



# British Railways Act 1969

## CHAPTER xliii

### ARRANGEMENT OF SECTIONS

#### PART I PRELIMINARY

- Short title.
- Interpretation.
- Incorporation of general Acts.
- Application of Part I of Compulsory Purchase Act 1965.

#### PART II WORKS

- Power to make work.
- Stopping up of portions of roads.
- As to level crossing at King's Lynn.
- As to certain level crossings.
- Incorporation of provisions of Acts of 1963, 1967 and 1968 relating to works.

## PART III

## LANDS

## Section

10. Power to acquire lands.
11. Power to acquire easements only in certain cases.
12. Disregard of recent improvements and interests.
13. Extinction of private rights of way.
14. Period for compulsory purchase of lands or easements.
15. Incorporation of provisions of Acts of 1963 and 1967 relating to lands.

## PART IV

## PROTECTIVE PROVISIONS

16. Incorporation of provisions of Acts of 1963, 1965 and 1967.
17. Tidal works not to be executed without approval of Board of Trade.
18. For protection of British Waterways Board.
19. For protection of Bridgwater Corporation.
20. For protection of certain statutory water undertakers.

## PART V

## MISCELLANEOUS

21. Powers of police as to search and arrest.
22. Misuse of telephones at level crossings.
23. As to bridge over river Lune.
24. As to Hawarden swing bridge.
25. As to Harpenden and Claydale railway.
26. Power to abandon Gravesend Canal Basin, etc.
27. Power to abandon Bridgwater Dock.
28. As to bridge over Wandsworth Road.
29. Extensions of time.
30. Powers to owners and lessees to give notice as to purchase of land.
31. Saving for town and country planning.
32. Arbitration.
33. Costs of Act.

## SCHEDULES:

Schedule 1—The level crossings referred to in section 1 (As to certain level crossings) of this Act.

Schedule 2—Lands for which the period of compulsory acquisition is extended by this Act to 31st December 1972.

ELIZABETH II



1969 CHAPTER xliii

to empower the British Railways Board to construct a work and to acquire lands; to extend the power for the compulsory purchase of certain lands; to confer further powers on the Board and C. A. E. C. Limited; and for other purposes.

[25th July 1969]

AS by the Transport Act 1962 the British Railways Board (thereinafter referred to as "the Board") were established: 1962 c. 46.

It is the duty of the Board under the Transport Act 1962 (inter alia) to provide railway services in Great Britain 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 other services and facilities, to efficiency, economy and the safety of operation:

It is expedient that the Board should be empowered to do the work authorised by this Act and to acquire the land mentioned in this Act:

And whereas it is expedient that the period now limited for compulsory acquisition of certain lands should be extended provided by this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Board and C.A. Howard Limited as therein provided and that the other provisions in this Act contained should be enacted:

And whereas a plan and section showing the lines and levels of the work to be constructed under the powers of this Act, and the lands authorised to be acquired or used under this Act, and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees of the occupiers of the said lands were duly deposited in the custody of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the county of the county of Somerset, which plan, section and book of reference are respectively referred to in this Act as the deposited plan, the deposited section 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 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 1969.
- Interpretation. 2.—(1) In this Act, unless there be something in the context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts or partly incorporated herewith have in relation to the subject-matter the same respective meanings and—
- 1845 c. 20. “ the Act of 1845 ” means the Railways Clauses Consolidation Act 1845;
- 1863 c. 92. “ the Act of 1863 ” means the Railways Clauses Consolidation Act 1863;
- 1963 c. xviii. “ the Act of 1963 ” means the British Railways Act 1963;
- 1965 c. xxi. “ the Act of 1965 ” means the British Railways Act 1965;
- 1966 c. xvii. “ the Act of 1966 ” means the British Railways Act 1966;
- 1967 c. xxx. “ the Act of 1967 ” means the British Railways Act 1967.

PART I  
—cont.  
1968 c. xxxiv.

- “the Act of 1868” means the British Railways Act 1968;
- “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 plan;
- “the Minister” means the Minister of Transport;
- “tidal work” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of mean high-water springs;
- “the tribunal” means the Lands Tribunal;
- “the works” means the works authorised by Part II (Works) of this Act.

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

Distances and lengths stated in any description of works, or lands shall be construed as if the words “or there-” were inserted after each such distance and length, and between points on a railway shall be taken to be measured along the railway.

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

All enactments, 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 shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

(a) sections 1 and 21 of the Act of 1845 and the provisions of that Act with respect to the temporary occupation of land for the railway during the construction thereof, and Part II (relating to extension of time) of the Act of 1863;

(b) 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, the expression

Incorporation  
of general  
Acts.

PART I  
—cont.

“ the railway ” shall mean the works and the expression “ the centre of the railway ” shall mean the centre of Work No. 1;

(ii) the provisions of sections 18 and 21 of the Act of 1963, as incorporated with this Act, shall not extend to or affect 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

1950 c. 39.

(a) by the provisions of Part II of the Utilities Street Works Act 1950;

(b) by the provisions of section 33 of the Gas Act 1963, as incorporated with this Act;

(c) by the provisions of section 45 of the Electricity Act 1967, as incorporated with this Act.

Application of Part I of Compulsory Purchase Act 1965.

1965 c. 56.

1946 c. 49.

4.—(1) Part I of the Compulsory Purchase Act 1965 (sections 4, 24 (5) and 27 thereof and paragraph 3 (3) of Schedule 1 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to a compulsory acquisition of land under this Act as if it were a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies as if this Act were a compulsory purchase order under the Act of 1946.

(2) In section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice), as so applied for the purposes of this Act, the word “ fourteen days ” there shall be substituted the word “ months ”.

1845 c. 18.

(3) The Lands Clauses Consolidation Act 1845 shall apply to the acquisition of land under this Act.

## PART II

## WORKS

Power to make work.

5.—(1) Subject to the provisions of this Act, the Board shall, in the lines or situations shown on the deposited plan, maintain the work hereinafter described with all necessary and conveniences connected therewith:—

In the county of Somerset—

In the borough of Bridgwater—

(Weir and culvert at Bridgwater)

Work No. 1 A weir situate on the east side of the Bridgwater and Taunton Canal at a point

north of Hamp Bridge together with a culvert containing a line or lines of pipes leading from the said well to the river Parrett.

(2) The Board may discharge water from the Bridgwater and Gorton Canal into the river Parrett by means of the said culvert.

(1) Subject to the provisions of this Act, the Board may stop up and discontinue the portions of roads hereinafter mentioned—

Stopping up of portions of roads.

(a) In the county borough of Burton-upon-Trent—

so much of the road (B.5017) from Needwood to Burton-upon-Trent which is crossed on the level by the railway at Burton-on-Trent station at the level crossing known as Moor Street crossing as lies within the boundaries of their property:

(b) In the county of Chester—

In the parish of Moreton cum Alcumlow in the rural district of Congleton—

so much of the road from Kingspool to Roe Park Lodge which is crossed on the level by the railway between Kildgrove Central and Congleton stations at the level crossing known as Aekers crossing as lies within the boundaries of their property:

(c) In the county of Derby—

In the parish of Wingerworth in the rural district of Chesterfield—

so much of the road from the road (A.61) between Chesterfield and Clay Cross to the road (B.6038) between Chesterfield and North Wingfield which is crossed on the level by the railway between Chesterfield and Derby at the level crossing known as Avenue Sidings (Mill Lane) crossing as lies within the boundaries of their property:

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

In the parish of Goldsborough in the rural district of Nidd—

so much of the road (A.59) from York to Knaresborough which is crossed on the level by the railway at Goldsborough station at the level crossing known as Goldsborough station crossing as lies within the boundaries of their property.

Stopping up under this section of the level crossing at Goldsborough in the parish of Moreton cum Alcumlow the right of persons on foot to use the same and the

PART II  
—cont.

Board shall provide and maintain for the convenience of persons wicket-gates on both sides of the railway at the crossing.

(3) The stopping up under this section of the part of (A.59) from York to Knaresborough in the parish of borough shall not take place until a bridge to carry the over the railway adjacent to Goldsborough station crossing has been constructed and opened for public use.

As to level crossing at King's Lynn.

7.—(1) In this section—

“ the borough ” means the borough of King's Lynn county of Norfolk;

“ the council ” means the council of the borough at their own behalf or on behalf of the Minister;

“ the new road ” means any public road constructed by council from King's Lynn to South Wootton so as to cross the railway;

“ the railway ” means the railway between King's Lynn and Hunstanton;

“ traffic sign ” has the meaning assigned to it by section 2 of the Road Traffic Regulation Act 1967.

1967 c. 76.

(2) The council and the Board may enter into and carry out effect agreements for the construction of a level crossing in the borough for carrying the railway across the new road on the level.

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

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

(4) The Board may, with the consent in writing of the Minister (which consent the Minister may amend or revoke) and subject to such conditions and requirements to be observed by the Board as shall, in the opinion of the Minister, be necessary for the protection, safety and convenience of the public at or near any level crossing constructed under the powers of this section and maintain and operate so long as such consent continues in force such barriers, lights, traffic signs and other devices and appliances as may be specified by the Minister.

(5) So long as any such consent as aforesaid continues in force, the provisions (in so far as they are inconsistent with the provisions of this section) shall not apply.



1839 c. 45.

1967 c. 76.

(b) Any traffic sign provided in pursuance of any such consent as aforesaid shall be deemed to be a traffic sign lawfully placed or near a road in accordance with the provisions of the Road Traffic Regulation Act 1967:

provided that nothing in this subsection shall impose on a highway authority any liability in respect of a traffic sign provided in pursuance of any such consent.

(c) The council and the Board may enter into and carry into effect agreements with reference to the defraying or making of contributions towards the cost of constructing, maintaining, repairing and renewing any level crossing constructed under the provisions of this section and with regard to any other matters connected therewith.

Expenses incurred by the council for the purposes of the exercise of their powers as a highway authority in the exercise of their powers as a highway authority.

As from the passing of this Act, all rights of way over the land referred to in Part I of Schedule 1 to this Act, other than rights of way or on foot, shall be extinguished, and the Board shall provide and maintain on both sides of the railway at the level crossings referred to in Part II of the said schedule, other than those referred to in Part III of the said schedule, gates for the convenience of persons on horseback and persons on foot.

As to certain level crossings.

As from the passing of this Act, all rights of way over the land referred to in Part II of the said schedule, other than those referred to in Part III of the said schedule, 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 foot.

As from the passing of this Act, all rights of way over the land referred to in Part III of the said schedule, other than those referred to in Part IV of the said schedule, 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 foot.

As from the passing of this Act, all rights of way over the land referred to in Part IV of the said schedule, other than those referred to in Part V of the said schedule, 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 foot.

As from the passing of this Act, each of the level crossings referred to in the said schedule (including the gates thereof, and any other provisions to the same or similar provisions contained in any enactment relating to level crossings referred to in the said schedule shall apply to those level crossings.

PART II  
—cont.

and (2) of this section) shall be deemed to be works provided by the Board at the passing of this Act pursuant to section 1 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway, and, for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any lands the use of which would have been interrupted if such level crossing had been closed at the passing of this Act.

(5) If any part of the road crossed by the railway at an level crossings referred to in the said schedule shall in consequence of the provisions of this section cease to be a road over which the public have a right of way for the passage of vehicles, the owners and occupiers of the lands abutting on such part shall be entitled to have such rights of passage thereover as shall be necessary to enable them to pass and repass to and from the said lands and to such level crossing.

(6) Any person who suffers loss by the extinguishment of this section of such private rights of way (if any) as may be enjoyed 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.

Incorporation of provisions of Acts of 1963, 1967 and 1968 relating to works.

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

The Act of 1963—

Section 5 (Power to deviate);

Section 11 (Stopping up roads and footpaths and providing substitute); and

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

The Act of 1967—

Section 12 (Temporary stoppage of roads and footpaths).

The Act of 1968—

Section 11 (Underpinning of houses near works).

Provided that the expression "river board" where used in said section 17 of the Act of 1963, as so incorporated, shall have the same meaning as in section 2 of the Water Resources Act 1963, and the definition of "river authority" in subsection (5) of the said section 17 shall be construed accordingly.

1963 c. 38.

## PART III

## LANDS

Power to acquire lands.

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

PART III  
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subject to the provisions of this Act, the Board may enter and use and appropriate so much of the subsoil and under-  
face of any street, road, footway or place delineated on  
deposited plan as is described in the deposited book of reference  
all be necessary for the purposes of the works without being  
required to purchase the same or any easement therein or  
under or to make any payment therefor.

With a view to anything in this Act, the Board may acquire  
such easements or rights as they may require for the  
of constructing, maintaining, renewing and using the  
under or over

Power to  
acquire  
easements  
only in  
certain cases.

any railway, tramway, tramroad, river, canal, navigation,  
watercourse, aqueduct, drain, dyke or sewer; or  
any of the lands numbered on the deposited plan 2, 3,  
4, 5, 6 and 7 in the borough of Bridgwater and 1 and 2  
in the parish of North Petherton in the rural district of  
Bridgwater, are situate within the line "Limit of  
easement to be acquired";

being obliged to acquire any greater interest in, under or  
same respectively, and may give notice to treat in respect  
easements or rights describing the nature thereof and  
the foregoing provisions of this section and to the other  
of this Act) the provisions of Part I of the Compulsory  
of 1965, as applied by this Act, shall have effect in  
the acquisition of such easements or rights as if they  
will be the meaning of those provisions.

1965 c. 56.

In determining a question with respect to compensation  
in consequence of the compulsory acquisition of land  
this Act, the tribunal shall not take into account  
any increase in the value of any  
land, or any enhancement of the value of any  
land, or any reason of any building erected, works  
erected or alteration made, whether on the  
land or on other land with which the claimant is,  
before or after the erection, executing or making of the  
or the erection or alteration, directly or indirectly  
if the tribunal is satisfied that the creation of the  
building, the execution of the works,  
erection or alteration, as the case may  
be, was necessary and was undertaken with a view  
to obtaining or increased compensation.

Disregard of  
recent  
improvements  
and interests.

All private rights of way over any land that may be  
acquired under this Act shall be extinguished on  
the acquisition of the land whether compulsorily or by agreement  
in pursuance of section 11 (1) of the  
Purchase Act 1965, as applied by this Act, whichever

Extinction  
of private  
rights of way.

PART III  
—cont.

1961 c. 33.

Period for  
compulsory  
purchase of  
lands or  
easements.Incorporation  
of provisions  
of Acts of  
1963 and 1967  
relating to  
lands.

(2) Any person who suffers loss by the extinguishment of a right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under the provisions of the Land Compensation Act 1961 in accordance with the Land Compensation Act 1961.

14. The powers of the Board for the compulsory purchase of the lands and easements which they are authorised to purchase by this Part of this Act shall cease on 31st December 1971.

15. The following provisions of the Acts mentioned in Schedule 1 are incorporated with, and form part of this Part of this Act:

The Act of 1963—

Section 19 (Correction of errors in deposited copy of book of reference):

The Act of 1967—

Section 15 (Acquisition of parts only of land and properties); and

Section 16 (Grant of easements by agreement in cases of disability).

## PART IV

## PROTECTIVE PROVISIONS

Incorporation  
of provisions  
of Acts of  
1963, 1965  
and 1967.

16. The following provisions of the Acts mentioned in Schedule 1 are incorporated with, and form part of this Part of this Act:

The Act of 1963—

Section 33 (For protection of gas, water and electricity undertakers):

The Act of 1965—

Section 34 (For protection of Post Office General Delivery boxes):

The Act of 1967—

Section 35 (Crown rights) (except paragraph (c) of section (1) thereof); and

Section 45 (For further protection of certain gas, water and electricity undertakers).

Provided that—

- (i) In subsection (2) of the said section 34 of the Act of 1965 as so incorporated, the reference to section 61 of the Act of 1965 shall be construed as a reference to section 61 of this Act (Stopping up of portions of roads); and

(ii) In the said section 45 of the Act of 1967, as so incorporated

(a) the reference in paragraph (2) thereof to section 11 (Underpinning of houses near works) of the Act of 1967 shall be construed as a reference to section 11 (Underpinning of houses near works) of the Act of 1968, as incorporated with this Act; and

(b) for the reference in paragraph (4) thereof to section 13 (Incorporation of provisions of Act of 1963 relating to works) of the Act of 1967 there shall be substituted a reference to section 9 (Incorporation of provisions of Acts of 1963, 1967 and 1968 relating to works) of this Act.

(1) A tidal work shall not be constructed or altered except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board of Trade before the work is begun.

Tidal works not to be executed without approval of Board of Trade.

If a tidal work is constructed or altered in contravention of any condition or restriction imposed under this

Board of Trade may by notice in writing require the Board at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Board they have failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or

if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and the expenditure incurred by the Board of Trade in so doing shall be recoverable from the Board as a simple contract debt.

The provisions of the British Waterways Board (in this section referred to as "the waterways board") the following provisions shall, unless otherwise agreed in writing between the waterways board, apply and have effect:—

For protection of British Waterways Board.

In this section

"the canal" means the Bridgwater and Taunton Canal of the waterways board and any works connected therewith for the maintenance of which the waterways board are responsible and includes any lands held or used by the waterways board for the purposes of the canal;

PART IV  
—cont.

“ the works ” means so much of the works authorised by section 5 (Power to make works) (including necessary dredging of the canal in connection therewith) and of any works carried out in exercise of the powers conferred by section 27 (Power to abandon Bridgwater Dock) of this Act as are situated upon, across, under or over or may in any way affect the canal and the works referred to in paragraph (11) of this section;

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

“ plans ” includes sections, drawings and particulars including method of construction;

“ construction ” includes reconstruction and the purpose of paragraphs (9) and (10) of this section includes the maintenance and repair of the works.

- (2) The Board shall not under the powers of this section compulsorily acquire any land of the waterways board, but may, in accordance with the provisions of section 27 (Power to acquire easements only in certain cases) of this Act, acquire such easements and rights in or over any land of the waterways board as it may reasonably require for the purposes of the works.
- (3) The Board shall, before commencing the construction of the works, including temporary works, furnish to the waterways board proper and sufficient plans of the works, and the reasonable approval of the engineer, and shall not commence the works until plans thereof have been approved in writing by the engineer or by arbitration:

Provided that if within twenty-eight days after the plans have been furnished to the waterways board the engineer shall not have intimated his disapproval of the plans and the grounds of his disapproval, he shall be deemed to have approved the same:

- (4) Upon signifying his approval or disapproval of the works the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the works to ensure the safety or stability of the canal, and such protective works as may be reasonably necessary for those purposes shall be constructed by the Board at all reasonable dispatch:
- (5) The Board shall give to the engineer twenty-eight days notice of their intention to commence the construction of any of the works, and also (except in emergency)

they shall give such notice as may be reasonably practicable of their intention to carry out any works for the repair or maintenance of the works in so far as such works of repair or maintenance affect or interfere with the canal:

(6) The Board shall provide and maintain at their cost any temporary lighting of the canal and signal lights in the vicinity of the works, being lighting which the engineer may reasonably require during the construction or failure of the works:

The works shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer, and in such manner as to cause as little damage to the canal as may be and if any damage to the canal shall be caused by the carrying out of the works the Board shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the waterways board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage:

Provided that nothing in this paragraph shall impose any liability on the Board with respect to any damage, expenses or loss which is attributable to the act, neglect or default of the waterways board or their servants, contractors or agents:

The Board shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

The Board shall repay to the waterways board all costs, charges and expenses reasonably incurred by the waterways board

(a) in respect of the employment of any inspectors, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting the canal and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the works;

(b) in respect of the supervision by the engineer of the works;

(c) in bringing the works to the notice of users of the canal:

PART IV  
—cont.

(10) The Board shall be responsible for and the waterways board all costs, charges and expenses not otherwise provided for in this Act which may be occasioned to or reasonably incurred by the waterways board—

(a) by reason of the works or the construction of the works or

(b) by reason of any act or omission of the Board or of any persons in their employment or of any tractors or others whilst engaged upon the works;

and the Board shall effectively indemnify and harmless the waterways board from all claims and demands arising out of or in connection with the construction of the works or any act or omission as aforesaid and the fact that anything may have been done in accordance with the approval of the engineer, or in accordance with the requirement of the engineer or under the authority of the engineer shall not (if it was done without negligence on the part of the waterways board) excuse the Board from liability under the provisions of this section.

Provided that the waterways board shall give the Board reasonable notice of any claim as aforesaid and no settlement or compromise shall be made without the prior consent of the Board.

(11) Concurrently with the construction of the works the Board shall construct and thereafter maintain to the satisfaction of the engineer a weir at such point where the canal joins Bridgwater Dock or like satisfaction a culvert and tidal gate at such point where the said dock joins the river Parrett, and the culvert and the culvert and tidal gate shall be of such size or dimension as may be agreed between the Board and the engineer:

(12) Any difference arising between the Board and the waterways board under this section (other than a difference as to the meaning or construction of any word or expression in this section) shall be settled by arbitration.

For protection  
of Bridgwater  
Corporation.

19. For the protection of the mayor, aldermen and councillors of the borough of Bridgwater (in this section referred to as "the corporation") the following provisions shall, if agreed in writing between the Board and the corporation, apply to and have effect:—

(1) In this section—

"the borough engineer" means the engineer appointed by the corporation at the time being of the borough of Bridgwater.



“ the dock ” means the dock of the Board in the borough of Bridgwater in the county of Somerset;

“ the works ” means the weir and culvert and the culvert and tidal flap referred to in paragraph (11) of section 18 (For protection of British Waterways Board) of this Act;

(2) The Board, if so required by the corporation, shall provide and maintain at their cost and to the reasonable satisfaction of the corporation a good and sufficient safety barrier around the dock;

(3) The Board shall, before commencing the construction of the works, furnish to the corporation proper and sufficient plans thereof and consult the borough engineer thereon;

(4) In the event of the engineer appointed by the British Waterways Board not expressly signifying his approval or disapproval of the plans furnished to the said waterways board in accordance with paragraph (3) of the said section 18 the works shall be carried out to the reasonable satisfaction of the borough engineer in accordance with the plans furnished to the said waterways board;

(5) The Board shall give to the borough engineer twenty-eight days' notice of their intention to commence the construction of any of the works;

(6) The Board shall maintain to the satisfaction of the borough engineer the weir and culvert and the culvert and tidal flap referred to in paragraph (11) of the said section 18;

(7) Any difference arising between the Board and the corporation under this section (other than a difference relating to the meaning or construction of this section) shall be settled by arbitration.

For the purposes of the water undertakers, the following provisions shall apply, unless otherwise agreed in writing between the corporation and the water undertakers, referred to in section 25 (As to Harpenden) of this Act and the water undertakers, For protection of certain statutory water undertakers.

(8) In this section “ the water undertakers ” means the Colne Valley Water Company, the Luton Water Company and the North & Uxbridge Valley Water Company and in relation to any apparatus on land means the person to whom the apparatus belongs or by whom it is maintained;

PART IV  
—cont

“ apparatus ” means any apparatus used by the water undertakers or for the maintenance of which they are responsible and includes any building or the lodging therein of apparatus;

“ adequate alternative ” means, in relation to any access or exit or apparatus, an alternative access or exit or apparatus, an alternative apparatus, to enable the undertakers to fulfil their functions in a manner not less efficient than the original access or exit or apparatus;

“ the company ” means C.A.E.C. Holdings Ltd;

“ in ” in a context referring to apparatus, means under, over or upon;

“ land ” means the land transferred to the company for the purposes of the section referred to in the said section 25;

“ the owner ” means the owner of the land (the Board) for the time being of the railway, or any person acting with the consent of the Board.

- (2) The water undertakers, their officers, servants and workmen shall be at liberty at all times to enter the land or part thereof with any necessary apparatus for the purpose of executing and doing all such works and things in the land as may be necessary for maintaining, repairing, renewing or replacing any apparatus in the land:
- (3) The owner shall not exercise any of the powers conferred under the said section 25 so as to obstruct or interfere with any existing access to or exit from any apparatus belonging to the water undertakers, unless he provides an adequate alternative access or exit thereto:
- (4) Nothing in the said section 25 or any other provision of this Act shall exempt the Board and the company from liability for damage caused by any apparatus:
- (5) If the owner, for the purpose of executing any works in the land requires the removal of any apparatus in the land, he shall give to the water undertakers notice of such requirement together with a plan of the section of the intended work, and shall cause an alternative apparatus to be constructed so as to provide adequate access or exit to the apparatus in lieu of the apparatus to be removed:
- (6) (a) Any alternative apparatus to be constructed in the land shall be constructed in such manner as to

line or situation as may be agreed between the water undertakers and the owner or in default of agreement determined by arbitration;

(b) The water undertakers shall, after the alternative apparatus to be provided or constructed shall have been agreed or determined by arbitration as aforesaid and after the grant to the water undertakers of any such facilities and rights as are necessary to enable the water undertakers to provide or construct the alternative apparatus and thereafter to maintain, repair, renew and inspect the same, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the owner to be removed under the provisions of this section:

(7) Notwithstanding anything in the immediately preceding paragraph if the owner gives notice in writing to the water undertakers that he desires himself 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 owner such work in lieu of being executed by the water undertakers shall be executed by the owner with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the water undertakers:

Provided that nothing in this paragraph shall authorise the owner 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 12 inches above the apparatus:

(8) Where in accordance with the provisions of this section, the owner affords to the water undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the owner 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 owner and the water 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 the railway of the owner, the arbitrator shall—

(a) give effect to all reasonable requirements of the owner for ensuring the safety and efficient operation

PART IV  
—cont.

of the railway and for securing any alterations or adaptations of the alternative which may be required to prevent interference with any proposed works of the owner or the railway; and

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, to give effect to the terms and conditions of the apparatus (if any) constructed across the railway for which the alternative apparatus is substituted:

Provided also that, if the facilities and rights afforded by the owner in respect of any apparatus and the terms and conditions under which the same are to be granted are, in the opinion of the arbitrator less favourable on the whole to the water undertakers than the facilities and rights afforded by them in respect of the apparatus to be substituted and the terms and conditions to which the same and rights are subject, the arbitrator shall have power to make provision for the payment of compensation by the owner to the water undertakers in respect of the same as shall appear to him to be reasonable having regard to all the circumstances of the particular case.

- (9) (a) Not less than twenty-eight days before the commencement of any such works as are referred to in paragraph (5) of this section and are near to or likely to affect any apparatus the removal of which is required by the owner under the said paragraph (5) the owner shall submit to the water undertakers a plan, section and description of the works to be executed and in accordance with such reasonable requirements as may be made by the water undertakers for alteration or otherwise for the protection of the apparatus or for securing access thereto and the water undertakers shall be entitled by their officer to watch the execution of such works:

Provided that, if the water undertakers within seven days after the submission to them of a plan, section and description shall in consequence of the works proposed by the owner reasonably require the removal of any apparatus and give written notice to the owner 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 owner under paragraph (5) of this section.

Provided also that nothing in this sub-paragraph shall preclude the owner 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;

(9) The owner shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but in such a case he shall give to the water 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 sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances;

(10) The owner shall pay to the water undertakers the costs, charges and expenses reasonably incurred by the water 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 (5) 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 water 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 water undertakers;

by the owner or in consequence of the execution, maintenance or failure of any such works or otherwise by the owner or in consequence of the exercise by the owner of any of the powers transferred under the said Act.

From the date of transfer of the railway the owner shall be subject to all such restrictions, liabilities and obligations in respect of the apparatus to which the Board are

liable in the event of any interruption in the supply of water by the water undertakers be in any way occasioned, without the water undertakers' written authority, either by reason

PART IV  
—cont.

of the exercise by the owner of any of the powers conferred under the said section 25 or by any act of the owner, the owner shall make to the water-takers full compensation for any loss, injury or damage directly or indirectly sustained by them consequent on such interruption:

- (13) Any difference arising between the owner and water undertakers under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

## PART V

## MISCELLANEOUS

Powers of police as to search and arrest.

1962 c. 46.  
1949 c. xxix.  
1964 c. xvi.

21. In its application to the Board and British Transport Limited pursuant to the provisions of Part III of Schedule 1 to the Transport Act 1962, subsection (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act 1949, as amended by section 23 (Amendment of section 54 of British Transport Commission Act 1949) of the British Railways Act 1964, shall have effect as if the words "one thousand nine hundred and seventy-four" were substituted for the words "one thousand nine hundred and sixty-nine".

Misuse of telephones at level crossings.

22. Any person who knowingly sends or causes to be sent by means of a telephone provided by the Board at a level crossing a statement which he knows to be false shall be liable on conviction to a fine not exceeding twenty-five pounds.

As to bridge over river Lune.

23.—(1) In this section—

"the bridge" means the bridge of the Board known as the Greyhound Railway Bridge No. 134 forming part of the railway between Wennington and Brierley Junction over the river Lune in the borough of Brierley in the county of Lancaster and includes all works connected therewith belonging to or maintained by the Board; and

"the council" means the county council of the administrative county of the county palatine of Lancaster.

(2) The Board and the council may enter into and effect agreements with respect to the maintenance of the bridge or any part thereof or for the transfer to and vesting in the council of the bridge or any part thereof on such terms as may be agreed between the Board and the council, and any such agreement may provide for the transfer to the council of all or any of the powers and obligations of the Board in respect of the

any part thereof, so transferred and vested as aforesaid, and from the date of such transfer the council may hold and use the bridge or any part thereof so transferred for highway purposes.

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

24—(1) Notwithstanding anything in the Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884, the Board shall not be required to maintain the bridge known as Hawarden swing bridge partly in the parish of Sealand and partly in the parish of West Saltney in the rural district of Hawarden in the county of Flint carrying the Board's railway over the Dee authorised by that Act as an opening bridge or with opening spans.

As to  
Hawarden  
swing bridge.  
1884 c. clxv.

(2) Section 8 (Vessels not to be unnecessarily detained) of the Act of 1884 is hereby repealed.

(1) In this section —

the company " means C. A. E. C. Howard Limited;

the railway " means so much of the railway (known as the Harpenden and Claydale railway) authorised by the Hemel Hempstead and London and North Western Extension Acts 1866 and 1872 as extends from a point in the urban district of Harpenden in the county of Hertford 385 yards north-east of the bridge carrying the said railway over Luton Road to a point in the borough of Hemel Hempstead in the said county 403 yards north-east of the bridge carrying Agnell Lane over the said railway.

As to  
Harpenden  
and Claydale  
railway.

(2) The Board and the company may enter into and carry into effect agreements for the transfer to and vesting in the company of any part thereof on such terms as may be agreed between the Board and the company, and subject to the provisions of this section any such agreement may provide for the transfer to the company of all or any of the powers and functions of the Board in respect of the railway, or any part thereof, so transferred and vested as aforesaid, and on and from the date of such transfer the company may hold, use and exercise the railway or any part thereof so transferred for the purposes of that undertaking.

(3) Before the date on which the railway or any part thereof is so transferred and vested in the company by an agreement under this section the Board shall give notice in writing to

PART V  
—cont.

the county council of the administrative county of Hereford, mayor, aldermen and burgesses of the borough of Hereford, the council of the urban district of Hereford and the urban district council of Harpenden

- (i) whether the railway or part of the railway was transferred to and vested in the company and (if part of the railway) the part to be so transferred and vested;
- (ii) the date of the transfer;
- (iii) the obligations (if any) of the Board to be transferred to the Board.

(b) On and after the date of the transfer specified in the notice given under paragraph (a) of this subsection—

- (i) all obligations save for those (if any) specified in that notice shall be discharged by, and may be enforced against, the company as fully and effectually as if they had been imposed upon the company instead of the Board;
- (ii) any obligations in respect of the railway which are specified in that notice shall continue to be discharged by, and may be enforced against, the Board notwithstanding the transfer to and vesting in the company of the railway or any part thereof.

Power to abandon Gravesend Canal Basin, etc.

26.—(1) Subject to the provisions of this Act, the Board may abandon and discontinue the maintenance and use of their basin in the borough of Gravesend in the county of Kent known as Gravesend Canal Basin together with so much of their basin and Medway Canal within the said borough as extends between the said basin and a point 200 yards east of the east end of the said basin, and thereafter (a) the Board may remove any works connected therewith and (b) all the powers and obligations conferred or imposed upon the Board with respect to the connection with the said basin and portion of canal shall cease to have effect.

1961 c. 33.

(2) Any person who suffers loss by the extinguishment of a private right under this section shall be entitled to be compensated by the Board compensation to be determined in case of dispute under and in accordance with the Land Compensation Act 1961.

1968 c. xxxii.

(3) If the Board exercise their power to abandon and discontinue the maintenance and use of the said Gravesend Canal Basin and works (as defined in subsection (1) of section 2 (Interpretation) of the Port of London Act 1968) forming part of or ancillary to the entrance thereto shall be subject to the provisions of section 2 (Works not to be constructed, etc. without works licence) of that said Act of 1968.



PART V  
—cont.

(4) Section LXXVIII (Canal not to be under the Power of Commissioners of Sewers) of the Act 39 & 40 George III cap 23 extended and re-enacted by section 1 (Powers of recited Acts extended to this Act, except, &c.) of the Act 8 & 9 Viet. cap clxviii and so much of section IV (Railway Company may exercise powers of Gravesend and Rochester Railway and Canal Company) of the Act 9 & 10 Viet. cap cccxxxix as confers on the Board the exemption afforded by the first-mentioned section shall cease to have effect as from 1st April, 1970.

77.—(1) Subject to the provisions of this Act and the completion of Work No. 1 the Board may abandon and discontinue the maintenance and use of their dock in the borough of Bridgwater in the county of Somerset known as Bridgwater Dock and thereafter the Board may remove any works connected therewith and all the powers and obligations conferred or imposed upon the Board with respect to or in connection with the said dock shall

Power to abandon Bridgwater Dock.

provided that nothing in this section shall divest the Board of powers or relieve the Board of any obligations with respect to or in connection with the maintenance and use of any bridge spanning any highway across the said dock.

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 under the provisions of the Land Compensation Act 1961.

1961 c. 33.

The said dock shall be deemed to be —

(a) a watercourse for the purposes of section 259 of the Public Health Act 1936; and

1936 c. 49.

(b) a vacant site for the purposes of section 36 of the Town and Country Planning Act 1962 unless and until the use of the said dock is changed after the passing of this Act pursuant to planning permission in that behalf granted under Part III of the said Act;

1962 c. 38.

and the provisions of Part III of the said Act of 1936, as they apply by virtue of this subsection, may be enforced by the county council or by the corporation and the corporation (and the county council or the planning authority) shall be entitled to enforce the said section 36 as it applies by virtue of this subsection.

“County council”

“County council” means the county council of the administrative county of Somerset;

“Corporation” means the mayor, aldermen and councillors of the borough of Bridgwater.

PART V  
—cont.

As to  
bridge over  
Wandsworth  
Road.  
1845 c. clxv.

28. Notwithstanding anything in section 31 (the bridge of Wandsworth Road) of the London and South Western Metropolitan Extensions, Act 1845, the Board shall construct the bridge carrying the railway between Wandsworth Queen's Road, Battersea, over Wandsworth Road in the borough of Lambeth, reconstruct the same so as to provide headroom of not less than 16 feet 6 inches at all points of the surface of the existing carriageway of that road and above the surface drawn in continuation of the curve of the surface of the carriageway to each of the abutments of the said bridge.

Extensions  
of time.

29.—(1) The period now limited by the Act of 1966 for the compulsory acquisition of the lands referred to in Schedule 1 to this Act is hereby extended until 31st December 1972.

(2) In this section and in the said schedule the word "land" includes any easements or rights in, under or over land which are to be acquired by the Act of 1966.

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

30.—(1) In this section—

"the enabling Act" means the Act of 1966;

"the land" means any land which is for the time being authorised to be acquired compulsorily by the Act of 1966;

"lessee" means a lessee under a lease having a period of less than twenty-one years to run at the date of the notice under subsection (2) of this section.

(2) If any owner or lessee of any of the land shall give notice in writing to the Board of his desire that his interest in any 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 him for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

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

(c) serve on him notice in writing of the Board's intention not to proceed with the purchase of his interest in the land specified in his notice.

(3) Where notice is given under 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

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

(n) 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.

The provisions of the Town and Country Planning Acts 1968, and any restrictions or powers thereby imposed or exercised in relation to land, shall apply and may be exercised in relation to any land, notwithstanding that the development of it, or may be, authorised or regulated by or under this

Saving for town and country planning.

Where under this Act any difference (other than a difference between the provisions of the Compulsory Purchase Act 1965, 1965 c. 56, and those provisions as amended by this Act, 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 by 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.

The costs, charges and expenses of and incident to the preparation, printing and passing of this Act, or otherwise in connection therewith, shall be paid by the Board and may in whole or in part be defrayed out of revenue.

Costs of Act.

## SCHEDULES

Section 8.

## SCHEDULE 1

THE LEVEL CROSSINGS REFERRED TO IN SECTION 8 (AS TO CERTAIN CROSSINGS) OF THIS ACT

## PART I

In the county of Northampton—

In the parish of Great Oxendon in the rural district of Biggleswade—

The level crossing known as Clipston and Oxendon whereby the road from the Great Oxendon to the road (A.508) to Arthingworth is crossed by the railway at the former Clipston and Oxendon station.

## PART II

In the county of Merioneth—

In the parish of Llanfair in the rural district of Debeden—

The level crossing known as Llanbedr and Pensarn station whereby the road from the Llanbedr to Llanfair road to the river Afon Artro is crossed by the railway at Llanbedr and Pensarn station.

In the parish of Llangelynin in the rural district of Debeden—

The level crossing known as Tonfanau station whereby the road from Ty-meirion to the beach is crossed by the railway at Tonfanau station.

SCHEDULE 2

Section 29.

LANDS FOR WHICH THE PERIOD OF COMPULSORY ACQUISITION IS EXTENDED BY THIS ACT TO 31ST DECEMBER 1972

The lands authorised to be acquired by section 15 (Power to acquire lands) of the Act of 1966—

(1) for the purposes of Works Nos. 1 and 2 authorised by Part II (Works) of the said Act;

(2) numbered on the plans deposited in respect of the Bill for the said Act

(a) 2 and 4 to 14 in the borough of Stockton-on-Tees in the county of Durham (which borough now forms part of the county borough of Teesside); and

(b) 6, 7 and 8 in the urban district of Rothwell in the West Riding of the county of York.

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