

ELIZABETH II



1963 CHAPTER xviii

An Act to empower the British Railways Board to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands ; to confer further powers on the Board; and for other purposes.
[10th July 1963]

WHEREAS by the Transport Act, 1962, the British Railways Board (in this Act referred to as "the Board") were established:

And whereas it is the duty of the Board as from the vesting date appointed under the Transport Act, 1962, (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

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

And whereas it is expedient that the period now limited for the compulsory purchase of certain lands 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 Board 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 have been 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 clerk of the county borough 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

- Short title.** 1. This Act may be cited as the British Railways Act 1963.
- Interpretation.** 2.—(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—
- “ the Act of 1845 ” means the Railways Clauses Consolidation Act, 1845;
 - “ the Act of 1863 ” means the Railways Clauses Act, 1863;
 - “ the Board ” means the British Railways Board;
 - “ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
 - “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
 - “ 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) 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.

PART I
—cont.

(3) 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 shall be taken to be measured along the railway.

(4) 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.

3. 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:—

Incorporation
of general
Acts.

- (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 and 23 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 Board;

(ii) for the purposes of sections 16 and 30 to 44 of the Act of 1845 as incorporated with this Act Work No. 4 shall be deemed to be a railway 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 Board 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 33 (For protection of gas, water and electricity undertakers) of this Act.

PART II

WORKS

Power to
make works.

4.—(1) Subject to the provisions of this Act, the Board 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:—

In the West Riding of the county of York—

(Railway at
Ferrybridge)

Work No. 1 A railway (one thousand two hundred yards in length) wholly in the urban district of Knottingley commencing by a junction with the Wakefield, Pontefract and Goole railway at a point six hundred and fifty-eight yards west of the bridge carrying that railway over the Swinton and Knottingley railway and terminating by a junction with the last-mentioned railway at a point one hundred and fifty-five yards south of the bridge carrying that railway over Ferrybridge Road;

(Railway at
Hensall)

Work No. 2 A railway (one thousand and fifty yards in length) wholly in the rural district of Osgoldcross commencing in the parish of Heck by a junction with the Hull and Barnsley railway at a point two hundred and five yards north-east of the bridge carrying that railway over Broach Road and terminating in the parish of Hensall by a junction with the Wakefield, Pontefract and Goole railway at a point forty-three yards east of the level crossing whereby Little Heck Common Lane is crossed by the last-mentioned railway:

In the West Riding of the county of York and in the county borough of Barnsley—

(Railway at
Dodworth)

Work No. 3 A railway (one thousand one hundred and forty-four yards in length) commencing in the urban district of Dodworth by a junction with the railway between Penistone and Barnsley at a point seventy yards east of the bridge carrying the said railway over Higham Lane and terminating in the county borough of Barnsley by a junction with the said railway at a point sixty yards south-west of the bridge carrying West End Road over that railway:

In the county of London—

(Bridge
reconstruction
at
Camden Town)

Work No. 4 A reconstruction in the metropolitan borough of St. Pancras of the bridge carrying Delancey Street, Parkway, Gloucester Avenue and Oval Road over the railway between Euston and South Hampstead.

(2) The Board shall erect good and sufficient fences on each side of the reconstructed bridge comprised in Work No. 4 and shall thereafter maintain such fences in good and substantial condition.

PART II
—cont.

5. In the execution of any, or any part, of the works the Board may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and ten feet downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Minister.

Power to deviate.

6.—(1) Subject to the provisions of this Act, the Board may, for the purpose of constructing Work No. 4, enter upon, open, break up and interfere with so much of the surface of Delancey Street, Parkway, Gloucester Avenue and Oval Road in the metropolitan borough of St. Pancras as is within the limits of deviation.

Power to open surface of streets.

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

7. Notwithstanding anything in section 46 of the Act of 1845 the Board shall not be liable to maintain the surface of any road or public highway under which the works shall be constructed or the immediate approaches thereto except so far as the level of such road, highway or approaches is permanently and prejudicially altered:

Repair of roads where level not permanently altered.

Provided that nothing in this section shall relieve the Board from any liability which they were under immediately before the passing of this Act for the maintenance of any such road, highway or approaches.

8. If Works Nos. 1, 2 and 3 are not completed within the period expiring on the thirty-first day of December, nineteen hundred and sixty-nine, then, on the expiration of that period, the powers by this Act granted to the Board 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.

