

London Transport Act 1975

CHAPTER xxxi

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SCHEDULES:

Schedule 1—Describing lands in respect of which subsoil or easements may be taken as provided by section 10 (Power to acquire subsoil or easements only in certain cases) of this Act.

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ELIZABETH II



1975 CHAPTER xxxi

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. [7th August 1975]

WHEREAS 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 proper officer 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

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|-----------------------------|---|
| Short title. | 1. This Act may be cited as the London Transport Act 1975. |
| 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; |

- | | |
|---|-----------------------|
| “ the Act of 1863 ” means the Railways Clauses Act 1863; | PART I |
| “ the Act of 1950 ” means the Public Utilities Street Works Act 1950; | —cont.
1863 c. 92. |
| “ the Act of 1959 ” means the Highways Act 1959; | 1950 c. 39. |
| “ the Act of 1963 ” means the London Transport Act 1963; | 1959 c. 25. |
| “ the Act of 1964 ” means the London Transport Act 1964; | 1963 c. xxiv. |
| “ the Act of 1965 ” means the London Transport Act 1965; | 1964 c. xxvi. |
| “ the Act of 1966 ” means the London Transport Act 1966; | 1965 c. xli. |
| “ the Act of 1967 ” means the London Transport Act 1967; | 1966 c. xxxiii. |
| “ the Act of 1969 ” means the London Transport Act 1969; | 1967 c. xxxix. |
| “ the Act of 1972 ” means the London Transport Act 1972; | 1969 c. 1. |
| “ the Act of 1974 ” means the London Transport Act 1974; | 1972 c. xlii. |
| “ the Council ” means the Greater London Council; | 1974 c. xvii. |
| “ 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 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 8 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works), section 15 (Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands) and section 16 (Incorporation of protective provisions of Acts of 1963 and 1969) of this Act shall be construed as a reference to the Executive.

(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.

PART I
—cont.Incorporation
of general
Acts.

1845 c. 18.

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

- (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845;
- (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) 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. 1 to 8 inclusive 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.

PART II

WORKS

Power to
make 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:—

In Greater London—

In the London boroughs of Camden and Islington—

(Ticket hall
and
interchange
subway at
King's Cross).

Work No. 1 A ticket hall and an interchange subway (283 metres in length) commencing at the Executive's King's Cross Widened Lines station beneath a point 35 metres north-east of the junction of Gray's Inn Road and St. Chad's Place and terminating

at King's Cross station of the Executive's Piccadilly Line railway beneath a point 50 metres north-west of the junction of York Way and Pentonville Road.

PART II
—cont.

In the London borough of Islington—

Work No. 2 A ventilation subway (22 metres in length) commencing by a junction with the existing disused lift shaft at Highbury and Islington station of the Executive's Victoria Line and Northern Line (Highbury branch) railways beneath a point 40 metres north-west of the junction of Highbury Corner and Highbury Place and terminating by a junction with the northbound running tunnel of the said railway beneath a point 28 metres north-west of the junction of Highbury Corner and Highbury Place. (Ventilation subway at Highbury and Islington station).

In the city of London—

Work No. 3 A ventilation subway (66 metres in length) commencing by a junction with the existing ventilation shaft at St. Paul's station of the Executive's Central Line railway beneath a point 35 metres north-east of the junction of Greyfriars Passage and Newgate Street and terminating by a junction with the eastbound station tunnel of the said railway at the said station beneath a point 33 metres north-west of the junction of Greyfriars Passage and Newgate Street. (Ventilation subway at St. Paul's station).

In the London borough of Wandsworth—

Work No. 4 A draught relief shaft and subway (50 metres in length) commencing at a point 25 metres south-east of the junction of Stapleton Road and Upper Tooting Road and terminating by a junction with the southbound station tunnel at Tooting Bec station of the Executive's Northern Line railway beneath a point 25 metres north-east of the junction of Tooting Bec Road and Balham High Road. (Draught relief shaft and subways at Tooting Bec station).

Work No. 4A A draught relief subway (8 metres in length) commencing by a junction with the northbound station tunnel at Tooting Bec station of the Executive's Northern Line railway beneath a point 21 metres north-east of the junction of Upper Tooting Road and Stapleton Road and terminating by a junction with the southbound station tunnel of the said railway at the said station beneath a point 18 metres north-east of the junction of Upper Tooting Road and Stapleton Road.

PART II
—cont.

In the city of Westminster—

(Interchange subway and enlargement of ticket hall at Baker Street station).

Work No. 5 An interchange subway (156 metres in length) at the Executive's Baker Street station commencing beneath a point 30 metres north-west of the junction of Chiltern Street and Marylebone Road and terminating beneath a point 95 metres north-east of the junction of Marylebone Road and Baker Street, together with an enlargement of the Chiltern Street ticket hall at the said station.

(Enlargement of ticket hall at Bond Street station).

Work No. 6 An enlargement (19 metres in length) of the ticket hall at Bond Street station of the Executive's Central Line and Fleet Line railways commencing beneath a point 38 metres south-west of the junction of Davies Street and Oxford Street and terminating beneath a point 25 metres south-east of the junction of Gilbert Street and Oxford Street.

(Ventilation and draught relief subways at Marylebone station).

Work No. 7 A ventilation subway (90 metres in length) commencing by a junction with an existing ventilation shaft at Marylebone station of the Executive's Bakerloo Line railway beneath a point 35 metres north-west of the junction of Harewood Avenue and Harewood Row and terminating by a junction with the southbound running tunnel of the said railway beneath a point 13 metres north-east of the junction of Bendall Mews and Bell Street.

