

ELIZABETH II



1988 CHAPTER xi

An Act to empower the British Railways Board to construct works and to purchase or use land in the city of London and in the London boroughs of Camden and Islington; to extend the time for the compulsory purchase of certain land; to confer further powers on the Board; and for other purposes. [24th March 1988]

WHEREAS—

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

(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) In order to provide improved services and facilities for railway passengers travelling across London, it is expedient that the Board should be empowered to construct in the city of London and in the London boroughs of Camden and Islington the works authorised by this Act and to purchase or use the land in the said city and boroughs 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 those 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 Common Council of the city of London and the London borough councils of Camden and Islington, 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 (London) Act 1988.
- 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. xxxv. “the (No. 2) Act of 1981” means the British Railways (No. 2) Act 1981;
- 1983 c. iv. “the Act of 1983” means the British Railways (Liverpool Street Station) Act 1983;
- 1984 c. xx. “the (No. 2) Act of 1984” means the British Railways (No. 2) Act 1984;
- “the Board” means the British Railways Board;
- “the limits of deviation” means the limits of deviation shown on the deposited plans;
- “the tribunal” means the Lands Tribunal; and
- “the works” means the works authorised by Part II (Works, etc.) of this Act.
- (2) 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 that work shall be construed as a reference to the work of that number authorised by this Act.

PART I
—cont.

(4) References in this Act to points identified by letters shall be construed as references to the points so lettered on the deposited plans.

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:—

Incorporation
of general
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).

(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 so incorporated, Work No. 4 shall be deemed to be a railway authorised by the special Act.

(c) Sections 18 and 21 of the Act of 1845, as so incorporated, 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—

(i) Part II of the Public Utilities Street Works Act 1950; or

1950 c. 39.

(ii) section 27 (For protection of electricity, gas and water undertakers) of the (No. 2) Act of 1984, as incorporated with this Act.

(d) The provisions of section 46 of the Act of 1845, as so incorporated, shall have effect subject to the provisions of sections 116 and 117 of the Transport Act 1968 as if any bridge to which the said section 46 applies and which carries a highway were in existence and maintainable by the Board immediately before the appointed day referred to in the said section 116.

1968 c. 73.

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.

Application
of Part I of
Compulsory
Purchase Act
1965.
1981 c. 67.

(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 the words “three months”.

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

1845 c. 18.

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 the city of London—

(Railway at
Holborn Viaduct)

Work No. 1 A railway (575 metres in length, partly in the existing Snow Hill Tunnel and partly in new tunnel) at Holborn Viaduct commencing by a junction with Work No. 1 authorised by the British Railways Act 1986 beneath a point 60 metres north-west of the junction of Snow Hill and Holborn Viaduct and terminating by a junction with the railway between Holborn Viaduct and Elephant and Castle stations at a point 25 metres south of the bridge carrying that railway over Queen Victoria Street, including the reconstruction of the bridge over Queen Victoria Street.

1986 c. iii.

In the London boroughs of Camden and Islington—

(Reinstatement of
railway No. 1 at
King's Cross)

Work No. 3A A railway (1,235 metres in length, partly in the eastern bore of Gasworks Tunnel and partly in York Way Tunnel) at King's Cross, being a reinstatement of the former Farringdon-bound connection between the Great Northern Main Line and the City Widened Lines, commencing in the London borough of Islington by a junction with the Great Northern Main Line at a point 25 metres south of the bridge carrying the North London Line over the Great Northern Main Line and terminating in the London borough of Camden by a junction with the City Widened Lines at a point 22 metres west of the western end of the Farringdon-bound platform at King's Cross (Midland City) station:

(Reinstatement of
railway No. 2 at
King's Cross)

Work No. 3B A railway (485 metres in length and partly in Hotel Curve Tunnel) at King's Cross in the London borough of Camden, being a reinstatement of the former Peterborough-bound connection between the Great Northern Main Line and the City Widened Lines, commencing by a junction with the Great Northern Main Line at a point 130 metres south of the western bore of Gasworks Tunnel and terminating by a junction with the City Widened Lines at a point 22 metres west of the western end of the West Hampstead-bound platform at King's Cross (Midland City) station:

