

**ELIZABETH II**



**1973 CHAPTER xii**

An Act to empower the mayor, aldermen and burgesses of the borough of King's Lynn to acquire lands and construct works; to make further provision with reference to lands and finance; and for other purposes.  
[5th July 1973]

**WHEREAS—**

(1) The borough of King's Lynn (hereinafter referred to as "the borough") is a municipal borough under the management and local government of the mayor, aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

(2) It is expedient that the Corporation should be empowered to construct the works authorised by this Act and to acquire lands for the purpose of such works and for other purposes:

(3) It is expedient that the further provisions with regard to lands contained in this Act should be made and that the Corporation should be empowered to borrow for the various purposes of this Act:

(4) It is expedient that the other provisions contained in this Act be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

(6) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

The construction of the works authorised by									
this Act	...	...	...	...	...	...	...	...	£139,850:

(7) The several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

(8) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

1933 c. 51.

(9) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken or used for the purposes or under the powers of this Act and also a book of reference containing the names of the owners or reputed owners and of the occupiers of those lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons and with the clerk of the county council of the administrative county of Norfolk, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and book of reference:

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 King's Lynn Corporation Act 1973.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Finance and miscellaneous.

PART I  
—cont.

3.—(1) In this Act, except as otherwise expressly provided Interpretation.  
unless the context otherwise requires—

“ the Act of 1965 ” means the Compulsory Purchase Act  
1965;

1965 c. 56.

“ the authorised works ” means the works authorised by  
this Act;

“ the borough ” means the borough of King's Lynn;

“ the conservancy board ” means the King's Lynn Conser-  
vancy Board;

“ the Corporation ” means the mayor, aldermen and  
burgesses of the borough;

“ enactment ” includes an enactment in this Act or in any  
general or local Act and any order, byelaw or regulation  
for the time being in force within the borough;

“ land ” includes land covered by water and any interest in  
land and any easement or right in, to or over land;

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

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

“ the Secretary of State ” means the Secretary of State for  
Trade and Industry;

“ street ” has the same meaning as in section 343 of the  
Public Health Act 1936;

1936 c. 49.

“ telegraphic line ” has the same meaning as in the Telegraph  
Act 1878;

1878 c. 76.

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

“ the tribunal ” means the Lands Tribunal.

(2) Unless the context otherwise requires, any reference in this  
Act to—

(a) 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;

(b) a work identified by the number of the work shall be  
construed as a reference to the work of that number  
authorised by section 11 (Power to construct works)  
of this Act;

(c) a work shall be construed as a reference to that work  
both during the execution and after the completion  
thereof.

PART I  
—cont.Application  
of Part I of  
Act of 1965.

1946 c. 49.

4.—(1) Part I of the Act of 1965 (except section 4, subsection (1) of section 24, section 27 and sub-paragraph (3) of paragraph 3 of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

(2) In subsection (1) of section 11 of the Act of 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice) as so applied, for the words "fourteen days" there shall be substituted the words "three months".

1845 c. 18.

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

## PART II

## LANDS

Power to  
acquire lands.

5.—(1) Subject to the provisions of this Act, the Corporation may enter upon, take and use such of the lands in the borough delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the authorised works and for securing the improvement or development of those lands or of any lands abutting on or adjacent to those lands.

(2) (a) The powers for the compulsory acquisition of land under this section shall not be exercised after 31st December 1976.

(b) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if, on or before 31st December, 1976, notice to treat has been served in respect of that land.

Correction of  
errors in  
deposited  
plans and  
book of  
reference.

6.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Corporation after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the borough for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, they shall certify accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons and with the clerk of the county council of the administrative county of Norfolk and with the town clerk of the borough and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

7. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was at the time of the erection, execution or making of the building, works, improvement or alteration, directly or indirectly concerned, if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Disregard of recent improvements and interests.

8.—(1) The Corporation may, instead of acquiring any land that they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining, renewing, enlarging, extending, altering, reconstructing or removing the authorised works or for the purpose of obtaining access to the works or to the lands that they may acquire under this Act or for the purpose of doing any other thing necessary in connection with the works or lands.

Power to acquire easements only.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof; and "land" in the Act of 1965 as applied by this Act includes such easements and rights as aforesaid.

(3) Where the Corporation have acquired an easement or right only over or in any land under this section—

(a) they shall not be required or, except by agreement or during the execution of the said works, entitled to fence off or sever that land from the adjoining land;

PART II  
—cont.

