

# London Transport (No. 2) Act 1971

## CHAPTER lxii

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**ELIZABETH II**



**1971 CHAPTER lxii**

An Act to empower the London Transport Executive to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands; to confer further powers on the Executive; and for other purposes.

[5th August 1971]

**W**HEREAS by the Transport (London) Act 1969 the London 1969 c. 35. Transport Executive (in this Act referred to as "the Executive") were established:

And whereas it is the general duty of the Executive under the said Act of 1969 to exercise and perform their functions, in accordance with principles from time to time laid down or approved by the Greater London Council, in such manner as, in conjunction with the British Railways Board and the National Bus Company, and with due regard to efficiency, economy and safety of operation, to provide or secure the provision of such public passenger transport services as best meet the needs for the time being of Greater London:

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

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

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Executive 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 (No. 2) Act 1971.
- 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—
- “ the Act of 1845 ” means the Railways Clauses Consolidation Act 1845;
- 1845 c. 20.

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|---|-----------------|
|   | PART I          |
|   | —cont.          |
| “ the Act of 1863 ” means the Railways Clauses Act 1863;  | 1863 c. 92.     |
| “ the Act of 1947 ” means the London Passenger Transport Act 1947;  | 1947 c. xlvii.  |
| “ the Act of 1950 ” means the Public Utilities Street Works Act 1950;   | 1950 c. 39.     |
| “ the Act of 1963 ” means the London Transport Act 1963;  | 1963 c. xxiv.   |
| “ the Act of 1964 ” means the London Transport Act 1964;  | 1964 c. xxvi.   |
| “ the Act of 1965 ” means the London Transport Act 1965;  | 1965 c. xli.    |
| “ the Act of 1966 ” means the London Transport Act 1966;  | 1966 c. xxxiii. |
| “ the Act of 1967 ” means the London Transport Act 1967;  | 1967 c. xxxix.  |
| “ the Act of 1968 ” means the London Transport Act 1968;  | 1968 c. xviii.  |
| “ the Act of 1969 ” means the London Transport Act 1969;  | 1969 c. 1.      |
| “ the Act of 1971 ” means the London Transport Act 1971;  | 1971 c. xl.     |
| “ constructed in tunnel ” means constructed in tunnel in such manner as does not necessitate the cutting through or removal of the surface soil;                                      |                 |
| “ 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 Executive ” means the London Transport Executive;   |                 |
| “ the limits of deviation ” means the limits of deviation shown on the deposited plans;   |                 |
| “ 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 or which involves cutting its banks, constructed or carried out by the Executive under the powers of this Act; |                 |
| “ the underground railways ” means such portions of Works Nos. 1, 2 and 3 and any necessary works and conveniences connected therewith as are constructed in tunnel;                  |                 |
| “ the works ” means the works authorised by Part II (Works) of this Act.  |                 |

(2) Any reference to the Board in any of the provisions incorporated with this Act under section 13 (Incorporation of provisions of Acts of 1963 and 1965 relating to works), section 19 (Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands) and section 20 (Incorporation of protective provisions of Acts of 1963, 1965, 1969 and 1971) of this Act shall be construed as a reference to the Executive.

PART I  
—cont.

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

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

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

Incorporation  
of general  
Acts.

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

1845 c. 18.

- (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845;
- (b) the Act of 1845, except sections 7, 8, 9, 11, 12, 13, 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:

Provided that—

- (i) for the purposes of the provisions of the Act of 1845 and the Act of 1863, as incorporated with this Act—
  - (A) the expression “the company” where used in the said incorporated provisions means the Executive;
  - (B) Works Nos. 4, 5 and 6 shall be deemed to be railways authorised by the special Act;
- (ii) 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 Executive and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—
  - (A) by the provisions of Part II of the Act of 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;

- (iii) the provisions of section 46 of the Act of 1845, as incorporated with this Act, shall have effect subject to the provisions of sections 116 and 117 of the Transport Act 1968.

PART I  
—cont.

1968 c. 73.

## PART II

### WORKS

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

Power to  
make works.