(Subway at
King's Cross)

Work No. 4 A subway (82 metres in length) commencing in the London borough of Camden at concourse level at the Board's King's Cross station at a point 50 metres north-west of the junction of York Way and Pentonville Road and terminating in the London borough of Islington by a junction with the interchange subway connecting King's Cross (Midland City) station and the King's Cross station of the Piccadilly Line railway of London Underground Limited beneath a point 85 metres north-east of the junction of York Way and Pentonville Road.

Provisions relating to Work No. 1

Bridge over
Queen Victoria
Street.

6.—(1) In this section "the designated enactments" means sections 71 (Width and Headway of specified Streets) and 73 (Prescribing Manner of crossing streets in London) of the London, Chatham and Dover Railway

(Metropolitan Extensions) Act 1860, section 12 (Provisions as to bridge over Queen Victoria Street) of the London, Chatham and Dover Railway (Further Powers) Act 1884 and section 65 (As to bridge over Queen Victoria Street) of the British Transport Commission Act 1961.

PART II
—cont.
1860 c. clxxvii.
1884 c. cxlviii.
1961 c. xxxvi.

(2) Notwithstanding the provisions of the designated enactments, the Board may, in constructing Work No. 1, reconstruct the existing bridge for carrying that work over Queen Victoria Street with a clear height of not less than 5.1 metres above the surface of that street.

(3) The said section 12 of the London, Chatham and Dover Railway (Further Powers) Act 1884 and section 65 of the British Transport Commission Act 1961 shall cease to have effect.

7.—(1) If the Board proceed with the construction of Work No. 1, they may, on any part of the lands numbered on the deposited plans 5, 6, 10 to 14, 27 and 28 in the city of London, make, maintain and operate a railway station with all necessary works and conveniences connected therewith and form and lay out means of pedestrian access from and to Ludgate Hill at point "EE".

New station
at Holborn
Viaduct.

(2) On the opening for passenger and goods services of the railway station referred to in subsection (1) above, section 54 of the Transport Act 1962 (which requires advance notice of discontinuance of certain services to be published) and section 56 of that Act (which relates to the establishment and functions of transport consultative committees) shall not apply in respect of the discontinuance of any railway passenger or goods services in the city of London—

1962 c. 46.

(a) from Holborn Viaduct station; and

(b) on so much of the railway between that station and Blackfriars station as lies between Holborn Viaduct station and the termination of Work No. 1.

8.—(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

"the scheduled enactments" means the enactments specified in Schedule 1 to this Act.

Appropriation
of works for
Work No. 1.

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

(a) they may, subject to the provisions of paragraph (b) below, 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) they shall take down and remove such part of the original works as they do not require for the purposes of Work No. 1.

(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.

PART II
—cont.
Roadworks
at Holborn
Viaduct.

9.—(1) Subject to the provisions of this Act (and in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels as shown) the Board may make and maintain the following further works with all necessary works and conveniences connected therewith and exercise the powers hereinafter mentioned:—

- (a) a raising of Seacoal Lane between points “A” and “B”;
- (b) stop up and discontinue—
 - (i) so much of Fleet Lane as lies between points “G” and “H”;
 - (ii) the vehicular ramp connecting Fleet Lane with Seacoal Lane between points “I” and “J”; and
 - (iii) so much of Old Seacoal Lane as lies between points “K” and “F”;
 and substitute therefor a new road between points “C”, “D”, “E” and “F” in the position shown on the deposited plans;
- (c) a raising of Farringdon Street and New Bridge Street between points “L” and “M” and of Ludgate Circus and Ludgate Hill between points “N” and “P”;
- (d) stop up and discontinue the footpath known as Ludgate Court between points “Q” and “R” and provide a new road between those points in the position shown on the deposited plans;
- (e) stop up and discontinue so much of Pilgrim Street as lies between points “S” and “T” and provide a footpath between those points;
- (f) stop up and discontinue Waithman Street between points “U” and “V” and substitute therefor a new road between points “W” and “X” in the position shown on the deposited plans;
- (g) stop up and discontinue so much of Apothecary Street as lies between points “Y” and “Z” and provide a footpath between those points;
- (h) a lowering of Black Friars Lane between points “AA” and “BB”; and
- (i) a lowering of Queen Victoria Street between points “CC” and “DD”.

(2) The Board may, within the limit of deviation of Work No. 1, make junctions with and alter the line or level of any street or way interfered with by, or contiguous to, all or any of the further works described in subsection (1) above 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 Works Nos. 3A and 3B

Appropriation
of works for
Works Nos. 3A
and 3B.

10.—(1) In this section—

“the tunnels” means the eastern bore of Gasworks Tunnel, York Way Tunnel and Hotel Curve Tunnel; and

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

(2) If the Board proceed with the construction of Works Nos. 3A and 3B—

- (a) they may, subject to the provisions of paragraph (b) below, hold, use and appropriate the tunnels for the purposes of Works Nos. 3A and 3B, as the case may be, and shall be relieved of the obligation to maintain the tunnels for the purposes of the scheduled enactments; and
- (b) the provisions of the scheduled enactments specified in column (3) of Schedule 2 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 tunnels.

PART II
—cont.

(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 tunnels 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. 4

11. In the construction of Work No. 4, the Board may on any part of the land numbered on the deposited plans 10 in the London borough of Camden construct and maintain a ticket hall at concourse level within the Board's King's Cross station with all necessary works and conveniences connected therewith.

New ticket hall
at King's Cross.

12. Subject to the provisions of this Act, the Board may for the purpose of constructing Work No. 4 enter upon, open, break up and interfere with so much of the surface of York Way as is within the limit of deviation of that work.

Power to
open surface
of York Way,
King's Cross.

13. The Board may form and lay out means of access to their King's Cross station from York Way at point "A".

Access to King's
Cross station
from York Way.

General works provisions

14.—(1) The Board during and for the purpose of the execution of the works may temporarily stop up and divert, and interfere with, any road or footpath and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road or footpath from passing along and using the same.

Temporary
stoppage of
roads and
footpaths.

(2) The Board shall provide reasonable access for persons on foot bona fide going to or from any such land, house or building.

(3) The Board shall not exercise the powers of this section without the consent of the highway authority but such consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be referred to and settled by arbitration.

(4) The Board shall not exercise the powers of this section with respect to any road unless they have given not less than 28 days' notice in writing of their intention so to do to—

(a) the traffic commissioner, constituted for the purposes of the Public Passenger Vehicles Act 1981, in whose area the road is situate; and

1981 c. 14.

(b) the operator over that road of a local service as defined in the Transport Act 1985;

1985 c. 67.

except in case of emergency when such notice as is practicable shall be given.

(5) The exercise by the Board of the powers of this section in relation to any road or footpath shall not prejudice or affect the rights of the operator of any telecommunications code system (within the meaning of Schedule 4 to the Telecommunications Act 1984) to maintain, inspect, repair, renew or remove telecommunication apparatus (within the meaning of paragraph 1 of Schedule 2 to the said Act of 1984) or break open that road or footpath for any of those purposes.

1984 c. 12.

PART II
— *cont.*
Use of sewers,
etc., for
removing water.

15.—(1) In this section “relevant authority” means the Thames Water Authority, the Common Council of the city of London or the London borough councils of Camden or Islington.

(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 but—

(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 approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain shall be vested and approval of those plans by the relevant authority shall not be unreasonably withheld.

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 the Thames 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.

Incorporated works provisions

Incorporation
of works
provisions.

16. The following works provisions of the (No. 2) Act of 1981 are, with necessary modifications, incorporated with this Act:—

- 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); and
- Section 15 (Underpinning of buildings near works).

PART III

LANDS

Purchase of land, etc.

17. Subject to the provisions of this Act, 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.

Purchase of land.

18.—(1) In this section 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.

Purchase of rights over land.

(2) Subject to the provisions of this Act, the Board may for the purpose of constructing, maintaining, altering, renewing and using the works, or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with 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 17 (Purchase of land) of this Act.

(3) 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 subsection (2) 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.

(4) Without prejudice to the generality of subsection (3) above, in relation to the purchase of new rights under subsection (2) 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.

19.—(1) In this section “relevant land” means any land or any subsoil or under-surface of, or new rights over, any land purchased by the Board for the purposes of the works.

Set-off for enhancement in value of retained land.

(2) In assessing the compensation payable to any person on the purchase by the Board from him of any relevant land, the tribunal shall—

- (a) have regard to the extent to which the land or the remaining contiguous lands belonging to the same person may be benefited by any of the works; and
- (b) set off against the value of the relevant land any increase in value of the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of any of the works.

(3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

1961 c. 33.

20. The powers of the Board for the compulsory purchase of land and rights over land under this Act shall cease on 31st December 1992.

Time for purchase of land and rights over land.

PART III
—cont.

Temporary use
of lands at
King's Cross.

21.—(1) In this section “the designated lands” means such part of the lands of the Board in the London borough of Camden required by them for use as working sites in connection with the construction of Works Nos. 3A, 3B and 4 as comprises the lands situated within the lines marked “Limit of land to be temporarily used” and numbered on the deposited plans 2, 3, 5 and 10 in the London borough of Camden.

(2) The Board may use the designated lands as working sites in connection with the construction of Works Nos. 3A, 3B and 4.

Extension of time

Extension
of time.

22. The period now limited by the Act of 1983 for the compulsory purchase of the land referred to in Schedule 3 to this Act is hereby extended until 31st December 1992.

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

23.—(1) In this section—

“the enabling Act” means the Act of 1983;

“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—

(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 land provisions

Incorporation
of lands
provisions.

24. The following lands provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act:—

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 III
—cont.

PART IV

PROTECTIVE PROVISIONS

25.—(1) The following provisions of the under-mentioned Acts are, with necessary modifications, 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—

(a) for reference in paragraph (2) thereof to section 14 (Temporary stoppage of roads, bridleways and footpaths) 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 reference to section 14 (Temporary stoppage of roads and footpaths) of this Act; and

(b) for reference in paragraph (4) thereof to section 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981, as incorporated by the said section 18, there shall be substituted reference to section 15 (Use of sewers, etc., for removing water) of this Act.

26. For the protection of highway authorities the following provisions shall, unless otherwise agreed in writing between the Board and the relevant authority, apply and have effect:—

For protection
of highway
authorities.

(1) In this section—

“authority” means—

(a) the Secretary of State as the highway authority for the A.501 and A.41 trunk roads; and

(b) the mayor and commonalty and citizens of the city of London, the mayor and burgesses of the London borough of Camden or the mayor and burgesses of the London borough of Islington, as the case may be, in whose area specified works are to be constructed;

“highway” means any highway vested in or repairable or maintainable by an authority;

“the new highway” means any new highway to be provided by the Board under the provisions of this Act; and

“specified works” means the new highways and so much of the works as may in any way affect any highway:

(2) Notwithstanding anything in this Act or shown on the deposited plans, the Board shall not purchase compulsorily any estate or

PART IV
—cont.

interest in land vested in the authority but they may purchase such easements or other rights in land of the authority in accordance with the provisions of section 18 (Purchase of rights over land) of this Act as they may reasonably require for the purposes of the specified works:

- (3) The Board shall give to the authority not less than 28 days' notice in writing of their intention permanently to stop up and discontinue any highway under the powers of this Act:
- (4) The Board shall not exercise the powers of section 15 (Underpinning of buildings near works) of the (No. 2) Act of 1981, as incorporated with this Act, so as to interfere with any highway except with the consent of the authority, which consent shall not be unreasonably withheld or delayed:
- (5) Before commencing the construction of any of the specified works, the Board shall submit plans, sections and particulars relating thereto to the authority for their approval, which shall not be unreasonably withheld, and, notwithstanding anything shown on the deposited plans and the deposited sections, the work to which those plans, sections and particulars relate shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be approved by the authority as aforesaid, or, if such approval be refused, as may be settled by arbitration:

Provided that, if within 56 days after the submission to them of plans, sections and particulars in accordance with the provisions of this paragraph the authority do not signify their approval or disapproval thereof and the grounds for such disapproval, they shall be deemed to have approved thereof:

- (6) (a) Before commencing to construct any part of the specified works which will involve interference with a highway the Board shall consult the authority as to—
 - (i) when that part shall be commenced;
 - (ii) the extent of the surface of the highway which it may be reasonably necessary for the Board to occupy in the construction of that part; and
 - (iii) the conditions under which that part shall be constructed so as to reduce so far as possible inconveniences to the public and to ensure the safety of the public;

and such part shall not be constructed and the surface of the highway shall not be occupied by the Board except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Board and the authority or, in default of agreement, as may be settled by arbitration:
- (b) Any such highway shall be reinstated by the Board in a manner approved by the authority, which approval shall not be unreasonably withheld, and to their reasonable satisfaction:
- (7) Any part of the construction of the specified works which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the authority:
- (8) The Board shall, at all reasonable times during the construction of any part of the specified works, afford to the engineer of the authority or his duly authorised representatives access to that part of the specified works for the purposes of inspection:

- (9) (a) The new highways shall be vested in and maintained by the authority who shall have all such rights in relation to the subsoil and undersurface thereof as are necessary for the performance of their functions as highway authority:

Provided that the Board shall be liable to the authority for the maintenance of any new highway for a period of 12 months after the date of completion;

- (b) In this paragraph "date of completion" means the date upon which the new highway is completed in accordance with the requirements of this section and opened for public use or, in the case of a difference between the Board and the authority as to whether the said requirements have been complied with, until the matter in dispute has been settled by arbitration and the arbitrator has certified that the new highway has been completed in accordance with his determination:

- (10) The Board shall keep the authority indemnified against all actions, costs, claims and demands whatsoever brought or made against the authority by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the specified works and the fact that any act or thing may have been done in accordance with plans, sections and particulars approved by the authority or in accordance with any requirement of the authority or under their supervision shall not (if it was done without negligence on the part of the authority) excuse the Board from liability under the provisions of this section:

Provided that the authority 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:

- (11) The Board shall repay to the authority all costs, charges and expenses reasonably incurred by the authority for the examination of the plans, sections and particulars submitted to the authority under this section in relation to any of the specified works:
- (12) Any differences arising between the Board and the authority under this section shall be referred to and settled by arbitration.

27. For the protection of a telecommunications operator the following provisions shall, unless otherwise agreed in writing between the Board and the telecommunications operator, apply and have effect:—

- (1) In this section "telecommunications operator" means the operator of a telecommunications code system and "telecommunication apparatus", "telecommunications code system" and "telecommunications system" have the same meanings as in Schedule 4 to the Telecommunications Act 1984:
- (2) As soon as practicable after the whole or part of a road or footpath has been stopped up and discontinued by the Board under the powers of subsection (1) (b), (d) or (e) of section 9 (Roadworks at Holborn Viaduct) of this Act, the Board shall send by post to the telecommunications operator a notice informing it of such stopping up and discontinuance:
- (3) Where under the said section 9 the Board stop up and discontinue the whole or any part of a road or footpath, the following provisions of this paragraph shall have effect in relation to so much of any telecommunication apparatus belonging to or used by a

PART IV
—cont.

For protection
of tele-
communications
operators.

1984 c. 12.

PART IV
—cont.

telecommunications operator as is under, in, upon, over or across the land which by reason of the stopping up and discontinuance ceases to be a road or footpath (in this paragraph referred to as "the affected line")—

(a) the rights of the telecommunications operator to remove the affected line shall be exercisable notwithstanding the stopping up and discontinuance, but that right shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in paragraph (2) above unless before the expiration of that period the telecommunications operator has given notice to the Board of its intention to remove the affected line or that part thereof, as the case may be, within such reasonable period as may be specified in the said notice given to the Board;

(b) the telecommunications operator may by notice in that behalf to the Board abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period the telecommunications operator has removed it or given notice of its intention to remove it;

(c) the telecommunications operator shall be entitled to recover from the Board the expense of providing, in substitution for the affected line and any telecommunication apparatus connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, telecommunication apparatus in such other place as it may reasonably require;

(d) where under sub-paragraph (b) above the telecommunications operator has abandoned the whole or any part of the affected line, it shall vest in the Board and shall be deemed with its abandonment to cease to be kept installed for the purposes of a telecommunications code system:

- (4) If, by reason or in consequence of the construction, use or failure of the works or any subsidence resulting from the works, any damage to any telecommunication apparatus belonging to, or used by, the telecommunications operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment for the purposes of the works or under paragraph (3) above), or any interruption in the service provided by a telecommunications system, is caused, the Board shall bear and pay the cost reasonably incurred by the telecommunications operator in making good such damage, or restoring that service, and shall—

(a) make reasonable compensation to the telecommunications operator for loss sustained by it; and

(b) indemnify the telecommunications operator against claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from, or incurred by, the telecommunications operator, by reason or in consequence of any such damage or interruption, but—

(i) nothing in this paragraph shall impose any liability on the Board with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the telecommunications operator, its officers, servants, contractors or other agents; and

(ii) the telecommunications operator 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 consent of the Board:

- (5) Any difference (including failure to agree) arising between the Board and a telecommunications operator under this section shall be referred to and settled by arbitration.

28. For the protection of London Underground Limited (hereinafter called "the company") the following provisions shall, unless otherwise agreed in writing between the Board and the company, apply and have effect:—

PART IV
—cont.

For protection
of London
Underground
Limited.

- (1) In this section—

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

"designated property" means any railways of the company and any works connected therewith for the maintenance or operation of which the company are responsible and includes any lands, premises, arches, cellars or vaults held or used by the company for the purposes of such railways or works;

"the engineer" means an engineer to be appointed by the company;

"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; and

"the specified works" means so much of the works as may be situated within 15 metres of, or may in any way affect, designated property and includes the construction, reconstruction and maintenance of the works:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Board shall not purchase compulsorily any designated property but they may, with the consent of the company, which consent shall not be unreasonably withheld, purchase such easements or other rights in, under or over designated property in accordance with the provisions of section 18 (Purchase of rights over land) of this Act as they may reasonably require for the purpose of the specified works:
- (3) The Board shall, before commencing the specified works, furnish to the company proper and sufficient plans thereof for the approval of the engineer, whose approval shall not be unreasonably withheld, 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 company 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 56 days after such plans have been furnished to the company the company shall give notice to the Board that the company 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 company's railway, then, if the Board desire such part of the specified works to be constructed, the company shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Board in accordance with approved plans:

PART IV
—cont.

- (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 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 may be with the conduct of traffic on any railway of the company and the use by passengers of designated property;
- 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 company 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 company 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 company shall at all times afford reasonable facilities to the Board and their agents for access to any works carried out by the company 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 company after not less than 28 days' notice in writing has been given to the Board and the Board shall pay to the company on demand the cost thereof as certified by the engineer:

PART IV
—cont.

- (11) The Board shall repay to the company all costs, charges and expenses reasonably incurred by the company—

(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 company 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 company 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; and

(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 company all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the company—

(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 company 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 company 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 company 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 company 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) Any differences between the Board and the company under this section shall be referred to and settled by arbitration.

PART IV
—cont.
For protection of
sewers of Thames
Water Authority.

29. For the protection of the sewers of the Thames Water Authority (hereinafter called "the authority") the following provisions shall, unless otherwise agreed in writing between the Board and the authority, apply and have effect:—

(1) In this section—

"construction" includes execution, placing and altering and, in relation to temporary works, includes removal 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; and

"specified work" means so much of the works and of any work (whether temporary or permanent) forming part of, or constructed in connection with, the works, or any of them, 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 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) In the construction of Works Nos. 3A and 3B, or either of them, the Board shall not exercise the powers of section 8 (Power to deviate) of the (No. 2) Act of 1981, as incorporated with this Act, so as to deviate vertically upwards from the levels shown on the deposited sections at the points where those works will pass beneath the Fleet Sewer of the authority:
- (11) 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:
- (12) 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:

PART IV
— *cont.*

- (13) 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:
- (14) As soon as reasonably practicable after the completion of the construction of a specified work the 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:
- (15) Any difference arising between the Board and the authority under this section shall be referred to and settled by arbitration.

PART V

GENERAL

Planning
permission.

S.I. 1977/289.

30.—(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.

31. The enactments specified in columns (1) and (2) of Schedule 4 to this Act are hereby repealed to the extent mentioned in column (3) of that schedule.

Arbitration.

32. 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.

33. 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 defrayed out of revenue.

SCHEDULES

SCHEDULE 1

Section 8 (1).

ENACTMENTS REFERRED TO IN SECTION 8 (1) OF THIS ACT

Chapter (1)	Short title (2)
23 & 24 Vict. c. clxxvii.	London, Chatham and Dover Railway (Metropolitan Extensions) Act 1860.
27 & 28 Vict. c. cxcv.	London, Chatham and Dover Railway (New Lines) Act 1864.
28 & 29 Vict. c. cclxix.	London, Chatham and Dover Railway (Various Powers) Act 1865.
34 & 35 Vict. c. cxxxviii.	Holborn Viaduct Station Act 1871.
47 & 48 Vict. c. cxlviii.	London, Chatham and Dover Railway (Further Powers) Act 1884.

SCHEDULE 2

Section 10.

ENACTMENTS REFERRED TO IN SECTION 10 OF THIS ACT

Chapter (1)	Short title (2)	Provision (3)
19 & 20 Vict. c. cix.	Metropolitan Railway (Great Northern Branch and Amendment) Act 1856.	—
23 & 24 Vict. c. clxviii.	Great Northern and Metropolitan Junction Railway Act 1860.	—
24 & 25 Vict. c. cxxxiii.	Metropolitan Railway Act 1861.	—
27 & 28 Vict. c. cclx.	Metropolitan Railway (Additional Powers) Act 1864.	—
37 & 38 Vict. c. clviii.	Great Northern Railway (Further Powers) Act 1874.	Sections 7 to 10.

SCHEDULE 3

Section 22.

LAND FOR WHICH PERIOD OF COMPULSORY PURCHASE IS EXTENDED

The following lands authorised to be purchased by section 14 (Purchase of lands) or section 15 (Purchase of rights over lands) of the Act of 1983 for the purpose of the works authorised by that Act and numbered on the plans deposited in respect of the Bill for that Act:—

- (a) 3 and 4 in the city of London;
- (b) 13 to 15, 18, 20 to 22, 24 to 27, 30 to 33, 42, 45, 47, 48, 53, 55, 56 and 58 in the London borough of Hackney; and
- (c) 3 to 7, 9 to 25, 28 to 34, 36 to 40, 44 to 58, 60 to 68 and 70 to 87 in the London borough of Tower Hamlets.

Section 31.

SCHEDULE 4

REPEALS IN CONSEQUENCE OF SECTION 6 OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
47 & 48 Vict. c. cxlviii.	London, Chatham and Dover (Further Powers) Act 1884.	Section 12.
9 & 10 Eliz. 2. c. xxxvi.	British Transport Commission Act 1961.	Section 65.

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British Railways (London) Act 1988

CHAPTER xi

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