



London Transport Act 1976

CHAPTER xxxvii

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ELIZABETH II



1976 CHAPTER xxxvii

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. [22nd November 1976]

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 periods 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 a plan and section showing the lines or situations and levels of the works to be constructed under the powers of this Act, and a plan of the lands authorised to be acquired or used by this Act, and a book of reference to such plan 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 plan, section and book of reference are respectively referred to in this Act as the deposited plan, the deposited section and the deposited book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

- | | |
|-----------------------------|--|
| Short title. | 1. This Act may be cited as the London Transport Act 1976. |
| 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. |

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—

PART I
—cont.

Interpretation.

- “ the Act of 1845 ” means the Railways Clauses Consolidation Act 1845; 1845 c. 20.
- “ the Act of 1863 ” means the Railways Clauses Act 1863; 1863 c. 92.
- “ 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 1969 ” means the London Transport Act 1969; 1969 c. 1.
- “ the Act of 1971 ” means the London Transport Act 1971; 1971 c. xl.
- “ the Act of 1973 ” means the London Transport Act 1973; 1973 c. xi.
- “ the Act of 1974 ” means the London Transport Act 1974; 1974 c. xvii.
- “ the Act of 1975 ” means the London Transport Act 1975; 1975 c. xxxi.
- “ 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 plan;
- “ 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 7 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works), section 11 (Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands) and section 12 (Incorporation of protective provisions of Acts of 1963, 1965, 1969 and 1975) 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) 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) Work No. 1 shall be deemed to be a railway 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 plan and according to the levels shown on the deposited section, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In Greater London—

In the London borough of Southwark—

(Ticket hall
and footbridge
at Surrey
Docks station).

Work No. 1 A new ticket hall on the north side of the Executive's East London Line railway at Surrey Docks station together with a new footbridge leading from the said ticket hall and connecting to the northbound and southbound platforms at the said station.

6. Subject to the provisions of this Act, the Executive may for the purpose of constructing Work No. 1 enter upon, open, break up and interfere with so much of the surface of Lower Road in the London borough of Southwark as is within the limits of deviation.

PART II
—cont.

Power to open surface of street.

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

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

The Act of 1963—

Section 15 (Power to make trial holes).

The Act of 1965—

Section 10 (Underpinning of houses near works) except the provisos to subsections (4) and (6) thereof.

The Act of 1969—

Section 6 (Power to deviate).

The Act of 1974—

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

Provided that—

- (i) the Executive shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 10 of the Act of 1965, as so incorporated, as not to obstruct or render less convenient the access to any telegraphic line belonging to, or used by, the Post Office;
- (ii) the provisions of the said section 6 of the Act of 1974, as so incorporated, shall have effect as if, after paragraph (a) of subsection (2) thereof, there were inserted the following paragraph:—

“ (aa) On the coming into force of section 31 of the Control of Pollution Act 1974 paragraph (a) of this subsection shall cease to have effect and the said section 31 shall apply to, or to the consequence of, a discharge under the powers of this section into any relevant waters for the purposes of the said section 31 as if this section were excluded from the reference to any provision of a local Act mentioned in subsection (2) (b) (ii) of the said section 31.”

(2) In this section “ telegraphic line ” has the same meaning as in the Telegraph Act 1878.

1878 c. 76.

PART III

LANDS

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

Power to acquire lands.

PART III
—cont.

deposited plan 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 plan 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.

Compulsory
acquisition
of rights
over land.

9.—(1) In this section—

“ the Acts ” means the Lands Clauses Acts;

“ new rights ” in relation to any land means easements or other rights over such land which are not in existence at the passing of this Act.

(2) The Executive may, for the purposes of constructing, maintaining, protecting, renewing and using the works, purchase compulsorily such new rights as they may require over any of the lands which may be acquired under section 8 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

(3) The Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights under subsection (2) of this section as they apply to the compulsory purchase of land so that, in appropriate contexts, references in the Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

(4) Without prejudice to the generality of subsection (3) of this section, in relation to the purchase of rights in pursuance of subsection (2) of this section—

1845 c. 18.

(a) the Lands Clauses Consolidation Act 1845 shall have effect with the modifications specified in Schedule 1 to this Act;

(b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

Period for
compulsory
purchase of
lands and
rights over
lands.

10. The powers of the Executive for the compulsory purchase of the lands and rights over lands which they are authorised by this Act to acquire shall cease on 31st December 1979.

11. 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 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 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

12. 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, 1965, 1969 and 1975.

The Act of 1963—

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

The Act of 1965—

- Section 25 (As to works within Metropolitan Police District).