In Greater London—

In the London boroughs of Tower Hamlets, Southwark and Lewisham—

Work No. 1 A railway (1 mile 1,681 yards in length) commencing in the London borough of Tower Hamlets beneath a point 40 yards north-east of the junction of Cartwright Street and Darby Street by a junction with the termination of Work No. 1 of the Act of 1971 and terminating in the London borough of Lewisham at a point 65 yards west of the junction of Trundley's Road and Alloa Road.

(Railways—  
Fenchurch  
Street to  
New Cross).

In the London borough of Lewisham—

Work No. 2 A railway (1 mile 308 yards in length) commencing by a junction with Work No. 1 at its termination (hereinbefore described) and terminating beneath a point 10 yards north-east of the junction of Alpha Road and Florence Road.

Work No. 3 A railway (1 mile 394 yards in length) commencing by a junction with Work No. 1 at its termination (hereinbefore described) and terminating beneath a point 5 yards south-west of the junction of Alpha Road and Florence Road.

In the Royal borough of Kensington and Chelsea—

Work No. 4 A ventilation subway (60 yards in length) commencing by a junction with an existing tunnel at South Kensington station of the Executive's Piccadilly Line railway beneath a point 35 yards

(Ventilation  
subway at  
South  
Kensington  
station).

PART II  
—cont.

east of the junction of Old Brompton Road and Pelham Street and terminating by a junction with the eastbound running tunnels of the said railway beneath a point 10 yards west of the junction of Harrington Road and Old Brompton Road.

In the city of Westminster—

(Ventilation shaft and subway at Hyde Park Corner station).

Work No. 5 A ventilation shaft and subway (60 yards in length) commencing in Hyde Park 87 yards north-east of the north wall of the western entrance to the Hyde Park underpass and terminating by a junction with the eastbound and westbound station tunnels at Hyde Park Corner station of the Executive's Piccadilly Line railway.

In the city of London—

(Ventilation shaft and subway at Mansion House station).

Work No. 6 A ventilation shaft and subway (35 yards in length) commencing at a point 30 yards south-west of the junction of Garlick Hill and Queen Victoria Street and terminating by a junction with Work No. 1 of the Act of 1971 beneath a point 17 yards north-west of the junction of Garlick Hill and Queen Victoria Street.

Power to deviate.

6. In the execution of any, or any part, of the works shown on the deposited plans, the Executive 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—

- (a) to such extent downwards as may be found necessary or convenient; and
- (b) to any extent upwards not exceeding 10 feet in the case of the underground railways and to such extent upwards as may be found necessary or convenient in the case of any other of the works.

General provisions as to mode of construction of underground railways.

7. The following provisions shall apply to the construction of the underground railways:—

- (1) Work No. 1, where constructed in tunnel, shall be constructed in two tunnels for separate up and down traffic except at cross-overs and junctions where it may be constructed in single tunnels of enlarged diameter, and Works Nos. 2 and 3, where constructed in tunnel, shall be constructed in single tunnels:
- (2) The underground railways shall be approached by means of stairs, inclines, subways, electric or other lifts or escalators:



- (3) (a) The tunnels comprised in the underground railways (including those for the stations) shall be lined throughout with iron or other sufficient metal plates or with concrete or other suitable material;
- (b) Every permanent shaft shall be constructed either by underpinning or by sinking and shall be lined with cast iron, brick, concrete or other equally suitable and durable material;
- (c) The station tunnels of the underground railways shall not have an internal diameter exceeding 30 feet, the cross-over and junction tunnels shall not have an internal diameter exceeding 40 feet and the tunnels between the stations shall not (except at cross-overs and junctions or where necessary for adjustment at curves or for other constructional purposes) have an internal diameter exceeding 15 feet, and the internal diameter of the shafts shall not exceed 40 feet;
- (d) Any space between the lining of the tunnels (including station, cross-over and junction tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure:
- (4) If water is found to be present in the works on the underground railways in such quantity as to necessitate the employment of compressed air, the Executive shall immediately stop all excavating work at the point where the same is so found and the further driving of the tunnels at the working face at that point until the Executive shall have provided air-compressing machinery which will produce such a pressure of air as will prevent the inflow of any sand, water, gravel or soil, and such machinery shall be maintained in full working order and the work at such working face carried on under compressed air as long as may be necessary:
- (5) Except in the case of unforeseen accident or for the purpose of removing rain-water or other trifling amounts of water, no use shall be made of pumping or of other like modes of removing water from the tunnels of the underground railways or from the shafts.

8. Subject to the provisions of this Act, the Executive may for Power to the purpose of constructing the works hereinafter mentioned open surface enter upon, open, break up and interfere with so much of the <sup>of streets.</sup> surface of the following streets as is within the limits of deviation:—

Work No. 1—

In the London borough of Southwark—

Lower Road:

PART II  
—cont.

In the London borough of Lewisham—

Oldfield Grove;

Trundley's Terrace:

Works Nos. 2 and 3—

In the London borough of Lewisham—

Amersham Vale;

New Cross Road;

Stanley Street:

Work No. 4—

In the Royal borough of Kensington and Chelsea—

Old Brompton Road;

Pelham Street.

Further  
works and  
powers.

9. Subject to the provisions of this Act (and in so far as the same are shown on the deposited plans and sections in the lines or situations and according to the levels as shown), the Executive may, in connection with Works Nos. 1, 2 and 3, make and maintain the further works described in this section with all necessary works and conveniences connected therewith, and may exercise the powers hereinafter mentioned:—

In Greater London—

(a) In the London borough of Lewisham—

(i) they may stop up and discontinue the footpath crossing the East London Line railway between Surrey Docks and New Cross stations by means of a footbridge between the points marked "A" and "B" on the deposited plans and may substitute therefor a new footpath and footbridge between the points marked "C" and "D" on the deposited plans;

(ii) they may stop up and discontinue so much of the road known as Amersham Vale and numbered 84 on the deposited plans as lies between the points thereon marked "A" and "B" and may substitute therefor a new road between the points marked "A" and "C" on the deposited plans and may make a junction at the said point marked "C" between the said new road and the road known as Stanley Street and numbered 142 on the deposited plans;

(iii) they may construct for the purposes of interchange between road and rail traffic a bus station, road vehicle lay-by and car park on the lands numbered 84, 86 to 90, 143 to 146 and 148 to 152 on the deposited plans.

(b) In the London borough of Southwark—

they may construct for the purposes of interchange between road and rail traffic a bus station, road vehicle lay-by and car park on the lands numbered 104, 111 to 123, 123A and 141 to 143 on the deposited plans.

PART II  
—cont.

10.—(1) Where this Act authorises—

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

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

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

(2) Before applying to the Secretary of State for his determination, the Executive shall give to the highway authority seven days' notice in writing of their intention to apply for the same.

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

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

11. Subject to the provisions of section 7 (Repair of roads where level not permanently altered) of the Act of 1963, as incorporated with this Act, any road or footpath or portion thereof made, diverted or altered under the authority of this Act shall, when completed, unless otherwise agreed, be maintained by and

Provision as to repair of roads and footpaths.

PART II  
—cont.

at the expense of the persons liable to maintain roads or footpaths of the same nature and in the same borough or city as the road or footpath or portion thereof so made, diverted or altered.

## Power to make agreements with road authorities.

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

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

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

## Incorporation of provisions of Acts of 1963 and 1965 relating to works.

13. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

## The Act of 1963—

- Section 7 (Repair of roads where level not permanently altered);
- 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); and
- Section 16 (Use of sewers, etc., for removing water).

## The Act of 1965—

- Section 10 (Underpinning of houses near works):

## Provided that—

- (i) for the purposes of this Act references in the said sections 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 the underground railways;
- (ii) the expression “river board” where used in the said section 16 of the Act of 1963, as so incorporated, shall mean a river authority established by an order under

Part II of the Water Resources Act 1963, and shall include the Conservators of the River Thames and the Lee Conservancy Catchment Board, and the definition of "river board" in subsection (5) of the said section 16 shall be construed accordingly; and

PART II  
—cont.

1963 c. 38.

(iii) for the purposes of the said section 16 of the Act of 1963, as so incorporated, the expression "local authority" in section 144 of the Local Government Act 1948 shall be deemed to include the Council.

1948 c. 26.

### PART III

#### LANDS

14.—(1) Subject to the provisions of this Act, the Executive 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 Executive 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 mentioned in subsection (1) of this section without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

15.—(1) Notwithstanding anything in this Act, the Executive may, for the purposes of constructing, maintaining, protecting, renewing and using the works, enter upon, take and use so much of the subsoil and under-surface of or may acquire such easements or rights as they may require in, under or over—

Power to  
acquire subsoil  
or easements  
only in  
certain cases.

(a) any railway, river, dock, 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 entry, taking and using and, in respect of the acquisition of any 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 Executive enter upon, take and use the subsoil and under-surface of, or require an easement or

PART III  
—cont.

right in or under, 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 Executive 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.

Subsoil or easements only to be acquired under certain lands.

16.—(1) In this section—

“the specified lands” means the lands referred to in Schedule 2 to this Act; and

“the level of the surface of the specified lands” means ground surface level or, in the case of a building on the specified lands, means the level of the surface of the ground adjoining the building, or in the case of a river, dock, canal, navigation, watercourse or other water area, means the level of the surface of the adjoining ground which is at all times above water level.

(2) (a) Notwithstanding the provisions of subsection (1) of section 14 (Power to acquire lands) of this Act, the Executive shall not acquire compulsorily under the powers of this Act any part of the specified lands, except as provided in paragraph (b) of this subsection.

(b) The Executive may, within the limits of lateral deviation prescribed by this Act in respect of Works Nos. 1, 2, 3 and 4, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purpose of constructing, maintaining, protecting, renewing and using those works and any necessary works and conveniences connected therewith, or acquire such easements and rights in the subsoil and under-surface of the specified lands as they may require for the said purposes without in either case 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 entry, taking and using and the acquisition 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:

Provided that for the purposes of this section the subsoil and under-surface of the specified lands shall be deemed not to include any such subsoil or under-surface which is within 30 feet of the level of the surface of the specified lands.

PART III  
—cont.

17.—(1) This section applies to the lands numbered on the deposited plans 35 in the London borough of Southwark (hereafter in this section referred to as “the said lands”).

Temporary possession of land.

(2) Notwithstanding anything in this Act the Executive shall not acquire compulsorily under the powers of this Act any part of the surface of the said lands but may, for the purpose of enabling them to construct Work No. 1, enter upon and take possession temporarily of the said lands after giving to the corporation as owner and occupier thereof not less than one month's previous notice in writing and may remove any structures thereon and may construct temporary works, shafts and structures therein or thereon for the aforesaid purpose:

Provided that the Executive—

- (a) shall not without the agreement of the corporation remain in possession of the said lands under the powers of this section after a period of five years from the date of entry thereon; and
- (b) except in pursuance of the powers of section 15 (Power to acquire subsoil or easements only in certain cases) of this Act shall not be empowered to purchase compulsorily the said lands; and
- (c) shall not be required to purchase the said lands.

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

(4) In this section “the corporation” means the mayor, aldermen and burgesses of the London borough of Southwark.

18.—(1) The powers of the Executive for the compulsory purchase of the lands and easements which they are authorised by this Act to acquire for the purposes of Works Nos. 1, 2, 3 and 6 or for the purposes of the works authorised by section 9 (Further works and powers) of this Act shall cease on 31st December 1977.

Periods for compulsory purchase of lands and easements.

(2) The powers of the Executive for the compulsory purchase of the other lands and easements which they are authorised by this Act to acquire shall cease on 31st December 1974.

PART III  
—cont.

Incorporation  
of provisions  
of Acts of  
1963, 1964,  
1965, 1966  
and 1969  
relating to  
lands.

19. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

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

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

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

The Act of 1964—

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

Section 14 (Extinction of private rights of way).

The Act of 1965—

Section 13 (Correction of errors in deposited plans and book of reference).

The Act of 1966—

Section 14 (Power to expedite entry).

The Act of 1969—

Section 14 (Disregard of recent improvements and interests):

Provided that the provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word “acquire” there were inserted the words “or use”.

PART IV

PROTECTIVE PROVISIONS

Incorporation  
of protective  
provisions of  
Acts of 1963,  
1965, 1969 and  
1971.

20. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 33 (As to works within city of London and Metropolitan Police District); and

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

The Act of 1965—

Section 27 (For protection of sewers of Greater London Council); and

Section 28 (As to metropolitan roads and road traffic, etc.).

The Act of 1969—

Section 18 (Crown rights).

The Act of 1971—

Section 23 (For protection of Corporation of London):



Provided that—

PART IV  
—cont.

(i) the provisions of the said section 27 of the Act of 1965, as so incorporated, shall have effect as if—

(a) for the reference to the said works in paragraph (2) thereof there were substituted a reference to the specified works;

(b) for the reference in paragraph (7) thereof to section 11 (Incorporation of provisions of Act of 1963 relating to works) there were substituted a reference to section 13 (Incorporation of provisions of Acts of 1963 and 1965 relating to works) of this Act;

(c) the expression “sewer” included any main used for the conveyance of sewage sludge or sewage effluent;

(ii) the provisions of the said section 28 of the Act of 1965, as so incorporated, shall have effect as if—

(a) in paragraph (3) the words “(except in the case of Work No. 1)” were omitted; and

(b) in paragraph (7) the words “for that road” were inserted after the word “loading” and the proviso at the end thereof omitted;

(iii) the provisions of the said section 18 of the Act of 1969, as so incorporated, shall have effect as if paragraph (b) of subsection (5) of that section were omitted;

(iv) the provisions of the said section 23 of the Act of 1971, as so incorporated, shall have effect as if the provisions of section 22 (For protection of Westminster Corporation) of the Act of 1971 were provisions of this Act and as if for the reference in sub-paragraph (b) of paragraph (1) of the said section 22 to Work No. 1 there were substituted a reference to Work No. 6.

**21.** For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Executive and the Post Office, apply and have effect in relation to Works Nos. 1, 2 and 3:—

(1) The Executive shall so construct their electric lines and works of all descriptions and shall so work that part of their undertaking which consists of such parts of the said Works as are for the time being worked by electrical power in all respects as to prevent any interference, whether by induction or otherwise, with the telegraphic lines from time to time laid down or used by the Post Office or with telegraphic communication by means of such lines:

PART IV  
—cont.

Provided that this paragraph shall not apply to any telegraphic line of the Post Office laid down or placed by it in or along the said Works or in or along any underground railway of the Executive immediately connected or communicating with the said Works:

- (2) If any telegraphic line of the Post Office situate within one mile of any portion of the works of the Executive is injuriously affected and the Post Office is of opinion that such injurious affection is or may be due to the construction of the Executive's works, or to the working of the same, an engineer of the Post Office nominated by the Post Office in that behalf, or any person appointed in writing by him, may, at all times when electrical energy is being generated or used by or supplied to the Executive, enter any of the Executive's works for the purpose of inspecting the Executive's plant and the working of the same and the Executive shall, in the presence of such engineer or such appointed person as aforesaid, make any electrical tests required by the Post Office and shall produce for the inspection of the Post Office the records kept by the Executive pursuant to any regulations made by the Secretary of State which may for the time being be in force with respect to the said works:
- (3) If a telegraphic line of the Post Office situate within one mile of any portion of the works of the Executive is injuriously affected and the Post Office is unable to ascertain whether such injurious affection is caused by the Executive or by any other persons generating or using electrical currents for traction purposes, the Post Office may give notice to the Executive requiring them to make at such times as the Post Office may specify such experiments (by working their generating stations, running their carriages or cars, or otherwise working any part of their undertaking, or in case of continuous working by stopping the electricity generated for the purposes of their undertaking at such times as would not unduly interfere with the traffic) as the Post Office may deem necessary to enable it to discover which of the undertakings causes the disturbance and such experiments shall be carried out by the Executive as and when required by the Post Office:
- (4) For the purposes of this section a telegraphic line of the Post Office shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such act or work or by any use made of such work:

- (5) In this section, the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

PART IV  
—cont.

1882 c. 56.  
1878 c. 76.

22.—(1) For the protection of the Port Authority and river users the following provisions shall, unless otherwise agreed in writing between the Executive and the Port Authority, apply and have effect.

For  
protection of  
Port Authority  
and river  
users.

(2) (a) Before commencing any river work the Executive 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 76 (Works to be approved by Board of Trade) of the Port of London Act 1968.

1968 c. xxxii.

(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 Executive of their approval or disapproval, they shall be deemed to have approved them.

(3) (a) A river work when commenced shall be completed as soon as practicable and the Executive 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 Executive shall allow the Port Authority's representatives to inspect and survey a river work 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 Executive shall not, without the consent of the Port Authority under the hand of their secretary, deposit in or allow to fall or be washed into the river any gravel, soil or other material.

PART IV  
—cont.

(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 Executive 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 Executive 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 costs from the Executive.

(7) If—

(a) any river work is abandoned or out of repair and is either wholly or partially in the river below the level of mean high water springs 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

(b) the Port Authority by written notice require the Executive either to repair the work or (if the Executive 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

(c) the Executive 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 costs from the Executive.

(8) If in the opinion of the Port Authority it becomes necessary in the interests of river users or for the safety of navigation or the conservancy of the river—

(a) to dredge or remove any accumulation of mud or silt; or

(b) to obtain and deposit material on the foreshore or bed of the river to make good any scouring, disturbance or collapse of the foreshore or river bed;

caused by or associated with any river work, the Executive shall pay the costs so incurred.

(9) Without prejudice to the generality of subsection (8) of this section—

(a) if the Port Authority make a survey of the bed of the river before the construction of the river work, the Executive shall pay the cost of any such survey which is related to the purposes of the river work, not being a

river work which consists solely of tunnelling under the river, and the Executive shall be supplied with a copy of the results of such survey;

PART IV  
—cont.

- (b) if at any time during the construction or after the completion of a river work siltation or scouring in the opinion of the Port Authority has occurred, or is occurring as a result of that river work within any area so surveyed, the Port Authority shall give at least seven days' notice in writing to the Executive of their intention to carry out a further survey of the bed of the river in the area of the siltation or scouring and shall supply a copy of the results of such survey to the Executive;
- (c) if, on a comparison of such survey with any survey before the construction of the river work, the Port Authority are of the opinion that the siltation ought to be removed or the scouring ought to be made good, the Executive shall pay the cost of removing the siltation or of making good the scouring (whether such cost is incurred by the Port Authority or any other person) and also the cost of such further survey.

(10) If in the opinion of the Port Authority it becomes necessary by reason of any river work to alter, remove, re-site or reinstate any existing moorings or lay down or remove any new moorings, the Executive shall pay the costs so incurred.

(11) The compensation or consideration payable to the Port Authority by the Executive in respect of any easement acquired by the Executive under this Act and of any river work shall be agreed or assessed in accordance with the provisions of section 67 (Consideration for licence) of the Port of London Act 1968 and 1968 c. xxxii. the Port Authority may recover from the Executive their costs so incurred.

(12) On completion of the construction of Work No. 1, the Executive 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 one-eighth of an inch to 1 foot showing the situation and levels of Work No. 1 where it passes under the river and of every other permanent river work and also of Works Nos. 2 and 3 where they pass under the Surrey Canal.

(13) 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 Executive 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.

PART IV  
—cont.

(14) Nothing in this Act shall prevent the Port Authority from dredging the river to a depth of 45 feet below the level of Trinity High Water and, notwithstanding anything in the Port of London Acts 1968 and 1970, 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.

(15) 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.

(16) Any difference arising between the Executive and the Port Authority under this section (other than a difference as to the meaning or construction of this section and other than subsections (11) and (14)) shall be settled by arbitration.

Lights and  
day marks on  
river works.

23.—(1) The Executive shall at or near every river work, both during and after the construction, maintenance, renewal or alteration thereof, exhibit such lights and lay down such buoys and take such other steps for preventing danger to navigation as the Port Authority may from time to time direct.

(2) If the Executive fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

For  
protection of  
Southwark  
Corporation.

24. For the protection of the mayor, aldermen and burgesses of the London borough of Southwark (in this section referred to as “the corporation”) the following provisions shall, unless otherwise agreed in writing between the Executive and the corporation, apply and have effect:—

(1) (a) In this section—

“highway” means a highway vested in or repairable or maintained by the corporation other than a highway which is for the time being a metropolitan road or a highway for which, under the London Government Act 1963, the Secretary of State is the highway authority;

“sanitary convenience” has the same meaning as in section 90 of the Public Health Act 1936;

“sewer” means a sewer vested in or under the jurisdiction or control of the corporation;

1963 c. 33.