Work No. 7A A draught relief subway (30 metres in length) commencing by a junction with an existing ventilation shaft at Marylebone station of the Executive's Bakerloo Line railway beneath a point 25 metres north-west of the junction of Harewood Avenue and Harewood Row and terminating by a junction with the northbound and southbound station tunnels of the said railway at the said station beneath a point 35 metres north-east of the junction of Lisson Grove and Harewood Row.

Work No. 7B A draught relief subway (31 metres in length) commencing by a junction with an existing ventilation shaft at Marylebone station of the Executive's Bakerloo Line railway beneath a point 25 metres north-west of the junction of Harewood Avenue and Harewood Row and terminating by a junction with the northbound and southbound station tunnels of the said railway at the said station beneath a point 18 metres north-east of the junction of Harewood Avenue and Harewood Row.

Work No. 8 A draught relief shaft and subway (31 metres in length) commencing at a point 25 metres north-west of the junction of Warwick Place and Warwick Avenue and terminating by a junction with the northbound and southbound station tunnels at Warwick Avenue station of the Executive's Bakerloo Line railway beneath a point 53 metres north-west of the junction of Warwick Place and Warwick Avenue. PART II
—cont.
(Draught relief shaft and subway at Warwick Avenue station).

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

Work No. 1—

In the London borough of Camden—

Gray's Inn Road;
King's Cross Bridge;
St. Chad's Place;
St. Chad's Street:

In the London borough of Islington—

Caledonian Road:

In the London boroughs of Camden and Islington—

Pentonville Road:

Work No. 2—

In the London borough of Islington—

Highbury Crescent:

Works Nos. 4 and 4A—

In the London borough of Wandsworth—

Stapleton Road:

Work No. 5—

In the city of Westminster—

Marylebone Road:

Work No. 6—

In the city of Westminster—

Oxford Street:

Work No. 8—

In the city of Westminster—

Warwick Avenue;

(b) for the purpose of providing access to Work No. 1, make and maintain permanent openings in the carriageways and footways of so much of the streets known as Gray's Inn Road and St. Chad's Street in the London borough of Camden as is within the limits of deviation; and

PART II
—cont.

(c) for the purpose of constructing and using Work No. 8 and for providing access thereto, make and maintain a permanent opening in the carriageway and footway of so much of the street known as Warwick Avenue in the city of Westminster as is within the limits of deviation.

Temporary
stoppage of
streets.

7.—(1) The Executive may, during and for the purpose of the execution of the works hereinafter mentioned, temporarily stop up and interfere with so much of any of the following streets as is within the limits of deviation and may for any reasonable time divert the traffic therefrom and prevent all persons, other than those bona fide going to or from any land, house or building abutting on any part of a street so stopped up and interfered with, from passing along and using the same:—

Work No. 1—

In the London borough of Camden—
St. Chad's Place:

Work No. 5—

In the city of Westminster—
Chiltern Street.

(2) The Executive shall provide reasonable access for foot-passengers bona fide going to or from any such land, house or building.

Incorporation
of provisions
of Acts of
1963, 1965,
1969 and
1974 relating
to works.

8. 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); and

Section 15 (Power to make trial holes).

The Act of 1965—

Section 10 (Underpinning of houses near works).

The Act of 1969—

Section 6 (Power to deviate).

The Act of 1974—

Section 6 (Use of sewers, etc., for removing water):

Provided that the provisions of the said section 6 of the Act of 1969, as so incorporated, shall have effect as if at the end thereof there were inserted the following:—

“ Provided that in the execution of Work No. 1 between a point 216 metres from the commencement thereof and the point of termination of that work, the Executive may deviate vertically from the level shown on the deposited sections to any extent not exceeding 6.50 metres upwards and to such extent downwards as may be found necessary or convenient.”.

PART III

LANDS

9.—(1) Subject to the provisions of this Act, the Executive **Power to** may enter upon, take and use such of the lands delineated on the **acquire lands.** 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.

(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.

(3) The Executive shall not under the powers of this Act acquire compulsorily the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 7 in the city of Westminster.

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

PART III
—cont.

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.

11.—(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 9 (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 to 7B inclusive, 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 9 metres of the level of the surface of the specified lands.

12.—(1) Without prejudice to the generality of the powers conferred upon the Executive by subsection (1) of section 9 (Power to acquire lands) of this Act, the Executive may enter upon, take and use the lands delineated on the deposited plans and described in the deposited book of reference as follows:—

PART III.
—cont.

As to lands at Hammersmith, Norbiton, Norwood and Streatham.

(a) In the London borough of Hammersmith—

the lands numbered 1 to 24 for the purposes of providing—

(i) a road transport garage and depot with associated facilities; and

(ii) interchange facilities between the road and rail services of the Executive including a bus station, a road vehicle lay-by and car park, a service road, station concourse and ticket hall;

on the said lands at Hammersmith and may construct buildings and reconstruct existing buildings thereon for those purposes together with means of access to and from Butterwick, Talgarth Road, Queen Caroline Street, Hammersmith Broadway and Hammersmith Road;

(b) In the Royal borough of Kingston-upon-Thames—

the lands numbered 1 to 5 for the purpose of providing a road transport garage and depot with associated facilities on the said lands at Norbiton and may construct buildings and reconstruct existing buildings thereon for that purpose together with means of access to and from Gordon Road, London Road and Birkenhead Avenue;

(c) In the London borough of Lambeth—

the lands numbered 1 to 26 for the purpose of providing a road transport garage and depot with associated facilities on the said lands at Norwood and may construct buildings and reconstruct existing buildings thereon for that purpose together with means of access to and from Rothschild Street, Knight's Hill and Ernest Avenue; and

(d) In the London borough of Lambeth—

the lands numbered 27 to 35 for the purpose of providing a road transport garage and depot with associated facilities on the said lands at Streatham and may construct buildings and reconstruct existing buildings thereon for that purpose together with means of access to and from Streatham High Road and Natal Road.

