



British Railways Act 1986

CHAPTER iii

LONDON
HER MAJESTY'S STATIONERY OFFICE

British Railways Act 1986

CHAPTER iii

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ELIZABETH II



1986 CHAPTER iii

An Act to empower the British Railways Board to construct works and to purchase or use land; to extend the time for the compulsory purchase of certain land; to confer further powers on the Board; and for other purposes. [17th February 1986]

WHEREAS—

(1) By the Transport Act 1962 the British Railways Board 1962 c. 46. (hereinafter referred to as “the Board”) were established:

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

(3) It is expedient that the Board should be empowered to construct the works authorised by this Act and to purchase or use the land referred to in this Act:

(4) It is expedient that the period now limited for the compulsory purchase of certain land should be extended as provided by this Act:

(5) It is expedient that the other powers in this Act contained should be conferred on the Board as therein provided, and that the other provisions in this Act contained should be enacted:

(6) Plans and sections showing the lines or situations and levels of the works to be constructed under this Act, and plans of the land authorised to be purchased 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 land 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 proper officers of the Greater London Council and of the county councils of the several counties within which the said works will be constructed or the said land is situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

(7) 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 *British Railways Act 1986*.
- Interpretation. 2.—(1) In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the enactments incorporated herewith have in relation to the related subject-matter the same respective meanings; and—
- 1845 c. 20. “the Act of 1845” means the *Railways Clauses Consolidation Act 1845*;
- 1863 c. 92. “the Act of 1863” means the *Railways Clauses Act 1863*;
- 1965 c. 56. “the Act of 1965” means the *Compulsory Purchase Act 1965*;
- 1981 c. xxiii. “the Act of 1981” means the *British Railways Act 1981*;

- “the (No. 2) Act of 1981” means the British Railways (No. 2) Act 1981; PART I
—cont.
1981 c. xxxv.
- “the (No. 2) Act of 1984” means the British Railways (No. 2) Act 1984; 1984 c. xx.
- “the Board” means the British Railways Board;
- “enactment” includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “the limits of deviation” means the limits of deviation shown on the deposited plans;
- “reference point” means Ordnance Survey National Grid reference point;
- “the specified enactments” means the Highway (Railway Crossings) Act 1839, section 9 of the Railway Regulation Act 1842, section 47 of the Act of 1845, sections 5, 6 and 7 of the Act of 1863 and any other provision to the same or similar effect incorporated with, or contained in, any enactment; 1839 c. 45.
1842 c. 55.
- “traffic sign” has the meaning assigned to it by section 64 of the Road Traffic Regulation Act 1984; 1984 c. 27.
- “the tribunal” means the Lands Tribunal; and
- “the works” means the works authorised by Part II (Works, etc.) of this Act.

(2) Except in relation to subsection (3) (a) of section 13 (Reconstruction of bridge at Basingstoke) and subsection (3) (a) of section 14 (Reconstruction of bridges at Wandsworth) of this Act, all directions, 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 direction, distance and length and distances between points on a railway shall be taken to be measured along the railway.

(3) 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.

3.—(1) The following enactments, so far as the same are applicable for the purposes of and are not inconsistent with this Act, are incorporated with this Act, and this Act shall be the special Act for the purposes of the said incorporated enactments:—

- (a) the Act of 1845, except sections 1, 7, 8, 9, 11, 12, 15, 17, 19, 20, 22 and 23 thereof; and
- (b) in the Act of 1863, Part I (relating to the construction of a railway), except sections 13 to 19 thereof, and Part II (relating to extension of time).

PART I
—cont.

(2) (a) For the purposes of the enactments incorporated by subsection (1) above the expression “the company” where used in those enactments means the Board.

(b) For the purposes of sections 16 and 30 to 44 of the Act of 1845, as incorporated by subsection (1) above, Works Nos. 3A, 3B, 3C, 3D and 3E shall be deemed to be railways authorised by the special Act.

(c) Sections 18 and 21 of the Act of 1845, as incorporated by subsection (1) above, shall not extend to regulate the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—

1950 c. 39.

- (i) Part II of the Public Utilities Street Works Act 1950; or
- (ii) section 27 (For protection of electricity, gas and water undertakers) of the (No. 2) Act of 1984, as incorporated with this Act.

Application of
Part I of
Compulsory
Purchase Act
1965.

1981 c. 67.

4.—(1) Part I of the Act of 1965 (except sections 4 and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), so far as it is applicable for the purposes of and is not inconsistent with this Act, shall apply to the compulsory purchase of land under this Act as it applies to a compulsory purchase to which the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.

(2) In section 11 (1) 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 14 days’ notice), as so applied, for the words “fourteen days” there shall be substituted “three months”.

1845 c. 18.

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

PART II

WORKS, ETC.

Works

Power to
make works.

5. The Board may, in the lines or situations shown on the deposited plans and within the limits of deviation and according to the levels shown on the deposited sections, make and maintain the following works with all necessary works and conveniences connected therewith:—

In Greater London—

PART II
—cont.

In the city of London and in the London borough of Islington—

Work No. 1 A railway (792 metres in length and partly in the existing Snow Hill Tunnel) at Farringdon, being a reinstatement of the former railway between Farringdon and Blackfriars stations, commencing at Farringdon station in the London borough of Islington by a junction with the City Widened Lines at a point 4 metres north-west of the bridge whereby the City Widened Lines pass under Cowcross Street and terminating in the city of London by a junction with the railway between Holborn Viaduct and Elephant and Castle stations at a point 9 metres north of the bridge carrying that railway over Apothecary Street: (Reinstatement of railway at Farringdon)

In the London boroughs of Camden and Islington—

Work No. 2 A railway (650 metres in length) at King's Cross, commencing in the London borough of Camden by a junction with the railway between St. Pancras station and Bedford at a point 65 metres south-east of the bridge carrying that railway over Regent's Canal and terminating in the London borough of Islington by a junction with the railway linking the King's Cross Freight Terminal with the railway between King's Cross station and Peterborough at a point 75 metres north-east of the viaduct carrying York Way over that railway and adjacent sidings: (Railway at King's Cross)

In the metropolitan county of Tyne and Wear—

In the city of Newcastle upon Tyne—

Work No. 3A A new road at Manors, being a realignment of Newbridge Street, including a new bridge over the railway of the Board between Newcastle and Edinburgh and the railway of the Tyne and Wear Passenger Transport Executive between Manors and Tynemouth, commencing at a point in Newbridge Street 61 metres west of the junction of Russell Terrace and Newbridge Street, and terminating at a point in Newbridge Street 107 metres west of the junction of Crawhall Road and Newbridge Street: (Realignment of existing roads, new road and road widenings at Manors)

Work No. 3B A new road, being a realignment of Gibson Street and Clarence Street, to be carried by the new bridge authorised as part of Work No. 3A, commencing at a point in Gibson Street

PART II
—cont.

62 metres south-west of the junction of Newbridge Street and Gibson Street and terminating at a point in Clarence Street 30 metres south-west of the junction of Albert Street and Clarence Street:

Work No. 3C A new road commencing by a junction with Work No. 3A at a point 65 metres east of the commencement of that work and terminating by a junction with Stoddart Street at a point 15 metres north of the bridge carrying the said street over the said railways of the Board and the Tyne and Wear Passenger Transport Executive:

Work No. 3D A new road, being a realignment of Stepney Lane, commencing at a point in Stepney Lane 15 metres west of the junction of Stepney Lane and Gibson Street and terminating by a junction with Work No. 3B at a point 25 metres north-east of its commencement:

Work No. 3E A widening on the north-east side of Back Newbridge Street and on the north-west side of Russell Terrace commencing at a point in Back Newbridge Street 61 metres north-west of the junction of the said street and Russell Terrace and terminating at a point in Russell Terrace 46 metres north-east of the said junction:

In the borough of Gateshead—

(Railway at
Dunston)

Work No. 4 A railway (141 metres in length) at Dunston, commencing by a junction with the Redheugh Branch railway at a point 146 metres west of the junction of the railway now serving the shipbreaking yard of T. J. Thomson & Sons Limited with the said branch railway and terminating by a junction with the wharfside siding in the said yard at a point 75 metres from the south-eastern end of that siding.

Provisions relating to Work No. 1

Platform
extension at
Farringdon
station.

6. If the Board proceed with the construction of Work No. 1 they may on any part of the lands numbered on the deposited plans 1, 2 and 3 in the London borough of Islington and bounded by the line marked thereon "Limit of land to be used" construct and maintain an extension of the platform number 3 at Farringdon station with all necessary works and conveniences connected therewith.