9.—(1) Subject to the provisions of this Act the Board may stop up and discontinue the roads and footpaths or portions of roads and footpaths hereinafter mentioned:—

Stopping up of certain roads and footpaths, etc.

(a) In the county of Chester—

In the borough of Macclesfield—

so much of the road known as Snow Hill as crosses on the level the railway between Macclesfield and North Rode, together with so much of the said road

PART II
—cont.

on either side of the said level crossing as lies within one yard from the level crossing gates when those gates are closed across the road;

(b) In the county of Hertford—

In the urban district of Bishop's Stortford—

(i) so much of the road known as Twyford Road which is crossed by the railway between Sawbridgeworth and Bishop's Stortford at the level crossing known as Twyford crossing as lies within the boundaries of their property; and

(ii) so much of the road known as Cannon's Mill Lane which is crossed by the railway between Bishop's Stortford and Stansted at the level crossing known as Cannon's Mill (or Parsonage Lane) crossing as lies within the boundaries of their property;

(c) In the county of Stafford and in the city and county borough of Stoke-on-Trent—

In the borough of Newcastle-under-Lyme and in the said city and county borough—

so much of the road connecting Station Road and Station Street which crosses the railway between Kidsgrove and Stoke-on-Trent by means of a level crossing as lies within the boundaries of their property;

(d) In the East Riding of the county of York—

In the parish of Laxton in the rural district of Howden—

so much of the road leading from Mill Lane to Moorfields Lane which is crossed by the railway between Goole and Saltmarshe at the level crossing known as Kilpin Lane (or Saltmarshe) crossing as lies within the boundaries of their property;

(e) In the West Riding of the county of York—

In the urban district of Dodworth—

so much of the footpaths leading from Barnsley Road to Higham Lane and Hunter's Cottage Farm as lies between the points marked "A" and "B" and "A" and "C" respectively on the deposited plans.

(2) The stopping up under this section of the portion of road in the borough of Macclesfield shall not take place until a new footbridge in substitution therefor has been constructed and opened for public use.

(3) The stopping up under this section of the level crossings respectively known as Twyford crossing and Cannon's Mill (or Parsonage Lane) crossing in the urban district of Bishop's

Stortford shall not affect the right of persons on foot to use the same and the Board shall provide and maintain for the convenience of such persons wicket-gates on both sides of the railway at the said level crossings.

(4) The stopping up under this section of the portion of road in the borough of Newcastle-under-Lyme and in the city and county borough of Stoke-on-Trent shall not take place until so much of the Potteries "D" road scheme or any alternative scheme has been constructed and opened for public use to permit of a connection between Longbridge Hayes Road and Porthill (A.527) and until a footbridge has been constructed at the expense of the Board and opened for public use to connect the portions of Station Road and Station Street to be severed by the closing of the said portion of road.

(5) Any footbridge constructed by the Board pursuant to subsection (4) of this section shall thereafter be repaired by the Board to the satisfaction of the highway authority.

(6) The stopping up under this section of the level crossing known as Kilpin Lane (or Saltmarshe) crossing in the parish of Laxton—

(a) shall not affect the right of persons on foot to use the same and the Board shall provide and maintain for the convenience of such persons wicket-gates on both sides of the railway at the said level crossing;

(b) shall not take place until a new road between Moorfields Lane and the road leading from Mill Lane to the said crossing has been constructed on the north side of the railway and opened for public use.

(7) The Board may for such periods as they think fit, between the hours of ten of the clock in the evening of any day and six of the clock in the morning of the next succeeding day, close the road over the level crossing in the parish of Shrivenham in the rural district of Faringdon in the county of Berks known as Ashbury level crossing.

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

(2) As from the passing of this Act, all rights of way over the level crossings referred to in Part II of the said schedule, other than a right of way for all persons to use those level crossings as a bridleway or on foot, shall be extinguished and the Board shall provide and maintain on both sides of the railway at each of the said level crossings 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

PART II
—cont.

foot, shall be extinguished and the Board 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.

(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 Board 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 Board compensation to be determined, in case of dispute by the tribunal.

Stopping up
roads and
footpaths
without
providing
substitute.

11.—(1) Where this Act authorises the stopping up of a road or footpath or portion thereof without providing a substitute such stopping up shall not take place (except as to so much of the road or footpath or portion thereof authorised to be stopped up as is situated upon or bounded on both sides by property of which the Board are the owners in possession) without the consent of the owners, lessees and occupiers of the houses and lands abutting on both sides thereof.

(2) After such stopping up all rights of way over or along the road or footpath or portion thereof authorised to be stopped up shall be extinguished and the Board 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 so stopped up.

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

12.—(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;

PART II
—cont.

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 highway 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 Board and the highway 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 Board shall give to the highway authority seven days' notice in writing of their intention to apply for the same.

(3) As from the completion to the satisfaction of the highway 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 Board 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 Board.

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

13. Subject to the provisions of section 7 (Repair of roads where level not permanently altered) of this Act any road or footpath or portion thereof made, diverted or altered under the authority of this Act (except the structure carrying any such road or footpath over any railway of the Board, which structure shall, unless otherwise agreed, be maintained by and at the expense of the Board) shall when completed, unless otherwise agreed, be maintained by and at the expense of the persons liable to maintain roads or footpaths of the same nature and in the same parish, district, borough or city as the road or footpath or portion thereof so made, diverted or altered.

Provision as to repair of roads and footpaths.

PART II
—cont.Power to
make
agreements
with road
authorities.

14.—(1) When a road or footpath or portion thereof will be altered or stopped up or interfered with under the provisions of this Act the Board may enter into and carry into effect agreements with the parties having the charge, management or control of such road or footpath in reference to the construction or contribution towards the costs of such alteration or of any new road or footpath to be made under the provisions of this Act and in reference to any other matters relating thereto.

(2) The Board may by agreement delegate to such parties as aforesaid the power of constructing and maintaining all or any of such alterations or new road or footpath in which they may be interested including the structure of any bridge over or under any railway.

(3) The purposes of this section shall be deemed to be purposes for which a local highway authority may incur expenditure and borrow money.

Underpinning
of houses
near works.

15. The Board at their own costs and charges may, subject as hereinafter provided, underpin or otherwise strengthen any house or building within one hundred feet of any of the works and the following provisions shall have effect:—

- (1) At least fourteen days' notice shall (except in case of emergency) be given to the owners, lessees and occupiers of the house or building intended to be so underpinned or otherwise strengthened:
- (2) Each such notice shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act, 1845:
- (3) If any owner or lessee or occupier of any such house or building shall, within seven days after the giving of such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration:
- (4) The Board shall be liable to compensate the owners, lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section, provided that the claim for compensation in respect of such loss or damage is made within three months from the occurrence thereof:
- (5) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Board may, from time to time after the completion of such underpinning or strengthening, and during the execution of the work in connection with which

such underpinning or strengthening was done, or within twelve months after the opening for traffic of that work, enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or, in case of dispute between the Board on the one hand and the owner, lessee or occupier of the house or building on the other hand, as shall be settled by arbitration:

- (6) If in any such case as is referred to in the last foregoing paragraph the underpinning or strengthening done by the Board shall at any time within five years from the opening for traffic of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution of such work the Board shall make compensation to the owner, lessee and occupier of the house or building for such injury, provided that the claim for compensation in respect thereof be made within three months from the discovery thereof:
- (7) Nothing in this section nor any dealing with any property in pursuance of this section shall relieve the Board from the liability to compensate under section 68 of the Lands Clauses Consolidation Act, 1845, or under any other enactment:
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

16.—(1) The Board may make trial borings, at such places within the lands which may be acquired compulsorily under this Act as they may think fit, for the purpose of ascertaining the nature of the soil: Power to make trial borings.

Provided that—

- (a) no land shall be entered for the purpose of making trial borings under this section unless the Board, not less than seven days before the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier of the land in manner provided by section 285 of the Public Health Act, 1936; and
- (b) no trial borings shall be made under the powers of this section in the carriageway of any highway without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question as to whether or not such consent has been unreasonably withheld shall be determined by the Minister.

PART II
—cont.

(2) Where land is damaged in the exercise of the powers conferred by subsection (1) of this section, any person interested in the land may recover from the Board compensation for the damage to be determined in case of dispute by the tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply.

Use of sewers,
etc., for
removing
water.

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

Provided that—

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

(2) (a) Notwithstanding anything in section 11 (7) of the Rivers (Prevention of Pollution) Act, 1951, the discharge of any water under the powers of this section into any stream as defined in that section shall be subject to the provisions of section 2 of that Act.

(b) In the exercise of their powers under this section the Board shall not damage or interfere with the bed of any watercourse forming part of the main river of a river board or the banks thereof within the meaning of section 81 of the Land Drainage Act, 1930.

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

(4) Any difference arising between the Board and a local authority or a river board (as the case may be) under this section shall be settled by arbitration.

(5) In this section the expression "local authority" has the meaning assigned to it by section 144 of the Local Government Act, 1948, and the expression "river board" means any board established by an order made under section 1 of the River Boards Act, 1948, and shall include the conservators of the river Thames and the Lee Conservancy Catchment Board.

PART II
—cont.

PART III

LANDS

18.—(1) Subject to the provisions of this Act, the Board 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 Board by subsection (1) of this section, the Board may, subject to the provisions of this Act, enter upon, take and use for the purposes specified in the third column of the Second 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 Board 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.

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

Correction of
errors in
deposited
plans and
book of
reference.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or so much thereof as includes the

PART III
—cont.

land to which the certificate relates) has been deposited in accordance with the Standing Orders of the Houses of Parliament, or who has the custody of any such copy so deposited; and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

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

Acquisition of
part only of
certain
properties.

20.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Lands Clauses Consolidation Act, 1845, as incorporated with this Act, the following provisions of this section shall apply to the land affected by the notice instead of section 92 (Parties not to be required to sell part of a house, &c.) of that Act.

(2) Where the land the subject of the notice is part only of a house, building or factory, or part only of land consisting of a house together with any park or garden belonging thereto, then, if the person on whom the notice is served, within twenty-one days after the day on which the notice is served on him serves on the Board a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole, the question whether he shall be required to sell the part shall, unless the Board agree to take the whole, be referred to the tribunal.

(3) If the said person does not serve a counter-notice as mentioned in the last foregoing subsection within twenty-one days after the day on which the notice to treat is served on him, or, if on such a reference to the tribunal, the tribunal determine that the part subject to the notice to treat can be taken without material detriment to the remainder or, in the case of part of land consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(4) If the Board agree to take the whole, or if the tribunal determine that the said part cannot be taken as aforesaid, the notice to treat shall be deemed to be a notice to treat for the whole of the land which the said person has in his counter-notice stated that he is willing and able to sell, whether or not the whole of the land is land which the Board are authorised to acquire compulsorily under this Act.

(5) If the tribunal determine that the said part cannot be taken as aforesaid the Board may, within six weeks after the day on

which the tribunal so determine, withdraw the notice to treat, and if they do so, shall pay to the said person compensation for any loss or expenses occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

PART III
—cont.

(6) Where a person is under subsection (3) of this section required to sell part only of a house, building or factory, or of land consisting of a house together with any park or garden belonging thereto, the Board shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

21.—(1) At any time after serving a notice to treat in respect of any land or in respect of any easement or right in, under or over land that may be acquired compulsorily under this Act, but not less than three months after giving the owner and occupier of the land notice in writing of their intention to exercise the powers of this section, the Board may enter on and take possession of the land or enter on the land in respect of which the easement or right is to be acquired (as the case may be), or such part thereof as is specified in the last-mentioned notice, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

Power to expedite entry.

Provided that the Board shall pay the like compensation for land of which possession is taken under this section, or for any easement or right acquired and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

(2) Any land of which possession is taken by the Board under the powers of this section shall be deemed, for the purposes of section 11 (Stopping up roads and footpaths without providing substitute), section 12 (Stopping up roads and footpaths in case of diversion or substitution), section 16 (Power to make trial borings) and section 24 (Extinction of private rights of way) of this Act, to have been acquired by the Board.

22. Any person acting on behalf of the Board and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land that the Board are authorised by this Act to acquire compulsorily, or that may be affected by the construction of the works, for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Board not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent

PART III
—cont.

entry have given notice in writing to the owner and occupier of the land in manner provided by section 285 of the Public Health Act, 1936.

Disregard of recent improvements and interests.

23. 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 improvements or alteration made, building erected or work done after the twentieth day of December, nineteen hundred and sixty-two; 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.

24.—(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 Board compensation to be determined in case of dispute by the tribunal.

Power to acquire easements only in certain cases.

25.—(1) Notwithstanding anything in this Act the Board 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) the lands numbered on the deposited plans 5 and 12 in the metropolitan borough of St. Pancras;

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 Board require an easement or right of using the subsoil of any of the lands referred to in paragraph (b) of subsection (1) of this section, 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.

PART III
—cont.

(b) Section 20 (Acquisition of part only of certain properties) of this Act shall apply in respect of the acquisition by the Board under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.

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

Grant of easements by persons under disability.

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

27. The powers of the Board 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-six.

Period for compulsory purchase of lands or easements.

28. Nothing in this Act shall authorise the Board to enter upon, take or use (except by agreement) any cellar or vault in or under any street belonging to or connected with any building unless such cellar or vault or the building with which it is connected is described in the deposited book of reference.

As to cellars under streets not referenced.

PART IV

PROTECTIVE PROVISIONS

29. 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 in this Act authorises the Board 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.

Crown rights.

PART IV
—*cont.*

As to works
within
Metropolitan
Police
District.

30. Before breaking up or otherwise interfering with any road in connection with the construction of any works under the powers of this Act within the area of the Metropolitan Police District, the Board shall (except in case of emergency) give fourteen days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said Commissioner of Police as may be reasonably necessary so as to cause as little interference with the traffic in such road during the construction of such works as may be reasonably practicable.

For protection
of London
County
Council.

31. For the protection of the London County Council (in this and the next succeeding section referred to as "the council") the following provisions shall, unless otherwise agreed in writing between the Board and the council, apply and have effect:—

- (1) The Board shall not without the consent of the council construct under any highway in the administrative county of London (in this section referred to as "the county") any part of the works which will be within twenty-five feet of the surface of such highway except in accordance with plans and sections submitted to and approved by the council, but such approval shall not be unreasonably withheld:
- (2) Upon the submission of any plans and sections in pursuance of paragraph (1) of this section, and before approving the same, the council shall with all reasonable dispatch consult with the council of the city or metropolitan borough in which the works are or will be situate, and for this purpose the council shall afford to such city or metropolitan borough council reasonable facilities for inspecting the plans and sections relating to such works:
- (3) In the event of the council omitting to express their disapproval of any plans or sections within twenty-eight days after the same shall have been submitted to them in pursuance of paragraph (1) of this section they shall be deemed to have approved the same:
- (4) As soon as reasonably practicable after the completion of any part of the works under any highway in the county the Board shall at their expense furnish the council with a map or plan of such works as constructed:
- (5) The Board shall not without the consent of the council, which shall not be unreasonably withheld, make any communication between the works and the interior of any building, other than a building wholly used by the Board for transport purposes:

- (6) Any difference arising between the Board and the council under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

PART IV
—cont.

32. It shall be lawful for the engineer or other officer of the council duly appointed for the purpose by the said engineer from time to time to enter upon and inspect any works of the Board constructed under the powers of this Act under or in the neighbourhood of any street or road or part of a street or road in or under which there are or may be any sewers or works of the council and any works which under the provisions of this Act are required to be constructed in accordance with plans, drawings, sections and specifications approved by the council.

Inspection of
works by
London
County
Council.

33. For the protection of the several undertakers referred to in this section, the following provisions shall, unless otherwise agreed in writing between the Board and the undertakers concerned, apply and have effect:—

For pro-
tection of gas,
water and
electricity
undertakers.

(1) In this section—

“the undertakers” means any person authorised by any enactment to carry on an undertaking for the supply of gas, water or electricity within any area within which the Board are by this Act authorised to acquire lands or execute works;

“apparatus” means—

(a) in the case of electricity undertakers, electric lines or works (as respectively defined in the Electricity (Supply) Acts, 1882 to 1936) belonging to or lawfully laid or erected by such undertakers; or

(b) in the case of gas or water undertakers, any apparatus belonging to such undertakers or for the maintenance of which they are responsible (not being in either case apparatus in respect of which the relations between the Board and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act, 1950) and includes any structure for the lodging therein of apparatus;

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

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land:

PART IV
—cont.

- (2) Notwithstanding anything in this Act or shown on the deposited plans the Board shall not acquire any apparatus under the powers of this Act otherwise than by agreement:
- (3) If the Board in the exercise of the powers of this Act acquire any interest in any lands in which any apparatus is placed, that apparatus shall not be removed under this section and any right of the undertakers to maintain, repair, renew or inspect that apparatus in those lands shall not be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:
- (4) If the Board, for the purpose of executing any works in, on or under any lands acquired, held, appropriated or used under this Act, require the removal of any apparatus placed in those lands, and shall give to the undertakers written notice of such requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed, or if, in consequence of the exercise of any of the powers of this Act, the undertakers shall reasonably require to remove any apparatus, the Board shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Board and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Board, and the Board are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the undertakers shall, on receipt of a written notice to that effect from the Board, forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

- (5) (a) Any alternative apparatus to be constructed in lands of the Board in pursuance of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Board or in default of agreement settled by arbitration;
- (b) The undertakers shall, after the alternative apparatus to be provided or constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are

referred to in the immediately preceding paragraph, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Board to be removed under the provisions of this section:

- (6) Notwithstanding anything in the immediately preceding paragraph if the Board give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as will be situate in any lands of the Board such work in lieu of being executed by the undertakers shall be executed by the Board with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Board to execute the actual placing, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

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

Provided that, in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or along any railway of the Board, the arbitrator shall—

(a) give effect to all reasonable requirements of the Board for ensuring the safety and efficient operation of the railway and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the Board or the traffic on the railway; and

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions applicable to

PART IV
—cont.

the apparatus (if any) constructed across or along the railway for which the alternative apparatus is to be substituted:

Provided also that, if the facilities and rights to be afforded by the Board in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the undertakers than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation by the Board to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (8) (a) Not less than twenty-eight days before commencing to execute any such works as are referred to in paragraph (4) of this section and are near to or will or may affect any apparatus the removal of which has not been required by the Board under the said paragraph (4), the Board shall submit to the undertakers a plan, section and description of the works to be executed;
- (b) Such works shall be executed only in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officer to watch and inspect the execution of such works:

Provided that, if the undertakers within fourteen days after the submission to them of any such plan, section and description shall, in consequence of the works proposed by the Board, reasonably require the removal of any apparatus and give written notice to the Board of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Board under paragraph (4) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Board from submitting at any time or from time to time, but in no case less than twenty-eight days before commencing the execution of any such works, a new plan, section and description thereof in lieu of the plan, section and description previously

submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description;

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

(9) Where, in consequence of this Act, any part of any street, road or footpath in which any apparatus is situate ceases to be part of a street, road or footpath the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act, but nothing in this paragraph shall prejudice or affect any right of the Board or of the undertakers to require removal of such apparatus under this section or the power of the Board to execute works in accordance with paragraph (8) of this section:

(10) The Board shall pay to the undertakers the costs, charges and expenses reasonably incurred by the undertakers in or in connection with the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph (4) of this section, less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal) and shall also make compensation to the undertakers—

(a) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(b) for any other expenses, loss, damages, penalty or costs incurred by the undertakers;

by reason or in consequence of the execution, maintenance, user or failure of any such works or otherwise by reason or in consequence of the exercise by the Board of the powers of this Act:

(11) Where, by reason or in consequence of the stopping up of any street, road or footpath under the powers of this Act, any apparatus belonging to the undertakers and laid

PART IV
—cont.

or placed in such street, road or footpath or elsewhere is rendered derelict or unnecessary, the Board shall pay to the undertakers the then value of such apparatus (which shall thereupon become the property of the Board) and the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus, and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of such apparatus being so rendered derelict or unnecessary:

Provided that the Board shall not under the provisions of this paragraph be required to pay to the undertakers the value of any apparatus rendered derelict or unnecessary if, to the reasonable satisfaction of the undertakers, other apparatus shall at the expense of the Board have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict or unnecessary:

- (12) Any difference arising between the Board and the undertakers under this section shall be settled by arbitration:
- (13) Nothing in this section shall be deemed to prejudice or affect the provisions of any enactment or agreement regulating the relations between the Board and the undertakers in respect of any apparatus laid or erected in land belonging to the Board at the date of the passing of this Act.

PART V

MISCELLANEOUS

Release from obligation to work Tanat Valley line.

34. Section 7 (Company to work railway) of the Cambrian Railways (Tanat Valley Light Railway Transfer) Order, 1921, is hereby repealed.

As to use of a public landing-stage at Portsmouth Harbour.

35. Notwithstanding anything in section 10 (Provision for public landing-place and approach thereto) of the Joint Portsmouth Railway Extension Act, 1873, the Board may from time to time, on such terms as to payment or otherwise as may be agreed, set aside and appropriate to the exclusive use of the Portsmouth Harbour Ferry Company Limited the landing-places on the west side of the floating pontoon referred to in that section, together with such area, not exceeding five hundred and eighty square feet of the surface of the said pontoon and such part, not exceeding one-half, of the hinged gangway referred to in that section as may be required for the embarkation of ferry passengers.

36.—(1) In this section—

PART V

—cont.

Relief from contractual, etc. obligations to provide railway services, etc.

(a) “contractual obligation” means any obligation of the Board under any deed, conveyance, covenant, agreement or other similar instrument to provide or maintain any services or facilities for the carriage of passengers or goods by railway, being an obligation which was entered into by any predecessor of the Board as the consideration or part of the consideration for the grant or conveyance, or any agreement for the grant or conveyance, to such predecessor of any land or interest in land for the purposes of, or in connection with, any railway or works connected therewith; and it shall be presumed (unless the contrary appears) that any such obligation was so entered into if land or an interest in land was so granted or conveyed by the instrument creating the obligation or by any other instrument made or executed by or between the same parties, or the successors or predecessors of either or both of them, on the same date or within two years before or after that date;

(b) “awarded obligation” means any obligation of the Board to provide or maintain any such services or facilities as aforesaid which was imposed upon any predecessor of the Board by any award of an arbitrator or umpire (however described) in connection with the purchase or acquisition (whether compulsory or otherwise) by such predecessor of any land or interest in land for the purposes of any railway or works connected therewith.

(2) No action or other proceeding shall be instituted or continued against the Board for the purpose of enforcing any contractual obligation or awarded obligation (not being an obligation with which the Board are required to comply by or by virtue of an order or undertaking in force at the passing of this Act and made by or given to a court) but any person who but for this section would have been entitled to institute or continue any such action or proceeding and who has suffered or will suffer loss in consequence of any failure or refusal on the part of the Board to perform or comply with any contractual obligation or awarded obligation shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

(3) This section shall not extend to Scotland.

37.—(1) The period now limited by the British Transport Commission Act, 1960, for the compulsory purchase of the lands referred to in the Third Schedule to this Act is hereby extended until the thirty-first day of December, nineteen hundred and sixty-six.

Extensions of time.

PART V
—cont.

(2) 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 said Act of 1960.

Powers to owners and lessees to give notice as to purchase of land.

38.—(1) In this section—

“the enabling Act” means the British Transport Commission Act, 1960;

“the land” means any land which is for the time being authorised to be acquired compulsorily by the enabling Act not being land referred to in subsection (4) of this section;

“lessee” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under subsection (2) of this section.

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

(a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Board; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice.

(3) Where notice is given under the last foregoing subsection by an owner or lessee of land specified in the notice then—

(a) if the Board—

(i) fail to comply with that subsection; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection; or

(iii) serve notice on him in compliance with paragraph (c) of that subsection;

the powers conferred by the enabling Act for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat the powers conferred by the enabling Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

PART V
—cont.

(4) This section shall not apply to land which the Board are by the enabling Act authorised to acquire for the purposes of a work which is shown on the sections deposited in respect of the Bill for the enabling Act as intended to be constructed under the surface of such lands.

39. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act. Saving for town and country planning.

40. 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. Arbitration.

41. 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 Board and may in whole or in part be defrayed out of revenue. Costs of Act.

SCHEDULES

FIRST SCHEDULE

Section 10.

THE LEVEL CROSSINGS REFERRED TO IN SECTION 10 (AS TO CERTAIN LEVEL CROSSINGS) OF THIS ACT

PART I

In the county of East Suffolk—

In the borough of Beccles—

The level crossing (No. 2) known as Black Dam crossing whereby the road from Beccles Marshes to Beccles Common is crossed by the railway between Beccles and Oulton Broad South stations.

In the county of Nottingham—

In the parish of Claborough in the rural district of East Retford—

The level crossing known as Welham Road crossing whereby Whinleys Road is crossed by the railway between Retford and Sturton stations.

PART II

In the county of Northampton—

In the parish of Brixworth in the rural district of Brixworth—

The level crossing known as Merry Tom crossing whereby the road from the Spratton to Chapel Brampton road to the Brixworth to Northampton road is crossed by the railway between Spratton and Pitsford and Brampton stations.

In the county of Salop—

In the parish of Stokesay in the rural district of Ludlow—

The level crossing known as Stokeswood crossing whereby the road from Stokesay to Church Way is crossed by the railway between Craven Arms and Onibury stations.

PART III

In the county of East Suffolk—

In the parish of Barham in the rural district of Gipping—

The level crossing known as Broomfield crossing whereby the road from Workhouse Lane to the river Gipping is crossed by the railway between Claydon and Needham stations.

In the parish of Benhall in the rural district of Blyth—

The level crossing known as Benhall crossing whereby the road from trunk road A.12 to Kiln Lane is crossed by the railway between Saxmundham and Wickham Market stations.

In the county of Lincoln, Parts of Lindsey—

1ST SCH.
—cont

In the parish of Sibsey in the rural district of Spilsby—

The level crossing (No. 14) known as Hurn Road crossing situate four hundred and thirty-three yards north-east of Willow Lane crossing whereby the road from the Stone Bridge Drain to the Boston to Sibsey road is crossed by the railway between Boston and Sibsey stations.

In the county of Nottingham—

In the parish of Thorney in the rural district of Newark—

The level crossing known as Thorney crossing whereby the road from Carr Wood to Moor Lane is crossed by the railway between Clifton-on-Trent and Doddington and Harby stations.

In the East Riding of the county of York—

In the parish of Cliffe in the rural district of Derwent—

The level crossing known as Lund Lane crossing whereby Carr Lane is crossed by the railway between Hemingbrough and Selby stations.

In the North Riding of the county of York—

In the parish of Flaxton in the rural district of Flaxton—

The level crossing known as Flaxton Moor crossing whereby Smith's Lane is crossed by the railway between Strensall and Flaxton stations.

SECOND SCHEDULE

Section 18.

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 18 (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— Metropolitan borough of St. Pancras	11, 12	To provide persons deprived of access to Parkway and Delancey Street with substituted means of access to those roads respectively.

THIRD SCHEDULE

Section 37.

LANDS THE PERIOD FOR THE COMPULSORY ACQUISITION OF WHICH IS
EXTENDED BY THIS ACT TO 31ST DECEMBER, 1966

The lands authorised to be acquired by section 24 (Power to acquire lands) of the British Transport Commission Act, 1960—

(a) for the purposes of Works Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 35, 41, 42, 43, 44 and 45 authorised by Part II (Works) of the said Act;

(b) in the places hereinafter mentioned:—

In the county of the Soke of Peterborough—

In the borough of Peterborough.

In the county of Salop—

In the parish of Wrockwardine in the rural district of Wellington.

In the county of Gloucester—

In the parishes of Haresfield, Quedgeley and Brookthorpe-with-Whaddon in the rural district of Gloucester.

In the city and county borough of Gloucester.

Table of Statutes referred to in this Act.

Short title	Session and chapter
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.
Joint Portsmouth Railway Extension Act, 1873	36 & 37 Vict. c. cxviii.
Land Drainage Act, 1930 ...	20 & 21 Geo. 5 c. 44.
Public Health Act, 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
Local Government Act, 1948 ...	11 & 12 Geo. 6 c. 26.
River Boards Act, 1948 ...	11 & 12 Geo. 6 c. 32.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
Rivers (Prevention of Pollution) Act, 1951 ...	14 & 15 Geo. 6 c. 64.
British Transport Commission Act, 1960 ...	8 & 9 Eliz. 2 c. xlvii.
Land Compensation Act, 1961 ...	9 & 10 Eliz. 2 c. 33.
Town and Country Planning Act, 1962 ...	10 & 11 Eliz. 2 c. 38.
Transport Act, 1962 ...	10 & 11 Eliz. 2 c. 46.

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British Railways Act 1963

CHAPTER xviii

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