PART III
—cont.

(2) In their application to the development authorised by subsection (1) of this section, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by subsection (1) of this section were limited to development begun within ten years after the passing of this Act.

(3) In this section the reference to article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provision of an Act repealing that section.

1971 c. 78.

Period for
compulsory
purchase
of lands and
easements.

As to
church lands.

13. The powers of the Executive for the compulsory purchase of the lands and easements which they are authorised by this Act to acquire shall cease on 31st December 1978.

14.—(1) In this section “the church lands” means the disused site and burial ground of the former church of Christchurch, Greyfriars, delineated on the deposited plans and thereon numbered 7 and 8 in the city of London.

(2) As from the date on which the Executive acquire under the powers of this Act any part of the church lands that part of such lands shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including the effects of consecration) which at the time of such acquisition are attached thereto under ecclesiastical law or otherwise and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the said lands or any part thereof and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto at the time of such acquisition by reason of the said lands or any part thereof having been or formed the enclosure of a church or having been used or set apart for the interment of human remains or otherwise.

(3) Notwithstanding anything contained in any enactment but subject to the provisions of this Act, it shall be lawful as from the date on which the Executive acquire under the powers of this Act any part of the church lands to use, deal with or dispose of that part of such lands for the purposes of or in connection with Work No. 3 or for the erection of any building or for any other purpose in like manner as if no part thereof had ever been or formed the enclosure of a church or been used or set apart for the interment of human remains.

(4) Before the Executive carry out under the powers of this Act any work in or under any part of the church lands likely to involve the disturbance of human remains the Executive shall give notice of their intention to remove, or cause to be removed, from that part the remains of any deceased person which may be found to have been interred therein by publishing a notice once in each of two successive weeks in a newspaper circulating in the city of London with an interval between publications of not less than six days, and shall display a like notice in a conspicuous place on the church lands and such notice shall have embodied in it the substance of subsections (5) to (11) of this section.

(5) At any time within two months after the first publication of such notice any person who is a personal representative or relative of any deceased person whose remains are interred in the part of the church lands from which the remains are proposed to be removed may give notice in writing to the Executive of his intention to undertake the removal of such remains, and thereupon he shall be at liberty without any faculty for the purpose, but subject as hereinafter mentioned and to any regulations made by the Bishop of London for the time being or during a vacancy in the see of London the guardian of the spiritualities thereof, to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place but, in the case of a churchyard, only with the previous consent of the incumbent of the benefice concerned, or to be removed to and cremated in any crematorium.

(6) If any person giving such notice as aforesaid fails to satisfy the Executive that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of London who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(7) The expense of such removal and reinterment or cremation (not exceeding, in respect of remains removed from any one grave, the sum of seventy-five pounds) shall be defrayed by the Executive, such sum to be apportioned, if necessary, equally according to the number of remains in the grave.

(8) If—

(a) within the aforesaid period of two months no such notice as aforesaid shall have been given to the Executive in respect of the remains in any grave; or

(b) within two months after such notice has been given no application has been made under subsection (6) of this section and the person who gave the notice fails to remove the remains; or

PART III
—cont.

- (c) within two months after any order is made by the registrar under the said subsection the person, not being the Executive, specified in the order fails to remove the remains;

the Executive shall, without any faculty for the purpose, cause the remains of the deceased person to be removed and reinterred in such other consecrated burial ground or cemetery in which burials may legally take place and which, subject to the consent of the said bishop, the Executive think suitable for the purpose, or cremated in such crematorium as the Executive think suitable for the purpose, but, in the case of reinterment in a churchyard, the previous consent of the incumbent of the benefice concerned shall also be required.

(9) Upon the removal and reinterment or cremation of any remains under this section a certificate of reinterment or cremation shall be sent to the Registrar General by the Executive, giving the date of removal and reinterment or cremation respectively and identifying the place from which the remains were removed and the place in which they were reinterred or cremated showing the particulars of each removal separately.

(10) Any monument or tombstone relating to the remains of any deceased person removed under this section shall, at the expense of the Executive, be removed and re-erected at the place of reinterment or cremation of such remains, or at such place as the said bishop may direct on the application (if any) of such personal representative or relative as aforesaid or, failing such application, on the application of the Executive and the Executive shall cause a record to be made of each monument and tombstone taken from the church lands under this section containing—

- (a) a copy of the inscription on it; and
(b) if it is intended to preserve the monument or tombstone, a statement naming the place to which it has been taken;

and shall deposit a copy of the record with the Registrar General:

Provided that, in the case of a monument or tombstone in respect of which no application is made by such personal representative or relative as aforesaid, it shall not be necessary to re-erect the monument or tombstone if the Executive consider that, by reason of its ruinous condition, it is unsuitable for re-erection and any such monument or tombstone may be disposed of in such manner as the Executive, subject to the faculty jurisdiction within the diocese, may direct.