7.—(1) In this section—

“the original works” means so much of the works authorised by the scheduled enactments as lies within the limit of deviation of Work No. 1; and

PART II
—cont.
Appropriation
of works for
Work No. 1.

“the scheduled enactments” means the enactments specified in columns (1) and (2) of Schedule 1 to this Act.

(2) If the Board proceed with the construction of Work No. 1—

(a) subject to the provisions of paragraph (b) below, they may hold, use and appropriate such part of the original works as they may require for the purposes of Work No. 1 and shall be relieved of the obligation to maintain such part of the original works for the purposes of the scheduled enactments; and

(b) the provisions of the scheduled enactments specified in column (3) of Schedule 1 to this Act, so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act, shall continue to apply to the original works.

(3) Subject to subsection (2) above, all the powers and obligations conferred or imposed upon the Board by the scheduled enactments in relation to the original works shall cease to have effect.

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

Provisions relating to Work No. 2

8.—(1) (a) In this section “the level crossing” means any accommodation level crossing which the Board may provide under section 68 of the Act of 1845 in the construction of Work No. 2 across and on the level of the private road known as Wharf Road numbered on the deposited plans 5 in the London borough of Camden.

(b) For the purpose of the application of section 22 of the Road Traffic Act 1972 and section 64 of the Road Traffic Regulation Act 1984 to a traffic sign provided under subsection (3) below, Wharf Road shall be deemed to be a road within the meaning of those Acts.

(2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the Board shall not be required to provide or maintain gates at the level crossing.

PART II
—cont.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the level crossing such lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided under subsection (3) above.

Provisions relating to Works Nos. 3A, 3B, 3C, 3D and 3E

Fencing of
new bridge at
Manors.

9. The Board shall erect a good and sufficient fence on each side of the new bridge included in Work No. 3A.

Appropriation
of works for
new bridge at
Manors.

10.—(1) In this section—

“the new bridge” means the bridge included in Work No. 3A;

“the original bridge” means the bridge at Manors carrying Clarence Street and Newbridge Street, being the bridge (numbered 18) over the railway of the Board between Newcastle and Edinburgh and the railway of the Tyne and Wear Passenger Transport Executive between Manors and Tynemouth; and

1836 c. lxxvi.

“the original enactments” means the Act 6 Will. 4 intituled “An Act for making and maintaining a Railway from the Town of Newcastle upon Tyne in the County of the Town of Newcastle upon Tyne to North Shields in the County of Northumberland, with a Branch thereout, in the County of Northumberland” and the North-eastern Railway Company’s Act 1876.

1876 c. cii.

(2) If the Board proceed with the construction of the new bridge, they may—

(a) hold, use and appropriate such part of the original bridge as they may require for the purpose of the new bridge;

(b) take down and remove such part of the original bridge as they do not require for that purpose;

and they shall be relieved of the obligation to maintain such parts of the original bridge for the purposes of the original enactments.

(3) Subject to subsection (2) above, all the powers and obligations conferred or imposed upon the Board by the original enactments in relation to the original bridge shall cease to have effect.

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

PART II
—cont.

11.—(1) The Board may exercise the powers described in Schedule 2 to this Act in respect of the roads, or parts thereof, and footpath specified therein by reference to the letters shown on the deposited plans and, in so far as the same are shown on the deposited plans, in the lines or situations as shown, may make and maintain the further works described in that schedule, with all necessary works and conveniences connected therewith.

Further works,
etc., at
Manors.

(2) The Board may, within the limits of deviation of Works Nos. 3A, 3B, 3C, 3D and 3E, make junctions with and alter the line or level of any street or way interfered with by, or contiguous to, all or any of those works and alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavements and execute any works for the protection of any adjoining land or building.

Provisions relating to Work No. 4

12.—(1) In this section “the level crossing” means a level crossing comprising a single line of railway across and on the level of the road numbered on the deposited plans 2 in the borough of Gateshead.

Public level
crossing on
Work No. 4.

(2) The Board may in the construction of Work No. 4 provide the level crossing but shall not be required to erect or maintain a station or lodge thereat.

(3) (a) The Board may, with the consent in writing of the Secretary of State and subject to such requirements as he may from time to time lay down, provide, maintain and operate at or near the level crossing such lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(b) So long as the consent referred to in paragraph (a) above continues in force, the specified enactments, except sections 5 and 7 of the Act of 1863 (in so far as they are inconsistent with any such consent), shall not apply to the level crossing.

Bridges

13.—(1) In this section—

“the bridge” means the bridge in the borough of Basingstoke and Deane in the county of Hampshire

Reconstruct-
ion of bridge
at Basingstoke.

PART II
—cont.

carrying the railway between Basingstoke and Micheldever stations over Roman Road; and

1834c.lxxxviii.

“relevant enactments” means section LXXIV (As to Bridges carrying Railway over public Roads) of the Act 4 & 5 Will. 4 intituled “An Act for making a Railway from London to Southampton” and section 9 (Height and span of bridges) of the South Western Railway Act 1895.

1895 c. cxliv.

(2) Notwithstanding anything in any enactment relating to the bridge, but subject to subsection (3) below, the Board may, if at any time they require to reconstruct the bridge—

(a) reconstruct the bridge with such span and headway as they think fit; and

(b) for that purpose, stop up and discontinue so much of the road and footpath crossed by the bridge as they may require and as is comprised within the areas marked “Road and footpath under bridge to be stopped up and appropriated” on the deposited plans.

(3) (a) If reconstructed under this section, the bridge shall (except as otherwise agreed in writing between the Board and the Hampshire County Council) have a clear span of not less than 3.88 metres with a clear headway of not less than 4.53 metres.

(b) So much of Roman Road as shall not be appropriated and used by the Board for the purpose of reconstructing the bridge shall remain open as a right of way for use by persons on foot.

(4) If the bridge is reconstructed under this section, the provisions of the relevant enactments, to the extent that they are applicable to the bridge, shall cease to apply to it.

Reconstruct-
ion of bridges
at
Wandsworth.

14.—(1) In this section—

“the bridges” means the two bridges in the London borough of Wandsworth carrying the railway between Clapham Junction and Wandsworth Town stations over Bramford Road and Usk Road or either of them; and

“relevant enactments” means section 49 of the Act of 1845 (construction of bridges over roads), as incorporated with any enactment relating to the bridges, and sections 46 (Headway and span of certain bridges) and 48 (Alteration of certain bridges as to headway and span) of the South-western Railway Act 1882.

1882 c. ccxi.

(2) Notwithstanding anything in any enactment relating to the bridges, but subject to subsection (3) below, the Board may, if at any time they require to reconstruct the bridges—

PART II
—cont.

- (a) reconstruct the bridges with such span and headway as they think fit; and
- (b) for that purpose, stop up and discontinue so much of the roads crossed by the bridges as they require and as are comprised within the areas marked “Road and footpath under bridge to be stopped up and appropriated” on the deposited plans.

(3) (a) If reconstructed under this section, the bridges shall (except as otherwise agreed in writing between the Board and the council of the London borough of Wandsworth) have a clear span of not less than 6 metres with a clear headway of not less than 2.6 metres.

(b) So much of Bramford Road and Usk Road as shall not be appropriated and used by the Board for the purpose of reconstructing the bridges shall remain open as a right of way for use by persons on foot.

(4) If the bridges are reconstructed under this section, the provisions of the relevant enactments, to the extent that they are applicable to the bridges, shall cease to apply to them.

Level crossings

15.—(1) Subject to the provisions of this Act, and as from the completion and opening for public use of the Seamer and Crossgates bypass road (A.64) proposed to be constructed by the Secretary of State, the Board may stop up and discontinue so much of the roads at each of the level crossings referred to in Schedule 3 to this Act as lies within the boundaries of their property.

Stopping up,
etc., level
crossings at
Seamer, North
Yorkshire.

(2) Upon the stopping up of Seamer Station crossing referred to in the said Schedule 3 the provisions of the specified enactments shall cease to apply to that crossing.

(3) (a) The stopping up under this section of Crab Lane crossing referred to in the said Schedule 3 shall not affect the right of persons to use that crossing on foot and the Board shall provide and maintain wicket gates or stiles on both sides of the railway at that crossing.

(b) The stopping up under this section of Metes Lane crossing referred to in that schedule shall not affect the right of persons to use that crossing as a bridleway or on foot and the Board shall provide and maintain gates on both sides of the railway at that crossing.

PART II
—*cont.*
Whitbeck level
crossing,
Whicham,
Cumbria.