(b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land, the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Corporation may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

9.—(1) Any person empowered by the Act of 1965 as applied by this Act to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the Corporation any easement or right required for the purposes of this Act over or in the lands not being an easement or right of water in which some person other than the grantor has an interest.

(2) The provisions of the Act of 1965 with respect to lands and rentcharges so far as they are applicable, shall extend and apply to any such grant and to any such easement or right as aforesaid.

Extinguishment of rights of way.

10. All public rights of way over the land in the borough numbered 4 on the deposited plans (being the disused part of the highway formerly known as Greyfriars Road) shall be and are hereby extinguished as from the passing of this Act, and the said land is hereby vested in the Corporation in fee simple as part of their corporate estate free from any public rights of way thereover.

PART III

WORKS

Power to construct works.

11.—(1) Subject to the provisions of this Act the Corporation may construct and maintain in the borough in the lines and situations and within the limits of deviation and according to the

levels shown on the deposited sections the works hereinafter described together with all necessary and proper works and conveniences connected therewith, that is to say:—

PART III  
—cont.

Work No. 1 An embankment or river wall formed in part by the filling in of the bridge carrying the highway across the Pur Fleet commencing on the northern side of that bridge at the Custom House and terminating on the southern side of that bridge at its junction with Purfleet Place.

Work No. 2 An embankment or river wall (including a culvert) on the eastern side of the river Great Ouse commencing at the southern end of the existing quay on the north side of the Mill Fleet and terminating at the commencement of the bollards of the Boal Quay of the Corporation at a distance of 363 feet or thereabouts from the point of commencement.

(2) (a) In the construction of Work No. 1 the Corporation may fill in and reclaim from the foreshore and bed of the Pur Fleet and may hold and use as part of Work No. 1 so much of the foreshore and bed of the Pur Fleet as is situated within the limits of deviation and is landward of Work No. 1.

(b) In the construction of Work No. 2, the Corporation may cover over and partially fill in and reclaim from the foreshore and bed of the river Great Ouse and the Mill Fleet and may hold and use as part of Work No. 2 so much of the foreshore and bed of the said river and of the Mill Fleet as is situated within the limits of deviation and is landward of Work No. 2.

(c) The Corporation may appropriate and use as part of their corporate estate the lands resulting from the exercise of the powers of this section.

(d) The Corporation may lay out and develop the lands resulting from the exercise of the powers of this section and may on such lands erect and maintain buildings and construct, sewer, pave, flag, channel and kerb streets, roads and ways.

(3) The Corporation may from time to time maintain, renew, enlarge, extend, alter and reconstruct temporarily or permanently the authorised works or any part thereof:

Provided that nothing in this subsection shall authorise the Corporation to deviate laterally beyond the limits of deviation.

12. In the construction of the authorised works the Corporation may deviate laterally to any extent within the limits of deviation and may deviate vertically from the levels of those works shown on the deposited sections to any extent downwards and to any extent not exceeding 5 feet upwards. Power to deviate.

PART III  
—cont.

Power to  
Corporation  
to make  
subsidiary  
works.

13.—(1) Subject to the provisions of this Act, the Corporation for the purposes of or in connection with the authorised works may from time to time within the limits of deviation in addition to such works—

- (a) construct or place and maintain and use all such cuts, channels, embankments, gates, weirs, dams, basins, trenches, lay-bys, sluices, culverts, arches, sewers, drains, mains, pipes, valves and valve chambers, banks, walls, fences, berthing heads, landing places, piles, fenders, booms, pontoons, caissons, staging, cofferdams, bollards, moorings, lights, wharves, pavings, hardstandings, sheds, buildings, engines, pumps, machinery, lifts, cranes, towers, drops, winches, tips, bridges, roads, roadways, ramps, tunnels, subways, walkways, ways, access works, approaches, pipeways, stairs, works and appliances as may be necessary or convenient for or in connection with or subsidiary to the authorised works;
- (b) make junctions with, and may alter the line or level of, any street or way interfered with by, or contiguous to, the authorised works and may alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavements and may execute any works for the protection of any adjoining land or building;
- (c) temporarily or permanently use, strengthen, widen, improve, alter or otherwise interfere with drains, sewers, telegraphic, telephonic, electric, gas, water and other pipes, lines, wires, works and apparatus (all of which are hereinafter in this section referred to as "apparatus") providing where possible a proper substitute before interrupting the passage of sewage, electricity, gas or water in or through any apparatus;
- (d) execute any works for the protection or improvement of any adjoining land or buildings;
- (e) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings.

(2) Any paving, metalling or materials in, on or under any street altered or otherwise interfered with by the Corporation under the powers of this section and rendered unnecessary and any apparatus rendered unnecessary by the substitution of other apparatus therefor shall vest in the Corporation and the substituted apparatus shall be under the same jurisdiction, care, management and direction as the existing apparatus for which it may be so substituted.

(3) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as



the circumstances permit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

PART III  
—cont.

(4) (a) Not less than twenty-eight days before executing any works under paragraph (c) of subsection (1) of this section affecting any apparatus (other than a telegraphic line belonging to or used by the Post Office) the Corporation shall submit to the appropriate authority sufficient plans, sections and particulars of the proposed works for their reasonable approval.

(b) The Corporation shall execute such works in accordance with such plans, sections and particulars as may be submitted to and approved by the appropriate authority or, if such approval be refused, as may be settled by arbitration and all such works shall be executed to the reasonable satisfaction of the appropriate authority and the Corporation shall at all times afford to the representative of the appropriate authority access for the purpose of inspecting such works.

(c) Any dispute or difference which may arise between the appropriate authority and the Corporation under this subsection shall be settled by arbitration.

(d) In this subsection "the appropriate authority" means in relation to any apparatus the authority by whom it is repairable.

(5) Any question of disputed compensation payable under the provisions of this section shall be determined under and in accordance with the Land Compensation Act 1961.

1961 c. 33.

(6) Nothing in this section shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunication conferred on the Post Office by subsection (1) of section 24 of the Post Office Act 1969.

1969 c. 48.

(7) (a) Notwithstanding anything in this section the Corporation shall not—

(i) use any telegraphic line belonging to or used by the Post Office; or

(ii) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

1878 c. 76.

(b) In this subsection "alter" has the same meaning as in the Telegraph Act 1878.

14.—(1) The Corporation during and for the purpose of the execution of the authorised works may temporarily stop up, alter, divert or otherwise interfere with any private right of way and may for any reasonable time divert

Temporary stoppage of highways, etc.

PART III  
—cont.

the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot-passengers bona fide going to or from any such land, house or building.

(3) The Corporation shall not exercise the powers of this section—

(a) in relation to a highway without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be determined by the Secretary of State for the Environment;

(b) with respect to any highway upon which a service of stage carriages or express carriages is operated unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised;

(c) so as unreasonably to prevent access to any station or depot of any passenger road transport operators.

(4) (a) The Corporation shall, whenever possible, provide a proper temporary substitute way before interrupting the traffic on any highway referred to in paragraph (b) of subsection (3) of this section.

(b) The Corporation may execute and do all necessary works and things for keeping any such highway open to traffic.

(5) Any person who suffers loss by reason of the exercise of the powers of this section in relation to any private right of way shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under, and in accordance with, the Land Compensation Act 1961.

(6) The exercise of the powers conferred by this section in relation to a highway shall not affect the powers of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that highway for any of those purposes.

**15.—**(1) A tidal work shall not be constructed, renewed, enlarged, extended, altered or reconstructed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.

Tidal works not to be executed without approval of Secretary of State.

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

PART III  
—cont.

(a) the Secretary of State may by notice in writing require the Corporation 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 Corporation they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Corporation as a simple contract debt.

16.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Corporation shall forthwith notify the conservancy board and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the conservancy board shall from time to time direct.

Provision  
against  
danger to  
navigation.

(2) If the Corporation fail to notify the conservancy board 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.

17.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Corporation 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 Secretary of State thinks proper.

Abatement of  
works  
abandoned or  
decayed.

(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 Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Corporation they have

PART III  
—cont.

failed to comply with the requirements of the notice the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Corporation as a simple contract debt.

Survey of  
tidal works.

18. The Secretary of State may at any time if he deems 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 Secretary of State in any such survey and examination shall be recoverable from the Corporation as a simple contract debt.

Permanent  
lights on  
tidal works.

19.—(1) After the completion of a tidal work the Corporation 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 conservancy board shall from time to time direct.

(2) If the Corporation 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.

Lights on  
tidal works  
during  
construction.

20.—(1) The Corporation shall at or near a tidal work during the whole time of the construction, renewal, enlargement, extension, alteration or reconstruction 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 Secretary of State shall from time to time direct.

(2) If the Corporation 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.

## PART IV

## FINANCE AND MISCELLANEOUS

Power to  
borrow.

21.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in column (1) of the following table, the sum specified in relation thereto in column (2) of that table.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Corporation, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (b) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in column (3) of the following table:—

PART IV  
—cont.

(1)	(2)	(3)
Purpose for which money may be borrowed	Amount	Maximum period for repayment of loan
The purchase of lands, easements and rights under the powers of this Act	The sum required	Sixty years
The construction of the authorised works	£139,850	Sixty years
The costs, charges and expenses of this Act	The sum required	Ten years

(4) Subject to the provisions of this section, Part IX of the Local Government Act 1933 shall have effect as if money borrowed under this section were borrowed under that Part. 1933 c. 51.

(5) In respect of any money borrowed in pursuance of this section on or after 1st April, 1974, this section shall have effect as if—

(a) for the words “any sanctioning authority” and “the sanctioning authority” there were substituted the words “the Secretary of State for the Environment”; and

(b) in subsection (4) for the words “Part IX of the Local Government Act 1933” there were substituted the words “Part I of Schedule 13 to the Local Government Act 1972”.

1972 c. 70.

(6) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

22. The Corporation and the conservancy board may enter into and carry into effect agreements with respect to the construction, maintenance, renewal, enlargement, extension, alteration or reconstruction of Work No. 2 or any part thereof, the provision and maintenance of any works, facilities, supplies or services which may be desirable for or in connection therewith and with Agreements.

PART IV  
—cont.

Protection of members and officers of Corporation from personal liability.  
1875 c. 55.

Application of general provisions of Public Health Act 1936.  
1936 c. 49.

For protection of certain statutory undertakers.

respect to any matters incidental thereto or consequential thereon including agreements for defraying the expenditure incurred by either party or the making of contributions by either party to the other towards expenditure so incurred.

23. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee or a sub-committee of a local authority.

24. The sections of the Public Health Act 1936 mentioned in the Schedule to this Act shall have effect as if references therein to that Act included references to this Act.

25. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the Corporation and the undertakers, apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) mains, pipes or other apparatus belonging to or maintained by the British Gas Corporation;

(b) electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the Eastern Electricity Board;

(c) mains, pipes or other apparatus belonging to or maintained by the North West Norfolk Water Board;

and includes any structure for the lodging therein of apparatus;

“in” in a context referring to apparatus includes under, over, across, along or upon;

“plan” includes a section and description;

“specified work” means any work or thing done under the powers conferred by Part III of this Act;

“the undertakers” means—

the British Gas Corporation;

the Eastern Electricity Board;

the North West Norfolk Water Board;

or any of them, as the case may be:

1882 c. 56.

- (2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not, under the powers of this Act, acquire any apparatus otherwise than by agreement:
- (3) The powers conferred on the Corporation by paragraph (c) of subsection (1) of section 13 (Power to Corporation to make subsidiary works) of this Act shall not be exercised in respect of any apparatus otherwise than in accordance with the provisions of this section:
- (4) If the Corporation in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been laid or constructed and is in operation to the reasonable satisfaction of the undertakers:
- (5) (a) If the Corporation, for the purpose of the execution of any specified work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan of the proposed work, and if it is agreed between the Corporation and the undertakers or, in default of agreement, determined by arbitration that the removal of the apparatus is reasonably required and that it should be removed the following provisions of this paragraph shall have effect;
- (b) If it is agreed or determined by arbitration in accordance with sub-paragraph (a) of this paragraph that any apparatus should be removed or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the Corporation shall, if practicable, afford to the undertakers the necessary facilities and rights for the laying or construction of adequate alternative apparatus in other lands of the Corporation and thereafter for the maintenance, repair, renewal and inspection of such apparatus:
- Provided that if the alternative apparatus or any part thereof is to be laid or constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid the undertakers shall, on receipt of a written notice to that effect from the Corporation, forthwith use their best endeavours to obtain the necessary facilities and rights:
- (6) (a) Any alternative apparatus to be laid or constructed in lands of the Corporation in pursuance of paragraph (5)

PART IV  
—cont.

of this section shall be laid or constructed in such manner and in such line or situation as may subject to any terms and conditions affecting the facilities and rights obtained for the laying or construction thereof be agreed between the undertakers and the Corporation, or, in default of agreement, settled by arbitration;

- (b) The undertakers shall, after the manner of laying or construction and the line and situation of any alternative apparatus has been agreed, or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to lay or construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required to be removed under the provisions of this section and, in default, the Corporation may remove the apparatus:
- (7) Notwithstanding anything in paragraph (6) of this section, if the Corporation give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the laying or construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation, such work, instead of being executed by the undertakers, shall be executed by the Corporation with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

- (8) Where in accordance with the provisions of this section the Corporation afford to the undertakers facilities and rights for the laying or construction, maintenance, repair, renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the undertakers, or, in default of agreement, determined by arbitration:

Provided that—

- (a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be



laid or constructed across or through a specified work the arbitrator shall—

PART IV  
—cont.

(i) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus laid or constructed through the lands of the Corporation for which the alternative apparatus is to be substituted;

(b) if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted, are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Corporation by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the case:

- (9) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to, or is likely to affect, any apparatus the removal of which has not been required by the Corporation under paragraph (5) of this section, the Corporation shall submit to the undertakers a plan of the work to be executed;
- (b) Such work shall be executed only in accordance with the plan submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers, within fourteen days after the submission to them of any such plan, shall, in consequence of the work proposed by the Corporation, reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement, the foregoing provisions of this section shall

PART IV  
—cont.

apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (5) hereof; and

(ii) nothing in this sub-paragraph shall preclude the Corporation from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan in lieu of the plan previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan;

(c) The Corporation shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable and a plan of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

(10) If in consequence of the exercise of the powers of this Act the access to any apparatus the removal of which is not required under this section is materially obstructed, the Corporation shall provide an alternative means of access to such apparatus:

(11) The Corporation shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—

(a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and construction of any new apparatus under any of the provisions of this section;

(b) the cutting off of any apparatus from any other apparatus; and

(c) any other work or thing reasonably necessary in consequence of the exercise by the Corporation of any of the powers of this Act:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the Corporation were the promoting authority and works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3), and as if in that subsection for the words "specified as so necessary in a specification of the works

settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority” there were substituted the words “agreed or settled by arbitration under section 25 (For protection of certain statutory undertakers) of the King's Lynn Corporation Act 1973”:

PART IV  
—cont.

- (12) If by reason or in consequence of the execution, user or failure of any of the specified works, or any subsidence resulting from any of those works, any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity, gas or water by the undertakers shall be caused, the Corporation shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, or in restoring the supply of electricity, gas or water and shall—

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Corporation with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:

- (13) The temporary stopping up of any highway or right of way under the powers of section 14 (Temporary stoppage of highways, etc.) of this Act shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers—

(a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the highway or right of way; or

PART IV  
—cont.

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway or right of way:

1950 c. 39.

- (14) The foregoing provisions of this section shall have effect in lieu of the provisions of section 26 of the Public Utilities Street Works Act 1950 in so far as such provisions would otherwise have effect as regards any specified work in relation to apparatus:
- (15) (a) Any difference which may arise between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction thereof) shall be settled by arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the Corporation to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purposes for which the apparatus is used.

For protection  
of conservancy  
board.

26. For the protection of the conservancy board the following provisions shall, unless otherwise agreed in writing between the Corporation and the conservancy board apply and have effect:—

(1) In this section—

“ plans ” includes sections;

“ the river ” means the river Great Ouse;

“ specified work ” means so much of—

(a) Work No. 2;

(b) the renewal, enlargement, extension, alteration or reconstruction of Work No. 2;

(c) any subsidiary works in connection therewith carried out under section 13 (Power to Corporation to make subsidiary works) of this Act;

as will impede or contain the tidal flow of the river or may adversely affect the regime of the river:

- (2) (a) For the purpose of ensuring that the authorised works will not more than is reasonably necessary either impede the tidal flow of the river or adversely affect the regime of the river, the Corporation shall, except in an emergency, before commencing a specified work submit to the conservancy board for their reasonable approval plans of the specified work showing the general mode of construction or carrying out thereof:

Provided that if the conservancy board do not within twenty-eight days after the receipt of any such plans signify to the Corporation their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;