1936 c. 49.

(b) The work to which this section applies is Work No. 1 and the works and conveniences connected therewith authorised by this Act:

PART IV  
—cont.

- (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) 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 work 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 Executive 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 work is attended with danger to any highway or to any sanitary convenience, 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 Executive shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto:
- (4) Subject to the provisions of Part II of the Act of 1950, in the construction of any part of the work to which this section applies under a highway, or in relation to the provision or diversion of statutory undertakers' mains or services as a consequence of the said work, no part of the said work or of the said mains or services 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 in the case of any permanent opening authorised by this Act and in other cases except with such consent as aforesaid, be nearer than 2 feet 6 inches to the surface of any highway:
- (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 corporation in relation to sewers, but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:

PART IV  
—cont.

- (6) The Executive shall secure that so much of the work 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 maximum loading recommended by the Secretary of State for highway bridges at the time of the construction of such works and the Executive shall indemnify the corporation against, and make good 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 Executive with the provisions of this paragraph:
- (7) The Executive shall not alter, disturb or in any way interfere with any sanitary convenience, 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 sanitary convenience, 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 Executive, 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 Executive:
- (8) The Executive shall make compensation to the corporation for any subsidence of, or damage to, any highway or any sanitary convenience, refuge, sewer, drain, lamp column 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 Executive, their contractors, servants or agents and whether such subsidence or damage shall happen during the construction of the work to which this section applies or at any time thereafter:
- (9) As soon as reasonably practicable after the completion of any part of the work to which this section applies in or under a highway, the Executive shall furnish the corporation with a plan and section showing the position and level of such part of the work as constructed:
- (10) Any difference arising between the Executive and the corporation under this section shall be settled by arbitration.



25. Nothing in this Act shall be deemed to authorise the Executive to acquire otherwise than by agreement the lands vested in the Receiver for the Metropolitan Police District and numbered on the deposited plans 95 in the London borough of Southwark.

PART IV  
—cont.  
As to Landale House, Southwark.

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

For protection of British Railways Board.

(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 Works Nos. 1, 2, 3 and 6 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:

(2) The Executive shall enter upon, take and use only so much of the lands of the railways board numbered on the deposited plans 2 and 85 in the London borough of Lewisham as may be reasonably required for the purpose of the works:

(3) The acquisition by the Executive of the lands numbered on the deposited plans 6 in the London borough of Lewisham shall be subject to the condition that the Executive shall ensure that such reasonable means of access from Silwood Street to the land owned by the railways board on the south side of the viaduct carrying the railway of the railways board as may be agreed by the railways board is afforded for the railways board and their tenants:

(4) There shall be excluded from the acquisition by the Executive of the lands numbered on the deposited plans 14 in the London borough of Tower Hamlets the surface of a strip 10 feet wide where the said lands adjoin the railway viaduct and the Executive shall not

PART IV  
—cont.

under the powers of this Act acquire any easement or right on or over the said strip except by agreement with the railways board:

- (5) The Executive shall in constructing the works use their best endeavours not to interfere with the private road giving access from Trundleys Road to the arches beneath the railways board's viaduct and numbered on the deposited plans 13 in the London borough of Lewisham and, if such interference shall prove unavoidable, will provide to the reasonable satisfaction of the engineer a comparable alternative route to the said arches:
- (6) The Executive shall not exercise their powers under this Act in relation to the lands numbered respectively on the deposited plans 6 and 85 in the London borough of Lewisham so as to leave any parts of the said lands remaining in the ownership of the railways board without vehicular access from a public road:
- (7) If the construction of the works or the taking of easements or rights in the lands numbered on the deposited plans 85 in the London borough of Lewisham interfere or in any way affect any of the buildings or structures belonging to the railways board situate in or upon the said lands so as to prevent or unreasonably impede the use of such buildings or structures for railway operational purposes, the Executive shall provide temporary replacements for such buildings or structures during the construction of the works and permanent replacements at the termination thereof all to the reasonable satisfaction of the engineer:
- (8) 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 modification, re-enacted in this section and as if—
  - (a) for references therein to "the Board" there were substituted references to "the Executive";
  - (b) for references therein to "the works" there were substituted references to "the works" as defined by paragraph (1) of this section and as if this 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;
  - (c) for the reference therein to the Act of 1963 there were substituted a reference to this Act;

(d) 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 13 (Incorporation of provisions of Acts of 1963 and 1965 relating to works) of this Act.

PART IV  
—cont.

PART V

MISCELLANEOUS

27.—(1) The period now limited by the Act of 1965 for the compulsory purchase of the lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1965 for the purposes of Work No. 4 authorised by Part II (Works) of the Act of 1965 is hereby extended until 31st December 1974. Extensions of time.

(2) The period now limited by the Act of 1968 for the compulsory purchase of the lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1965 for the purposes of Work No. 3 authorised by Part II (Works) of the Act of 1965 is hereby extended until 31st December 1974.

(3) The period now limited by the Act of 1968 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 31st December 1974.

(4) The period now limited by the Act of 1968 for the compulsory purchase of the lands authorised to be acquired by section 8 (Power to acquire lands) of the Act of 1968 for the purposes specified in column (3) of Schedule 1 to the Act of 1968 and for the purposes of Works Nos. 1, 2 and 3 authorised by Part II (Works) of the Act of 1968 is hereby extended until 31st December 1974.

(5) 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, the Act of 1965 and the Act of 1968.

28.—(1) In this section—

“the enabling Act” means the Act of 1968;

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

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

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

PART V  
—cont.

(2) If at any time after 31st December 1971 any person being the owner or lessee of any of the land shall give notice in writing to the Executive of his desire for the acquisition as soon as may be by the Executive of his interest in any part of the land specified in the notice, the Executive shall within a period of three months after the receipt of such notice—

- (a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or
- (b) serve a notice to treat on such person for the compulsory acquisition of his interest in the land specified in his notice or in such part thereof as may be required by them; or
- (c) serve on such person notice in writing of their 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 Executive—
  - (i) fail to comply with that subsection; or
  - (ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection; or
  - (iii) serve notice on him in compliance with paragraph (c) of that subsection;

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

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

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

Saving for town and country planning.

29. The provisions of the Town and Country Planning Acts 1962 to 1968 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.

30. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts, as applied 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 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.

PART V  
—cont.  
Arbitration.

31. 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 Executive and may in whole or in part be defrayed out of revenue.

Costs of Act.

## SCHEDULES

## Section 15.

## SCHEDULE 1

DESCRIBING LANDS IN RESPECT OF WHICH SUBSOIL OR EASEMENTS MAY BE TAKEN AS PROVIDED BY SECTION 15 (POWER TO ACQUIRE SUBSOIL OR EASEMENTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORKS NOS. 1, 2 AND 3	
London borough of Tower Hamlets	14, 50, 61.
London borough of Southwark ...	35, 47, 74 to 76, 78 to 83, 86 to 99, 101 to 104, 106 to 123, 123A, 124 to 137, 140 to 143.
London borough of Lewisham ...	1, 1A, 2 to 6, 8 to 24, 25A, 26 to 35, 39, 41 to 53, 56 to 81, 85 to 90, 92 to 113, 115 to 135, 137 to 141, 143 to 152.
WORK No. 5	
City of Westminster ...	1.
WORK No. 6	
City of London ...	2.

SCHEDULE 2

Section 16.

LANDS REFERRED TO IN SECTION 16 (SUBSOIL OR EASEMENTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORKS NOS. 1, 2 AND 3	
London borough of Tower Hamlets	2 to 6, 9 to 11, 13, 15 to 23, 26 to 28, 30, 33 to 37, 39 to 41, 43, 45 to 48, 52, 53, 55 to 60, 62 to 65.
London borough of Southwark ...	1 to 4, 6 to 9, 12 to 15, 17, 20 to 25, 27, 29 to 31, 36, 37, 39 to 46, 48 to 73.
WORK NO. 4	
Royal borough of Kensington and Chelsea	1.
WORK NO. 6	
City of London	1.



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