



## CHAPTER xlii

An Act to empower the British Transport Commission to construct works and to acquire lands, to authorise the closing to navigation of portions of certain waterways, to extend the time for the compulsory purchase of certain lands and the completion of certain works, to confer further powers on the Commission; and for other purposes. [1st August, 1962.]

**W**HEREAS by the Transport Act, 1947, the British Transport Commission (in this Act referred to as "the Commission") were established:

And whereas it is the general duty of the Commission under the Transport Act, 1947, as amended by the Transport Act, 1953 (inter alia), to provide railway services for Great Britain, to provide or secure the provision of an adequate and properly co-ordinated system of passenger transport for the London passenger transport area and to provide, in such places and to such extent as may appear to the Commission to be expedient, facilities for traffic on inland waterways, due regard being had to efficiency, economy and safety of operation and to the needs of the public and of agriculture, commerce and industry:

And whereas it is expedient that the Commission should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas the Commission are the owners of the Ashton Canal, the Chesterfield Canal, the Cromford Canal, the Dudley Canal, the Erewash Canal, the Grand Union Canal, the Grand

Western Canal, the Huddersfield Narrow Canal, the Huddersfield Broad Canal, the Monmouthshire and Brecon Canal, the Regent's Canal, the Swansea Canal and the Trent and Mersey Canal and are the navigation authority in respect of the Aire and Calder Navigation and the Weaver Navigation:

And whereas the portions of the Regent's Canal and of the Weaver Navigation in this Act referred to are not needed for navigation, and the portion of the Trent and Mersey Canal is seriously affected by mining subsidence, and there has not for some time past been any traffic on the portions of the others of the said waterways in this Act referred to, and it is expedient that the Commission should be relieved of their obligations to maintain the said portions of any of such waterways for navigation:

And whereas it is expedient that the periods now limited for the compulsory purchase of certain lands and the completion of certain works should be extended as provided by this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Commission and that the other provisions in this Act contained should be enacted:

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act and plans of the lands authorised to be acquired or used by this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerks of the county councils of the several counties and the town clerks of the several county boroughs within which the said works will be constructed or the said lands are 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:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

### PRELIMINARY

1.—(1) This Act may be cited as the British Transport Commission Act, 1962.

(2) The British Transport Commission Acts, 1947 to 1961, and this Act may be cited together as the British Transport Commission Acts, 1947 to 1962.

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

Part I.—Preliminary.

Part II.—Works.

Part III.—Inland waterways.

Part IV.—Lands.

Part V.—Protective provisions.

Part VI.—Miscellaneous.

PART I  
—cont.  
Division of  
Act into  
Parts.

3.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings and— Interpretation.

“ the Act of 1845 ” means the Railways Clauses Consolidation Act, 1845;

“ the Act of 1863 ” means the Railways Clauses Act, 1863;

“ the Act of 1947 ” means the Transport Act, 1947;

“ the Commission ” means the British Transport Commission and any reference to the Commission, in relation to any functions of the Commission which are for the time being delegated to an executive in pursuance of section 5 of the Act of 1947, shall be construed as a reference to that executive;

“ the council ” means the London County Council;

“ enactment ” includes any public general, local or private Act and any order or other instrument having the force of an Act;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, the Land Compensation Act, 1961, and this Act;

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

“ the Minister ” means the Minister of Transport;

“ the tribunal ” means the Lands Tribunal ;

“ the works ” means the works authorised by Part II (Works) of this Act.

(2) Unless the context otherwise requires, any reference in this Act to an Act of any of the years from 1949 to 1961 shall be construed as a reference to the British Transport Commission Act of that year.

PART I  
—cont.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

(4) All distances and lengths stated in any description of works, powers or lands shall be construed as if the words “ or thereabouts ” were inserted after each such distance and length and distances between points on a railway, river or waterway shall be taken to be measured along the railway, river or waterway, as the case may be.

(5) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

Incorporation  
of general  
Acts.

4. The following Acts and parts of Acts, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

- (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act, 1845;
- (b) the Act of 1845, except sections 7, 8, 9, 19, 20, 22, 23, 110, 111 and 143 thereof and Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Act of 1863:

Provided that—

(i) for the purposes of the provisions of the Act of 1845 and the Act of 1863 as incorporated with this Act the expression “ the company ” where used in the said incorporated provisions means the Commission;

(ii) for the purposes of sections 16 and 30 to 44 of the Act of 1845 as incorporated with this Act Works Nos. 1 to 10 shall be deemed to be railways authorised by the special Act;

(iii) the provisions of sections 18 and 21 of the Act of 1845 shall not extend to regulate the relations between the Commission and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

(A) by the provisions of Part II of the Public Utilities Street Works Act, 1950; or

(B) by the provisions of section 39 (For protection of gas water and electricity undertakers) of the Act of 1952 as incorporated with this Act.

PART II

WORKS

5. Subject [to the provisions of this Act, the Commission may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

Power to  
make works.

In the county of London—

In the city of Westminster and in the metropolitan borough of St. Marylebone—

Work No. 1 A subway (forty-three yards in length) commencing under Oxford Street in the escalator tunnel of the Central Line railway at Oxford Circus Station and terminating at the platforms thereof; (Subways at Oxford Circus)

Work No. 2 A subway (one hundred and forty-three yards in length) commencing under Regent Street by a junction with Work No. 1 authorised by the Act of 1955 and terminating under Oxford Street by a junction with Work No. 1:

In the metropolitan borough of Bermondsey and in the metropolitan borough of Southwark—

Work No. 3 A subway (one hundred and twenty-five yards in length) commencing by a junction with the subway leading to the lift shaft at London Bridge Underground Station and terminating under Railway Approach by a junction with the subway leading from Joiner Street to Duke Street Hill; (Subway at London Bridge Station)

Work No. 4 A ventilating subway (forty-four yards in length) commencing under Borough High Street in the disused northbound running tunnel of the Northern Line railway and terminating in the lift shaft at London Bridge Underground Station; (Ventilating subways at London Bridge Station)

Work No. 5 A ventilating subway (thirty-one yards in length) commencing under Borough High Street in the northbound station tunnel of the Northern Line railway and terminating in the lift shaft at London Bridge Underground Station;

Work No. 6 A ventilating shaft (six yards in length) under Borough High Street commencing in the disused northbound running tunnel of the Northern Line railway and terminating in the northbound running tunnel of the said railway; (Ventilating shaft at London Bridge Station)

In the metropolitan borough of Finsbury and in the metropolitan borough of Shoreditch—

Work No. 7 A cable subway (ten yards in length) under City Road commencing in the northbound running tunnel of the Northern Line railway and (Cable subways at Old Street Station)

PART II  
—cont.

terminating in the southbound running tunnel of the said railway at Old Street Station;

Work No. 8 A cable subway (fifty-four yards in length) commencing under City Road in the southbound running tunnel of the Northern Line railway and terminating under the site of the former St. Mark's Church:

In the metropolitan borough of St. Pancras—

(Cable subways  
at Cobourg  
Street)

Work No. 9 A cable subway (twenty-one yards in length) commencing by a junction with Work No. 1 authorised by the Act of 1955 and terminating under the car park bounded by Cobourg Street and Euston Street;

Work No. 10 A cable subway (one hundred and fifty-five yards in length) commencing by a junction with Work No. 9 and terminating under Euston Road at the eastbound station platform of the Metropolitan railway at Euston Square Station:

In the county of Stafford and city and county borough of Stoke-on-Trent—

(Railways at  
Harecastle)

Work No. 11 A railway (two miles eight hundred and thirty yards in length) commencing in the borough of Newcastle-under-Lyme by a junction with the railway between Stoke-on-Trent and Macclesfield at a point sixty-three yards north-west of the bridge carrying the road from Tunstall to Bradwell Wood over the said railway and terminating in the urban district of Kidsgrove by a junction with the said railway at the north-western end of the bridge carrying that railway over the Trent and Mersey Canal:

In the county of Stafford—

Work No. 12 A railway (four hundred and twenty-two yards in length) wholly in the borough of Newcastle-under-Lyme commencing by a junction with the railway between Stoke-on-Trent and Macclesfield at a point nine yards north-west of the bridge carrying the road from Tunstall to Bradwell Wood over the said railway and terminating by a junction with the Chesterton branch railway four hundred and eighty yards from the junction of that railway with the railway between Stoke-on-Trent and Macclesfield:

In the city and county borough of Birmingham—

(Railway at  
Perry Barr)

Work No. 13 A railway (seven hundred and five yards in length) commencing by a junction with the railway between Handsworth and Great Barr at a point one hundred and twenty-three yards south-east of the bridge carrying the road from Perry Hall Playing

Fields to World's End Road over the said railway and terminating by a junction with the said railway at the south-eastern end of the bridge carrying that railway over the river Tame:

In the county of Nottingham—

Work No. 14 A railway (one mile five hundred and fifty-eight yards in length) commencing in the parish of Babworth in the rural district of East Retford by a junction with the railway between Sheffield and Grimsby at a point one thousand and eighty-eight yards west of the bridge carrying Ordsall Road over the said railway and terminating in the borough of East Retford by a junction with the said railway at a point forty-five yards east of the point where Thrumpton Lane is crossed on the level by that railway;

Work No. 15 A railway (seven hundred and twenty-one yards in length) wholly in the borough of East Retford commencing by a junction with Work No. 14 at a point six hundred and ten yards west of the bridge carrying Ordsall Road over the railway between Sheffield and Grimsby and terminating by a junction with the Whisker Hill Curve at a point ninety-five yards north-east of the said bridge.