- (b) If the Corporation have to construct a specified work in an emergency, they shall immediately inform the conservancy board and shall submit to the conservancy board the plans referred to in sub-paragraph (a) of this paragraph as soon as practicable thereafter:
- (3) Subject to the provisions of this section a specified work shall not be constructed or carried out except in accordance with such plans as may be approved, or as are deemed to be approved by the conservancy board, or if such approval be withheld as may be settled by the Secretary of State:
- (4) If there shall be any inconsistency between any plans approved or deemed to be approved by the conservancy board under the provisions of this section and the plans approved by the Secretary of State under section 15 (Tidal works not to be executed without approval of Secretary of State) of this Act the specified work shall be constructed in accordance with the plans approved by the Secretary of State:
- (5) The Corporation shall at all reasonable times afford to the duly authorised representative of the conservancy board all reasonable facilities for inspecting a specified work in the course of construction:
- (6) Nothing in this Act shall prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of the conservancy board or of the harbour master appointed by them:
- (7) Any difference arising between the Corporation and the conservancy board under this section (other than a difference as to the construction of this section or as to the approval of plans under paragraph (3) or under paragraph (4) of this section) shall be referred to and settled by arbitration.

27. In an arbitration under this Act the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of any party after giving notice in writing to the other party or parties.

## PART IV

—cont.

Crown rights.

28. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular, nothing herein contained shall authorise the Corporation to take, use or in any manner interfere with any portion of the shore or bed 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 such commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for  
Trinity  
House.

29. Nothing in section 16 (Provision against danger to navigation) or section 19 (Permanent lights on tidal works) of this Act shall prejudice or derogate from the powers, rights and privileges of the Corporation of Trinity House of Deptford Strond.

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

30.—(1) Section 289 of the Town and Country Planning Act 1971 shall apply to this Act as if it had been passed during the Session 10 & 11 Geo. 6; and accordingly the Town and Country Planning Act 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

(2) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 shall have effect as if the authority to develop given by this Act in respect of the authorised works were limited to such 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 1973 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.

Saving for  
section 31  
of Land  
Drainage Act  
1961.  
1961 c. 48.

31. Nothing in this Act shall exempt the Corporation from the provisions of section 31 of the Land Drainage Act 1961.

Continuance  
of Act.  
1972 c. 70.

32. Notwithstanding the provisions of section 262 of the Local Government Act 1972 the provisions of this Act shall not cease to have effect at the end of 1984 nor on such other date as may be appointed by order made under paragraph (b) of subsection (9) of that section.

Costs of Act.

33. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.

**SCHEDULE**

Section 24.

**SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED TO THIS ACT**

1936 c. 49.

Section	Marginal note
283	Notices to be in writing; forms of notices, &c.
288	Penalty for obstructing execution of Act.
293	Recovery of expenses.
297	Continuing offences and penalties.
299	Inclusion of several sums in one complaint.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PRINTED IN ENGLAND BY OYEZ PRESS LTD.

FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

18½p net .

SBN 10 511273 9





# King's Lynn Corporation Act 1973

## CHAPTER xii

### ARRANGEMENT OF SECTIONS

#### PART I PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Application of Part I of Act of 1965.

#### PART II LANDS

5. Power to acquire lands.
6. Correction of errors in deposited plans and book of reference.
7. Disregard of recent improvements and interests.
8. Power to acquire easements only.
9. Grant of easements by persons under disability.
10. Extinguishment of rights of way.

## PART III

## WORKS

## Section

11. Power to construct works.
12. Power to deviate.
13. Power to Corporation to make subsidiary works.
14. Temporary stoppage of highways, etc.
15. Tidal works not to be executed without approval of Secretary of State.
16. Provision against danger to navigation.
17. Abatement of works abandoned or decayed.
18. Survey of tidal works.
19. Permanent lights on tidal works.
20. Lights on tidal works during construction.

## PART IV

## FINANCE AND MISCELLANEOUS

21. Power to borrow.
22. Agreements.
23. Protection of members and officers of Corporation from personal liability.
24. Application of general provisions of Public Health Act 1936.
25. For protection of certain statutory undertakers.
26. For protection of conservancy board.
27. Arbitration.
28. Crown rights.
29. Saving for Trinity House.
30. Saving for Town and Country Planning Act 1971.
31. Saving for section 31 of Land Drainage Act 1961.
32. Continuance of Act.
33. Costs of Act.

SCHEDULE—Sections of Public Health Act 1936 applied to this Act.