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SCHEDULES

SCHEDULE 1

Section 5.

DESCRIPTIONS OF WORKS REFERRED TO IN SECTION 5 OF THIS ACT

In the metropolitan borough of Tameside, Greater Manchester—

Work No. 1 A railway (860 metres in length), being a reinstatement of the railway between Crowthorne and Stockport Junctions, commencing by a junction with the Ashton-under-Lyne and Stockport Railway at a point 76 metres south of the bridge carrying Manchester Road over that railway and terminating by a junction with the Manchester Piccadilly and Hadfield Railway at a point 60 metres west of the western end of the Glossop-bound platform at Guide Bridge Station:

In the city of Liverpool, Merseyside—

Work No. 2 A railway (864 metres in length), being a reinstatement of the loop line between Edge Lane and Olive Mount Junctions, commencing by a junction with the Bootle Branch Railway at a point 6 metres south of the bridge carrying Binns Road over that railway, passing through the existing Olive Mount Tunnel beneath the intersection of Rathbone Road, Wavertree Avenue and Pighue Lane and terminating by a junction with the Liverpool and Manchester Railway at a point 71 metres west of the bridge carrying Mill Lane over that railway:

In the metropolitan borough of St. Helens, Merseyside—

Work No. 3 A railway (1,312 metres in length), being a reinstatement of the discontinued portion of railway between St. Helens Central and St. Helens Junction, commencing by a junction with the St. Helens Railway at a point 24 metres south-east of the vehicular bridge (Dutch Barn Bridge) carrying Baxters Lane over that railway and terminating by a junction with the Liverpool and Manchester Railway at a point 186 metres south-west of the footbridge over that railway at St. Helens Junction station:

In the city of Bradford, West Yorkshire—

Work No. 4 A railway (394 metres in length), being a temporary deviation of the Leeds and Skipton Railway on the northern side of that railway, commencing by a junction with that railway at a point 36 metres north-west of the 208¼ mile post on that railway and terminating by a junction with that railway at a point 6 metres north-west of the bridge carrying Dowley Gap Lane over that railway:

In the city of Leeds, West Yorkshire—

A partial remodelling of the trackwork between Holbeck and Leeds North Junctions comprising—

Work No. 5 A railway (334 metres in length), commencing by a junction with the Wakefield-bound line of the Leeds and Wakefield Railway at a point 22 metres north-east of the bridge carrying that railway over Copley Hill road and terminating by a junction with Work No. 6 at a point 21 metres south-west of the bridge carrying that railway over the north-bound carriageway of the A.643 road;

Work No. 6 A railway (1,100 metres in length) commencing by a junction with the Morley and Leeds Railway at a point 72 metres north-east of the bridge carrying that railway over

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Copley Hill road, passing by Holbeck and Whitehall Junctions and terminating at Leeds North Junction by a junction with the Leeds and Bradford Railway at a point 36 metres north-east of the bridge carrying that railway over Globe Road:

In the district of Bassetlaw, parishes of Sturton-le-Steeple and North Leverton with Hablesthorpe, Nottinghamshire—

Work No. 8—A railway (725 metres in length), being a new chord line, commencing by a junction with the Worksop-bound line of the Worksop and Gainsborough Railway at a point 49 metres north-east of the 69 mile post on that railway and terminating by a junction with the Cottam-bound line of the Cottam Power Station Branch Railway at a point 550 metres west of the bridge carrying that railway over Schrimshire’s Road:

In the district of Selby, parishes of Sherburn in Elmet and Little Fenton, North Yorkshire—

Work No. 9—A railway (1,462 metres in length), being a branch railway into the works of British Gypsum Limited, commencing by a junction with the Normanton-bound line of the York and Normanton Railway at a point 144 metres north of the 12½ mile post on that railway, passing across and on the level of Fenton Lane and terminating to the east of the British Gypsum Works at a point 68 metres east of Ash Row Drain (reference point SE 5201:3438):

In the city of Peterborough and in the parish of Bretton, Cambridgeshire—

Work No. 10—A footbridge over the Peterborough and Stamford Railway, being an extension of the footbridge (No. 189A) over the East Coast Main Line at Marholm level crossing:

In the district of South Lakeland, parish of Broughton West, Cumbria—

Work No. 11A—A road, being a raising of the U.5085 road, commencing at a point in that road 46 metres south of the north-eastern corner of the residence known as Skellow Crag and terminating at a point in that road 54 metres south-east of its point of commencement;

Work No. 11B—A road commencing by a junction with Work No. 11A at a point 33 metres south-east of the commencement of that work, passing across and on the level of the Carnforth and Whitehaven Railway and terminating at a point in the U.5084 road 15 metres east of its junction with the C.5009 road.

SCHEDULE 2

Section 6.

ENACTMENTS AND WORKS REFERRED TO IN SECTION 6 OF THIS ACT

The original enactments		
Chapter	Title or short title	The original works
(1)	(2)	(3)
	WORK NO. 1	
20 & 21 Vict. c. cxxxvii.	Oldham, Ashton and Guide Bridge Junction Railway Act 1857.	The railway described in section 17 as commencing at or near a place called Peccaties in the Ashton Town Division of the parish of Ashton-under-Lyne and terminating at Guide Bridge

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The original enactments		
Chapter	Title or short title	The original works
(1)	(2)	(3)
		in the Audenshaw Division of that parish.
47 & 48 Vict. c. ccvii.	WORK NO. 2 London and North-western Railway Act 1884.	Railways Nos. 2, 5 and 6.
11 Geo. 4 & 1 Will. 4 c. lxi (1830)	WORK NO. 3 An Act for making a Railway from the Cowley Hill Colliery in the Parish of Prescott to Runcorn Gap in the same Parish (with several Branches therefrom), all in the County Palatine of Lancaster; and for constructing a Wet Dock at the Termination of the said Railway at Runcorn Gap aforesaid.	The railway described in section 2 as commencing in the township of Windle and terminating in the township of Widnes.
44 & 45 Vict. c. cxli.	London and North-western Railway (New Railways) Act 1881.	The new railway at St. Helens Junction in the township of Sutton described in section 4 and the works relating to the widening, alteration and improvement of the St. Helens Railway in that township authorised by that section.
8 & 9 Vict. c. xxxvi.	WORKS NOS. 5 AND 6 Leeds, Dewsbury, and Manchester Railway Act 1845.	The railway described in section 15 as commencing in the township of Holbeck in the parish of Leeds and terminating at or near the town of Huddersfield.

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SCHEDULE 3

LANDS

PART I

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

Area	Number on deposited plans	Purpose for which land may be used
(1)	(2)	(3)
In Greater London—		
London borough of Bexley	1	For storing railway maintenance equipment.
In the county of Kent—		
City of Rochester upon Medway	1	For alterations and improvements to the railway at Strood station.
In the county of Nottinghamshire—		
District of Bassetlaw, parish of North Leverton with Hablesthorpe	4a, 5a	For the provision of a working site and thereafter as a means of access for the general purposes of the Board.

PART II

MEANS OF ACCESS REFERRED TO IN SECTION 30 (PURCHASE OF SPECIFIC NEW RIGHTS OVER LAND) OF THIS ACT

Area	Land numbered on deposited plans	Highway to which access to be provided	Purpose for which access required
(1)	(2)	(3)	(4)
In Merseyside—			
Metropolitan borough of St. Helens	4	Ellamsbridge Road	To construct Work No. 3.
	7	Joseph Street	To construct Work No. 3 and thereafter for the general purposes of the Board.
In West Yorkshire—			

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Area	Land numbered on deposited plans	Highway to which access to be provided	Purpose for which access required
(1)	(2)	(3)	(4)
City of Bradford	5, 6	Dowley Gap Lane, Bingley, at points A and B	To construct Work No. 4.
City of Leeds	15 to 17	Royds Lane	To construct Works Nos. 5 and 6, or either of them.
In the county of Nottinghamshire—			
District of Bassetlaw, parish of North Leverton with Hablesthorpe	5b, 6 and 8 to 11	Mill Lane, Clarborough	To construct Work No. 8 and thereafter for the general purposes of the Board.

PART III

TEMPORARY WORKING SITES

- 1 In this Part of this Schedule—
 - “the designated lands” means any of the lands shown on the deposited plans within a line marked “Limit of land to be used” and numbered on those plans—
 - 6 in the metropolitan borough of Tameside;
 - 8 and 9 in the metropolitan borough of St. Helens;
 - 2A, 3A and 4 in the city of Bradford;
 - 6 and 14 in the city of Leeds;
 - 4, 5A, 6 and 12A in the district of Selby, parish of Sherburn in Elmet; and
 - 3 in the district of Selby, parish of Little Fenton;
 - “the Leeds lands” means the lands numbered on the deposited plans 5a, 7, 9a, 12, 13 and 18 in the city of Leeds; and
 - “the relevant works” means Works Nos. 1, 3 to 6, 8 and 9 or any of them.
- 2 The Board, in connection with the construction of Works Nos. 5 and 6, or either of them, may establish and maintain a temporary working site on the Leeds lands.
- 3 The Board, in connection with the construction of the relevant works and after giving to the owners and occupiers of the designated lands not less than 28 days' notice in writing of intended entry, may—
 - (a) enter upon and take possession temporarily of the designated lands;
 - (b) remove any structures and vegetation on the designated lands; and
 - (c) construct on the designated lands such temporary works or structures as may be required by them.
- 4 The Board may form and lay out means of access to the land numbered 6 on the deposited plans in the metropolitan borough of Tameside from Slate Lane at point E.

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- 5 The Board shall not, by reason of the exercise of the powers of paragraph 3 above, be required to purchase any part of the designated lands.
- 6 On the exercise of the powers conferred by paragraph 3 above, the following provisions shall have effect:—
- (1) The Board shall not, without the agreement of the owners and occupiers of the designated lands, remain in possession of any part thereof after a period of one year from the completion of the works for which such possession has been taken:
 - (2) Before giving up possession of the designated lands, the Board shall remove all temporary works or structures and restore the designated lands to the reasonable satisfaction of the owners and occupiers thereof:
 - (3) The Board shall compensate the owners and occupiers of the designated lands for any loss or damage which may result to them by reason of the exercise of the powers of this Part:
 - (4) Nothing in this Part shall relieve the Board from liability to compensate under section 6 or 43 of the Act of 1845 or section 10 (2) of the Act of 1965, as incorporated with or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under sub-paragraph (3) above:
 - (5) Any dispute as to a person's entitlement to compensation under sub-paragraph (3) above or as to the amount thereof shall be determined by the Tribunal.

SCHEDULE 4

Section 29.

MODIFICATION OF PART I OF COMPULSORY PURCHASE ACT 1965 FOR PURCHASE OF NEW RIGHTS

- 1 In the Compulsory Purchase Act 1965 (hereafter in this Schedule referred to as "the Act") for section 7 (which relates to compensation) there shall be substituted the following:—
- “7 (1) In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land in or over which the right is purchased is depreciated by the purchase but also the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.
- (2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words “land is acquired or taken” there shall be substituted “a right in or over land is purchased” and for the words “acquired or taken from him” there shall be substituted “in or over which the right is exercisable”.”
- 2 For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following:—
- “8 (1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right in or over land consisting of a

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house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as “the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as “the Tribunal”); and
- (b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs;

the British Railways Act 1993 shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

- (2) Any question as to the extent of the land in which the British Railways Act 1993 is deemed to authorise the purchase of an interest by virtue of subsection (1) above shall be determined by the Tribunal.
- (3) Where, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) above, the British Railways Act 1993 is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the acquiring authority to withdraw the notice.
- (4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) above, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words “a right over”, for the word “severance” there shall be substituted “right in or over the whole of the house, building or manufactory or of the house and the park or garden” and for the words “part proposed” and “part is” there shall be substituted respectively “right proposed” and “right is”.

3 The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interest in the land), namely:—

- section 9 (4) (failure of owners to convey);
- paragraph 10 (3) of Schedule 1 (owners under incapacity);
- paragraph 2 (3) of Schedule 2 (absent and untraced owners); and
- paragraphs 2 (3) and 7 (2) of Schedule 4 (common land);

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shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.

- 4 Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any rights, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff's warrant in the event of obstruction) of the Act shall be modified correspondingly.
- 5 Section 20 of the Act (compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.
- 6 Section 22 of the Act (protection of acquiring authority's possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable that acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.