The Act of 1969—

- Section 18 (Crown rights).

The Act of 1975—

- Section 21 (As to metropolitan roads and road traffic, etc.):

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
sewers of
Thames
Water
Authority.

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

(1) In this section—

“the authority” means the Thames Water Authority;

“sewer” includes any main used for the conveyance of sewage sludge or sewage effluent and any pipe subway vested in or maintained by the 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 authority:

(2) The Executive shall not commence the specified works until they shall have given to the 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 authority with plans as described in paragraph (9) of this section (in this section referred to as “the said plans”) and until the 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 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 authority in the execution of the specified works and shall provide new, altered or substituted works in such manner as the authority shall reasonably require for the proper protection of, and for preventing injury or impediment to, a sewer of the authority by reason of the specified works and shall save harmless the authority against all expenses to be occasioned thereby:

(4) All such new, altered or substituted works shall, where so required by the authority, be done by or under the direction, superintendence and control of an officer of the 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 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 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 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 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 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 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 7 (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 authority:
- (9) The plans to be submitted to the 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 authority within the limits of deviation (for which purpose the 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 any such sewers:
- (10) The authority may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewerage system of the authority against interference or risk of damage and to provide and secure a proper and convenient means of access to the sewers of the authority:

PART IV
—cont.

- (11) The Executive shall be liable to make good, or, if the authority so decide, to bear any expense incurred by the 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 authority and the 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 authority, alter or in any way interfere with any existing sewer of the authority the Executive shall—
- (a) from time to time pay to the authority any additional expense to which the 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 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 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 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:
- (15) Except as otherwise provided in this section, any difference arising between the Executive and the authority under this section shall be settled by arbitration.

PART V

MISCELLANEOUS

Extensions of
time.

14.—(1) The period now limited by the Act of 1973 for the compulsory purchase of the lands authorised to be acquired by section 27 (Power to acquire lands) of the British Transport

Commission Act 1961 for the purposes of Works Nos. 6 and 7 authorised by Part II (Works) of the said Act of 1961 is hereby extended until 31st December 1979.

PART V
—cont.

1961 c. xxxvi.

(2) The period now limited by the Act of 1971 for the compulsory purchase of the lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1971 for the purposes of Work No. 1 authorised by Part II (Works) of the Act of 1971 is hereby extended until 31st December 1982.

(3) The period now limited by the Act of 1973 for the compulsory purchase of the lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1971 for the purposes of Work No. 2 authorised by Part II (Works) of the Act of 1971 is hereby extended until 31st December 1979.

(4) The period now limited by the Act of 1973 for the compulsory purchase of the lands authorised to be acquired by section 8 (Power to acquire lands) of the Act of 1973 for the purposes of Works Nos. 1 and 1A authorised by Part II (Works) of the Act of 1973 is hereby extended until 31st December 1979.

(5) In this section the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the British Transport Commission Act 1961, the Act of 1971 and the Act of 1973.

15.—(1) In this section—

“the enabling Act” means the Act of 1971 or the Act of 1973;

“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 Work No. 1 authorised by Part II (Works) of the Act of 1971 or for the purposes of Works Nos. 1 and 1A authorised by Part II (Works) of the Act of 1973 not being in either case 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.

(2) If at any time after 31st December 1976 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

PART V
—cont.

(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.

Powers of
police as to
search and
arrest.

1969 c. 35.

1949 c. xxix.

16. In its application to the Executive pursuant to the provisions of paragraph 1 (2) (g) of Schedule 3 to the Transport (London) Act 1969, subsection (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act 1949 in relation only to subsection (1) of that section, as amended by section 15 (Powers of police as to search and arrest) of the Act of 1974, shall have effect as if the words “first day of January one thousand nine hundred and seventy-nine” were substituted for the words “first day of January one thousand nine hundred and seventy-seven”.

Repeal, etc.

17.—(1) The enactment specified in Schedule 2 to this Act is hereby repealed to the extent mentioned in the third column thereof.

(2) As from the passing of this Act, the Public Service Vehicles (Conduct of Drivers, Conductors and Passengers) Regulations 1936, as amended by the Public Service Vehicles (Conduct of Drivers, Conductors and Passengers) (Amendment) Regulations 1946 and the Public Service Vehicles (Conduct of Drivers, Conductors and Passengers) (Amendment) Regulations 1975 shall have effect in relation to the Executive as if subsections (5) and (6) of section 91 of the London Passenger Transport Act 1936 c. cxxxi. 1936 had not been enacted.

PART V
—cont.

18.—(1) In this section, unless the context otherwise requires— Microfilming
of documents.

