials on any such road except within a hoarding:
- (12) All reasonable costs, charges and expenses incurred by the Council in removing any soil, subsoil or materials deposited on any road in contravention of this section shall be a debt due to the Council and shall on demand be paid by the Executive to the Council:

- (13) Where any part of any road shall have been temporarily broken up or disturbed by the Executive the Executive shall make good the subsoil, foundations and surface of such part of the road to the reasonable satisfaction of the Council:

PART IV
—cont.

Provided that the reinstatement of such part of the road shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the Council as soon as reasonably practicable after the completion of the temporary reinstatement and the reasonable costs, charges and expenses incurred by the Council in so doing shall be repaid by the Executive to the Council:

- (14) It shall not be lawful for the Executive to place any hoarding or fence on any part of any road except for such period as may be necessary and then only in such manner and in accordance with such other conditions as shall be reasonably required by the Council and the provisions of the Act of 1959 relating to hoardings and fences shall apply to any hoarding or fence erected on any part of any road and for the purposes of the application of section 147 of the Act of 1959 any such hoarding or fence shall be deemed to have been erected in compliance with subsection (1) of that section:
- (15) The Executive shall make compensation to the Council for any subsidence of or damage to any road or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the Council on or under any road or repairable by them which may be caused by or in consequence of any act or default of the Executive, their contractors, servants or agents and whether such damage or subsidence shall happen during the construction of the works or at any time thereafter:
- (16) Within three months after the completion of any of the works, or such longer period as the Council may agree, the Executive shall remove or to the reasonable satisfaction of the Council demolish or otherwise dispose of all temporary buildings and structures erected at, above or immediately below surface level for the purposes of or in connection with the construction of that work and shall remove all surplus materials, plant, machinery and appliances provided or approved in connection therewith and shall, so far as is reasonably practicable, to the like satisfaction restore and make

PART IV
—cont.

good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of or in connection with that work:

- (17) As soon as reasonably practicable after the completion of any part of the works the Executive shall furnish the Council with a plan and section of suitable scale showing the position and level of such part of the works as constructed:
- (18) The Council may require that the works or works and conveniences connected therewith so far as they involve any serious interference with the movement of traffic in any highway shall be carried on so far as reasonably practicable continuously day and night and the Executive shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:
- (19) The Executive shall not without the consent of the Council, which shall not be unreasonably withheld, make any communication between the works and the interior of any building, other than a building wholly used by the Executive for transport purposes:
- (20) Any difference arising between the Executive and the Council under this section shall be settled by arbitration.

PART V

MISCELLANEOUS

Extensions of
time.

14.—(1) The period now limited by the Act of 1971 for the compulsory purchase of the lands authorised to be acquired by section 27 (Power to acquire lands) of the Act of 1961 for the purposes of Works Nos. 6 and 7 authorised by Part II (Works) of the Act of 1961 is hereby extended until 31st December 1976.

(2) The period now limited by the Act of 1971 for the compulsory purchase of the lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1971 for the purposes of Work No. 2 authorised by Part II (Works) of the Act of 1971 is hereby extended until 31st December 1976.

(3) In this section the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the Act of 1961 and the Act of 1971.

15.—(1) In this section—

PART V
—cont.

“ the enabling Act ” means the Act of 1971 ;

“ the land ” means any land which is for the time being authorised to be acquired compulsorily by the Executive by the enabling Act, for the purposes of Work No. 2 authorised by Part II (Works) of the enabling Act, not being land referred to in subsection (4) of this section ;

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

“ 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 1973, 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 persons 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.

PART V
—cont.

(4) This section shall not apply to land which the Executive 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 Acts
1971 and 1972.
1971 c. 78.

16. Section 289 of the Town and Country Planning Act 1971 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1971 and 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Arbitration.

17. 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.

Costs of Act.

18. 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.

SCHEDULE

Section 9.

DESCRIBING LANDS IN RESPECT OF WHICH SUBSOIL OR EASEMENTS MAY BE TAKEN AS PROVIDED BY SECTION 9 (POWER TO ACQUIRE SUBSOIL OR EASEMENTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORKS NOS.	1 AND 1A
London borough of Wandsworth	1 to 7, 9 to 15, 17 to 22.



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London Transport Act 1973

CHAPTER xi

ARRANGEMENT OF SECTIONS

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LANDS

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15. Powers to owners and lessees to give notice as to purchase of lands.
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18. Costs of Act.

SCHEDULE.—Describing lands in respect of which subsoil or easements may be taken as provided by section 9 (Power to acquire subsoil or easements only in certain cases) of this Act.