(11) The removal of the remains of any deceased person under this section shall be carried out in accordance with any directions that may be given by the Secretary of State.

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

PART III
—cont.

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).

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

The Act of 1964—

- Section 12 (Acquisition of part only of certain properties); and
- 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 13 (As to use of streets for permanent openings); and
- 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

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

Incorporation of protective provisions of Acts of 1963 and 1969.

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 1969—

- Section 18 (Crown rights):

Provided that 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.

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

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

(1) In this section—

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

“the works” means so much of Works Nos. 1, 2, 7, 7A and 7B 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 board;

“plans” includes sections, drawings and particulars:

(2) The Executive shall not under the powers of this Act acquire compulsorily any railway property but they may in accordance with section 10 (Power to acquire subsoil or easements only in certain cases) of this Act acquire so much of the subsoil and under-surface of, or may acquire such easements or rights in the subsoil and under-surface of, railway property as they may reasonably require for the purpose of the works:

(3) 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 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” and as if for references to “the railways board” there were substituted references to “the board”;

(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 8 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of this Act.

PART IV
—cont.

18. For the protection of the sewers of the protected authority the following provisions shall, unless otherwise agreed in writing between the Executive and the protected authority, apply and have effect:—

For protection of sewers of Greater London Council and Thames Water Authority.

(1) In this section—

“the protected authority” means the Council or the Thames Water Authority, as the case may be;

“sewer” includes any main used for the conveyance of sewage sludge or sewage effluent and any unfiltered water main, hydrant or pipe subway vested in or maintained by the protected authority;

“the specified works” means any part of the works which will or may be situated over or within 15 metres measured in any direction of any sewer of the protected authority:

(2) The Executive shall not commence the specified works until they shall have given to the protected authority twenty-eight days’ previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the protected authority with plans as described in paragraph (9) of this section (in this section referred to as “the said plans”) and until the protected authority shall have signified their approval of the said plans:

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

(3) The Executive shall comply with and conform to all reasonable orders, directions and regulations of the protected authority in the execution of the specified works and shall provide new, altered or substituted works in such manner as the protected authority shall reasonably require for the proper protection of, and for preventing injury or impediment to, a sewer of the protected authority by reason of the specified works and shall save harmless the protected authority against all expenses to be occasioned thereby:

PART IV
—cont.

- (4) All such new, altered or substituted works shall, where so required by the protected authority, be done by or under the direction, superintendence and control of an officer of the protected authority duly appointed for the purpose at the cost, charge and expense in all respects of the Executive and all costs, charges and expenses to which the protected authority may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the protected authority by the Executive on demand:
- (5) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the cost, charge and expense of the Executive under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the protected authority as any sewers or works now or hereafter may be:
- (6) 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 protected authority 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:
- (7) The protected authority may require the Executive in constructing the specified works to make any reasonable deviation within the limits of deviation from the line or levels shown upon the said plans for the purpose of avoiding injury or risk of injury to any sewer of the protected authority and the Executive shall in constructing such works deviate accordingly:
- (8) It shall not be lawful for the Executive in the exercise of the powers of section 15 (Power to make trial holes) of the Act of 1963 as incorporated by section 8 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of this Act to make any trial holes so as to interfere with any sewer of the protected authority:
- (9) The plans to be submitted to the protected authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, the specified works are proposed to be constructed and shall accurately describe the position of all sewers of the protected authority within the limits of deviation (for which purpose the protected authority shall allow the Executive access to plans in their possession and to

any of their sewers in order to enable the Executive to obtain reliable information) and shall comprise detailed drawings of every alteration which the Executive may propose to make in such sewer:

- (10) The protected authority may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewerage system of the Thames Water Authority or the sewers of the Council against interference or risk of damage and to provide and secure a proper and convenient means of access to the sewers of the protected authority:
- (11) The Executive shall be liable to make good, or, if the protected authority so decide, to bear any expense incurred by the protected authority in making good, all injury or damage caused by or resulting from the construction of the specified works to any sewers, drains or works vested in the protected authority and the protected authority shall from time to time have power to recover any expense so incurred by them from the Executive in any court of competent jurisdiction:
- (12) If, in the construction of the specified works, or any new, altered or substituted works or any work of defence connected therewith provided in accordance with this section, the Executive damage or, without the consent of the protected authority, alter or in any way interfere with any existing sewer of the protected authority the Executive shall—
- (a) from time to time pay to the protected authority any additional expense to which the protected authority may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and
- (b) give to the protected authority full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:
- (13) It shall be lawful for an officer of the protected authority duly appointed for the purpose at any reasonable time to enter upon and inspect the specified works or any other works constructed under the powers of this section:
- (14) The approval by the protected authority of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Executive from any liability or affect any claim for damages under this section or otherwise.

PART IV
—cont.

For protection
of Post
Office.