“document” means the whole or part of a register, book, record, letter, map, plan, drawing, photograph or other thing of a similar nature and references to documents of the Executive are references to documents belonging to or permanently in the possession of the Executive;

“microfilm recording” means a reproduction of a document on film or other material which is a product of photography or any similar process and is in general beyond legibility with the naked eye.

(2) Notwithstanding anything contained in any enactment, the Executive may destroy any documents of the Executive of which they have made microfilm recordings and have made provision for the retention of such recordings.

(3) Subject to subsection (5) of this section any requirement imposed by any enactment that a document of the Executive shall be made available for inspection shall be satisfied by their making available for inspection a legible enlargement of a microfilm recording of the document.

(4) Notwithstanding anything contained in any enactment or any rule of law, a legible enlargement of a microfilm recording of a document of the Executive which has been destroyed shall be admissible in evidence for any purpose for which the document would have been admissible in any proceedings in any court in England or Wales if an officer of the Executive designated by them for the purposes of this subsection certifies that—

(a) the document has been destroyed in pursuance of this section; and

(b) a microfilm recording of the document has been made; and

(c) the enlargement is an enlargement of that microfilm recording.

(5) A microfilm recording of a document in colour where the colours are relevant to the interpretation of the document shall not suffice for the purposes of this section unless it so distinguishes between the colours as to enable the document to be interpreted.

PART V
—cont.

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

19. 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.

20. 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.

21. 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 9.

ADAPTATION OF THE LANDS CLAUSES CONSOLIDATION ACT 1845

1. In the Lands Clauses Consolidation Act 1845 (hereafter in this Schedule referred to as "the Act") for section 63 (which relates to compensation) there shall be substituted the following:—

1845 c. 18.

" 63.—(1) In assessing the compensation to be paid by the Executive under this Act regard shall be had not only to the extent, if any, to which the value of the land over which the right is purchased is depreciated by the purchase but also to the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

(2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words 'land is acquired or taken' there shall be substituted the words 'a right over land is purchased' and for the words 'acquired or taken from him' there shall be substituted the words 'over which the right is exercisable'."

1973 c. 26.

2. The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely—

Section 75 (Upon deposit being made, the owners of the lands to convey, or in default the lands to vest in the promoters of the undertaking upon a deed poll being executed);

Section 77 (Upon deposit being made a receipt to be given, and the lands to vest in the promoters upon a deed poll being executed);

Section 100 (Lord of the Manor etc., to convey to the promoters of the undertaking, on receiving compensation for his interest—deed poll to be executed in certain circumstances);

Section 117 (Deposit in case of refusal to release);

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the Executive.

3. Section 91 (Proceedings in case of refusal to deliver up possession of lands) shall be modified to make it applicable where the owner or occupier refuses to permit the Executive to enter for the purpose of exercising any right which they have power to exercise where they have served a notice to treat in respect thereof and a notice of entry under section 14 of the London Transport Act 1966, such right being deemed for the purpose of section 91 as hereby modified to have been created on the date of the service of the notice of entry.

1966 c. xxxiii.

SCH. 1
—cont.

4. For section 92 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a house or other building or manufactory) there shall be substituted the following:—

“ 92.—(1) Where in consequence of the service on a person in pursuance of section 18 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as ‘ the relevant land ’)—

(a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as ‘ the Tribunal ’); and

(b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—

(i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or

(ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs;

the London Transport Act 1976 shall in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which the London Transport Act 1976 is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.

(3) Where, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section, the London Transport Act 1976 is deemed by virtue of that subsection to authorise the purchase of an interest in land, the Executive may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the Executive to withdraw the notice.

(4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words ‘ a right over ’, for the word ‘ severance ’ there shall be substituted the words ‘ right on the whole of the house, building or manufactory or of the house and

the park or garden' and for the words 'part proposed' and 'part is' there shall be substituted respectively the words 'rights proposed' and 'right is'."

5. Section 121 of the Act (Compensation to be made to tenants from year to year, etc.) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

6. Sections 124 (Purchase by promoters of the undertaking, after entry on lands, of interests the purchase whereof may have been omitted by mistake) and 125 (How value of such interests and mesne profits shall be estimated) of the Act shall be so modified as to enable the Executive, in circumstances corresponding to those referred to in the said section 124, to continue to be entitled to exercise the right in question, subject to compliance with the said sections as respects compensation.

SCHEDULE 2

Section 17.

REPEAL

Chapter	Short title	Extent of repeal
1936 c. cxxxi.	The London Passenger Transport Act 1936.	Section 91 (Penalty for avoiding payment of fare).

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