16.—(1) (a) In this section “Whitbeck crossing” means the level crossing in the parish of Whicham in the borough of Copeland in the county of Cumbria known as Whitbeck crossing (reference point SD 1159:8387) whereby the road connecting Gutterby Lane End with the A.595 trunk road is crossed by the railway between Silecroft and Bootle (Cumbria) stations.

(b) For the purpose of the application of section 22 of the Road Traffic Act 1972 and section 64 of the Road Traffic Regulation Act 1984 to a traffic sign provided under subsection (5) below, the road crossed by the railway at Whitbeck crossing shall be deemed to be a road within the meaning of those Acts.

(2) (a) All rights of way over Whitbeck crossing, other than a right for all persons to use that crossing on foot, shall be extinguished and the Board shall provide and maintain for the convenience of such persons gates on both sides of the railway at Whitbeck crossing.

(b) The provisions of the specified enactments relating to Whitbeck crossing shall cease to apply to that crossing.

(3) Subject to subsection (4) below, Whitbeck crossing (including the gates thereof, other than the gates provided under subsection (2) (a) above) shall be deemed to be a work provided by the Board at the passing of this Act under section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the land adjoining the railway and, for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any land the use of which would have been interrupted if Whitbeck crossing had been closed at the passing of this Act.

(4) Notwithstanding the provision of sections 68 and 75 of the Act of 1845 or any other enactment, the Board shall not be required to provide and maintain vehicular gates at Whitbeck crossing.

(5) If the vehicular gates at Whitbeck crossing are removed, the Board shall, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near Whitbeck crossing such lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(6) If any part of the road crossed by the railway at Whitbeck crossing shall in consequence of the provisions of this section cease to be a road over which the public have a right of way for the passage of vehicles, the owners and occupiers of the land abutting on such part shall be deemed to have such rights of

passage thereover as shall be necessary to enable them to pass and repass to and from the said land from and to Whitbeck crossing.

PART II
—cont.

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

(8) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided under subsection (5) above.

17.—(1) In this section—

“the council” means Cumbria County Council;

“the existing crossing” means the level crossing in the parish of Millom Without in the borough of Copeland in the county of Cumbria known as Limestone Hall crossing (reference point SD 1379:8123) whereby the A.5093 road is crossed by the railway;

“the new level crossing” means a new level crossing in the said parish of Millom Without whereby a realignment of the A.5093 road proposed to be carried out by the council, will cross the railway adjacent to the existing crossing; and

“the railway” means the railway between Millom and Silecroft stations.

Level crossings
at Millom,
Cumbria.

(2) The Board and the council may enter into and carry into effect agreements—

(a) for the construction of the new level crossing; and

(b) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Any expenses incurred by the council for the purposes of this section shall be deemed to be expenses incurred by them in exercise of their powers as a highway authority under the Highways Act 1980.

1980 c. 66.

(5) As from the completion and opening for public use of the new level crossing all rights of way over the existing crossing

PART II shall be extinguished and the provisions of the specified
 —cont. enactments relating to the existing crossing shall cease to apply
 to the existing crossing.

Level crossings
 at Plymouth.

18.—(1) In this section—

“the council” means Devon County Council;

“the existing crossing” means the level crossing in the city of Plymouth in the county of Devon known as Marsh Mills crossing (reference point SX 5213:5689) whereby the road connecting Woodford Clay Works with Plymouth Road crosses the railway;

“the new level crossing” means a new level crossing in the said city whereby the new side road proposed to be constructed by the council to connect Woodford Clay Works with the new westbound carriageway of Plymouth Road, will cross the railway at reference point SX 5212:5668 or in the vicinity thereof; and

“the railway” means the Tavistock junction to Marsh Mills branch railway.

(2) The Board and the council may enter into and carry into effect agreements—

(a) for the construction of the new level crossing; and

(b) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and any other matters relating thereto.

(3) Notwithstanding anything in any enactment the Board shall not be required to provide and maintain gates at the existing crossing.

(4) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the existing crossing and the new level crossing such lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(5) Any expenses incurred by the council for the purposes of this section shall be deemed to be expenses incurred by them in exercise of their powers as a highway authority under the Highways Act 1980.

1980 c. 66.

Level crossings
 and road at
 Hartlepool.

19.—(1) In this section—

“Church Street crossing” means the accommodation level crossing in the borough of Hartlepool in the county of Cleveland (reference point NZ 5142:3276) whereby

the road connecting Church Street with Victoria Terrace crosses the railway;

PART II
—cont.

“the councils” means Cleveland County Council and Hartlepool Borough Council or either of them;

“the designated road” means so much of Dock Street in the said borough from its junction with Church Street as is bounded on both sides by property of the Board;

“the railway” means the railway between Hartlepool and Seaton Carew stations; and

“Stranton crossing” means the level crossing in the said borough (reference point NZ 5160:3243) whereby Bridge Street is crossed by the railway.

(2) The Board and the councils may enter into and carry into effect agreements—

(a) for the conversion of Church Street crossing to a public level crossing; and

(b) for defraying, or making contributions towards, the cost of—

(i) altering, maintaining and renewing Church Street crossing;

(ii) removing the bridges carrying the railway over, and infilling, the designated road; and

(iii) any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near Church Street crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Any expenses incurred by the councils for the purposes of this section shall be deemed to be expenses incurred by them in exercise of their powers as a highway authority under the Highways Act 1980.

1980 c. 66.

(5) As from the opening for public use of Church Street crossing—

(a) all private rights of way over Church Street crossing shall be extinguished;

(b) the Board may stop up and discontinue the designated road and Stranton crossing; and

(c) the provisions of the specified enactments relating to Stranton crossing shall cease to apply to that crossing.

20.—(1) In this section “the new level crossing” means a new level crossing in the borough of Boston in the county of Lincolnshire whereby a new road between London Road and

New level crossing at Boston, Lincolnshire.

PART II
—cont.

Liquorpond Street, being a diversion of the existing A.16 road proposed to be constructed by the Secretary of State, will cross the Boston Dock branch railway at reference point TF 3255:4310 or in the vicinity thereof.

(2) The Board and the Secretary of State may enter into and carry into effect agreements—

- (a) for the construction of the new level crossing; and
- (b) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Any expenses incurred by the Secretary of State for the purposes of this section shall be deemed to be expenses incurred by him in exercise of his powers as a highway authority under the Highways Act 1980.

1980 c. 66.

New level
crossing at
Elswick,
Newcastle
upon Tyne.

21.—(1) In this section—

“the council” means Tyne and Wear County Council; and

“the new level crossing” means a new level crossing at Elswick in the city of Newcastle upon Tyne in the county of Tyne and Wear whereby the new road between Scotswood Road and land adjoining the river Tyne, proposed to be constructed by the council in connection with a commercial development of part of that land, will cross the railway between Blaydon and Newcastle at reference point NZ 2209:6335 or in the vicinity thereof.

(2) The Board and the council may enter into and carry into effect agreements—

- (a) for the construction of the new level crossing; and
- (b) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Any expenses incurred by the council for the purposes of this section shall be deemed to be expenses incurred by them in exercise of their powers as a highway authority under the Highways Act 1980.

PART II
—cont.

1980 c. 66.

22.—(1) (a) In this section “Deganwy Quay crossing” means the accommodation level crossing in the community of Conwy in the borough of Aberconwy in the county of Gwynedd known as Deganwy Quay crossing (reference point SH 7816:7895) whereby the private road connecting Deganwy Quay with the A.546 road is crossed by the railway between Deganwy and Llandudno Junction stations.

Deganwy
Quay level
crossing
Deganwy,
Gwynedd.

(b) For the purpose of the application of section 22 of the Road Traffic Act 1972 and section 64 of the Road Traffic Regulation Act 1984 to a traffic sign provided under subsection (3) below, the said private road shall be deemed to be a road within the meaning of those Acts.

1972 c. 20.

1984 c. 27.

(2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the Board shall not be required to provide and maintain vehicular gates at Deganwy Quay crossing.

(3) If the vehicular gates at Deganwy Quay crossing are removed, the Board shall, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided under subsection (3) above.

23.—(1) (a) In this section “Llanion crossing” means the accommodation level crossing in the community of Pembroke in the district of South Pembrokeshire in the county of Dyfed known as Llanion crossing (reference point SM 9761:0341) whereby the private road connecting the road known as Llanion Cottages with property in the area of Old Manor House is crossed by the railway between Pembroke and Pembroke Dock stations.

Llanion level
crossing,
Pembroke,
Dyfed.