19.—(1) 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. 3, 7, 7A and 7B:—

- (a) Notwithstanding anything shown upon the deposited plans and the deposited sections or contained in this Act, the Executive shall not without the consent in writing of the Post Office enter upon, take or use, either permanently or temporarily, the underground property (which in this subsection means the existing deep level underground works of the Post Office in the vicinity of Works Nos. 3, 7, 7A and 7B and the works or property of the Post Office connected with the said deep level underground works):

Provided that nothing in this subsection shall be deemed to prohibit the Executive from acquiring the subsoil under or over the underground property for the purposes of constructing, maintaining, protecting, renewing and using or altering Works Nos. 3, 7, 7A and 7B or from acquiring such easements and rights in the said subsoil as they may require for the said purposes:

- (b) The Executive shall carry out Works Nos. 3, 7, 7A and 7B so as not to interfere with the underground property:
- (c) The Executive, in constructing Works Nos. 3, 7, 7A and 7B under or over or within 30 metres of the underground property (in this section called “the prescribed distance”), shall not deviate from the levels shown on the deposited sections without the consent of the engineer of the Post Office, which consent shall not be unreasonably withheld:
- (d) The Executive shall, not less than twenty-one days before commencing the construction of Works Nos. 3, 7, 7A and 7B within the prescribed distance, furnish to the Post Office plans, sections and specifications of the work proposed to be carried out by the Executive within the prescribed distance and such plans, sections and specifications shall be settled and agreed upon between the engineer of the Executive and the engineer of the Post Office and such work shall be carried out only in accordance with the plans, sections and specifications so agreed upon or, in the event of failure to agree, settled by arbitration in accordance with paragraph (1) hereof. The Executive shall give to the Post Office not less than twenty-one days’ notice (except in case of emergency) before commencing any structural alterations or renewal of Works Nos. 3, 7, 7A and 7B within the prescribed distance with a sufficient description of such works. In

case of emergency the Executive shall give to the Post Office the longest notice which they can reasonably give having regard to the urgency of the work to be executed and such notice shall be accompanied by a sufficient description of the work proposed to be carried out under the supervision (if the same shall be given) and to the reasonable satisfaction of the engineer of the Post Office:

- (e) The Executive shall at all times maintain Works Nos. 3, 7, 7A and 7B, so far as the same shall be within the prescribed distance, in substantial repair and good order and condition, and if and whenever the Executive fail so to do, the Post Office may make and do all such works and things on and to the underground property as may be reasonably requisite for the protection thereof in that behalf and the reasonable amount of expenditure in that behalf shall be repaid to the Post Office by the Executive:
- (f) If it shall at any time appear to the engineer of the Post Office either before or during the construction or after completion of Works Nos. 3, 7, 7A and 7B within the prescribed distance that any further or other works or appliances or measures of precaution are required either by way of addition to the underground property or in connection with or in relation to the method of construction of Works Nos. 3, 7, 7A and 7B so as to prevent subsidence or injury happening to the underground property owing to or in consequence of the execution of Works Nos. 3, 7, 7A and 7B or any part thereof, the Executive shall, on being thereunto required in writing under the hand of the engineer of the Post Office, within the prescribed distance make and carry out at their own expense and according to plans, sections and specifications to be reasonably approved by the said engineer such further works or take such measures of precaution, including the use of compressed air or the temporary cessation of the construction of Works Nos. 3, 7, 7A and 7B or the carrying on of the construction of Works Nos. 3, 7, 7A and 7B without cessation, as the said engineer shall reasonably require:
- (g) If during and by the construction of Works Nos. 3, 7, 7A and 7B the underground property shall be injured or damaged the Post Office may forthwith make good such injury or damage and execute such protective works elsewhere than on the property of the Executive as the engineer of the Post Office shall reasonably consider necessary for ensuring the safety of the underground property and the expense properly incurred by the Post Office in so doing shall be repaid to the Post Office by the Executive:

PART IV
—cont.

- (h) The Executive shall not, in making and maintaining Works Nos. 3, 7, 7A and 7B, in any manner obstruct, hinder or interfere with the free, uninterrupted and safe user of the underground property:
- (i) The Executive shall, during the construction of any part of Works Nos. 3, 7, 7A and 7B which shall come within the prescribed distance, bear and on demand pay to the Post Office the reasonable expense of the employment by the Post Office of a sufficient number of inspectors and watchmen for inspecting and watching the underground property with reference to and during such construction and for preventing as far as may be all interference, obstruction, danger or accident from any of the operations of the Executive or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise:
- (j) Notwithstanding anything in this Act, the Executive shall be responsible for and make good to the Post Office all costs, losses, damages, charges and expenses which may be occasioned to the Post Office by the construction or failure of Works Nos. 3, 7, 7A and 7B or of any act or omission of the Executive or of any person in their employ or of their contractors or others and the Executive shall effectually indemnify and hold harmless the Post Office from all claims and demands upon or against it by reason of such construction or failure or of any such act or omission:
- (k) The Executive shall from time to time repay to the Post Office any additional expense to which the Post Office may be put in maintaining the underground property by reason or in consequence of the construction of Works Nos. 3, 7, 7A and 7B:
- (l) Any difference (including failure to agree) which may arise from time to time under the provisions of paragraphs (a) to (k) of this subsection between the Executive and the Post Office shall be settled by arbitration.

(2) The exercise of the powers conferred by section 7 (Temporary stoppage of streets) of this Act in relation to the street known as Chiltern Street in the city of Westminster shall not affect the powers of the Post Office under the Telegraph Acts 1863 to 1916 to place, maintain, inspect, repair, renew or remove any telegraphic line, as defined in the Telegraph Act 1878, or to open or break up that street for any of those purposes.

20. For the protection of the lord mayor, aldermen and citizens of the city of Westminster (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:—

PART IV
—cont.

For protection
of Westminster
Corporation.

(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; 1963 c. 33.