6. Notwithstanding anything in the Act of 1845 as incorporated with this Act the Commission may construct the bridge and approaches thereto for carrying the diverted portion of Peacock Hay Road in the borough of Newcastle-under-Lyme and in the urban district of Kidsgrove over Work No. 11 with the gradient shown on the deposited section. As to dimensions, etc., of bridge.

7. Subject to the provisions of the Act of 1845 and of Part I (relating to construction of a railway) of the Act of 1863 with respect to the crossing of roads on the level the Commission may in the construction of Work No. 14 carry the same by two lines of railway across and on the level of Thrumpton Lane numbered on the deposited plans 12 in the borough of East Retford. Power to cross road at Retford on the level.

8.—(1) Subject to the provisions of this Act, the Commission may— Power to open surface of street.

(a) for the purpose of constructing Work No. 3, enter upon, open, break up and interfere with so much of the surface of the street known as Railway Approach in the metropolitan borough of Bermondsey as is within the limits of deviation;

(b) for the purpose of providing access to Work No. 3, make and maintain permanent openings in so much of the carriageway and footways of the said street as is within the limits of deviation.

PART II  
—cont.

(2) Before breaking up or interfering with any portion of the surface of the said street under the powers of this section the Commission shall give to the Minister not less than fourteen days' previous notice of their intention so to do.

Substitution  
of footpath  
for  
authorised  
road at  
Aston-by-  
Stone.

9. In lieu of constructing the road (Work No. 8) in the parishes of Stone Rural and Sandon in the rural district of Stone in the county of Stafford authorised by section 5 (Power to make works) of the Act of 1958, the Commission may construct a footpath, and accordingly the provisions of the Act of 1958, so far as they would but for the provisions of this section apply and have effect in relation to the said road, shall apply and have effect in relation to the footpath as if the footpath were referred to therein in lieu of the said road.

Amendment  
of section 13  
of Act of  
1959.

10. Section 13 (Power to provide radio telephone system etc.) of the Act of 1959 shall have effect as if in paragraph (d) of subsection (2) thereof for the reference to the land numbered one in the parish of Ferryhill in the rural district of Sedgefield on the deposited plans as defined in the Act of 1959 there were substituted a reference to the land numbered one in the said parish on the deposited plans as defined in this Act.

As to level  
crossing at  
Foulsham.

11.—(1) In this section—

“ the council ” means the county council of the administrative county of Norfolk;

“ the railway ” means the railway between County School and Foulsham;

“ the existing crossing ” means the level crossing in the parish of Twyford in the rural district of Mitford and Launditch whereby the railway crosses the road from Fakenham to Norwich;

“ the diverted road ” means any public road constructed by the council in substitution for any part of the road from Fakenham to Norwich so as to cross the railway.

(2) The council and the Commission may enter into and carry into effect agreements for the construction of a level crossing for carrying the railway across the diverted road on the level.

(3) The railway may be carried with not more than two lines of rails across and on the level of the diverted road and the provisions of the Act of 1845 and of Part I (relating to construction of a railway) of the Act of 1863 with reference to the crossing of roads on the level shall apply with respect to any level crossing constructed under the powers of this section:

Provided that the Commission shall not be required to erect or maintain a lodge at the level crossing and the gates thereat shall be kept constantly closed across the railway instead of across the road except when engines or carriages passing along the railway shall have occasion to cross the road.



(4) Upon the completion and opening for public use of the level crossing for carrying the railway on the level across the diverted road the Commission may stop up and discontinue the existing crossing and thereupon all rights of way over and along the existing crossing shall be extinguished.

(5) The council and the Commission may enter into and carry into effect agreements with reference to the defraying or making of contributions towards the cost of constructing, maintaining and renewing any level crossing constructed under the powers of this section and with regard to any other matters relating thereto.

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

12. If Works Nos. 11, 12, 13, 14 and 15 are not completed within the period expiring on the thirty-first day of December, nineteen hundred and sixty-eight, then, on the expiration of that period, the powers by this Act granted to the Commission for making and completing the said works respectively or otherwise in relation thereto shall cease, except as to so much thereof as shall then be completed. Period for completion of railways.

13.—(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 Commission may make and maintain the works described in this section with all necessary works and conveniences connected therewith and may exercise the powers hereinafter mentioned:— Further works and powers.

(a) In the county of Chester—

In the borough of Ellesmere Port—

they may stop up and discontinue within the boundaries of their property the road connecting Whitby Road and Station Road which crosses the railway between Little Sutton and Stanlow and Thornton by means of a level crossing and may substitute therefor a footpath and footbridge between the points marked "A" and "B" on the deposited plans with private stairways between the points thereon marked "C" and "D" and "E" and "F" to connect the said footbridge with their Ellesmere Port station;

(b) In the county of East Suffolk—

In the parish of Bacton in the rural district of Hartismere—

they may stop up and discontinue so much of the road known as Haughley Road which is crossed by the railway between Haughley and Finningham at the level crossing known as Bacton crossing as lies within the boundaries of their property;

PART II  
—cont.

## (c) In the county of Nottingham—

In the parish of Eaton in the rural district of East Retford—  
they may stop up and discontinue so much of the road known as Eaton Lane which is crossed by the railway between Newark (North Gate) and Retford at the level crossing known as Eaton Lane crossing as lies within the boundaries of their property;

## (d) In the county of Stafford—

In the urban district of Kidsgrove—  
they may stop up and discontinue the footpaths between the points marked “W” and “X” and “Y<sup>1</sup>” and “Z” on the deposited plans;

## (e) In the East Riding of the county of York—

In the parish of Shiptonthorpe in the rural district of Pocklington—

they may stop up and discontinue so much of the road known as Clayfield Lane which is crossed by the railway between Londesborough and Market Weighton at the level crossing known as Shipton (or Clayfield) Lane crossing as lies within the boundaries of their property.

(2) The stopping up under this section of the level crossing known as Eaton Lane crossing in the parish of Eaton shall not affect the right of persons on horseback or leading horses or of persons on foot to use the said level crossing and the Commission shall accordingly provide and maintain for the convenience of such persons gates on both sides of the railway at the said level crossing.

(3) The stopping up under this section of the level crossing known as Shipton (or Clayfield) Lane crossing in the parish of Shiptonthorpe shall not take place until a new road between Clayfield Lane and the road leading from Shipton to Londesborough has been constructed on the north side of the railway and opened for public use.

As to  
certain level  
crossings.

14.—(1) As from the passing of this Act, all rights of way over the level crossing referred to in Part I of the First Schedule to this Act shall be extinguished.

(2) As from the passing of this Act, all rights of way over the level crossing referred to in Part II of the said schedule, other than a right of way for all persons to use that level crossing as a bridleway or on foot, shall be extinguished and the Commission shall provide and maintain on both sides of the railway at the said level crossing gates for the convenience of persons on horseback or leading horses and persons on foot.

(3) As from the passing of this Act, all rights of way over the level crossings referred to in Part III of the said schedule, other

than a right of way for all persons to use those level crossings on foot, shall be extinguished and the Commission shall provide and maintain on both sides of the railway at each of the said level crossings wicket gates or stiles for the convenience of persons on foot.

PART II  
—cont.

(4) The provisions of the Highway (Railway Crossings) Act, 1839, of section 9 of the Railway Regulation Act, 1842, of section 47 of the Act of 1845 and of sections 5, 6 and 7 of the Act of 1863 and any other provisions to the same or similar effect incorporated with or contained in any enactment relating to any of the level crossings referred to in the said schedule shall cease to apply to those level crossings.

(5) The level crossings referred to in the said schedule (including the gates thereof, other than the gates provided in pursuance of subsections (2) and (3) of this section) shall be deemed for all purposes to be works provided by the Commission at the passing of this Act pursuant to section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway at each of the said level crossings respectively (that is to say) for the purpose of making good any interruptions caused by such railway to the use of the lands through which the same has been made, as if the making of such railway had been authorised by this Act.

(6) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the level crossings referred to in the said schedule shall be entitled to be paid by the Commission compensation to be determined, in case of dispute, under and in accordance with the Lands Clauses Acts.

15.—(1) Where this Act authorises—

- (a) the diversion of an existing road or footpath; or
- (b) the making of a new road or footpath and the stopping up of an existing road or footpath or portion thereof;

Stopping up  
roads and  
footpaths in  
case of  
diversion or  
substitution.

the stopping up of the existing road or footpath shall not in either case take place until the road authority are satisfied that the new road or footpath has been completed in accordance with their reasonable requirements and is open for public use or, in case of any difference between the Commission and the road authority as to whether the said requirements have been complied with or as to their reasonableness, until the matter in dispute has been referred to and determined by the Minister and he has certified that the new road or footpath has been completed in accordance with his determination.

(2) Before applying to the Minister for his determination, the Commission shall give to the road authority of the district in which the existing road or footpath is situated seven days' notice in writing of their intention to apply for the same.

PART II  
—cont.

(3) As from the completion to the satisfaction of the road authority of the new road or footpath, or as from the date of the said certificate (as the case may be), all rights of way over or along the existing road or footpath or portion thereof authorised to be diverted or stopped up shall be extinguished and the Commission may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway, appropriate without making any payment therefor and use for the purposes of their undertaking the site of the road or footpath or portion thereof diverted or stopped up as far as the same is bounded on both sides by lands of the Commission.

(4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Commission compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

Incorporation  
of provisions  
of Acts of  
1949, 1950,  
1957, 1960  
and 1961  
relating to  
works.

16. The following provisions of the under-mentioned Acts are incorporated with and form part of this Part of this Act:—

The Act of 1949—

Section 6 (Power to deviate);

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

Section 16 (Power to make agreements with road authorities);

Section 17 (Underpinning of houses near works);

The Act of 1950—

Section 14 (Provision as to repair of roads and footpaths);

The Act of 1957—

Section 17 (Use of sewers, etc., for removing water);

The Act of 1960—

Section 14 (Stopping up roads and footpaths without providing substitute);

The Act of 1961—

Section 7 (Power to make trial borings).

## PART III

## INLAND WATERWAYS

Closing to  
navigation  
of certain  
waterways.

17.—(1) In this Part of this Act the expression “the waterways” means those portions of the several waterways named in the first column of the Second Schedule to this Act which are described in the second column of the said schedule, which waterways were authorised by the enactments specified in the third column of the said schedule.

(2) As from the passing of this Act—

(a) all rights of navigation along, on, or over, the waterways and all rights of user by barges or other boats of the waterways shall cease and be extinguished; and

(b) the Commission shall cease to be under any obligation (whether statutory or otherwise) to keep the waterways open for navigation, or to maintain the same in a navigable condition, or to preserve the supplies of water thereto for the purposes of navigation, or to supply the waterways with water for those purposes; but save as aforesaid nothing in this Act shall be deemed to prejudice or affect any existing rights, powers or obligations in respect of the waterways.

(3) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Commission compensation to be determined, in case of dispute, under and in accordance with the Lands Clauses Acts.

(4) (a) The Commission on the one hand and any local authority, statutory water undertaker or river board on the other hand may enter into and carry into effect agreements with respect to the maintenance of the waterways, or any part thereof, or any works connected therewith and belonging to or maintainable by the Commission, or for the transfer to and vesting in any such contracting party of any of the waterways, or any part thereof, or of any such works as aforesaid, and any such agreement may provide for the transfer to any such contracting party of all or any of the powers and obligations of the Commission in respect of the waterways or works transferred and vested as aforesaid.

(b) The Commission may enter into and carry into effect agreements with a highway authority with respect to the maintenance of the waterways or any part thereof, or any works connected therewith and belonging to or maintainable by the Commission or for the transfer to and vesting in such authority of any of the waterways, or any part thereof, or of any such works as aforesaid and any such agreement may provide for the transfer to such authority of all or any of the powers and obligations of the Commission in respect of the waterways or works transferred and vested as aforesaid.

(c) A statutory water undertaker shall not exercise any of the powers of this subsection for the purposes of its water undertaking except with the consent of the Minister of Housing and Local Government.

(d) A transfer to or vesting in a river board in pursuance of an agreement made under this section of any part of any of the waterways, or of any of the powers and obligations of the Commission in respect thereof, shall not take effect until the Minister of Agriculture, Fisheries and Food has, in accordance with the provisions of section 6 of the River Boards Act, 1948, varied the map as approved by him under that section so as to constitute such part of the waterways a part of the main river referred to in that section.

PART III  
—cont.

(e) In this subsection—

“statutory water undertaker” means any company, local authority, board, committee or other persons supplying water under an enactment;

“local authority” means the council of the county, county borough, metropolitan borough or county district, in which any part of the waterways is situate.

Prevention  
of nuisance.

18. The waterways shall be deemed to be a watercourse for the purposes of section 259 of the Public Health Act, 1936, and of section 82 of the Public Health (London) Act, 1936, and the county council of the administrative county within which any part of the waterways is situate may, in addition to a local authority as defined in section 1 of the Public Health Act, 1936, enforce the provisions of Part III of that Act where they apply by virtue of this section.

Application  
of section 33  
of Town and  
Country  
Planning  
Act, 1947.

19.—(1) For the purposes of section 33 of the Town and Country Planning Act, 1947, each of the waterways shall be deemed to be a vacant site, provided that this section shall cease to apply to any part of the waterways the use of which is changed after the passing of this Act pursuant to planning permission in that behalf granted under Part III of the said Act.

(2) For the purposes of the said section 33, as extended to the waterways by this section, the council of a metropolitan borough or county district in whose borough or district any part of the waterways is situate shall, in addition to the local planning authority, be entitled to enforce the provisions of the said section 33 as so extended.

Release from  
payments for  
damage by  
towing vessels  
on closed  
portion of  
river Calder.

20. Sections LXXVIII and LXXIX of the Act 14 Geo. 3 c. xcvi (under which the Commission are liable to pay fixed annual sums of compensation in respect of damage sustained by the owners and occupiers of certain lands adjoining the rivers Aire and Calder in the towing of vessels on those rivers and to maintain towpaths) shall cease to have effect in respect of lands adjoining the part of the river Calder described in the Second Schedule to this Act.

As to water  
supply from  
river Lee.

21. Section 52 (Payments by Metropolitan Water Board in respect of water supply from river Lee) of the Act of 1949 shall have effect as if for subsection (3) of that section there were substituted the following subsections:—

“(3) Where, upon an application under subsection (2) of this section, an order has been made, or the said Ministers have decided not to make an order, no application shall be made for an order to take effect before the expiration of

five years from the date when such first-mentioned order took effect or from the date of such decision (as the case may be):

PART III  
—cont.

Provided that this subsection shall not apply where the Commission and the Metropolitan Water Board have consented in writing to an order made on the application taking effect before the expiration of the said period.

(4) Subject to the provisions of subsection (3) of this section, an order made under this section may provide that any increase or reduction of the said yearly sum made by the order shall have effect from such date (whether before or after the making of the order) as appears to the said Ministers to be reasonable, but not before the date of the application except with the consent of the Commission and the Metropolitan Water Board.”

#### PART IV

##### LANDS

22.—(1) Subject to the provisions of this Act, the Commission may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking. Power to acquire lands.

(2) Without prejudice to the generality of the powers conferred upon the Commission by subsection (1) of this section, the Commission may, subject to the provisions of this Act, enter upon, take and use for the purposes specified in the third column of the Third Schedule to this Act all or any of the lands referred to in the first and second columns of the said schedule.

(3) Subject to the provisions of this Act, the Commission may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the works without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(4) The Commission shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 2, 3 and 4 in the city of Westminster and 1, 2 and 3 in the borough of Slough or any part of those lands.

(5) The Commission shall not under the powers of this Act acquire otherwise than by agreement the lands delineated on the deposited plans and described in the deposited book of reference

PART IV  
—cont.

and therein numbered 5 in the city of Westminster and 6 to 45 in the city and county borough of Birmingham or any part of those lands.

Acquisition  
of part only  
of certain  
properties.

23.—(1) Whereas, in the construction of the works or otherwise in the exercise by the Commission of the powers of this Act, it may happen that portions only of the properties whereof the whole or part is described in the Fourth Schedule to this Act will be sufficient for the purposes of the Commission, and that such portions or some other portions less than the whole can be severed from the remainder of the said properties respectively without material detriment thereto, therefore the following provisions shall have effect:—

## (a) In this section—

(i) references to the owner of any property are references to all persons having an interest in that property; and

(ii) any reference to the severance of a portion of any property from the remainder of such property without material detriment thereto shall, in the case where such portion is part of a park or garden belonging to a house, be construed as a reference to the severance of such portion without seriously affecting the amenity or convenience of the house to which the park or garden belongs:

(b) Unless, within twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties, a person who is an owner notifies the Commission in writing that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto, the owner may be required to sell and convey to the Commission such portion only without the Commission being obliged or compellable to purchase the whole, the Commission paying for the portion so taken and making compensation for any loss sustained by any person who is an owner, by severance or otherwise:

(c) If within such twenty-one days any person who is an owner alleges by notice in writing to the Commission that such portion cannot be so severed, the tribunal shall, in addition to the other questions required to be determined by it, determine whether the portion of the property specified in the notice to treat can be severed from the remainder without material detriment thereto, and if not whether any, and what, other portion less than the whole, but not exceeding the portion that may be acquired compulsorily under this Act, can be so severed:



- (d) If the tribunal determines that the portion of the property specified in the notice to treat, or any such other portion as aforesaid, can be severed from the remainder without material detriment thereto, the owner may be required to sell and convey to the Commission the portion which the tribunal shall have determined to be so severable without the Commission being obliged or compellable to purchase the whole, the Commission paying such sum for the portion taken by them, including compensation for any damage sustained by a person who is an owner, by severance or otherwise, as shall be awarded by the tribunal:
- (e) If the tribunal determines that the portion of the property specified in the notice to treat can be severed from the remainder without material detriment thereto, the tribunal may determine and order that the costs, charges and expenses incurred by any person who gave notice under paragraph (c) of this subsection incident to the determination of any matters under this section, or such part, if any, of the said costs, charges and expenses as it thinks fit, shall be borne and paid by him:
- (f) If the tribunal determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto, and whether or not it determines that any other portion can be so severed, the Commission may withdraw their notice to treat, and thereupon they shall pay to any person who is an owner all costs, charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (g) If the tribunal determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto, but that any such other portion as aforesaid can be so severed, the Commission, in case they shall not withdraw the notice to treat, shall pay to any person who is an owner all costs, charges and expenses reasonably and properly incurred by him in consequence of such notice, or such portion thereof as the tribunal thinks fit having regard to the circumstances of the case and its final determination.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act, 1845; and nothing contained in or done under this section shall be held as determining, or as being or implying an admission,

PART IV  
—cont.

that the said properties, or any of them or any part thereof, is or is not, or but for this section would or would not be, subject to the provisions of section 92 of the Lands Clauses Consolidation Act, 1845.

(3) The provisions of this section shall be stated in, or endorsed on, every notice to treat served under this Act in respect of any portion of the said properties.

Disregard  
of recent  
improvements  
and interests.

24. In determining any question of disputed compensation or purchase money in respect of land or easements or rights in land acquired under this Act, the tribunal shall not take into account—

(a) any improvement or alteration made, building erected or work done after the fifth day of December, nineteen hundred and sixty-one; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected, done or created with a view to obtaining or increasing the compensation or purchase money.

Extinction  
of private  
rights of way.

25.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Commission compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

Power to  
acquire  
easements  
only in  
certain cases.

26.—(1) Notwithstanding anything in this Act the Commission may acquire such easements or rights as they may require for the purpose of constructing, maintaining, renewing and using the works in, under or over—

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

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

without being obliged or compellable to acquire any greater interest in, under or over the same respectively and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts.

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

(b) Section 23 (Acquisition of part only of certain properties) of this Act shall apply in respect of the acquisition by the Commission under this subsection of any cellar, vault, arch or other construction as if the property of which it forms part were described in the Fifth Schedule to this Act.

27.—(1) In this section “the specified lands” means the lands referred to in the Sixth Schedule to this Act.

Easements  
only to be  
acquired  
under certain  
lands.

(2) The Commission shall not acquire compulsorily, under the powers of this Act, any part of the specified lands but they may acquire, within the limits of lateral and vertical deviation prescribed by this Act in respect of Works Nos. 1 to 10 respectively, such easements or rights under the specified lands as they may require for the purpose of constructing, maintaining, renewing and using Works Nos. 1 to 10 respectively, and any necessary works and conveniences connected therewith, without being obliged or compellable to acquire any greater interest in, under or over the specified lands and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts.

28. The Commission shall not be required to purchase any part of the surface of, or any easement in, the street known as Railway Approach in the metropolitan borough of Bermondsey in which they are authorised by this Act to make and maintain permanent openings, or to make any payment in respect of any such permanent opening or for breaking up or interfering with the surface of such street.

As to use  
of Railway  
Approach  
for permanent  
openings.

29. The powers of the Commission for the compulsory purchase of the lands and easements which they are authorised to acquire by this Part of this Act shall cease on the thirty-first day of December, nineteen hundred and sixty-five.

Period for  
compulsory  
purchase of  
lands and  
easements.

PART IV  
—cont.  
Incorporation  
of provisions  
of Acts of  
1949 and 1959  
relating to  
lands.

30.—(1) The following provisions of the undermentioned Acts are incorporated with and form part of this Part of this Act:—

The Act of 1949—

Section 25 (Power to expedite entry);

Section 30 (Grant of easements by persons under disability);

Section 33 (As to cellars under streets not referenced);

The Act of 1959—

Section 44 (Correction of errors in deposited plans and book of reference);

Section 46 (Power to enter for survey or valuation).

(2) The provisions of section 25 (Power to expedite entry) of the Act of 1949, as incorporated with this Act, shall extend and apply in respect of any easement or right that may be acquired compulsorily under this Act in like manner as those provisions apply to any land that may be so acquired.

(3) The provisions of section 46 (Power to enter for survey or valuation) of the Act of 1959, as incorporated with this Act, shall have effect as if the power to enter for surveying and valuing the land referred to in that section extended and applied to land affected by the construction of Works Nos. 1 to 10.

## PART V

### PROTECTIVE PROVISIONS

Incorporation  
of protective  
provisions  
of Acts of  
1949, 1952,  
1955 and  
1961.

31.—(1) The following provisions of the under-mentioned Acts are incorporated with and form part of this Act:—

The Act of 1949—

Section 43 (As to works within Metropolitan Police District);

The Act of 1952—

Section 39 (For protection of gas, water and electricity undertakers);

The Act of 1955—

Section 66 (For protection of lessees of certain properties in Regent Street and Victoria Street) (except paragraph (5));

The Act of 1961—

Section 49 (For protection of London County Council);

Section 50 (For protection of sewers of London County Council);

Section 51 (For further protection of sewers of London County Council);

PART V  
—cont.

Section 52 (Inspection of works by London County Council):

Provided that the said sections 50 and 51 as so incorporated shall apply and have effect as if for the references in those sections to Works Nos. 1, 2, 3, 4, 5 and 7 authorised by the Act of 1961 there were substituted references to Works Nos. 1, 2, 4, 5, 6, 7, 8 and 10 of this Act and as if in the said section 51 for references to the sewers therein expressly referred to there were substituted references to the sewers known as Middle Level No. 1 Regent Street, Battle Bridge (London Bridge Section), London Bridge (City Road Branch) and Fleet (Argyle Street and Savoy Street Branch) sewers.

(2) The provisions of section 66 (For protection of lessees of certain properties in Regent Street and Victoria Street) of the Act of 1955 as incorporated with this Act shall extend and apply in relation to Works Nos. 1 and 2 authorised by this Act in like manner as those provisions apply to Work No. 1 authorised by the Act of 1955 subject to the following and any other necessary modifications:—

- (a) references to the deposited plans and deposited sections shall be construed as references to the deposited plans and the deposited sections as defined in this Act;
- (b) for the reference in the definition of the expression “the Peter Robinson building” in paragraph (1) to the land numbered on the deposited plans 2 in the metropolitan borough of St. Marylebone there shall be substituted a reference to the land numbered on the deposited plans 4 in the said metropolitan borough;
- (c) the expression “the underground railway” as defined in paragraph (1) shall be construed as including so much of Work No. 1 or Work No. 2 authorised by this Act and any work or convenience connected therewith as is to be constructed in, under or so as in any way to affect the Peter Robinson building;
- (d) for the reference in paragraph (6) to section 18 of the Act of 1949 there shall be substituted a reference to section 7 of the Act of 1961 as incorporated with this Act.

32. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular, and without prejudice to the generality of the foregoing, nothing

Crown rights.

PART V  
—cont.

in this Act authorises the Commission to take, use or in any manner interfere with any land, hereditaments, subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown, and under the management of the Crown Estate Commissioners without the consent in writing of the said commissioners first had and obtained for that purpose.

As to lands  
of Postmaster  
General.

33. The Commission shall not under the powers of this Act except with the consent in writing of the Postmaster General enter upon, take or use the lands or any part of the lands numbered on the deposited plans 19 and 24 in the metropolitan borough of Bermondsey or acquire any easement or right in, under or over the same:

Provided always that nothing in this section shall prevent the acquisition by the Commission of any estate, interest, title, easement or other right vested in any person other than the Postmaster General at any time subsisting in, under or over the said lands or any part thereof.

Saving for  
lands of  
London  
County  
Council.

34.—(1) Notwithstanding anything in this Act or shown upon the deposited plans, the Commission shall not under the powers of this Act except by agreement with the council enter on, take or use any of the lands belonging to the council and numbered on the deposited plans 4 in the metropolitan borough of Shoreditch.

(2) The Commission shall not under the powers of this Act acquire any interest in the land belonging to the council numbered on the deposited plans 14 in the metropolitan borough of St. Pancras other than such interests as the Commission may require to enable them to make use of the surface and subsoil of the said land as a temporary working site for the purpose of constructing Works Nos. 1 and 2 authorised by the Act of 1955 and the works connected therewith.

(3) Before exercising their powers under this Act with respect to the land referred to in subsection (2) of this section, the Commission shall consult the council as to the extent of the surface of the said land which it may be reasonably necessary for the Commission to occupy for the purposes of subsection (2) of this section and as to the conditions under which such powers shall be exercised (including conditions as to reinstatement and the period within which reinstatement is to be completed after the said land is no longer required for the purposes referred to in subsection (2) of this section) and the said land shall not be occupied and such powers shall not be exercised except to such extent and in accordance with such conditions as may be agreed between the Commission and the council or determined by arbitration.

35. For the protection of the county council of the administrative county of Nottingham (in this section referred to as "the council") the following provisions shall, unless otherwise agreed in writing between the Commission and the council, apply and have effect:—

PART V  
—cont.

For protection of Nottinghamshire County Council.

(1) In this section—

"the bridge works" means the widening of the existing bridge and the extension of that bridge to carry Ordsall Road over Works Nos. 14 and 15;

"the existing bridge" means the bridge carrying Ordsall Road over the railway between Sheffield and Grimsby:

- (2) Notwithstanding anything in this Act or shown on the deposited plans and the deposited sections the extension of the existing bridge to carry Ordsall Road over Works Nos. 14 and 15 shall be constructed with a width of forty feet between parapets:
- (3) (a) Not less than twenty-eight days before commencing to construct the bridge works the Commission shall submit to the council for their reasonable approval plans, sections, specifications and particulars of the bridge works showing the manner of the construction thereof;
- (b) If the council do not within twenty-eight days after the submission to them of any such plans, sections, specifications and particulars intimate in writing to the Commission any objection thereto, or make any requirement with reference thereto, they shall be deemed to have approved thereof:
- (4) The Commission shall construct the bridge works in accordance with the plans, sections, specifications and particulars so approved by the council or if such approval be refused as may be settled by arbitration and to the reasonable satisfaction of the council:
- (5) The Commission shall at all reasonable times during the construction of the bridge works afford to the surveyor of the council and his duly authorised representatives access to the bridge works for the purpose of inspection and shall supply the council with all such information as they may reasonably require with regard to the bridge works and the method of construction thereof:
- (6) (a) The Commission shall contemporaneously with the construction of Works Nos. 14 and 15 (which involves

PART V  
—cont.

the extension of the existing bridge to carry Ordsall Road over the said works) widen the existing bridge to a width of not less than forty feet between parapets;

- (b) Upon the completion of the widening of the existing bridge the council shall pay to the Commission—
- (i) the amount of the actual cost incurred by the Commission in carrying out such widening; and
  - (ii) the amount by which the capitalised annual cost of maintaining and renewing the existing bridge when widened as aforesaid exceeds the capitalised annual cost of maintaining and renewing the existing bridge:
- (7) Any difference arising between the Commission and the council under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection of  
Bermondsey  
and Southwark  
Borough  
Councils.

36. For the protection of the mayor, aldermen and councillors of the metropolitan borough of Bermondsey and the mayor, aldermen and councillors of the metropolitan borough of Southwark respectively (each of whom is in this section referred to as "the council") the following provisions shall, unless otherwise agreed in writing between the Commission and the council, apply and have effect:—

- (1) In this section—

"authorised works" means Work No. 3, 4, 5 or 6;

"highway" means a highway and its arch foundations (if any) vested in the council:

- (2) Before commencing to construct any part of the authorised works which will involve interference with any highway the Commission shall consult the council as to the time when such part shall be commenced, and as to the extent of the surface of the highway which it may be reasonably necessary for the Commission to occupy in the construction of such part, and as to the conditions under which such part shall be constructed so as to reduce as far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Commission except at the time, to the extent and in accordance with conditions agreed between the Commission and the council or in default of agreement settled by arbitration:



- (3) In the construction of any part of the authorised works under any highway no part thereof shall (except with the consent of the council) be so constructed as to interfere with the provision of proper means of drainage of the surface of any highway:
- (4) Any highway occupied, broken up or interfered with by the Commission under the powers of this Act shall be reinstated by the council at the cost of the Commission:
- (5) The Commission shall, at all reasonable times during the construction of any part of the authorised works that may be situated in, on, under or over any land belonging to or under the control of the council or any highway, afford to the engineer of the council or his duly authorised representatives access to that part of the authorised works for the purposes of inspection:
- (6) The Commission shall make compensation to the council for any subsidence of, or damage to, any highway or any property of the council, or under their control or repairable by them, which may be caused by, or in consequence of, any act or default of the Commission, their contractors, servants or agents and whether such subsidence or damage shall happen during the construction of the authorised works or at any time thereafter:
- (7) The Commission shall keep the council indemnified against all actions, costs, claims and demands whatsoever brought or made against the council by any person in respect of loss or damage caused by, or in consequence of, the construction of the authorised works:
- (8) The Commission shall not under the powers of this Act alter, disturb or in any way interfere with any tree, refuge, sewer, drain, lamp column, traffic sign or apparatus connected therewith, or other property or work of the council or under their control or repairable by them, or the access thereto, without the consent of the council and any alteration, diversion, replacement or reconstruction of any such refuge, sewer, drain, lamp column, traffic sign or apparatus connected therewith or other property or work which may be necessary shall be made by the council or the Commission, as the council shall think fit, and any costs and expenses reasonably incurred by the council in so doing shall be repaid to the council by the Commission:
- (9) Any difference arising between the Commission and the council under this section (other than a difference as to the construction thereof) shall be settled by arbitration.

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—cont.

For protection of  
Westminster  
City Council  
and St. Mary-  
lebone  
Borough  
Council.

For protection of  
East Retford  
Corporation.

37. The provisions of section 46 (For protection of certain authorities) of the Act of 1955 so far as they apply for the protection of the mayor, aldermen and councillors of the city of Westminster and the mayor, aldermen and councillors of the metropolitan borough of St. Marylebone shall apply and have effect as if they were set out in this Act and as if for the reference in the said section to the underground railways there were substituted a reference to Works Nos. 1 and 2.

38. For the protection of the mayor, aldermen and burgesses of the borough of East Retford (in this section referred to as "the corporation") the following provisions shall, unless otherwise agreed in writing between the Commission and the corporation, apply and have effect:—

(1) In this section—

"highway" means any highway vested in or repairable or maintained by the corporation;

"the works" means Work No. 14 and Work No. 15 or either of the said works and includes any work in connection with either of the said works:

(2) The Commission shall in constructing Work No. 14 construct the bridge for carrying the road known as Ollerton Road or West Carr Road in the borough of East Retford over the said work with a width of not less than twenty-five feet between parapets throughout the whole length of the bridge:

(3) Before commencing the construction of Work No. 14 or Work No. 15 or of any other work with which the corporation are properly concerned and which form part of the works, the Commission shall submit to the corporation for their reasonable approval plans, sections and particulars relating thereto and notwithstanding anything shown on the deposited plans and the deposited sections the works to which such 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 corporation as aforesaid or if such approval be refused as may be settled by arbitration and any part of the construction of the said works which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the Corporation:

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

- (4) (a) Before commencing to construct any part of the works which will involve interference with a highway the Commission shall consult the corporation as to the time when such part shall be commenced, and as to the extent of the surface of the highway that it may be reasonably necessary for the Commission to occupy in the construction of such part, and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Commission except at the time, to the extent and in accordance with conditions agreed between the Commission and the corporation or in default of agreement settled by arbitration;
- (b) Any such highway shall be reinstated by the Commission in a manner reasonably approved by the corporation and to their reasonable satisfaction:
- (5) The Commission shall make compensation to the corporation for any subsidence of, or damage to, any highway or any property of the corporation or under their control or repairable by them which may be caused by, or in consequence of, any act or default of the Commission, their contractors, servants or agents and whether such damage or subsidence shall happen during the construction of the works or at any time thereafter:
- (6) If in consequence of, or for the purpose of, the construction of the works the sewer of the corporation which crosses the existing railway line of the Commission under the existing subway from Tunnel Road is lowered or otherwise altered, and it is reasonably necessary to provide pumps to pump the sewage in the said sewer, the Commission shall repay to the corporation the costs and expenses reasonably incurred by them in the provision, maintenance and operation of such pumps:
- (7) If in consequence of the exercise of the powers of this Act it is reasonably necessary to alter the position of, or to lengthen or to strengthen, any road drain (which expression shall in this section include all gulleys in connection therewith) vested in or repairable by the corporation, or to provide works for the protection thereof, such alteration, lengthening or strengthening shall be carried out or such protective works shall be provided by the Commission in a manner reasonably approved by the corporation or, if the corporation prefer, shall be carried out or provided by them and the Commission shall repay to the corporation any expense

PART V  
—cont.

reasonably incurred by the corporation in carrying out or providing the same and any additional expense which the corporation may thereafter reasonably incur in maintaining such drain:

- (8) The Commission shall make compensation to the corporation for any damage to any such drain or interference with the free flow of the contents thereof which may be caused by, or in consequence of, any act or default of the Commission, their contractors, servants or agents in connection with the works and whether such damage shall happen during the construction of the works or at any time thereafter:
- (9) Any difference arising between the Commission and the corporation under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection of river boards.

39. For the protection of the Devon River Board, the Trent River Board and the Yorkshire Ouse River Board (each of whom is in this section referred to as "the river board") the following provisions shall, unless otherwise agreed in writing between the Commission and the river board concerned, apply and have effect:—

(1) In this section—

"river board area concerned" means the Devon River Board Area, the Trent River Board Area or the Yorkshire Ouse River Board Area as for the time being constituted, as the case may be;

"the closed canals" means the portions of the Chesterfield Canal, the Cromford Canal, the Dudley Canal, the Erewash Canal, the Grand Western Canal, the Huddersfield Broad Canal, the Huddersfield Narrow Canal or the Trent and Mersey Canal, described in the second column of the Second Schedule to this Act, and "the closed canal" means so much of any of the closed canals as is situate within the river board area concerned;

"the adjacent watercourses" means the watercourses constructed by the Commission or their predecessors adjacent to the closed canal and maintainable by the Commission, including all existing culverts or pipes so constructed and maintainable under the closed canal or through the embankment of the closed canal for the purpose of carrying water from one side of the canal to the other and now used for that purpose:

- (2) (a) The Commission shall to the reasonable satisfaction of the river board so maintain the closed canal and the adjacent watercourses that the use thereof as an efficient part of the land drainage system of the river board area concerned to the extent to which the closed canal and the adjacent watercourses were immediately before the passing of this Act so used shall not be impaired;
- (b) The Commission may with the consent of the river board, which consent shall not be unreasonably withheld, substitute for the closed canal or the adjacent watercourses or any part thereof reasonably suitable alternative provision for the purposes of land drainage:
- (3) Before draining or de-watering any part of the closed canal the Commission shall provide a reasonable opportunity for the river board to take any fish in that part:
- (4) In the event of the closed canal or any part thereof being transferred to any other authority, body or person the provisions of this section shall extend and apply to the closed canal or the part thereof so transferred as if such authority, body or person were referred to therein in lieu of the Commission:
- (5) Any difference arising between the Commission and the river board under this section (other than a difference as to the meaning thereof which does not arise in the course of the arbitration) shall be settled by arbitration.

40. For the protection of the river board the following provisions shall, unless otherwise agreed in writing between the Commission and the river board, apply and have effect:—

For further protection of Trent River Board.

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

“ the river board ” means the Trent River Board;

“ banks ” has the meaning assigned to that expression by the Land Drainage Act, 1930;

“ protected watercourse ” means any watercourse for the time being vested in or under the control of the river board;

“ the authorised works ” means Works Nos. 11, 12, 13, 14 and 15:

- (2) In the execution of any of the authorised works, the Commission shall not diminish the width between the banks of any protected watercourse except with the consent of the river board, but such consent shall not be unreasonably withheld:

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—cont.

- (3) Except with the consent of the river board, which shall not be unreasonably withheld, the Commission shall not construct or execute any work of maintenance or repair of any of the authorised works which affects any protected watercourse otherwise than—
- (a) in such manner across the watercourse as to allow the free passage under the authorised work of flood waters;
  - (b) in such manner as not to obstruct or interfere with the free flow of water in, into or out of the watercourse:
- (4) (a) The Commission, before commencing to execute any of the authorised works, shall submit to the river board plans and sections and (when reasonably required by the river board) working drawings thereof and of any temporary works for their reasonable approval. If the river board do not within twenty-one days after the submission to them of any such plans and sections and drawings (if any) signify to the Commission in writing their approval or disapproval thereof, they shall be deemed to have approved thereof;
- (b) An authorised work shall not be executed otherwise than in accordance with such plans and sections and drawings (if any) as may be approved (or are to be deemed to be approved) by the river board or, if the river board have signified their disapproval thereof, as may be settled by arbitration, and shall be executed to the reasonable satisfaction of the river board and under the superintendence of the engineer to the river board if the engineer elect to superintend after receiving reasonable notice of the date when the work is to be commenced:
- (5) The Commission shall at all reasonable times afford to the engineer to the river board or his duly authorised representatives access to any of the authorised works during the construction, maintenance or repair thereof for the purpose of inspection:
- (6) The construction, maintenance or repair of any of the authorised works shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion:
- (7) If by reason of the construction, repair or maintenance of any of the authorised works, or of the failure thereof, or of the failure to maintain the same, the channel or banks of any protected watercourse shall at any time be injured or damaged, such injury or damage shall be

forthwith made good by the Commission to the reasonable satisfaction of the engineer to the river board and if the Commission fail so to do the river board may make good the same and recover the reasonable cost thereof from the Commission:

PART V  
—cont.

- (8) Any difference arising between the Commission and the river board under this section (other than a difference as to the meaning thereof which does not arise in the course of the arbitration) shall be settled by arbitration.

41. For the protection of Whympeas Investments Limited (in this section referred to as “the company”) the following provisions shall, unless otherwise agreed in writing between the Commission and the company, apply and have effect:—

For protection of Whympeas Investments Limited.

- (1) Except as provided in this section, the Commission shall not under the powers of this Act enter upon, take or use any part of the lands of the company numbered on the deposited plans 5 to 17 in the metropolitan borough of Bermondsey (in this section referred to as “the said lands”) nor acquire any interest in, or any easement or right in, over or under any part of the said lands:
- (2) The Commission may, in accordance with the provisions of section 26 (Power to acquire easements only in certain cases) of this Act, acquire in, over or under so much of the said lands as is shown on the plan signed in duplicate by Cedric Ethelwulf Dunton on behalf of the Commission and Richard Seifert on behalf of the company (in this section referred to as “the signed plan”) of which one has been deposited with the Commission and one with the company—

(a) such easements or rights in respect of the said lands within the areas coloured yellow and red on the signed plan as the Commission may require for the purposes of constructing, maintaining, renewing and using Work No. 3 and any necessary works and conveniences connected therewith, and an underground ticket hall;

(b) an easement or right to construct, maintain, renew and use a ventilating shaft in the said lands within the area coloured red on the signed plan in such position on the north side of that area as may reasonably be required by the Commission;

(c) a right to use and occupy, as a temporary working site for the construction of Work No. 3 and the said ticket hall, during a period terminating not later than

PART V  
—cont.

two years after the later date referred to in paragraph (4) of this section, so much of the surface of the said lands as is edged green on the signed plan and is not included in the area thereon coloured red:

- (3) No part of the said ticket hall as completed, other than the said ventilating shaft, shall be at a higher level than that of the pavement of Railway Approach adjoining the existing buildings in the area coloured red on the signed plan:
- (4) The company may at any time give to the Commission not less than one year's notice in writing of the date by which the company intend to complete the removal of the buildings now standing on so much of the said lands as is edged green on the signed plan and in such event the powers of the Commission for the compulsory purchase of the easements and rights referred to in paragraph (2) of this section shall cease on the date specified in such notice or on the date when the removal of such buildings is completed, whichever is the later, except as regards any easements or rights in respect of which the Commission have then given notice to treat pursuant to the said paragraph (2):
- (5) The powers of section 7 (Power to make trial borings) of the Act of 1961 as incorporated with this Act, shall be exercisable in respect of the said lands only within the area edged green on the signed plan and shall cease to apply to that area at the end of the period of two years referred to in sub-paragraph (c) of paragraph (2) of this section:
- (6) The company shall be entitled to make their claims for compensation in respect of any easements or rights acquired by the Commission under this section at any time before the expiration of six months after the completion of Work No. 3 and the said ticket hall, works and conveniences.

Restriction of  
certain  
powers under  
Act of 1955.

42. The powers granted to the Commission by Part IV (Lands) of the Act of 1955 in respect of the lands numbered on the deposited plans as defined in that Act 82 to 84 in the city of Westminster shall be restricted to the acquisition of easements under section 27 (Easements only to be acquired under certain lands) of the said Act and accordingly the said Act shall have effect as if a reference to the said lands were included in the First Schedule to that Act and the references to the said lands in the Sixth and Seventh Schedules to that Act were omitted.



PART VI

MISCELLANEOUS

**43.**—(1) Paragraph (e) of subsection (1) of section 53 (As to <sup>As to</sup> appointment of constables) of the Act of 1949 shall have effect <sup>constables.</sup> as if for the reference therein to the justice before whom a person appointed to act as a constable in pursuance of the said section 53 makes oath or declaration, there were substituted a reference to any justice or the chief police officer of the Commission.

(2) Every person appointed to act as a constable in pursuance of the said section 53 and having been sworn or made declaration as therein provided shall, during the continuance of his appointment, be exempt from serving on any jury.

(3) Any person who for any unlawful purpose or without proper authority puts on the dress or accoutrements, or takes the name, designation or character, of a constable appointed in pursuance of the said section 53, shall be liable on summary conviction to a fine not exceeding ten pounds.

**44.**—(1) So much of section 22 (Providing for certain stations) of the London, Brighton, and South Coast, and Tunbridge Wells and Eastbourne Railway Companies Act, 1876, as requires the provision of goods stations at or near Rotherfield, Mayfield, Horeham and Hellingly is hereby repealed. <sup>Release from obligations in respect of certain stations.</sup>

(2) Section 29 (Stations and stopping places) of the Great Northern (Kirkstead and Little Steeping) Light Railway Order, 1911, is hereby repealed.

**45.**—(1) The period now limited by the Act of 1959 for the compulsory purchase of the lands referred to in Part I of the Seventh Schedule to this Act is hereby extended until the thirty-first day of December, nineteen hundred and sixty-five. <sup>Extensions of time.</sup>

(2) The period now limited by the Act of 1956 for the completion of the works referred to in Part II of the said schedule is hereby extended until the thirty-first day of December, nineteen hundred and sixty-eight.

(3) The powers for the compulsory purchase of the said lands and for the completion of the said works shall cease on the said respective dates, except in so far as any such powers shall by then have been exercised.

(4) In this section and in the said schedule the word "lands" includes any easements or rights in, under or over land authorised to be acquired by the enactments referred to in the said schedule.

PART VI  
—cont.  
Saving for  
town and  
country  
planning.

46. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act, 1947, for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Arbitration.

47. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) is to be referred to or settled by arbitration then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.

Costs of  
Act.

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

## SCHEDULES

### FIRST SCHEDULE

Section 14.

THE LEVEL CROSSINGS REFERRED TO IN SECTION 14 (AS TO CERTAIN LEVEL CROSSINGS) OF THIS ACT

#### PART I

In the county of the Isle of Ely—

In the parish of Downham in the rural district of Ely—

The level crossing known as Straight Furlong Crossing whereby Straight Furlong Drove is crossed by the railway between Manea and Black Bank stations.

#### PART II

In the county of East Suffolk—

In the parish of Finningham in the rural district of Hartismere—

The level crossing known as Gislingham Crossing whereby Keep Off Lane is crossed by the railway between Mellis and Finningham stations.

#### PART III

In the county of the Isle of Ely—

In the parish of Parson Drove in the rural district of Wisbech—

The level crossing known as Parson Drove or Johnson's Drove Crossing whereby Johnson's Drove is crossed by the railway between French Drove and Murrow West stations.

In the county of Kent—

In the parish of Godmersham in the rural district of East Ashford—

The level crossing known as Bilting Crossing whereby Bilting Lane is crossed by the Ashford, Canterbury and Ramsgate branch railway between Wye and Chilham stations.

In the county of Leicester—

In the parish of Freeby in the rural district of Melton and Belvoir—

The level crossing known as Freeby Crossing whereby the road from Freeby to the Old Canal is crossed by the railway between Melton Mowbray (Town) and Saxby stations.

In the county of Norfolk—

In the parish of Antingham in the rural district of Erpingham—

The level crossing known as Ponds Lane Crossing whereby the road from Cromer Road to Antingham Ponds is crossed by the railway between Gunton and North Walsham stations.

1ST SCH.  
—cont.

In the parish of Roudham in the rural district of Wayland—

The level crossing known as Drove Road Crossing whereby Drove Road is crossed by the railway between Roudham Junction and Harling Road stations.

In the parish of Great Moulton in the rural district of Depwade—

The level crossing known as Blackmill Crossing whereby Black Mill Lane is crossed by the railway between Tivetshall and Forncett stations.

In the county of Northampton—

In the parish of Wollaston in the rural district of Wellingborough—

The level crossing known as Doddington Crossing whereby the road from Wollaston to the river Nene is crossed by the railway between Castle Ashby and Earls Barton and Wellingborough (London Road) stations.

In the county of Nottingham—

In the parishes of North Leverton with Hablesthorpe and Clarbrough in the rural district of East Retford—

The level crossing known as Rathole Lane Crossing whereby the road from the Clarbrough to Sturton High House road to the Retford to North Leverton road is crossed by the Sheffield and Gainsborough railway between Retford and Sturton stations.

In the North Riding of the county of York—

In the parish of Seamer in the rural district of Scarborough—

The level crossing known as Crab Lane Crossing whereby Long Lane is crossed by the railways between Seamer and Ganton stations and Seamer and Gristhorpe stations.

In the West Riding of the county of York—

In the urban district of Knottingley—

The level crossing known as Waterfield No. 2 Crossing whereby the road from Middle Lane to Leys Lane is crossed by the Askern branch railway between Knottingley and Womersley stations.

SECOND SCHEDULE

Section 17.

THE WATERWAYS REFERRED TO IN SECTION 17 (CLOSING TO NAVIGATION  
OF CERTAIN WATERWAYS) OF THIS ACT

Name of waterway (1)	Portion to be closed to navigation (2)	Authorising Act (3)
Aire and Calder Navigation	Part of the river Calder (7 miles 1,559 yards in length) from Kirkthorpe Weir, partly in the urban district of Stanley and partly in the parish of Warmfield cum Heath in the rural district of Wakefield, to a point on the boundary of the urban districts of Rothwell and Normanton, 150 yards north-west of the bridge carrying the railway from Methley Junction to Normanton over the river, all in the West Riding of the county of York	10 & 11 Will. 3 c. xix.
Aire and Calder Navigation	The Foxholes Lock (53 yards in length) connecting the part of the river Calder last described with the main navigation, all in the urban district of Normanton in the West Riding of the county of York	9 Geo. 4 c. xcvi.
Ashton Canal ...	The Stockport branch (4 miles 1,480 yards in length) from its commencement by a junction with the main canal at Clayton in the city and county borough of Manchester to its termination 198 yards south of Wharf Street in the county borough of Stockport	33 Geo. 3 c. xxi.
Chesterfield Canal	The whole canal (except the basin at West Stockwith) (45 miles 82 yards in length) commencing by a junction with the river Rother in the borough of Chesterfield and passing through the counties of Derby, the West Riding of York and Nottingham to a point in the parish of Misterton in the rural district of East Retford, 10 yards east of the bridge carrying the road from Walkeringham to West Stockwith over the canal	11 Geo. 3 c. lxxv.

2ND SCH.  
—cont.

Name of waterway (1)	Portion to be closed to navigation (2)	Authorising Act (3)
Cromford Canal ...	The remainder of the canal (782 yards in length) from its commencement by a junction with the Erewash Canal to its present termination at the bridge carrying the Brinsley Colliery branch railway over the canal, all in the urban district of Eastwood in the county of Nottingham	29 Geo. 3 c. lxxiv.
Dudley Canal ...	From its commencement at Dudley Junction in the borough of Tipton in the county of Stafford to a point in the county borough of Dudley, 82 yards north-west of the bridge carrying Peartree Lane over the canal near Blowers Lock (a distance of 2 miles 632 yards)	25 Geo. 3 c. lxxxvii. 5 Will. 4 c. xxxiv.
Erewash Canal ...	From a point in the borough of Ilkeston in the county of Derby, 10 yards south of the bridge carrying the road from Ilkeston to Trowell over the canal, to the termination of the canal at Langley Mill in the urban district of Eastwood in the county of Nottingham (a distance of 4 miles 1,672 yards)	17 Geo. 3 c. lxix.
Grand Union Canal	The Old Stratford Cut (1 mile 470 yards in length) from its commencement by a junction with the main canal in the parish of Cosgrove to its termination at Hayes Wharf in the parish of Old Stratford, all in the rural district of Towcester in the county of Northampton	33 Geo. 3 c. lxxx.
Grand Union Canal	The Buckingham Arm (9 miles 550 yards in length) from its commencement by a junction with the last described portion in the said parish of Old Stratford to its termination in the borough of Buckingham in the county of Buckingham	34 Geo. 3 c. xxiv.
Grand Western Canal	The whole canal (11 miles 616 yards in length) from its commencement in the borough of Tiverton to its present termination at Lowdwell's Lock in the parish of Holcombe Rogus in the rural district of Tiverton, all in the county of Devon	36 Geo. 3 c. xlvi. 51 Geo. 3 c. clxviii.

Name of waterway (1)	Portion to be closed to navigation (2)	Authorising Act (3)
Huddersfield Narrow Canal	The remainder of the canal (708 yards in length) from the east side of Chapel Hill to its junction with the Huddersfield Broad Canal, 200 yards north-east of the bridge carrying Commercial Street over the canal, all in the county borough of Huddersfield	34 Geo. 3 c. liii.
Huddersfield Broad Canal	From its junction with the Huddersfield Narrow Canal last described to a point 26 yards north-east of the bridge carrying Wakefield Road over the canal, all in the county borough of Huddersfield (being a distance of 355 yards)	14 Geo. 3 c. xiii.
Monmouthshire and Brecon Canal	The remainder of the Monmouthshire canal (5 miles 374 yards in length) from its commencement at Malpas Junction in the county borough of Newport to its termination by a junction with the Brecon and Abergavenny Canal in the urban district of Pontypool in the county of Monmouth, 26 yards north-east of the bridge carrying the railway between Pontypool and Pontypool Road over the canal, but excluding the portion of canal (in the Cwmbran New Town area) closed by the Act of 1954	32 Geo. 3 c. cii.
Monmouthshire and Brecon Canal	Part of the Brecon and Abergavenny Canal (1,452 yards in length) from the termination of the portion of canal last described to a point 8 yards west of Jockey Bridge carrying the road A.472 over the canal, all in the urban district of Pontypool in the county of Monmouth	33 Geo. 3 c. xcvi.
Regent's Canal ...	The City Road basin (390 yards in length) extending from the canal to City Road, all in the metropolitan borough of Finsbury in the county of London, but excluding so much thereof as will form a navigable channel 10 yards in width along the north-east side of the basin	59 Geo. 3 c. lxvi.

2ND SCH.  
—cont.

Name of waterway (1)	Portion to be closed to navigation (2)	Authorising Act (3)
Swansea Canal ...	From its present commencement, 14 yards north-east of Clase Road in the county borough of Swansea to a point in the parish of Llanguicke in the rural district of Pontardawe in the county of Glamorgan, 30 yards south-east of the bridge carrying Yns Meudwy Road over the Cwm Du (being a distance of 6 miles 1,540 yards)	34 Geo. 3 c. cix.
Swansea Canal ...	From a point 100 yards north-east of the bridge carrying Glanrafon Road over the canal at Ystalyfera in the said parish of Llanguicke to the termination of the canal in the parish of Ystradgynlais Lower in the county of Brecknock, but excluding the portion in the last-mentioned parish closed by the Breconshire County Council Act, 1946 (being a distance of 4 miles 304 yards)	34 Geo. 3 c. cix.
Trent and Mersey Canal	The Burslem arm (660 yards in length) from its commencement by a junction with the main canal to its termination at Burslem Wharf, all in the city and county borough of Stoke-on-Trent	37 Geo. 3 c. lxxxi. 1 Will. 4 c. lv.
Weaver Navigation	The channel (373 yards in length) between the Manchester Ship Canal and the Weston Canal, consisting of the New Basin and entrance thereto and the Barge Lock, all in the urban district of Runcorn in the county of Chester	47 Geo. 3 sess. 2 c. lxxxii.



THIRD SCHEDULE

Section 22.

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 22 (POWER TO ACQUIRE  
LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be acquired and used (3)
In the county of London— City of Westminster ...	5	To provide a working site for Work No. 1.
	9	To provide a ventilation outlet for Work No. 1 authorised by the Act of 1955.
Metropolitan borough of Bermondsey	5 to 17	To provide a new underground station.
Metropolitan borough of St. Pancras	14	To provide a working site for Works Nos. 1 and 2 authorised by the Act of 1955.
Metropolitan borough of Shoreditch	4	To provide a new substation.
In the county of Nottingham— Parish of Babworth in the rural district of East Retford	3	To carry out alterations and improvements of the railway between Sheffield and Retford.
Borough of East Retford ..	14, 15	To carry out alterations and improvements of the railway between Retford and Grimsby.

FOURTH SCHEDULE

Section 23.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN  
COMPULSORILY

Area (1)	No. on deposited plans (2)
County of London— Metropolitan borough of Bermondsey ... ..	5 to 17
Metropolitan borough of Shoreditch ... ..	4
County of Stafford— Borough of Newcastle-under-Lyme ... ..	2, 5, 6
Urban district of Kidsgrove ... ..	15, 21, 24 to 28

## Section 26.

## FIFTH SCHEDULE

DESCRIBING PROPERTIES IN RESPECT OF WHICH EASEMENTS MAY BE  
TAKEN AS PROVIDED BY SECTION 26 (POWER TO ACQUIRE EASEMENTS  
ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
County of London—	
Metropolitan borough of Bermondsey ... ..	5 to 17
Metropolitan borough of Shoreditch ... ..	4
County of Stafford—	
Urban district of Kidsgrove ... ..	17 to 19

## Section 27.

## SIXTH SCHEDULE

LANDS REFERRED TO IN SECTION 27 (EASEMENTS ONLY TO BE ACQUIRED  
UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
City of Westminster ... ..	6, 7
Metropolitan borough of St. Marylebone ... ..	3, 4
Metropolitan borough of Southwark ... ..	2
Metropolitan borough of Bermondsey ... ..	19 to 24
Metropolitan borough of Finsbury ... ..	2
Metropolitan borough of Shoreditch ... ..	3
Metropolitan borough of St. Pancras ... ..	1, 4, 5, 7 to 10, 12

SEVENTH SCHEDULE

Section 45.

PART I

LANDS THE PERIOD FOR THE COMPULSORY ACQUISITION OF WHICH IS  
EXTENDED BY THIS ACT TO 31ST DECEMBER, 1965

1. The lands described in and authorised to be acquired by section 13 (Power to company to acquire lands) of the London, Midland and Scottish Railway Act, 1934, in the parishes hereinafter mentioned:—

In the county of Essex—

In the parish of Dunton in the rural district of Billericay;

Partly in the said parish of Dunton (except the lands numbered 2, 3, 5 and 6 on the plans deposited in respect of the Bill for the said Act) and partly in the parish of Little Burstead in the rural district of Billericay (except the lands numbered 1 and 2 on the plans deposited in respect of the Bill for the said Act);

In the said parish of Little Burstead (except the lands numbered 4, 5 and 6 on the plans deposited in respect of the Bill for the said Act);

In the parish of Lee Chapel in the rural district of Billericay (except the lands numbered 1, 2, 3, 4, 6, 7, 9, 10, 12, 13, 16, 17, 18, 20, 21, 23, 24, 26, 28, 29 and 34 on the plans deposited in respect of the Bill for the said Act);

In the parish of Fobbing in the rural district of Orsett;

Partly in the said parish of Fobbing (except the land numbered 20 on the plans deposited in respect of the Bill for the said Act) and partly in the parish of Basildon in the rural district of Billericay (except the land numbered 1 on the plans deposited in respect of the Bill for the said Act);

In the said parish of Basildon (except the lands numbered 2, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 23, 24, 26, 32 and 36 on the plans deposited in respect of the Bill for the said Act);

In the parish of Vange in the rural district of Billericay (except the lands numbered 1, 2, 4, 5 and 6 on the plans deposited in respect of the Bill for the said Act);

In the parish of Pitsea in the rural district of Billericay (except the lands numbered 3, 10, 11, 13, 15, 17, 21 and 34 on the plans deposited in respect of the Bill for the said Act);

all of which parishes now form part of the urban district of Basildon.

2. The lands in the borough of Twickenham in the county of Middlesex authorised to be acquired by the Southern Railway Act, 1938, for the purposes of the new road in the said borough authorised by section 5 (Power to make works, etc.) of the said Act.

7TH SCH.  
—cont.

3. The lands authorised to be acquired by section 18 (Power to take lands) of the London Passenger Transport Act, 1947, for the purposes of Works Nos. 7, 7A and 7B authorised by Part II (Works) of the said Act.

4. The lands authorised to be acquired by section 21 (Power to acquire lands) of the Act of 1953 for the purposes of Work No. 2 authorised by Part II (Works) of the said Act and the following lands also authorised to be acquired by the said section:—

In the county of Derby—

In the parish of Willington in the rural district of Repton, the lands numbered 1 to 8 on the plans deposited in respect of the Bill for the said Act;

In the parish of Findern in the rural district of Repton, the land numbered 1 on the plans deposited in respect of the Bill for the said Act.

5. The lands authorised to be acquired by section 28 (Power to acquire lands) of the Act of 1956—

(a) for the purpose of Work No. 17 authorised by Part II (Works) of the said Act;

(b) in the places hereinafter mentioned—

In the county of Essex—

In the borough of Walthamstow;

In the county of London—

In the metropolitan borough of Finsbury.

6. The lands authorised to be acquired by section 43 (Power to acquire lands) of the Act of 1959 for the purposes of Works Nos. 3, 6, 28, 29, 30 and 31 authorised by Part II (Works) of the said Act.

## PART II

WORKS THE PERIOD FOR THE COMPLETION OF WHICH IS EXTENDED BY  
THIS ACT TO 31ST DECEMBER, 1968

(1) Railways Nos. 1 and 2 authorised by section 5 (Power to Company to make railways) of the London and North Eastern Railway Act, 1924, as revived by section 45 (Revival of powers for construction of certain railways) of the London and North Eastern Railway (London Transport) Act, 1936.

(2) The railway authorised by section 4 (Power to Company to make railway and widening) of the London and North Eastern Railway Act, 1937.

(3) Works Nos. 6, 6A, 7, 7A, 7B, 8, 8A and 8B authorised by Part II (Works) of the London Passenger Transport Act, 1947.

(4) Work No. 1 authorised by section 5 (Power to make works) of the Act of 1956 except so much thereof as was abandoned by section 12 (Abandonment of portion of Work No. 1 authorised by Act of 1956) of the Act of 1958.

*Table of Statutes referred to in this Act other than those referred to in the third column of the Second Schedule.*

Title or short title	Session and chapter
An Act to amend an Act passed in the Tenth and Eleventh Years of the Reign of King William the Third, intituled An Act for the making and keeping navigable the Rivers of Aire and Calder in the County of York; and for improving the Navigation of the said River Aire from Weeland to the River Ouze; and for making a navigable Canal from the said River Aire at or near Haddlesey to the River Ouze at the Old Brick Garth at Ouze Gate End within the Township of Selby in the said County; and for other purposes	14 Geo. 3. c. xcvi.
Highway (Railway Crossings) Act, 1839 ...	2 & 3 Vict. c. 45.
Railway Regulation Act, 1842 ... ..	5 & 6 Vict. c. 55.
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845	8 & 9 Vict. c. 20.
Railways Clauses Act, 1863 ... ..	26 & 27 Vict. c. 92.
London, Brighton and South Coast, and Tunbridge Wells and Eastbourne Railway Act, 1876	39 & 40 Vict. c. lv.
London and North Eastern Railway Act, 1924	14 & 15 Geo. 5 c. liii.
Land Drainage Act, 1930 ... ..	20 & 21 Geo. 5 c. 44.
London Midland and Scottish Railway Act, 1934	24 & 25 Geo. 5 c. xxxix.
Public Health Act, 1936 ... ..	26 Geo. 5 & 1 Edw. 8 c. 49.
Public Health (London) Act, 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 50.
London and North Eastern Railway (London Transport) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. cxxvi.

Title or short title	Session and chapter
London and North Eastern Railway Act, 1937	1 Edw. 8 & 1 Geo. 6 c. liii.
Southern Railway Act, 1938 ... ..	1 & 2 Geo. 6 c. lv.
Breconshire County Council Act, 1946 ...	9 & 10 Geo. 6 c. xxxii.
Transport Act, 1947 ... ..	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6 c. 51.
London Passenger Transport Act, 1947 ...	10 & 11 Geo. 6 c. xlvii.
River Boards Act, 1948 ... ..	11 & 12 Geo. 6 c. 32.
British Transport Commission Act, 1949	12 & 13 Geo. 6 c. xxix.
Lands Tribunal Act, 1949 ... ..	12, 13 & 14 Geo. 6 c. 42.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
British Transport Commission Act, 1950	14 Geo. 6 c. liii.
British Transport Commission Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2
	c. xxxiv.
Transport Act, 1953 ... ..	1 & 2 Eliz. 2 c. 13.
British Transport Commission Act, 1953	1 & 2 Eliz. 2 c. xlii.
British Transport Commission Act, 1954	2 & 3 Eliz. 2 c. lv.
British Transport Commission Act, 1955	4 Eliz. 2 c. xxx.
British Transport Commission Act, 1956	4 & 5 Eliz. 2 c. lxxiv.
British Transport Commission Act, 1957	5 & 6 Eliz. 2 c. xxxiii.
British Transport Commission Act, 1958	6 & 7 Eliz. 2 c. xlv.
British Transport Commission Act, 1959	7 & 8 Eliz. 2 c. xlv.
British Transport Commission Act, 1960	8 & 9 Eliz. 2 c. xlvii.
Land Compensation Act, 1961 ... ..	9 & 10 Eliz. 2 c. 33.
British Transport Commission Act, 1961	9 & 10 Eliz. 2 c. xxxvi.

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# British Transport Commission Act, 1962

10 & 11 ELIZ. 2 Ch xlii

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- 48. Costs of Act.

SCHEDULES:

First Schedule—The level crossings referred to in section 14 (As to certain level crossings) of this Act—

Part I.

Part II.

Part III.

Second Schedule—The waterways referred to in section 17 (Closing to navigation of certain waterways) of this Act.

Third Schedule—Lands referred to in subsection (2) of section 22 (Power to acquire lands) of this Act.

Fourth Schedule—Describing properties whereof portions only may be taken compulsorily.

Fifth Schedule—Describing properties in respect of which easements may be taken as provided by section 26 (Power to acquire easements only in certain cases) of this Act.

Sixth Schedule—Lands referred to in section 27 (Easements only to be acquired under certain lands) of this Act.

Seventh Schedule—

Part I—Lands the period for the compulsory acquisition of which is extended by this Act to 31st December, 1965.

Part II—Works the period for the completion of which is extended by this Act to 31st December, 1968.