(b) For the purpose of the application of section 22 of the Road Traffic Act 1972 and section 64 of the Road Traffic Regulation Act 1984 to a traffic sign provided under subsection (3) below, the said private road shall be deemed to be a road within the meaning of those Acts.

(2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment the Board shall not be required to provide and maintain gates at Llanion crossing.

PART II
—cont.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide at or near Llanion crossing such lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided under subsection (3) above.

Padnal level
crossing, Ely,
Cambridge-
shire.

24.—(1) (a) In this section “Padnal crossing” means the accommodation level crossing in the city of Ely in the district of East Cambridgeshire in the county of Cambridgeshire known as Padnal crossing (reference point TL 5792:8203) whereby the private road connecting Lot’s Farm with Prickwillow Road is crossed by the railway between Ely and Shippea Hill stations.

1972 c. 20.
1984 c. 27.

(b) For the purpose of the application of section 22 of the Road Traffic Act 1972 and section 64 of the Road Traffic Regulation Act 1984 to a traffic sign provided under subsection (3) below, the said private road shall be deemed to be a road within the meaning of those Acts.

1844 c. lxii.

(2) Notwithstanding the provisions of sections CLXV (Works to be erected by the Company for the Protection and Accommodation of adjoining Lands) and CLXVI (Accommodation Works to be made and carried out at the Expenditure of the Company) of the Act 7 & 8 Vict. intituled “An Act to enable the Eastern Counties Railway Company to make a Railway from the Northern and Eastern Railway at Newport by Cambridge to Ely, and from thence Eastward to Brandon and Westward to Peterborough” or any other enactment, the Board shall not be required to provide and maintain gates at Padnal crossing.

(3) If the gates at Padnal crossing are removed, the Board shall, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided under subsection (3) above.

Cornmill level
crossing,
Barrow-in-
Furness.

25.—(1) In this section “Cornmill crossing” means the accommodation level crossing in the borough of Barrow-in-Furness in the county of Cumbria known as Cornmill crossing (reference point SD 1960:6898) whereby the private road connecting Devonshire Dock with Hindpool Road, is crossed by the Hawcoat branch railway.

(2) Notwithstanding anything in any enactment the vehicular gates at Cornmill crossing may be kept open to road traffic and closed across the railway except when engines, carriages and other vehicles passing along the railway shall have occasion to cross Cornmill crossing.

PART II
—cont.

Incorporated and other works provisions

26. The following provisions of the (No. 2) Act of 1981 are incorporated with this Act:—

Incorporation
of works
provisions.

- Section 8 (Power to deviate);
- Section 9 (Stopping up roads, bridleways and footpaths without providing substitute);
- Section 10 (Stopping up roads, bridleways and footpaths in case of diversion or substitution);
- Section 11 (Appropriating sites of roads, bridleways and footpaths);
- Section 12 (Repair of roads, bridleways and footpaths);
- Section 13 (Agreements between Board and highway authorities);
- Section 14 (Temporary stoppage of roads, bridleways and footpaths); and
- Section 15 (Underpinning of buildings near works).

27.—(1) In this section “relevant authority” means a water authority, an internal drainage board or a local authority and for that purpose “local authority” means a county council, the Greater London Council, a district council, a London borough council or the Common Council of the City of London.

Use of sewers,
etc., for
removing
water.

(2) The Board may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain of a relevant authority in or through whose area or district, as the case may be, the works may be constructed or pass, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation:

Provided that—

- (a) the Board shall not discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of the relevant authority and subject to such terms and conditions as the relevant authority may reasonably impose; and
- (b) the Board shall not make any opening into any such sewer or drain save in accordance with plans reasonably approved by, and under the

PART II
—cont.

superintendence (if given) of, the relevant authority in whom the sewer or drain shall be vested.

1974 c. 40.

(3) (a) Section 31 of the Control of Pollution Act 1974 shall apply to, or to the consequence of, a discharge under the powers of this section into any relevant waters for the purposes of the said section 31 as if this section were excluded from the reference to any provision of a local Act mentioned in subsection (2) (b) (ii) of the said section 31 and as if no matter so discharged were trade or sewage effluent or other matter mentioned in subsection (2) (e) of the said section 31.

1976 c. 70.

(b) In the exercise of their powers under this section the Board shall not damage or interfere with the bed of any watercourse forming part of the main river of a water authority or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976 or forming part of a metropolitan watercourse within the meaning assigned to that expression by paragraph 1 of Schedule 5 to that Act.

(4) The Board shall take all such steps as may reasonably be required to secure that any water discharged by them under this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.

(5) Any difference arising between the Board and a relevant authority, as the case may be, under this section shall be referred to and settled by arbitration.

PART III

LANDS

Purchase of land, etc.

Purchase of
land.

28.—(1) The Board may purchase compulsorily and use such of the land delineated on the deposited plans and described in the deposited book of reference as they require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.

(2) Without prejudice to the generality of subsection (1) above, the Board may purchase compulsorily and use for the purpose specified in column (3) of Schedule 4 to this Act all or any of the land referred to in columns (1) and (2) of that schedule.

(3) The Board may enter upon, use and appropriate so much of the subsoil and undersurface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of subsection (1) above without being

required to purchase the same or any easement or other right therein or thereunder or to make any payment therefor.

PART III
—cont.

(4) Subject to the provisions of section 29 (Purchase of rights over land) of this Act, the Board shall not under the powers of this section purchase compulsorily the land delineated on the deposited plans and described in the deposited book of reference and therein numbered 6, 7 and 8 in the city of London and 1 in the London borough of Camden or any part of that land but the Board may, in accordance with subsection (3) of the said section 29, purchase compulsorily such new rights over that land as they may require for the purpose of constructing Work No. 1 and of maintaining, altering and using that work and the other works or lands of the Board in the vicinity thereof.

29.—(1) In this section—

“the substation” means the electricity substation to be provided on the land in the borough of Poole referred to in Schedule 4 to this Act; and

Purchase of
rights over
land.

references to the purchase by the Board of new rights are references to the purchase of rights to be created in favour of the Board.

(2) The Board may for the purpose of constructing, maintaining, altering, renewing and using the works purchase compulsorily such new rights as they require over any of the land delineated on the deposited plans and described in the deposited book of reference instead of purchasing that land under section 28 (Purchase of land) of this Act.

(3) The Board may also purchase compulsorily such new rights as they require—

- (a) over the land numbered on the deposited plans 6, 7 and 8 in the city of London and 1 in the London borough of Camden for the provision of a means of access for the purpose of the construction of Work No. 1;
- (b) over the land numbered on the deposited plans 2 in the borough of Poole for the provision of a means of access for the purpose of providing the substation;
- (c) over any of the lands referred to in paragraphs (a) and (b) above for the purpose of the maintenance, alteration and use of Work No. 1 or of the substation, as the case may be, and of the other works or lands of the Board in the vicinity thereof; and
- (d) over the land numbered on the deposited plans 1 and 3 in the London borough of Islington for the construction and maintenance of the platform extension

PART III
—cont.

mentioned in section 6 (Platform extension at Farringdon station) of this Act.

(4) For the purpose of subsection (3) (b) above, the Board may provide access to the said land numbered 2 in the borough of Poole from Park Lake Road at the point marked “A” on the deposited plans.

(5) The Act of 1965, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights under subsections (2) and (3) above as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act of 1965 to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

(6) Without prejudice to the generality of subsection (5) above, in relation to the purchase of new rights under subsections (2) and (3) above—

- (a) Part I of the Act of 1965 shall have effect with the modifications specified in Schedule 3 to the (No. 2) Act of 1981 and as if for the references in that schedule to that Act there were substituted references to this Act; and
- (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

Temporary possession of lands and access at Basingstoke and Wandsworth.

30.—(1) In this section—

“the designated lands” means any part of the lands required by the Board for use as working sites in connection with the reconstruction of the bridges referred to in sections 13 (Reconstruction of bridge at Basingstoke) and 14 (Reconstruction of bridges at Wandsworth) of this Act and comprises so much of the lands as is situate within the lines marked “Limit of temporary working site” on the deposited plans;

“the means of access” means temporary access to the land numbered on the deposited plans 14 in the London borough of Wandsworth from Podmore Road at the point marked “B” on the deposited plans and access to the land numbered 1 in the borough of Basingstoke and Deane from Worthing Road at the point marked “C” on the deposited plans;

“the relevant land” means the land numbered on the deposited plans 7a and 8a in the London borough of

Wandsworth situate within the lines marked “Limit of temporary easement to be acquired” on the deposited plans;

“the specified lands” means the designated lands or the relevant land as the case may be; and

“the specified works” means the reconstruction of the bridges referred to in the said sections 13 and 14 of this Act.

(2) The Board, in connection with the specified works and after giving to the owners and occupiers of the specified lands not less than 28 days’ previous notice in writing, may—

- (a) (i) enter upon and take possession temporarily of the designated lands;
- (ii) construct on the designated lands such temporary works or structures as may be required by the Board;
- (iii) remove any structures and vegetation on the designated lands; and
- (iv) form and lay out the means of access;
- (b) (i) use the relevant land for the purpose of obtaining access from and to the land numbered on the deposited plans 1 to 8 in the London borough of Wandsworth;
- (ii) remove any structures and vegetation on the relevant land; and
- (iii) form and lay out means of temporary access to the relevant land from Wynter Street at the point marked “A” on the deposited plans.

(3) On the exercise of the powers conferred by subsection (2) above, the following provisions shall have effect:—

- (a) The Board shall not be empowered to purchase compulsorily or be required to purchase any part of the specified lands;
- (b) The Board shall not, without the agreement of the owners and occupiers of the specified lands, remain in possession of any part thereof after a period of one year from the completion of the specified works;
- (c) The Board shall maintain a right of way at all times sufficient for use by persons on foot over so much of Roman Road as is comprised in the designated lands;
- (d) Before giving up possession of the specified lands, the Board shall remove all temporary works or structures and restore those lands to the reasonable satisfaction of the owners and occupiers thereof;
- (e) The Board shall compensate the owners and occupiers of the specified lands for any loss or damage which

PART III
—cont.

may result to them by reason of the exercise of the powers of subsection (2) above:

- (f) Nothing in this section shall relieve the Board from liability to compensate under section 6 or 43 of the Act of 1845 or section 10 (2) of the Act of 1965, as incorporated or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (e) above:
- (g) Any dispute as to a person's entitlement to compensation under paragraph (e) above or as to the amount thereof shall be determined by the tribunal.

Time for purchase of land and rights over land.

31. The powers of the Board for the compulsory purchase of land and rights over land under this Act shall cease on 31st December 1990.

Extensions of time

Extensions of time.

32. The period now limited by the Act of 1981 for the compulsory acquisition of the lands referred to in Schedule 5 to this Act is hereby extended until 31st December 1990.

Power to owners and lessees to give notice of purchase of land.

33.—(1) In this section—

“the enabling Act” means the Act of 1981;

“land” means any land which is for the time being authorised to be purchased compulsorily by the enabling Act; and

“lessee” means a lessee under a lease having a period of not less than 21 years to run at the date of his notice under subsection (2) below.

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

- (a) enter into a contract with him for the purchase of his interest in the land or such part thereof as may be specified in the contract; or
- (b) serve on him a notice to treat for the compulsory purchase of his interest in the land specified in his notice, or in such part thereof as may be required by the Board; or
- (c) serve on him notice in writing of the Board's intention not to proceed with the purchase of his interest in the land specified in his notice.

(3) Where notice is given under subsection (2) above by any owner or lessee, then—

PART III
—cont.

(a) if the Board—

- (i) fail to comply with that subsection; or
- (ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with subsection (2) (b) above; or
- (iii) serve notice on him in compliance with subsection (2) (c) above;

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 purchased 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.

Incorporated lands provisions

34. The following provisions of the undermentioned Acts are incorporated with this Act:—

Incorporation
of lands
provisions.

The (No. 2) Act of 1981—

- Section 21 (Extinction or suspension of private rights of way);
- Section 24 (Correction of errors in deposited plans and book of reference); and
- Section 25 (Cellars under streets not referenced):

The (No. 2) Act of 1984—

- Section 21 (Purchase of part of certain properties); and
- Section 22 (Disregard of recent improvements and interests).

PART IV

PROTECTIVE PROVISIONS

35.—(1) The following provisions of the undermentioned Acts are incorporated with this Act:—

Incorporation
of protective
provisions.

The (No. 2) Act of 1981—

- Section 32 (Notice of interference with roads); and
- Section 33 (Crown rights):

The (No. 2) Act of 1984—

- Section 27 (For protection of electricity, gas and water undertakers).

(2) For the purposes of section 27 of the (No. 2) Act of 1984, as incorporated by subsection (1) above, for the references in

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—cont. paragraph (4) thereof to section 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981, as incorporated by section 18 (Incorporation of works provisions) of the (No. 2) Act of 1984, there shall be substituted references to section 27 (Use of sewers, etc., for removing water) of this Act.

For protection of London Regional Transport and London Underground Limited. **36.** For the protection of London Regional Transport and London Underground Limited (hereinafter called “the London undertakings”) the following provisions shall, unless otherwise agreed in writing between the Board and the London undertakings, apply and have effect:—

(1) In this section—

“construction” includes execution, placing and altering and “construct” and “constructed” shall be construed accordingly;

“designated property” means—

(a) any railways of the London undertakings and any works connected therewith for the maintenance or operation of which the London undertakings are responsible and includes any lands, premises, arches, cellars or vaults held or used by the London undertakings for the purposes of such railways or works; and

(b) any other property of the London undertakings in the vicinity of Farringdon station, including the shops and kiosks in Cowcross Street, Farringdon;

“the engineer” means an engineer to be appointed by the London undertakings;

“plans” includes sections, drawings and particulars and “approved plans” means plans approved or deemed to be approved or settled by arbitration in accordance with the provisions of this section;

“the specified works” means so much of Work No. 1 and the works authorised by section 6 (Platform extension at Farringdon station) of this Act as may be situated within 15 metres of, or may in any way affect, designated property and includes the construction, reconstruction and maintenance of such works:

(2) Notwithstanding anything in this Act or shown on the deposited plans, the Board shall not acquire compulsorily any designated property but they may, with the consent of the London undertakings, which consent shall not be unreasonably withheld, acquire such easements or other rights for the installation of wires or other minor works in, under or over

designated property in accordance with the provisions of section 29 (Purchase of rights over land) of this Act as they may reasonably require for the purpose of the specified works:

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—cont.

- (3) The Board shall, before commencing the specified works, furnish to the London undertakings proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:
Provided that, if within 56 days after such plans have been furnished to the London undertakings the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the same:
- (4) If within 28 days after such plans have been furnished to the London undertakings the London undertakings shall give notice to the Board that the London undertakings desire themselves to construct any part of the specified works which in the opinion of the engineer will or may affect the stability of designated property or the safe operation of the London undertakings' railway, then if the Board desire such part of the specified works to be constructed the London undertakings shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Board in accordance with approved plans:
- (5) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the specified works to ensure the safety or stability of designated property and such protective works as may be reasonably necessary for those purposes shall be constructed with all reasonable dispatch and the Board shall not commence the construction of the specified works until the engineer shall have notified the Board that the protective works have been completed:
- (6) The Board shall give to the engineer not less than 28 days' notice of their intention to commence the construction of any of the specified works and also, except in emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of

PART IV
—cont.

the specified works in so far as such works of repair or maintenance affect or interfere with designated property:

- (7) The specified works shall when commenced be carried out—
- (a) with all reasonable dispatch in accordance with approved plans;
 - (b) under the supervision (if given) and to the reasonable satisfaction of the engineer; and
 - (c) in such manner as to cause—
 - (i) as little damage to designated property as may be; and
 - (ii) as little interference as possible with—
 - (A) the conduct of traffic on any railway of the London undertakings; and
 - (B) the use by passengers of any designated property which is used for the purposes of the railways of the London undertakings;

and, if any damage to designated property or any such interference shall be caused by the carrying out of the specified works, the Board shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the London undertakings all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Board with respect to any damage, costs, expenses or loss which is attributable to the act, neglect or default of the London undertakings or their servants, contractors or agents:

- (8) The Board shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:
- (9) The London undertakings shall at all times afford reasonable facilities to the Board and their agents for access to any works carried out by the London undertakings under this section during their construction and shall supply the Board with such information as they may reasonably require with regard to such works or the method of construction thereof:

- (10) If any alterations or additions, either permanent or temporary, to designated property shall be reasonably necessary during the construction of the specified works or during a period of 12 months after the completion thereof in consequence of the construction of the specified works, such alterations and additions may be effected by the London undertakings after not less than 28 days' notice in writing has been given to the Board and the Board shall pay to the London undertakings on demand the cost thereof as certified by the engineer:
- (11) The Board shall repay to the London undertakings all costs, charges and expenses reasonably incurred by the London undertakings—
- (a) in constructing any part of the specified works on behalf of the Board as provided by paragraph (4) above or in constructing any protective works under the provisions of paragraph (5) above;
 - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching lighting and signalling any railway of the London undertakings and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
 - (c) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed and which may be due to the construction or failure of the specified works or from the substitution, suspension or diversion of railway services of the London undertakings which may be necessary for the same reason;
 - (d) in respect of any additional temporary lighting of designated property in the vicinity of the works, being lighting made reasonably necessary during and by reason of the construction or failure of the specified works;
 - (e) in respect of the supervision by the engineer of the specified works:
- (12) The Board shall be responsible for and make good to the London undertakings all costs, charges, damages and expenses not otherwise provided for in this section

PART IV
—cont.

which may be occasioned to or reasonably incurred by the London undertakings—

(a) by reason of the specified works or the failure thereof; and

(b) by reason of any act or omission of the Board or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the specified works;

and the Board shall effectively indemnify and hold harmless the London undertakings from and against all claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the London undertakings on behalf of the Board, or in accordance with approved plans, or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the London undertakings or of any person in their employ or of their contractors or agents whilst engaged upon the construction of the specified works) excuse the Board from any liability under the provisions of this section:

Provided that the London undertakings shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without prior consent of the Board:

- (13) The Board shall not exercise the powers conferred by section 11 (3) of the Act of 1965 (which empowers the acquiring authority to survey and take levels of any land subject to compulsory purchase), as applied by section 4 (Application of Part I of Compulsory Purchase Act 1965) of this Act, on any designated property without first obtaining the consent of the London undertakings but such consent shall not be unreasonably withheld and the London undertakings may attach thereto such reasonable terms and conditions as they think fit:
- (14) Any difference arising between the Board and the London undertakings under this section shall be referred to and settled by arbitration.

For protection
of Tyne and
Wear
Passenger
Transport
Executive.

37. For the protection of the Tyne and Wear Passenger Transport Executive (hereinafter called "the executive") the following provisions shall, unless otherwise agreed between the

Board and the executive and evidenced by a document specifying this provision, apply and have effect:—

PART IV
—cont.

(1) In this section—

“construction” includes demolition of existing structures and reconstruction of the specified works, and, for the purposes of paragraphs (10) and (12) below, includes maintenance and repair of the specified works;

“the engineer” means an engineer to be appointed by the executive;

“the Metro” means the system of railways defined as the rapid transit railway in the Tyneside Metropolitan Railway Act 1973 and any works connected therewith for the maintenance or operation of which the executive are responsible, and includes any lands held or used by the executive for the purposes of that system of railways or those works; 1973 c. xxxii.

“plans” includes sections, drawings, particulars and schedule of construction;

“the specified works” means so much of Works Nos. 3A to 3E as may be situated upon, across, under or over the Metro or may in any way affect the Metro:

(2) The Board shall not under the powers of this Act acquire compulsorily any property of the executive:

(3) The Board shall, before commencing the construction of the specified works, furnish to the executive such proper and sufficient plans thereof as may reasonably be required for the reasonable approval of the engineer and shall not commence the construction of the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that, if within 56 days after such plans have been furnished to the executive the engineer shall not have notified his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as submitted:

(4) If within 56 days after such plans have been furnished to the executive the executive give notice to the Board that the executive desire themselves to construct any part of the specified works which in the opinion of the engineer will or may affect the safe operation of the Metro, then, if the Board desire such part of the specified works to be constructed, the executive shall

PART IV
—cont.

construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Board in accordance with the plans approved or deemed to be approved or settled as aforesaid:

- (5) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the construction of the specified works to ensure the safe operation of the Metro and such protective works as may be reasonably necessary for those purposes shall be constructed by the executive with all reasonable dispatch, and the Board shall not commence the construction of the specified works until the engineer shall have notified the Board that the protective works have been completed:
- (6) The Board shall give to the engineer not less than 56 days' notice of their intention to commence the construction of any of the specified works and also, except in emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with the Metro:
- (7) The construction of the specified works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and under the supervision (if given), and to the reasonable satisfaction, of the engineer, and in such manner as to cause as little damage to the Metro as may be and as little interference as may be with the conduct of traffic on the Metro and the use by passengers of the Metro and, if any damage to the Metro or any such interference shall be caused by the construction of the specified works, the Board shall, notwithstanding any such approval as aforesaid, make good such damage and pay to the executive any reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Board with respect to any damage, cost, expenses or loss which is attributable to the act, neglect or default of the executive or their servants, contractors or agents:

- (8) The Board shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:
- (9) The executive shall at all times afford reasonable facilities to the Board and their agents for access to any works carried out by the executive under this section during their construction, and shall supply the Board with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (10) If any alterations or additions, either permanent or temporary, to the Metro shall be reasonably necessary during the construction of the specified works, or during a period of 12 months after the completion thereof, in consequence of the construction of the specified works, such alterations and additions may be carried out by the executive and, if the executive give to the Board reasonable notice of their intention to carry out such alterations or additions, the Board shall pay to the executive the reasonable cost thereof including, in respect of permanent alterations and additions, a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by the executive in maintaining, working and, when necessary, renewing any such alterations or additions:

Provided that, if the cost of maintaining, working or renewing the Metro is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the Board to the executive under this section:

- (11) The Board shall repay to the executive costs reasonably incurred by the executive—
- (a) in constructing any part of the specified works on behalf of the Board as provided by paragraph (4) above or in constructing any protective works under the provisions of paragraph (5) above including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the executive in maintaining and renewing such works;

PART IV
—cont.

(b) in respect of the employment of any inspectors, look-out men, watchmen and other persons who it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling the Metro and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;

(c) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of the specified works, or from the substitution or diversion of services which may be reasonably necessary for the same reason;

(d) in respect of any additional temporary lighting of the Metro in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of the specified works;

(e) in respect of the supervision by the engineer of the construction of the specified works:

(12) The Board shall be responsible for, and make good to the executive, all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the executive—

(a) by reason of the construction of the specified works or the failure thereof; or

(b) by reason of any act or omission of the Board, or of any person in their employ, or of their contractors or others whilst engaged upon the construction of the specified works;

and the Board shall indemnify the executive from and against all claims and demands arising out of, or in connection with, the construction of the specified works as aforesaid or any such failure, act or omission as aforesaid, and the fact that any act or thing may have been done in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer, or under his supervision, shall not (if it was not attributable to the act, neglect or default of the executive, or of any person in their employ, or of their contractors or agents) excuse the Board from any liability under the provisions of this section:

Provided that the executive shall give to the Board reasonable notice of any claim or demand as aforesaid

and no settlement or compromise thereof shall be made without the prior consent of the Board:

PART IV
—cont.

- (13) Any difference arising between the Board and the executive under this section shall be referred to and settled by arbitration.

38. For the the protection of the British Waterways Board (hereinafter called “the waterways board”) the following provisions shall, unless otherwise agreed in writing between the Board and the waterways board, apply and have effect:—

For protection
of British
Waterways
Board.

- (1) In this section—

“the canal” means the Regent’s Canal owned or managed by the waterways board, and any works connected therewith for the maintenance of which the waterways board are responsible, and includes any lands held or used by the waterways board for the purposes of the canal;

“construction” includes reconstruction and for the purposes of paragraphs (8) and (9) below includes the maintenance and repair of the designated works;

“the designated works” means so much of Work No. 2, together with all necessary works and conveniences connected therewith, as may be situated upon, across, under or over, or may in any way affect, the canal;

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

“plans” includes sections, drawings and particulars (including descriptions of methods of construction):

- (2) The Board shall, before commencing the construction of the designated works, including temporary works, furnish to the waterways board proper and sufficient plans thereof for the reasonable approval of the engineer, and shall not commence the construction of the designated works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that, if within 56 days after such plans have been furnished to the waterways board the engineer shall not have notified his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as submitted:

- (3) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works,

PART IV
—cont.

whether temporary or permanent, which in his opinion should be carried out before the commencement of the construction of the designated works to ensure the safety or stability of the canal and such protective works as may be reasonably necessary for those purposes shall be constructed by the Board with all reasonable dispatch:

- (4) The Board shall give to the engineer 28 days' notice of their intention to commence the construction of the designated works or any protective works and also, except in emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the designated works in so far as such works of repair or maintenance affect or interfere with the canal:
- (5) The Board shall provide and maintain at their expense such temporary lighting of the canal and signal lights in the vicinity of the designated works as the engineer may reasonably require during the construction or failure of the designated works:
- (6) The construction of the designated works shall, when commenced, be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given), and to the reasonable satisfaction, of the engineer, and in such manner as to cause as little damage as may be to the canal and as little interference as may be with the passage of vessels using the canal and if any damage to the canal or any stoppage thereof or any interference with the passage of vessels using the canal shall be caused by the construction of the designated works, or by the passage of vehicles, plant and machinery used in connection therewith, the Board shall, notwithstanding any such approval as aforesaid, make good such damage and on demand pay to the waterways board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage, stoppage or interference:
Provided that nothing in this paragraph shall impose any liability on the Board with respect to any damage, expenses or loss which is attributable to the act, neglect or default of the waterways board or their servants, contractors or agents:
- (7) The Board shall at all times afford reasonable facilities to the engineer for access to the designated works during their construction and shall supply him with all

such information as he may reasonably require with regard to the designated works or the method of construction thereof.

PART IV
—cont.

- (8) The Board shall repay to the waterways board all costs, charges and expenses reasonably incurred by the waterways board—

(a) in respect of the employment of any inspectors, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting the canal and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the designated works;

(b) in respect of the supervision by the engineer of the construction of the designated works;

(c) in bringing the designated works to the notice of users of the canal:

- (9) The Board shall be responsible for and make good to the waterways board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the waterways board—

(a) by reason of the construction of the designated works or the failure thereof; or

(b) by reason of any act or omission of the Board, or of any persons in their employ, or of their contractors or others whilst engaged upon the construction of the designated works;

and the Board shall effectively indemnify and hold harmless the waterways board from and against all claims and demands arising out of, or in connection with, the construction of the designated works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision, shall not (if it was done without negligence on the part of the waterways board or of any person in their employ, or of their contractors or agents) excuse the Board from any liability under the provisions of this section:

Provided that the waterways board shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

PART IV
—cont.

- (10) Any difference arising between the Board and the waterways board under this section shall be referred to and settled by arbitration.

For protection
of Post Office.

39. For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Board and the Post Office, apply and have effect:—

- (1) In this section—

“the engineer” means an engineer appointed by the Post Office;

“plans” includes sections, drawings, specifications, calculations and descriptions of methods of construction, as the case may be;

“Post Office property” means any part of the Post Office railway or any works of the Post Office connected therewith;

“the Post Office railway” means such part of the railway of the Post Office as is situate beneath Work No. 1, being part of the Railway No. 7 authorised by the Post Office (London) Railway Act 1913;

“the specified works” means so much of Work No. 1 (whether temporary or permanent) as may be situated upon, across or over, or within 15 metres of Post Office property and includes any structural alteration or renewal of such works:

- (2) If the Board, in the construction of the specified works, deviate vertically from the levels shown on the deposited sections to any extent exceeding one metre downwards, the Board shall, before commencing the specified works, furnish to the Post Office plans thereof for the reasonable approval of the engineer and shall not commence the specified works until those plans have been approved by the engineer or settled by arbitration:

Provided that, if within 56 days after those plans have been furnished to the Post Office the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the same:

- (3) The Board shall at all times afford reasonable facilities to the engineer to enter upon and inspect the specified works during their construction and shall supply to the engineer such information as he may reasonably require with regard thereto or to the method of construction thereof:

1913 c. cxvi.

- (4) Any difference arising under this section between the Board and the Post Office or between the Board and the engineer shall be referred to and settled by arbitration.

PART IV
—cont.

40. For the protection of the sewers of the Thames Water Authority (in this section referred to as “the authority”) the following provisions shall, unless otherwise agreed in writing between the Board and the authority, apply and have effect:—

For protection
of sewers of
Thames Water
Authority.

- (1) In this section—

“construction” includes execution, placing and altering and, in relation to temporary works, includes removal and “constructing” and “constructed” shall be construed accordingly;

“new, altered or substituted works” includes any works required for the protection of any sewer;

“sewer” includes any main used for the conveyance of sewage sludge or sewage effluent and any pipe subway vested in or maintained by the authority;

“specified work” means so much of Works Nos. 1 and 2 and the works authorised by section 14 (Reconstruction of bridges at Wandsworth) of this Act and of any work (whether temporary or permanent) forming part of, or constructed in connection with, any of those works as will or may be situated over or within 15 metres measured in any direction of, or (wherever situated) impose any load directly upon, any sewer, and includes the construction, maintenance or renewal of any such works:

- (2) The Board shall not commence any specified work until they shall have given to the authority 56 days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the authority with plans as described in paragraph (7) below (in this section referred to as “the said plans”) and until the authority shall have signified their approval of the said plans:

Provided that such approval shall not be unreasonably withheld and, if within 56 days after the submission of the said plans the authority have not approved or disapproved them, they shall be deemed to have approved the said plans:

- (3) The Board shall comply with and conform to all reasonable orders, directions and regulations of the

PART IV
—cont.

authority in the construction of any specified work and shall provide new, altered or substituted works in such manner as the authority shall reasonably require for the proper protection of, and for preventing injury or impediment to, a sewer of the authority by reason of any specified work and shall save harmless the authority against all expenses to be occasioned thereby:

- (4) All such new, altered or substituted works shall, where so required by the authority, be constructed by or under the direction, superintendence and control of an officer of the authority duly appointed for the purpose at the cost, charge and expense in all respects of the Board and all reasonable costs, charges and expenses to which the authority may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the authority by the Board on demand:
- (5) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the cost, charge and expense of the Board under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the authority as any sewers or works now or hereafter may be:
- (6) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the authority in relation to sewers but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (7) The plans to be submitted to the authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall accurately describe the position of all sewers of the authority within the limits of deviation (for which purpose the authority shall allow the Board access to plans in their possession and to any of their sewers in order to enable the Board to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any such sewers:

- (8) The authority may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewerage system of the authority against interference or risk of damage and to provide and secure a proper and convenient means of access to the sewers of the authority:
- (9) The Board shall be liable to make good, or, if the authority so decide, to bear any expense reasonably incurred by the authority in making good, all injury or damage caused by or resulting from the construction of any specified work to any sewers, drains or works vested in the authority and the authority shall have power to recover any expense so incurred by them from the Board:
- (10) If, in the construction of any specified work, or any new, altered or substituted works, or any work of defence connected therewith provided in accordance with this section, the Board damage, or, without the consent of the authority, alter or in any way interfere with any existing sewer of the authority the Board shall—
- (a) pay to the authority any additional expense to which the authority may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and
 - (b) give to the authority full, free and uninterrupted access at all times to any such new, altered or substituted sewer (but under the supervision and control of the Board which shall be provided as soon as possible) and every reasonable facility for the inspection, maintenance, alteration and repair thereof:
- (11) It shall be lawful for an officer of the authority duly appointed for the purpose at any reasonable time and, if required by the Board, under their supervision to enter upon and inspect any specified work or any other works constructed under the powers of this section:
- (12) The approval by the authority of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Board from any liability or affect any claim for damages under this section or otherwise:
- (13) As soon as reasonably practicable after the completion of the construction of a specified work the

PART IV
—cont.

Board shall deliver to the authority a plan and section showing the position and level of that work as constructed and all new, altered or substituted works provided under this section:

- (14) Except as otherwise provided in this section, any difference arising between the Board and the authority under this section shall be referred to and settled by arbitration.

PART V

MISCELLANEOUS

Application of section 168 of Road Traffic Act 1972 to British Transport Police Force. S.I. 1964/1456. 1983 c. 16. 1972 c. 20.

41.—(1) In this section—

“the British Transport Police Force” means the force established by the Scheme set out in the Schedule to the British Transport Police Force Scheme 1963 (Approval) Order 1964;

“level crossing” has the same meaning as in section 1 of the Level Crossings Act 1983; and

“road” has the same meaning as in section 196 of the Road Traffic Act 1972.

(2) In the application of section 168 of the said Act of 1972 (which imposes a duty on the keeper of a vehicle to give information to a chief officer of police as to the identity of the driver, etc., in certain circumstances) to an offence alleged to be committed at a level crossing or on a road forming an access or approach to any station, depot, goods yard, workshop or other premises of the Board, the expression “chief officer of police”, where used in that section, shall include the chief constable of the British Transport Police Force.

Amendment of section 32 of British Railways Act 1966. 1966 c. xvii.

42. Section 32 (Savings bank) of the British Railways Act 1966 shall have effect as if in subsection (12) thereof for the words “one thousand five hundred pounds” there were substituted “£5,000”.

Discontinuance of subway at Bradford. 1874 c. clx.

43.—(1) Notwithstanding the provisions of paragraph 3 of section 25 (For protection of the borough of Bradford) of the Midland Railway (Additional Powers) Act 1874, the Board may stop up and discontinue the subway in the city of Bradford in the county of West Yorkshire passing under the railways and works of the Board between Valley Road and Snowden Street.

(2) Paragraph 3 of the said section 25 shall cease to have effect.

44. Carns-Alder crossing, as defined in subsection (1) of section 13 (New level crossing at Fareham, Hampshire) of the (No. 2) Act of 1984, shall be known as the Newgate Lane level crossing and accordingly the said section 13 shall have effect as if for the words "Carns-Alder crossing" wherever they occur there were substituted "Newgate Lane crossing".

PART V
—cont.
Change of
name of level
crossing at
Fareham,
Hampshire.

45.—(1) In this section—

"the bridge" means the bridge of the Board carrying a public road, and formerly carrying the Hayle Branch railway line, over Copperhouse Creek situate at Hayle Harbour in the parish of Hayle in the district of Penwith in the county of Cornwall, and includes all apparatus and works connected therewith; and

Swing bridge
over
Copperhouse
Creek, Hayle
Harbour.

"obligation" means any obligation of the Board under any deed, conveyance, covenant, agreement or other instrument to afford facilities to any person in respect of the opening and closing of the bridge or to maintain and keep the bridge in good and substantial order and repair as an opening or swing bridge.

(2) (a) Notwithstanding anything in any enactment the Board shall not be required to maintain the bridge as an opening or swing bridge.

(b) The Board shall be relieved from any obligation in respect of the bridge.

(3) Any person who but for this section would have been entitled to institute or continue any action or other proceeding against the Board for enforcing any obligation shall be entitled to be paid by the Board compensation in respect of any land which has been injuriously affected by the relief afforded under this section, such compensation to be determined in case of dispute by the tribunal.

46.—(1) In this section—

"the bridge" means the railway bridge over the afon Nedd referred to in the specified enactment as the Neath River or Neath Dock and situated in the communities of Briton Ferry, Coedffranc and Neath in the borough of Neath in the county of West Glamorgan; and

Railway bridge
over afon
Nedd, Neath,
West
Glamorgan.

"the specified enactment" means paragraph 4 of section 16 (For the protection of Neath Harbour Commissioners) of the Rhondda and Swansea Bay Railway Act 1892.

1892 c. clxxix.

(2) Notwithstanding anything in the specified enactment or any other enactment, the Board shall not be required to maintain an opening span in the bridge.

PART V
—cont.

(3) So much of the specified enactment or any other enactment as imposes requirements on the Board with respect to an opening span in the bridge shall cease to have effect.

PART VI

GENERAL

Planning
permission.

S.I. 1977/289.

47.—(1) In this section “Class XII development” means development authorised by article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (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).

(2) Subject to subsection (3) below, in its application to development authorised by this Act, the planning permission granted for Class XII development shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.

(3) Subsection (2) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works or the substitution of new works therefor.

Repeals.

48. The enactments specified in columns (1) and (2) of Schedule 6 to this Act are hereby repealed to the extent mentioned in column (3) of that schedule.

Arbitration.

49. Where under any provision of this Act any difference (other than a difference as to the meaning or construction of any such provision) is to be referred to or settled by arbitration, then 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.

50. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Board and may in whole or in part be defrayed out of revenue.

SCHEDULES

SCHEDULE 1

Section 7.

ENACTMENTS REFERRED TO IN SECTION 7 OF THIS ACT

Chapter (1)	Short title (2)	Provision (3)
23 & 24 Vict. c. clxxvii.	London, Chatham, and Dover Railway (Metro- politan Extensions) Act 1860.	Sections 71 and 73.
27 & 28 Vict. c. cxcv.	London, Chatham, and Dover Railway (New Lines) Act 1864.	Sections 55, 56 and 114 and the Schedule.

SCHEDULE 2

Section 11.

DESCRIPTIONS OF FURTHER WORKS, ETC., REFERRED TO IN SECTION 11
OF THIS ACT

In the county of Tyne and Wear—

At Manors in the city of Newcastle upon Tyne—

(a) Stop up and discontinue Newbridge Street between points "A" and "B" including private accesses thereto at points "L", "M", "N", "O", "P", "Q", "R", "S" and "T".

(b) (i) Stop up and discontinue Hewgill Terrace between points "C" and "F";

(ii) Stop up and discontinue the footpath between points "F" and "D".

(c) Stop up and discontinue Ingham Place between points "E" and "F".

(d) (i) Stop up and discontinue Back Newbridge Street between points "G" and "H" including private access thereto at point "U";

(ii) In connection with the widening of Back Newbridge Street (Work No. 3E) provide private accesses thereto at points "Z", "AA", "BB", "CC", "DD", "EE", "FF", "GG", "HH", "JJ", "KK" and "LL".

(e) (i) Stop up and discontinue Russell Terrace between points "J" and "K" including private accesses thereto at points "V" and "W";

(ii) In connection with the widening of Russell Terrace (Work No. 3E) provide private access thereto at point "MM".

(f) Stop up and discontinue Stepney Lane between points "NN" and "PP".

(g) Stop up and discontinue private access to Clarence Street at point "X".

(h) Stop up and discontinue private access to Stoddart Street at point "Y".

Section 15.

SCHEDULE 3

LEVEL CROSSINGS REFERRED TO IN SECTION 15 OF THIS ACT

In the county of North Yorkshire—

In the parish of Seamer in the borough of Scarborough—

(1) The level crossing known as Seamer Station crossing (reference point TA 0329:8398) whereby the B.1261 road is crossed by the railway between Seamer and Scarborough stations.

(2) The accommodation level crossing known as Crab Lane crossing (reference point TA 0288:8335) whereby the road named Long Lane and known as Crab Lane is crossed by the railways between Malton and Seamer stations and between Filey and Seamer stations.

(3) The accommodation level crossing known as Metes Lane crossing (reference point TA 0238:8272) whereby the road named Pasture Lane and known as Metes Lane is crossed by the railway between Malton and Seamer stations.

(4) The accommodation level crossing known as Herdborough House crossing (reference point TA 0196:8207) whereby the private road connecting property in the area of Herdborough House with the A.64 trunk road at Seamer is crossed by the railway between Malton and Seamer stations.

Section 28 (2).

SCHEDULE 4

LAND REFERRED TO IN SECTION 28 (2) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purpose for which land may be used (3)
In the county of Dorset— Borough of Poole—	1	To provide a substation for the supply of elec- tricity to the Board's railways.

Section 32.

SCHEDULE 5

LANDS FOR WHICH PERIOD OF COMPULSORY ACQUISITION IS
EXTENDED

The lands authorised to be acquired by section 28 (Power to acquire lands) or 29 (Compulsory acquisition of rights over lands) of the Act of 1981 for the purpose of Work No. 5 (Railway at Rotherham) and Work No. 6 (Railway at Birmingham) of that Act.

SCHEDULE 6

Section 48.

REPEALS

PART I

REPEALS IN CONSEQUENCE OF SECTION 7 (3) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
27 & 28 Vict. c. cxcv.	London, Chatham, and Dover Railway (New Lines) Act 1864.	Sections 34 and 35.

PART II

REPEAL IN CONSEQUENCE OF SECTION 43 (2) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
37 & 38 Vict. c. clx.	Midland Railway (Additional Powers) Act 1874.	In section 25, para- graph (3).

SCH. 6
—cont.

PART III

REPEALS IN CONSEQUENCE OF SECTION 46 (3) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
55 & 56 Vict. c. clxxix.	Rhondda and Swansea Bay Railway Act 1892.	In section 16 (4), in the opening words, the words “and Neath Dock and navigable cut” and the proviso; in sub-paragraph (i), the words “or Neath Dock” and “opening” (where this word first occurs) and the words from “and the bridge” to the end; sub-paragraphs (ii) to (vi); in sub-paragraph (vii), the word “opening” and the words from “and for this purpose” to the end; in sub-paragraph (ix), the words “either of”, “or Dock and over the navigable cut”, “in course of construction or”, and “or dock and the navigable cut (if at any time the same be completed and in use as a navigation)”; in sub-paragraph (x), the words “as well”, “construction or”, “as after the completion” and “or either of them” and the words from “provided that the Company” to “for use as aforesaid”; sub-paragraph (xi); in sub-paragraph (xii), the words “work signal” (where these words first occur), “or Dock” and “and complete working order and” and the words from “The Company shall also maintain” to the end.

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