(b) The works to which this section applies are Works Nos. 5, 6, 7, 7A, 7B and 8 or any of them and the works and conveniences connected therewith authorised by this Act:

(2) Wherever in this section provision is made with respect to the consent of the corporation, such consent shall be in writing and may be given under the hand of the chief executive subject to such reasonable terms and conditions as the corporation may require, but shall not be unreasonably withheld:

(3) Before commencing to construct any part of the works to which this section applies which will involve interference with a highway, the Executive shall consult the corporation as to the time when such part shall be commenced, as to the extent of the surface of the highway which it may be reasonably necessary for the Executive to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Executive except at the time, to the extent and in accordance with conditions agreed between the Executive and the corporation or, in default of agreement, settled by arbitration:

Provided that any condition agreed or settled under this paragraph shall not conflict with any condition laid down by the Council in regard to traffic management:

(4) Except as by this Act expressly authorised or with the consent of the corporation, the Executive shall not open or make any permanent openings or any ventilators, air shafts or other similar openings in, or erect or construct any structure or erection above, the surface, carriageway or footway of any highway:

PART IV
—cont.

- (5) It shall be lawful for the engineer or surveyor or other officer of the corporation duly appointed for the purpose at all reasonable times to enter upon and inspect any part of the works to which this section applies in, under or affecting any highway or which may affect any property of the corporation during the execution thereof, and the 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 works is attended with danger to any highway or to any sanitary convenience, refuge, 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:
- (6) Subject to the provisions of Part II of the Act of 1950, in the construction of any part of the works 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 works, no part of the said works 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 0.75 metres to the surface of any highway:
- (7) The works to which this section applies, so far as they involve any serious interference with the movement of traffic in any highway, shall after the commencement thereof be carried on as expeditiously as reasonably practicable and the Executive shall take all such steps as may be reasonably necessary to reduce as far as possible the period of such interference:
- (8) At least fourteen days before commencing any vertical borings from the surface of any part of any highway the Executive shall serve notice in writing on the corporation of their intention to commence the same, and such notice shall describe the place or places at which such borings are intended to be made, and if within fourteen days after the receipt of such notice any objection is made by the corporation the matter shall (unless otherwise agreed) be settled by arbitration before the boring is commenced, but if no such objection is made the said borings may be proceeded with:

- (9) The Executive shall secure that so much of the works to which this section applies as are 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, drains or apparatus therein by reason of any non-compliance by the Executive with the provisions of this paragraph:
- (10) The Executive shall not alter, disturb or in any way interfere with any sanitary convenience, refuge, 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, 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:
- (11) The Executive shall not remove any soil or material from any highway except such as must be excavated in the carrying out of the works to which this section applies:
- (12) If any extra expense be reasonably incurred by the corporation for the repair of any highway by reason of the diversion thereto of traffic from a road of a higher classification in consequence of the making or construction of the works to which this section applies, the Executive shall repay the amount of such reasonable expense to the corporation, provided that prior notice of the diversion has been given to the Executive:
- (13) The Executive shall not, except with the consent of the corporation, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway so as to obstruct the use of such highway by any person or, except with the like consent, deposit any soil, subsoil or materials on any such highway, except within a hoarding:

PART IV
—cont.

- (14) All reasonable costs, charges and expenses incurred by the corporation in removing any soil deposited on any highway in contravention of this section shall be a debt due to the corporation and shall be paid by the Executive to the corporation:
- (15) Where any part of any highway shall have been temporarily broken up or disturbed by the Executive, the Executive shall make good the subsoil, foundations and surface of such part of the highway to the reasonable satisfaction of the corporation:
- Provided that the reinstatement of such part of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the corporation as soon as practicable after the completion of the temporary reinstatement and the reasonable cost incurred by the corporation in so doing shall be repaid by the Executive to the corporation:
- (16) It shall not be lawful for the Executive to place any hoardings on any part of the highway except for such period as may be necessary and then only in such manner as shall be reasonably necessary and the provisions of the Act of 1959 relating to hoardings shall apply to any hoarding erected on any part of any highway and for the purposes of the application of section 147 of the Act of 1959 any such hoarding shall be deemed to have been erected in compliance with subsection (1) of that section:
- (17) The Executive shall make compensation to the corporation for any subsidence of, or damage to, any highway or any sanitary convenience, refuge, drain, lamp column, traffic sign and apparatus connected therewith or other property or work of the corporation, or under their control or repairable by them, which may be caused by, or in consequence of, any act or default of the Executive, their contractors, servants or agents and whether such subsidence or damage shall happen during the construction of the works to which this section applies or at any time thereafter:
- (18) Within three months after the completion of the works to which this section applies in a highway, or such longer period as the corporation may agree, the Executive shall remove or, to the reasonable satisfaction of the corporation, demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of, or in connection with the construction of, those works and shall remove all surplus materials, plant, machinery and appliances provided or approved in connection

therewith and shall so far as is reasonably practicable to the like satisfaction restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of or in connection with those works:

PART IV
—cont.

- (19) As soon as reasonably practicable after the completion of any part of the works 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 works as constructed:
- (20) Any difference arising between the Executive and the corporation under this section shall be settled by arbitration.

21. The following provisions shall, unless otherwise agreed in writing between the Executive and the Council, apply and have effect:—

As to
metropolitan
roads and
road traffic,
etc.

