

ELIZABETH II



1965 CHAPTER xli

An Act to empower the London Transport 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.
[5th August 1965]

WHEREAS by the Transport Act, 1962, the London c. 46.
Transport Board (in this Act referred to as "the Board")
were established:

And whereas it is the duty of the Board under the Transport Act, 1962, (inter alia) 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 have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them:

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 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 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, 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 clerk of the Greater London Council, 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 London Transport Act 1965.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Works.
 Part III.—Lands.
 Part IV.—Protective provisions.
 Part V.—Miscellaneous.
- Interpretation. 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—
- c. 20. “ the Act of 1845 ” means the Railways Clauses Consolidation Act, 1845;
- c. 92. “ the Act of 1863 ” means the Railways Clauses Act, 1863;
- c. lxxvii. “ the Act of 1947 ” means the London Passenger Transport Act, 1947;
- c. xlii. “ the Act of 1962 ” means the British Transport Commission Act, 1962;
- c. xxiv. “ the Act of 1963 ” means the London Transport Act, 1963;
- c. xxvi. “ the Act of 1964 ” means the London Transport Act, 1964;

- “ the Board ” means the London Transport Board;
- “ the council ” means the Greater London Council;
- “ enactment ” includes any public, general, local or private Act and any order or other instrument having the force of an Act;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ the Minister ” means the Minister of Transport;
- “ the port authority ” means the Port of London Authority;
- “ the river ” means the river Thames and, where the context so admits, includes the bed and shores of the river Thames within the jurisdiction of the port authority;
- “ river work ” means any works or work in, on, over or under the river constructed or carried out by the Board under the powers of this Act;
- “ 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.

(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.

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; c. 18.
- (b) The Act of 1845, except sections 7, 8, 9, 17, 19, 20, 22 and 23 thereof; and
- (c) Part I (relating to construction of a railway), except sections 13, 18 and 19, and Part II (relating to extension of time) of the Act of 1863:

PART I
—cont.

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, Works Nos. 1, 2, 3 and 5 shall be deemed to be railways authorised by the special Act;
- (iii) the provisions of sections 18 and 21 of the Act of 1845 as incorporated with this Act 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—

c. 39.

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

(B) by the provisions of section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963 as incorporated with this Act.

PART II

WORKS

Power to
make works.

5. 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 Greater London—

In the London boroughs of Islington and Hackney—

Work No. 1 A subway (88 yards in length) commencing under Old Street at a point 35 yards east of the junction of Old Street and City Road and terminating under City Road by a junction with the station tunnels of the Northern Line railway at a point 60 yards south of the said junction:

In the London borough of Camden —

Work No. 2 A substation tunnel and cable subway (67 yards in length) commencing by a junction with the disused lift shaft at Holborn Station and terminating under the north side of High Holborn at a point 16 yards north-east of the junction of Southampton Row and Kingsway;

Work No. 3 Enlargements of the running tunnels of the Aldwych branch of the Piccadilly Line railway commencing at the south end of the westbound station tunnel of Holborn Station and terminating at a point under Kingsway 165 yards south-east of the said point of commencement in the running tunnels of the said branch line:

PART II
—cont.

In the city of Westminster and in the London borough of Lambeth—

Work No. 4 A railway (1,154 yards in length) being an extension of the Aldwych branch of the Piccadilly Line railway commencing in the city of Westminster at the south end of the Aldwych Station tunnels, passing under the river, and terminating in the London borough of Lambeth at a point 145 yards south of the south end of the north-west abutment of the bridge carrying the British Railways Board Southern Region railway over York Road:

In the London borough of Lambeth—

Work No. 5 A subway (85 yards in length) commencing by a junction with the existing subway leading to the lift shafts of the Bakerloo Line railway at Waterloo Underground Station and terminating in arch number 249 under the British Railways Board Southern Region railway at Waterloo Station at a point 69 yards south-east of the north-west end of the said arch.

6. Subject to the provisions of this Act, the Board may enter upon and occupy the roof of the building on the lands numbered on the deposited plans 3 in the city of Westminster, being part of the Temple Station (notwithstanding anything in any other enactment or any covenant, condition, restriction or easement imposed or created by any deed or agreement or otherwise howsoever subsisting in respect of such building and lands) for the purpose of constructing and maintaining thereon a ventilation station for Work No. 4 with all necessary shafts, apparatus, plant and machinery. Power to construct ventilation station.

7. In the execution of any, or any part, of the works shown on the deposited plans 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 10 feet upwards and to such extent downwards as may be found necessary or convenient: Power to deviate.

PART II
—cont.

Provided that in the execution of the works the Board shall not deviate upwards from the levels shown on the deposited sections to such extent as would result in any permanent alteration of the level of any street.

Power to
open surface
of streets.

8.—Subject to the provisions of this Act, the Board may—

- (a) for the purposes of constructing Work No. 1 enter upon, open, break up and interfere with so much of the surface of the streets known as City Road and Old Street, partly in the London borough of Islington and partly in the London borough of Hackney, as is within the limits of deviation;
- (b) for the purposes of constructing Works Nos. 2 and 3 enter upon, open, break up and interfere with so much of the surface of the street known as Kingsway in the London borough of Camden as is within the limits of deviation; and
- (c) for the purposes of constructing Work No. 4 enter upon, open, break up and interfere with so much of the surface of the streets known as Temple Place and Victoria Embankment in the city of Westminster as is within the limits of deviation.

Power to
make
temporary
works in river
Thames.

9.—(1) Subject to the provisions of this Act—

- (a) the Board may, for the purpose of constructing Work No. 4, temporarily alter or interfere with the banks, bed and foreshores of the river and construct, place, maintain, alter and remove temporarily caissons, cofferdams, piles, fenders, booms, dolphins, embankments, aprons, abutments, piers, landing stages, staging, pontoons, wharves, walls, fences, drains, stairs, buildings and all such other temporary works and conveniences as they may deem expedient or necessary in the river within the limits of deviation:

Provided that, in so far as the said construction involves alteration of or interference with any bank of the river, the Board shall comply with the provisions of the Thames River (Prevention of Floods) Acts, 1879 to 1962, and in and for the purpose of this proviso the word “bank” shall have the same meaning as in the Metropolis Management (Thames River Prevention of Floods) Amendment Act, 1879;

- (b) the Board may occupy and use temporarily so much of the banks, bed and foreshores of the river as may be required for the purposes referred to in paragraph (a) of this subsection and as lies within the limits of deviation; and

c. cxcviii.

(c) the Board may, with the consent of the port authority (such consent not to be unreasonably withheld) and subject to such reasonable conditions as that authority may impose, for the purpose of the construction or maintenance of the works, moor or anchor temporarily, or cause to be moored or anchored temporarily, vessels, barges, lighters or other craft in the river.

(2) Any difference arising between the Board and the port authority under paragraph (c) of subsection (1) of this section shall be settled by arbitration.

10. 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:

c. 18.

(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 date upon which any such owner, lessee or occupier either first discovered the loss or damage or by which he ought reasonably to have discovered it (whichever is the earlier):

(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 five years after the opening for traffic of that work, enter upon and survey such house or

PART II
—cont.

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 determined under and in accordance with the Lands Clauses Acts.

c. 18.

Incorporation
of provisions
of Act of
1963 relating
to works.

11. The following provisions of the Act of 1963 are incorporated with and form part of this Part of this Act:—

- Section 7 (Repair of roads where level not permanently altered);
- Section 8 (General provisions as to mode of construction of Work No. 1);
- Section 9 (Plans, etc., to be approved by Minister before Work No. 1 commenced);
- Section 10 (Provisions as to use of electrical power);
- Section 11 (Compensation for damage by working);
- Section 15 (Power to make trial holes);
- Section 16 (Use of sewers, etc., for removing water):

Provided that for the purposes of this Act the references in the said sections 8, 9, 10 and 11 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act, shall be construed as references to Work No. 4 authorised by this Act:

Provided also that the provisions of the said section 16, as so incorporated, shall have effect as if in subsection (5) the words "and the Lee Conservancy Catchment Board" were omitted.

PART II
—cont.

PART III

LANDS

12.—(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) 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.

13.—(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 a metropolitan stipendiary magistrate for the correction thereof. Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the magistrate that the misstatement or wrong description arose from mistake, he shall certify the fact accordingly and shall in his 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 the clerk of the council and with every clerk of a local authority with whom a copy of the deposited plans (or of so much thereof as includes the 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 a certificate is deposited under this section shall keep it with the other documents to which it relates.

PART III
—cont.

Power to
acquire
easements
only in
certain cases.

14.—(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, river, canal, navigation, watercourse, aqueduct, drain, dyke or sewer; or

(b) any of the lands described in Schedule 1 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 Board 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 12 (Acquisition of part only of certain properties) of the Act of 1964 as incorporated with 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.

Easements
only to be
acquired under
certain lands.

15.—(1) In this section “the specified lands” means the lands referred to in Schedule 2 to this Act.

(2) The Board 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 Work No. 4, such easements or rights under the specified lands as they may require for the purpose of constructing, maintaining, renewing and using Work No. 4 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.

PART III
—cont.

16.—(1) Notwithstanding anything in this Act the Board may acquire no greater interest over and along the road numbered on the deposited plans 22 in the London borough of Lambeth than the easement or right of way referred to in this section.

Power to
acquire right
of way at
Lambeth.

(2) The Board may give notice to treat in respect of such easement or right 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 the said easement or right as if it were land within the meaning of those Acts.

(3) The easement or right referred to in this section is a right, subject to such conditions as shall be laid down by an engineer to be appointed by the British Railways Board and which in his opinion are reasonably necessary to ensure the free flow of traffic along the said road, for the officers, servants, agents or contractors of the Board and any other persons duly authorised by the Board in that behalf to pass over and along the said road to and from the lands numbered on the deposited plans 21 in the London borough of Lambeth with or without vehicles of any description for the purpose of constructing and maintaining Works Nos. 4 and 5.

(4) After the construction of Works Nos. 4 and 5 the Board shall repair to the satisfaction of the said engineer any damage caused to the said road resulting from the exercise of the powers of this section.

17. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act, but not less than three months or, in the case of any easement or right that may be acquired compulsorily under this Act in, under or over any land, one month, 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.

c. 18.

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.

PART III
—cont.
Temporary
possession
of land.

18.—(1) This section applies to the lands numbered on the deposited plans 4 in the city of Westminster, other than the site of the Brunel statue (hereafter in this section referred to as “the said lands”).

(2) The Board may, for the purpose of enabling them to construct the works, enter upon and take possession temporarily of the said lands after giving to the council as owner and occupier thereof not less than one month’s previous notice in writing and may remove any structures thereon and may erect temporary works and structures thereon for the aforesaid purpose:

Provided that the Board—

(a) shall not remain in possession of the said lands after a period of three years from the date of entry thereon; and

(b) shall not be empowered to purchase compulsorily or be required to purchase the said lands.

(3) Before relinquishing possession of the said lands the Board shall remove all works and structures erected by them thereon and shall reinstate the said lands to the reasonable satisfaction of the council.

Period for
compulsory
purchase of
lands and
easements.

19.—(1) The powers of the Board for the compulsory purchase of the lands and easements which they are authorised to acquire for the purposes of Works Nos. 4 and 5 shall cease on the 31st December, 1971.

(2) The powers of the Board for the compulsory purchase of the other lands and easements which they are authorised by this Act to acquire shall cease on 31st December, 1968.

Incorporation
of provisions
of Act of 1963
and Act of 1964
relating to
lands.

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

Act of 1963—

Section 21 (Power to enter for survey or valuation);

Section 26 (Grant of easements by persons under disability);

Section 28 (As to cellars under streets not referenced):

Act of 1964—

Section 12 (Acquisition of part only of certain properties);

Section 13 (Disregard of recent improvements and interests);

Section 14 (Extinction of private rights of way):

Provided that the provisions of the said section 13 of the Act of 1964, as so incorporated, shall have effect as if for the reference therein to the 5th December, 1963, there was substituted a reference to the 5th December, 1964.

PART IV
PROTECTIVE PROVISIONS

21. The following provisions of the Act of 1963 are incorporated with and form part of this Part of this Act:—

Incorporation
of protective
provisions of
Act of 1963.

Section 30 (Crown rights);

Section 31 (For protection of Postmaster General);

Subsections (1) and (3) of section 32 (For further protection of Postmaster General);

Section 42 (For protection of gas, water and electricity undertakers):

Provided that the provisions of the said section 31, as so incorporated, shall have effect as if for the references therein to Work No. 1 authorised by the Act of 1963 there were substituted references to Work No. 4 authorised by this Act.

22. In particular and without prejudice to the general law concerning the applicability of statutes to the Duchy of Cornwall, nothing in this Act shall authorise the Board to take, enter upon or interfere with any land or take away or affect any rights, powers, privileges or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under section 39 of the Duchy of Cornwall Management Act, 1863, to exercise all or any of the said rights, powers, privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said duchy or, as the case may be, the consent of the said Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained.

Saving rights
of Duchy of
Cornwall.

c. 49.

23. In particular and without prejudice to the general law concerning the applicability of statutes to the Duchy of Lancaster, nothing in this Act contained shall extend or operate to authorise the Board to take, use, enter upon or in any manner interfere with any land, soil, water or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent may be given either unconditionally or subject to such conditions and upon such terms as the said Chancellor shall deem necessary or appropriate) or take away, prejudice or diminish any estate, right, privilege, power or authority vested in or enjoyed or exercisable by Her Majesty, Her Heirs and Successors in right of Her said duchy.

Saving rights
of Duchy of
Lancaster.

PART IV
—cont.

For
protection of
Postmaster
General.
c. cxvi.

24. The Board shall give to the Postmaster General not less than fourteen days' notice in writing before commencing the construction of Work No. 2 or Work No. 3 within a distance of 30 feet of that part of the railway of the Postmaster General authorised by the Post Office (London) Railway Act, 1913, which is situate below Vernon Place and Theobald's Road in the London borough of Camden.

As to works
within
Metropolitan
Police District.

25. 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
Greater
London
Council.

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

- (1) Subject to the provisions of section 18 (Temporary possession of land) of this Act the Board shall not under the powers of this Act acquire compulsorily any interest of the council in any lands or property of the council (other than the lands numbered on the deposited plans 1 in the London borough of Lambeth) but the Board may, in accordance with the provisions of this Act, acquire compulsorily such easements and rights in those lands as they may reasonably require for the purpose of constructing, maintaining, renewing and using the works:

Provided that as respects—

- (i) the lands numbered on the deposited plans 2, 4, 5 and 6 in the London borough of Lambeth; and
- (ii) the lands numbered on the deposited plans 8 to 14 in the London borough of Islington;

the Board's power compulsorily to acquire easements and rights shall be confined to underground easements and rights:

- (2) Any difference arising between the council and the Board under this section shall be settled by arbitration.

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

PART IV
—cont.

For
protection of
sewers of
Greater
London
Council.

- (1) The Board shall not commence the specified works until they shall have given to the council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with plans as described in paragraph (8) of this section (in this section referred to as "the said plans") and until the council shall have signified their approval of the said plans:

Provided that if, within twenty-eight days after the submission of the said plans, the council have not approved or disapproved them, they shall be deemed to have approved the said plans:

- (2) The Board shall comply with and conform to all reasonable orders, directions and regulations of the council in the execution of the said works and shall provide new, altered or substituted works in such manner as the council shall reasonably require for the proper protection of, and for preventing injury or impediment to, such sewer by reason of the specified works and shall save harmless the council against all expenses to be occasioned thereby:
- (3) All such new, altered or substituted works shall, where so required by the council, be done by or under the direction, superintendence and control of an officer of the council duly appointed for the purpose at the costs, charges and expenses in all respects of the Board and all costs, charges and expenses to which the council may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the council by the Board on demand:
- (4) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the costs, charges and expenses of the Board under the provisions of this section the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the council as any sewers or works now or hereafter may be:
- (5) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the council in relation to

PART IV
—cont.

sewers but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:

- (6) The council may require the Board in constructing the specified works to make any reasonable deviation within the limits of deviation from the line or levels shown upon the said plans for the purpose of avoiding injury or risk of injury to the sewers of the council and the Board shall in constructing such works deviate accordingly:
- (7) It shall not be lawful for the Board in the exercise of the powers of section 15 (Power to make trial holes) of the Act of 1963 as incorporated by section 11 (Incorporation of provisions of Act of 1963 relating to works) of this Act to make any trial holes so as to interfere with any sewer of the council:
- (8) The plans to be submitted to the council for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, the specified works are proposed to be constructed and shall accurately describe the position of all sewers of the council within the limits of deviation (for which purpose the council shall allow the Board access to plans in their possession and to any of their sewers in order to enable the Board to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any such sewer:
- (9) The council may require such modifications to be made in the said plans as may be reasonably necessary to secure the Greater London main drainage system against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers:
- (10) The Board shall be liable to make good, or, if the council so decide, to bear any expense incurred by the council in making good, all injury or damage caused by or resulting from the construction of the specified works to any sewers, drains or works vested in the council and the council shall from time to time have power to recover any expense so incurred by them from the Board in any court of competent jurisdiction:
- (11) If the Board in the construction of the specified works or any new, altered or substituted works or any work

of defence connected therewith provided in accordance with this section damage or, without the consent of the council, alter or in any way interfere with any existing sewer of the council the Board shall—

PART IV
—cont.

(a) from time to time pay to the council any additional expense to which the council may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and

(b) give to the council full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

- (12) This section shall apply to any unfiltered water main, hydrant or pipe subway vested in the council as if the said unfiltered water main, hydrant or pipe subway were a sewer of the council:
- (13) It shall be lawful for an officer of the council duly appointed for the purpose at any reasonable time to enter upon and inspect the specified works or any other works constructed under the powers of this section:
- (14) The approval by the council of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Board from any liability or affect any claim for damages under this section or otherwise:
- (15) In this section the expression “the specified works” means any part of the works which will or may be situated over or within 50 feet measured in any direction of any sewer of the council.

28. The following provisions shall, unless otherwise agreed in writing between the Board and the council, apply and have effect:—

As to metropolitan roads and road traffic, etc.

(1) In this section “road” means a road which is for the time being a metropolitan road within the meaning of the London Government Act, 1963: c. 33.

(2) The Board shall not without the consent of the council construct any part of the works which will be within 25 feet of the surface of any road except in accordance with plans and sections submitted to and approved by the council, but such approval shall not be unreasonably withheld:

PART IV
—cont.

Provided that if within twenty-eight days after such plans and sections have been submitted the council have not approved or disapproved them they shall be deemed to have approved the plans and sections as submitted:

- (3) In the construction of any part of the works under a road 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 the road or (except in the case of Work No. 1) be nearer than 2 feet 6 inches to the surface of the road:
- (4) Before commencing to construct any part of the works or any works or conveniences connected therewith which will involve interference with a road or the traffic in any highway the Board shall consult the council as to the time when such part shall be commenced, and as to the extent of the surface of the road which it may be reasonably necessary for the Board to occupy or the nature of the interference which may be caused to the said traffic 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 road shall not be occupied by the Board and the said interference with traffic shall not be caused except at the time, to the extent, and in accordance with conditions agreed between the Board and the council:
- (5) At least fourteen days before commencing to make any vertical holes from the surface of any part of any road the Board shall serve notice in writing on the council of their intention to commence the same and such notice shall describe the place or places at which such holes are intended to be made and if within fourteen days after the receipt of such notice any objection is made by the council the matter shall (unless otherwise agreed) be settled by arbitration before the making of the hole is commenced but if no such objection is made the making of the hole may be proceeded with:
- (6) Except with the consent of the council the Board shall not open or make any permanent openings or any ventilators, air shafts or other similar openings in, or erect or construct any structure or erection above, the surface of the carriageway or footway of any road, and in constructing, maintaining and operating the said

ventilators, airshafts or other similar openings the Board shall take all steps which are reasonably practicable to avoid causing a nuisance:

- (7) The Board shall secure that so much of the works as is constructed under or so as to affect any road shall be designed, constructed and maintained so as to carry the appropriate loading recommended at the time of construction of such works by the Minister for highway bridges and the Board shall indemnify the council against and make good to the council all expenses which the council may reasonably incur or be put to in the maintenance or repair of any road or any tunnels, sewers, drains or apparatus therein by reason of any non-compliance by the Board with the provisions of this paragraph:

Provided that this paragraph shall not apply to so much of the surface of Work No. 1 as is not intended to carry vehicles:

- (8) It shall be lawful for the officer of the council duly appointed for the purpose at all reasonable times to enter upon and inspect any part of the works which is in or under any road, or which may affect any road or any property or work of the council, during the execution thereof and the Board shall give to such officer all reasonable facilities for such inspection and if he shall be of opinion that the construction of such works is attended with danger to any road or to any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the council on or under any road the Board shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto:
- (9) The Board shall not alter, disturb or in any way interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the council on or under any road or repairable by them or the access thereto without the consent of the council and any alteration, diversion, replacement or reconstruction of any such sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work as aforesaid which may be necessary shall be made by the council

PART IV
—cont.

or the Board as the council shall think fit and any costs, charges and expenses reasonably incurred by the council in so doing shall be repaid to the council by the Board:

- (10) The Board shall not remove any soil or material from any road except such as must be excavated in the carrying out of the works:
- (11) The Board shall not, except with the consent of the council, deposit any soil, subsoil or materials or stand any vehicle or plant on any road so as to obstruct the use of such road by any person or except with the like consent deposit any soil, subsoil or materials on any such road except within a hoarding:
- (12) All reasonable costs, charges and expenses incurred by the council in removing any soil, subsoil or materials deposited on any road in contravention of this section shall be a debt due to the council and shall on demand be paid by the Board to the council:
- (13) Where any part of any road shall have been temporarily broken up or disturbed by the Board the Board shall make good the subsoil, foundations and surface of such part of the road to the reasonable satisfaction of the council:

Provided that the reinstatement of such part of the road shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the council as soon as reasonably practicable after the completion of the temporary reinstatement and the reasonable costs, charges and expenses incurred by the council in so doing shall be repaid by the Board to the council:

c. 25.

- (14) It shall not be lawful for the Board to place any hoardings on any part of any road except for such period as may be necessary and then only in such manner as shall be reasonably necessary and the provisions of the Highways Act, 1959, relating to hoardings shall apply to any hoarding erected on any part of any road and for the purposes of the application of section 147 of the said Act of 1959 any such hoarding shall be deemed to have been erected in compliance with subsection (1) of that section:
- (15) The Board shall make compensation to the council for any subsidence of or damage to any road or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or

apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the council on or under any road or repairable by them which may be caused by or in consequence of any act or default of the Board, their contractors, servants or agents and whether such damage or subsidence shall happen during the construction of the works or at any time thereafter:

PART IV
—cont.

- (16) Within three months after the completion of any of the works, or such longer period as the council may agree, the Board shall remove or to the reasonable satisfaction of the council demolish or otherwise dispose of all temporary buildings and structures erected at, above or immediately below surface level for the purposes of or in connection with the construction of that work and shall remove all surplus materials, plant, machinery and appliances provided or approved in connection therewith and shall, so far as is reasonably practicable, to the like satisfaction restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of or in connection with that work:
- (17) As soon as reasonably practicable after the completion of any part of the works the Board shall furnish the council with a plan and section showing the position and level of such part of the works as constructed:
- (18) The council may require that the works or works and conveniences connected therewith so far as they involve any serious interference with the movement of traffic in any highway shall be carried on so far as reasonably practicable continuously day and night and the Board shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:
- (19) 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:
- (20) Any difference arising between the Board and the council under this section shall be settled by arbitration.

PART IV
—cont.
For
protection
of British
Railways
Board.

29. For the protection of the British Railways Board (in this section referred to as “the railways board”) the following provisions shall, unless otherwise agreed in writing between the Board and the railways board, apply and have effect:—

(1) In this section—

“railway property” means any railway of the railways board and any works connected therewith for the maintenance or operation of which the railways board are responsible and includes any lands held or used by the railways board for the purposes of such railway or works;

“the works” means so much of the works authorised by this Act as may be situated upon, across, under or over or may in any way affect railway property and includes the construction and reconstruction of such works;

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

“plans” include sections, drawings and particulars;

“the signed plan” means the plan signed in duplicate by Cedric Ethelwulf Dunton on behalf of the Board and Alfred Henry Cantrell on behalf of the railways board one copy of which has been deposited with each of the respective boards:

(2) The Board shall not under the powers of this Act acquire compulsorily any railway property but they may, subject to the provisions of subsection (3) of this section, in accordance with the provisions of section 14 (Power to acquire easements only in certain cases) of this Act acquire such easements and rights in, under or over any railway property delineated on the deposited plans as they may reasonably require for the purposes of the works:

(3) (a) The Board shall not acquire any permanent easement or right in the surface of or over the lands of the railways board except for the purposes of Work No. 5 which permanent easement or right shall be restricted to the area and space occupied by the said Work with rights of access thereto for all purposes over the premises of the railways board and they may acquire temporary easements or rights in the lands coloured pink and blue on the signed plan for the purposes of working sites in connection with the construction of Works Nos. 4 and 5 respectively:

(b) Any temporary easement or right in the lands coloured pink on the signed plan shall relate to such part or parts of the said lands comprising an area not less than 5,000 square feet as the engineer may from time to time prescribe:

(4) Work No. 5 if commenced shall be constructed in the position shown on the signed plan and the Board shall not deviate therefrom without the consent in writing of the engineer:

(5) The provisions of paragraphs (3) to (15) inclusive of section 41 (For protection of British Railways Board) of the Act of 1963 shall extend and apply for the protection of the railways board in relation to the works as if those provisions were with any necessary modifications re-enacted in this section and as if—

(a) for the references therein to “ the works ” there were substituted references to “ the works ” as defined by paragraph (1) of this section and as if that expression included the maintenance and repair of the works for the purposes of the application of paragraphs (7), (11) and (13) of the said section 41;

(b) for the reference therein to the Act of 1963 there were substituted a reference to this Act;

(c) for the reference therein to section 15 (Power to make trial holes) of the Act of 1963 there were substituted a reference to that section as incorporated by section 11 (Incorporation of provisions of Act of 1963 relating to works) of this Act.

30.—(1) For the protection of the port authority and river users the following provisions shall, unless otherwise agreed in writing between the Board and the port authority, apply and have effect.

For protection of port authority and river users.

(2) (a) Before commencing any river work the Board shall submit to the port authority plans, sections and particulars of the river work for their approval (which approval shall not be unreasonably withheld but may be given subject to reasonable conditions for protecting the navigation of the river and river users); and a river work which is so approved shall be subject to section 244 (Certain works to be approved by the Board of Trade) of the Port of London (Consolidation) Act, 1920.

c. clxxiii.

(b) If the port authority do not within twenty-eight days of the submission to them of any plans, sections or particulars under this subsection give notice to the Board of their approval or disapproval they shall be deemed to have approved them.

PART IV
—cont.

(3) (a) A river work when commenced shall be completed as soon as practicable and the Board shall upon completion of any part of any permanent river work remove as soon as practicable any temporary works and materials for temporary works constructed or placed in, on, over or under the river in connection with that part of the river work.

(b) A river work shall be constructed and maintained and in the case of temporary works removed to the reasonable satisfaction of the chief engineer of the port authority and in the construction, maintenance and removal of a river work traffic on the river shall not be interfered with more than may be reasonably necessary.

(4) The Board shall allow the port authority's representatives to inspect and survey river works and other works constructed under the powers of this Act on lands immediately adjacent to the river and shall give reasonable facilities for that purpose.

(5) Except so far as may be unavoidable in the construction of the works the Board shall not, without the consent of the port authority under the hand of their secretary, deposit in or allow to fall into the river any gravel, soil or other material.

(6) (a) Any pile stump or other obstruction which becomes exposed in consequence of a river work shall be removed from the river by the Board or if it is not reasonably practicable to remove it, shall be cut off at such level below the bed of the river as the port authority may direct.

(b) If the Board fail to remove from the river any such pile stump or other obstruction within twenty-eight days after receipt of written notice from the port authority requiring the removal the port authority may carry out the removal and recover their expenses from the Board.

(7) If—

(i) any work constructed under the powers of this Act is abandoned or out of repair and is either wholly or partially in the river below high-water mark of ordinary spring tides or is in such other position that it is or is likely to become a danger to or interference with navigation or other public rights in the river; and

(ii) the port authority by written notice require the Board either to repair the work or (if the Board no longer require the work) to abate and remove the work or any part of it and restore the site to its former condition; and

(iii) the Board fail to comply with the notice within twenty-eight days after the receipt of it;

the port authority may abate and remove the work or any part of it and restore the site to its former condition and may recover their expenses from the Board.

PART IV
—cont.

(8) The port authority may recover from the Board any expense which the port authority incur—

- (i) in dredging away any accumulation of mud or silt consequent upon the execution or maintenance of any river work;
- (ii) in obtaining and depositing in the river such material as is necessary in the opinion of the port authority to protect river users and other works in the river from the effects of scouring of the river bed consequent upon the execution or maintenance of any river work;
- (iii) in altering any mooring in any way which in the opinion of the port authority may be rendered necessary or desirable by reason of the execution of any river work.

(9) The compensation or consideration payable to the port authority by the Board in respect of any easement acquired by the Board under this Act and of any river work shall be assessed in accordance with the provisions of section 254 (Consideration for licence to be previously approved) of the Port of London (Consolidation) Act, 1920, and the port authority may recover c. clxxiii. from the Board the assessor's fees so incurred.

(10) On completion of the construction of Work No. 4, the Board shall supply to the port authority a plan on a scale of not less than 1 inch to 208.33 feet and sections and cross-sections on scales of not less than $\frac{1}{8}$ of an inch to 1 foot showing the situation and levels of Work No. 4 where it passes under the river and of every other permanent river work.

(11) The owners and masters of vessels shall not be liable to make good any damage which may be caused to any temporary river work or plant placed by the Board in the river under the powers of this Act except to the extent that any such damage arises from the wilful act or default of such owners or masters or their servants or agents.

(12) Nothing in this Act shall prevent the port authority from dredging the river to a depth of 35 feet below Trinity High Water Mark, and notwithstanding anything in the Port of London Acts, 1920 to 1964, the port authority shall not be liable in the absence of negligence for any damage to a river work resulting from such dredging operations or the carrying out by them in the execution of their statutory powers and duties of any operations in the river or any works for its improvement or maintenance.

PART IV
—cont.

(13) Except as provided by this Act, nothing in this Act shall prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the port authority or alter or diminish any power, authority or jurisdiction vested in the port authority at the commencement of this Act.

(14) Nothing in this Act shall authorise the Board to discharge or allow to escape either directly or indirectly into the river or its tributaries any offensive or injurious matter in suspension or otherwise or shall affect the operation of any provision of the Port of London Acts, 1920 to 1964, relating to pollution.

(15) Any difference arising between the Board and the port authority under this section (other than a difference as to the meaning or construction of this section and other than subsections (9) and (14)) shall be settled by arbitration.

Marking of
works in
river Thames.

31.—(1) The Board shall at or near every river work exhibit such lights, lay down such buoys and take such other steps for preventing danger to navigation as the port authority may from time to time require or approve and shall apply to the port authority for directions about the means to be taken.

(2) If the Board fail to comply with any provision of this section they shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to an additional fine not exceeding two pounds for every day on which the offence continues after conviction.

For
protection of
Hackney and
Islington
Corporations.

32. For the protection of the mayor, aldermen and burgesses of the London borough of Hackney and the mayor, aldermen and burgesses of the London borough of Islington respectively (each of whom is in this section referred to as “the corporation”) the following provisions shall, unless otherwise agreed in writing between the Board and the corporation, apply and have effect with reference to the exercise of the powers of this Act relating to the works to which this section applies:—

- (1) (a) In this section “highway” means a highway vested in or repairable or maintained by the corporation;
 - (b) The works to which this section applies are Work No. 1 and the works and conveniences connected therewith authorised by this Act:
- (2) Wherever in this section provision is made with respect to the consent of the corporation such consent shall be in writing and may be given under the hand of the town clerk subject to such reasonable terms and conditions as the corporation may require but shall not be unreasonably withheld:

- (3) Before commencing to construct any part of the works to which this section applies which will involve interference with a highway, the Board 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 which it may be reasonably necessary for the Board 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 Board except at the time, to the extent and in accordance with conditions agreed between the Board and the corporation or in default of agreement settled by arbitration:
- (4) In the construction of any part of the works to which this section applies under a highway, no part thereof shall (except with the consent of the corporation) be so constructed as to interfere with the provision of proper means of drainage of the surface of any highway nor, except with such consent as aforesaid, be nearer than 2 feet 6 inches to the surface of Cowper Street and that part of City Road which is south of Old Street:
- (5) At least fourteen days before commencing any vertical borings from the surface of any part of any highway the Board shall serve notice in writing on the corporation of their intention to commence the same, and such notice shall describe the place or places at which such borings are intended to be made, and if within fourteen days after the receipt of such notice any objection is made by the corporation the matter shall (unless otherwise agreed) be settled by arbitration before the boring is commenced, but if no such objection is made the said borings may be proceeded with:
- (6) The works to which this section applies so far as they involve any serious interference with the movement of traffic in any highway shall after the commencement thereof be carried on as expeditiously as possible:
- (7) The Board shall secure that so much of the works to which this section applies as is constructed under or so as to affect any highway shall be designed, constructed and maintained so as to carry the appropriate loading recommended at the time of construction of such works by the Minister for highway bridges and the Board shall indemnify the corporation against, and make good

PART IV
—cont.

to the corporation, all expenses which the corporation may reasonably incur or be put to in the maintenance or repair of any highway or any tunnels, sewers, drains or apparatus therein by reason of any non-compliance by the Board with the provisions of this paragraph:

Provided that this paragraph shall not apply to so much of the surface of Work No. 1 as is not intended to carry vehicles:

- (8) It shall be lawful for the engineer or surveyor or other officer of the corporation duly appointed for the purpose at all reasonable times to enter upon and inspect any part of the works to which this section applies in, under or affecting any highway or which may affect any property of the corporation during the execution thereof, and the Board shall give to such engineer or surveyor or officer all reasonable facilities for such inspection and if he shall be of opinion that the construction of such works is attended with danger to any highway or to any refuge, sewer, drain, lamp column, traffic sign and apparatus connected therewith or work belonging to or under the jurisdiction or control of the corporation the Board shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto:
- (9) The Board shall not alter, disturb or in any way interfere with any refuge, sewer, drain, lamp column, traffic sign or apparatus connected therewith, or other property or work of the corporation or under the control of or repairable by the corporation or the access thereto, without the consent of the corporation 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 corporation or the Board as the corporation shall think fit, and any costs and expenses reasonably incurred by the corporation in so doing shall be repaid to the corporation by the Board:
- (10) The Board shall not remove any soil or material from any highway except such as must be excavated in the carrying out of the works to which this section applies:
- (11) If any extra expense be incurred by the corporation for the repair of any highway by reason of the diversion thereto of traffic from a road of a higher classification in consequence of the making or construction of the works to which this section applies the Board shall repay the amount of such expense to the corporation:

- (12) The Board shall not, except with the consent of the corporation, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway so as to obstruct the use of such highway by any person or, except with the like consent, deposit any soil, subsoil, or materials on any such highway except within a hoarding:
- (13) All reasonable costs, charges and expenses incurred by the corporation in removing any soil deposited on any highway in contravention of this section shall be a debt due to the corporation and shall on demand be paid by the Board to the corporation:
- (14) Where any part of any highway shall have been temporarily broken up or disturbed by the Board the Board shall make good the subsoil, foundations and surface of such part of the highway to the reasonable satisfaction of the corporation:

Provided that the reinstatement of such part of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the corporation as soon as practicable after the completion of the temporary reinstatement and the reasonable cost incurred by the corporation in so doing shall be repaid by the Board to the corporation:

- (15) It shall not be lawful for the Board to place any hoardings on any part of any highway except for such period as may be necessary and then only in such manner as shall be reasonably necessary and no such hoarding shall be erected except under the provisions of the Metropolis Management Act, 1855:

c. 120.

- (16) The Board shall make compensation to the corporation for any subsidence of, or damage to, any highway or any refuge, sewer, drain, lamp column, traffic sign and apparatus connected therewith, or other property or work 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 Board, their contractors, servants or agents and whether such damage or subsidence shall happen during the construction of the works to which this section applies or at any time thereafter:
- (17) Within three months after the completion of any of the works to which this section applies, or such longer

PART IV
—*cont.*

period as the corporation may agree, the Board shall remove or to the reasonable satisfaction of the corporation demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of, or in connection with the construction of that work and shall remove all surplus materials, plant, machinery and appliances provided or approved in connection therewith and shall so far as is reasonably practicable to the like satisfaction restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of or in connection with that work:

- (18) As soon as reasonably practicable after the completion of any part of the works to which this section applies, the Board shall furnish the corporation with a plan and section showing the position and level of such part of the works as constructed:
- (19) Any difference arising between the Board and the corporation under this section shall be settled by arbitration.

PART V

MISCELLANEOUS

Extension of
time.

33.—(1) The period now limited by the Act of 1962 for the compulsory purchase of the lands authorised to be acquired by section 18 (Power to take lands) of the Act of 1947 for the purposes of Works Nos. 7, 7A and 7B authorised by Part II (Works) of the Act of 1947 is hereby extended until the 31st December, 1968.

(2) In this section the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the Act of 1947.

Increase of
penalties
for certain
offences in
relation to
railways.
c. 97.

34.—(1) Section 16 of the Railway Regulation Act, 1840, in its application to any railway of the Board or to any stations or other works or premises connected therewith shall have effect as if after the words “in the discretion of such justice” there were inserted the words “be imprisoned for a term not exceeding one month or” and as if for the words “five pounds” there were substituted the words “twenty pounds”.

c. 55.

(2) Section 17 of the Railway Regulation Act, 1842, in its application to any railway of the Board shall have effect as if for the words “ten pounds” there were substituted the words “twenty-five pounds”.

(3) Section 75 of the Act of 1845 as incorporated with any enactment relating to any railway of the Board (including this Act) shall have effect as if for the words "forty shillings" there were substituted the words "twenty-five pounds".

PART V
—cont.

(4) Section 22 of the Regulation of Railways Act, 1868, in its application to a passenger in a train worked by the Board shall have effect as if for the words "five pounds" there were substituted the words "twenty-five pounds".

(5) Section 5 of the Regulation of Railways Act, 1889, in its application to the railways of the Board shall have effect as if in subsection (2) thereof after the word "refuses" there were inserted the words "or fails".

(6) Section 55 (For better prevention of trespass on railways, etc.) of the British Transport Commission Act, 1949, in its application to the Board shall have effect as if in subsection (1) thereof for the words "forty shillings" there were substituted the words "twenty-five pounds".

(7) Section 56 (Stone throwing on railway) of the said Act of 1949 in its application to the Board shall have effect as if in subsection (1) thereof for the words "forty shillings" there were substituted the words "twenty-five pounds".

35. 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.
c. 38.

36. 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.

37. 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

Section 14.

SCHEDULE 1

DESCRIBING PROPERTIES IN RESPECT OF WHICH EASEMENTS MAY BE TAKEN AS PROVIDED BY SECTION 14 (POWER TO ACQUIRE EASEMENTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORK No. 1	
London borough of Islington ...	3 to 14.
London borough of Hackney ...	3 to 5.
WORKS NOS. 2 AND 3	
London borough of Camden ...	4.
WORKS NOS. 4 AND 5	
City of Westminster ...	1, 3, 4, 11 to 18.
London borough of Lambeth ...	1 to 3, 16 and 21.

Section 15.

SCHEDULE 2

LANDS REFERRED TO IN SECTION 15 (EASEMENTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORK No. 4	
City of Westminster ...	6 to 10, 19 to 21, 23 to 26, 28 to 37.
London borough of Lambeth ...	4 to 14, 17 and 18.

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CHAPTER xli

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Schedule 2—Lands referred to in section 15 (Easements only to be acquired under certain lands) of this Act.