- (1) In this section “road” means a road which is for the time being a metropolitan road and “highway” means any highway within the meaning of the Act of 1959 which is situated in Greater London:
- (2) The Executive shall not, without the consent of the Council, construct any part of the works (other than trial holes) which will be within 7.50 metres of the surface of any road, or which will involve interference with any road, except in accordance with plans and sections submitted to and approved by the Council, but such approval shall not be unreasonably withheld:
Provided that if within two months after such plans and sections have been so submitted the Council have not approved or disapproved them the Council shall be deemed to have approved the plans and sections as submitted:
- (3) In the construction of any part of the works under a road no part thereof shall (except with the consent of the Council) be so constructed as to interfere with the provision of proper means of drainage of the surface of the road or, except in the case of any bridge work, be nearer than 0.75 metres to the surface of the road:
- (4) Before commencing to construct any part of the works, or any works or conveniences connected therewith, which will involve interference with a road or the traffic in any highway the Executive shall consult the Council as to the time when such part shall be commenced and as to the

PART IV
—cont.

extent of the surface of the road which it may be reasonably necessary for the Executive to occupy or the nature of the interference which may be caused to the said traffic in the construction of such part and as to the conditions under which such part shall be constructed, so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the road shall not be occupied by the Executive and the said interference with traffic shall not be caused except at the time, to the extent and in accordance with conditions agreed between the Executive and the Council:

- (5) At least twenty-eight days before commencing to make any trial hole from the surface of any part of any road the Executive shall serve notice in writing on the Council of their intention to commence the same and such notice shall describe the place at which any such hole is intended to be made and if, within twenty-eight days after the receipt of such notice, any objection is made by the Council the matter shall (unless otherwise agreed) be settled by arbitration before the making of the hole is commenced but if no such objection is made the making of the hole may be proceeded with:
- (6) The Executive shall not, without the consent of the Council, open or make any permanent openings or any ventilators, air shafts or other similar openings in, or erect or construct any structure or erection above, the surface of any road, and in constructing, maintaining and operating the said openings, ventilators, air shafts or other similar openings the Executive shall take all steps which are reasonably practicable to avoid causing a nuisance:
- (7) The Executive shall secure that so much of the works as is constructed under or so as to affect any road shall be designed, constructed and maintained so as to carry the appropriate loading recommended at the time of construction of such works by the Secretary of State as respects highway bridges carrying roads of the same class or description and the Executive shall indemnify the Council against and make good to the Council all expenses which the Council may reasonably incur or be put to in the maintenance or repair of any road or any tunnels, sewers, drains or apparatus therein by reason of any non-compliance by the Executive with the provisions of this paragraph:

Provided that this paragraph shall not apply to so much of the surface of any of the works as is not intended to carry traffic:

- (8) It shall be lawful for the officer of the Council duly appointed for the purpose at all reasonable times to enter upon and inspect any part of the works which is in or under any road, or which may affect any road or any property or work belonging to or under the jurisdiction or control of the Council, or repairable by them, during the execution thereof and the Executive shall give to such officer all reasonable facilities for such inspection and, if he shall be of opinion that the construction of such works is attended with danger to any road or to any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work as aforesaid on or under any road, the Executive shall adopt such measures and precautions as may be reasonably required by the Council for the purpose of preventing any damage or injury thereto:
- (9) The Executive shall not alter, disturb or in any way interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the Council on or under any road or repairable by them or the access thereto without the consent of the Council and any alteration, diversion, replacement or reconstruction of any such sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work as aforesaid which may be necessary shall be made by the Council or the Executive as the Council shall think fit and any costs, charges and expenses reasonably incurred by the Council in so doing shall be repaid to the Council by the Executive:
- (10) The Executive shall not remove any soil or material from any road except such as must be excavated in the carrying out of the works:
- (11) The Executive shall not, except with the consent of the Council, deposit any soil, subsoil or materials or stand any vehicle or plant on any road so as to obstruct the use of such road by any person or, except with the like consent, deposit any soil, subsoil or materials on any such road except within a hoarding:
- (12) All reasonable costs, charges and expenses incurred by the Council in removing any soil, subsoil or materials deposited on any road in contravention of this section shall be a debt due to the Council and shall on demand be paid by the Executive to the Council:

PART IV
—cont.

- (13) Where any part of any road shall have been temporarily broken up or disturbed by the Executive the Executive shall make good the subsoil, foundations and surface of such part of the road to the reasonable satisfaction of the Council:

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

- (14) It shall not be lawful for the Executive to place any hoarding or fence on any part of any road except for such period as may be necessary and then only in such manner and in accordance with such other conditions as shall be reasonably required by the Council and the provisions of the Act of 1959 relating to hoardings and fences shall apply to any hoarding or fence erected on any part of any road and for the purposes of the application of section 147 of the Act of 1959 any such hoarding or fence shall be deemed to have been erected in compliance with subsection (1) of that section:
- (15) The Executive shall make compensation to the Council for any subsidence of or damage to any road or any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the Council on or under any road or repairable by them which may be caused by or in consequence of any act or default of the Executive, their contractors, servants or agents and whether such damage or subsidence shall happen during the construction of the works or at any time thereafter:
- (16) Within three months after the completion of any of the works, or such longer period as the Council may agree, the Executive shall remove or to the reasonable satisfaction of the Council demolish or otherwise dispose of all temporary buildings and structures erected at, above or immediately below surface level for the purposes of or in connection with the construction of that work and shall remove all surplus materials, plant, machinery and appliances provided or approved in connection therewith and shall, so far as is reasonably practicable, to the like satisfaction restore and make good the surface of the ground on which any temporary

buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of or in connection with that work:

PART IV
—cont.

- (17) As soon as reasonably practicable after the completion of any part of the works the Executive shall furnish the Council with a plan and section of suitable scale showing the position and level of such part of the works as constructed:
- (18) The Council may require that the works or works and conveniences connected therewith so far as they involve any serious interference with the movement of traffic in any highway shall be carried on so far as reasonably practicable continuously day and night and the Executive shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:
- (19) The Executive shall not, without the consent of the Council, which shall not be unreasonably withheld, make any communication between the works and the interior of any building, other than a building wholly used by the Executive for transport purposes:
- (20) Any difference arising between the Executive and the Council under this section shall be settled by arbitration.

PART V

MISCELLANEOUS

22.—(1) The period now limited by the Act of 1972 for the compulsory purchase of the lands authorised to be acquired by section 10 (Power to acquire lands) of the Act of 1972 for the purposes of Works Nos. 7, 7A, 7B and 8 authorised by Part II (Works) of the Act of 1972 is hereby extended until 31st December 1978. Extensions of time.

(2) In this section the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the Act of 1972.

23.—(1) In this section—

“the enabling Act” means the Act of 1972;

“the land” means any land which is for the time being authorised to be acquired compulsorily by the Executive by the enabling Act for the purposes of Works Nos. 7, 7A, 7B and 8 authorised by Part II (Works) of the enabling Act, not being land referred to in subsection (4) of this section;

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

PART V
—cont.

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

(2) If at any time after 31st December 1975, 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.

24. Notwithstanding the provisions of section 19 (For protection of British Airports Authority) of the Act of 1967 the following provisions as to the control of the central station at Heathrow Airport shall apply and have effect:—

PART V
—cont.

As to central
station at
Heathrow.

(1) In this section—

“the authority” means the British Airports Authority;

“the central station” means the railway station of the Executive constructed in and beneath Heathrow Airport as part of Work No. 1 authorised by the Act of 1967;

“new plan” means any plan from time to time signed and deposited in accordance with paragraph (4) of this section;

“the signed plan” means the plan signed in duplicate by the secretary of the Executive on behalf of the Executive and by the secretary of the authority on behalf of the authority one copy of which has been deposited at the principal office of the Executive and the other at the Heathrow Airport of the authority;

“the specified area” means the area of the central station hatched blue on the signed plan:

- (2) For the purposes of sections 9, 10, 11 and 16 of the Airports Authority Act 1965 (as read with the Policing of Airports Act 1974) and of any byelaws for the time being in force under section 9 of that Act and of any regulations applicable to Heathrow Airport by virtue of section 16 of that Act, the specified area, whether or not the central station is closed for the carriage of passengers by rail (but no other part of the said station or of the railway serving it), shall be deemed to form part of Heathrow Airport and no byelaw for the time being in force under section 67 of the Transport Act 1962 with respect to the railways and railway premises of the Executive shall apply to that area: 1965 c. 16. 1974 c. 41. 1962 c. 46.
- (3) Nothing in paragraph (2) of this section shall affect or limit the powers of constables appointed under section 53 (As to appointment of constables) of the British Transport Commission Act 1949 to act as constables in the whole of the central station: 1949 c. xxix.
- (4) The Executive and the authority may, from time to time, by agreement between themselves alter the specified area, in which event a new plan showing the specified area as so altered shall be signed on behalf of the Executive and the authority and deposited in the same manner as

PART V
—cont.

the signed plan and thereafter any reference in this section to—

(a) the signed plan shall mean such new plan, so signed and deposited, to the exclusion of the signed plan or of any other new plan previously so signed and deposited; and

(b) the specified area shall mean the area of the central station hatched blue on such new plan:

- (5) The production of a copy of the signed plan upon which is endorsed a certificate purporting to be signed by the secretary of the Executive or by some person authorised by the Executive to act in his stead in that behalf and by the secretary of the authority or by some person authorised by the authority to act in his stead in that behalf, stating that the copy of the signed plan is a true copy shall be prima facie evidence of that fact.

Saving for
Town and
Country
Planning Acts
1971 and
1972.
1971 c. 78.

25. Section 289 of the Town and Country Planning Act 1971 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1971 and 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Arbitration.

26. 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.

Costs of Act.

27. 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.

SCHEDULES

SCHEDULE 1

Section 10.

DESCRIBING LANDS IN RESPECT OF WHICH SUBSOIL OR EASEMENTS MAY BE TAKEN AS PROVIDED BY SECTION 10 (POWER TO ACQUIRE SUBSOIL OR EASEMENTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORK No. 1	
London borough of Camden ..	7 to 17, 19, 21, 23, 24.
London borough of Islington ..	2 to 15, 17.
WORK No. 2	
London borough of Islington ..	30.
WORK No. 3	
City of London	3, 8.
WORKS NOS. 4 AND 4A	
London borough of Wandsworth ..	1, 2, 4 to 9.
WORK No. 5	
City of Westminster	1, 3.
WORK No. 6	
City of Westminster	5 to 8.
WORKS NOS. 7, 7A AND 7B	
City of Westminster	10, 12.

Section 11.

SCHEDULE 2

LANDS REFERRED TO IN SECTION 11 (SUBSOIL OR EASEMENTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORK No. 1	
London borough of Camden ..	1, 3, 4, 25, 26.
London borough of Islington ..	18A, 19 to 27.
WORK No. 2	
London borough of Islington ..	31, 32.
WORK No. 3	
City of London	4, 6, 7, 10.
WORKS NOS. 4 AND 4A	
London borough of Wandsworth ..	12, 13.
WORKS NOS. 7, 7A AND 7B	
City of Westminster	13 to 16, 18 to 20, 22, 23, 25.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR HAROLD GLOVER

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament