

ELIZABETH II



1980 CHAPTER ix

An Act to empower the British Railways Board to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands; to empower the Fishguard and Rosslare Railways and Harbours Company to construct works and to acquire lands; to confer further powers on the Board and the company; and for other purposes. [31st January 1980]

WHEREAS—

(1) By the Transport Act 1962 the British Railways Board 1962 c. 46. (hereinafter referred to as “the Board”) were established:

(2) It is the duty of the Board under the Transport Act 1962 (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

(3) It is expedient that the Board should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

1893 c. xcvi. (4) By the Fishguard Bay Railway and Pier Act 1893 the Fishguard Bay Railway and Pier Company were incorporated:

1894 c. cxxxvii. (5) By the Fishguard and Rosslare Railways and Harbours Act 1894 the name of the company was changed to the Fishguard and Rosslare Railways and Harbours Company (hereinafter referred to as "the company"):

1899 c. clxxxvi. (6) By an agreement dated 27th May, 1898, between the company and the Great Western Railway Company scheduled to and confirmed by the Fishguard and Rosslare Railways and Harbours Act 1899, the part of the undertaking of the company in England and Wales was maintained and managed by the Great Western Railway Company:

(7) Sealink U.K. Limited, a wholly-owned subsidiary company of the Board, are the successors of the Great Western Railway Company and now manage and maintain such part of the undertaking of the company in accordance with the said agreement:

1965 c. xxi. (8) By the British Railways Act 1965 the company were empowered to construct works and acquire lands for the purpose of improving such part of the undertaking of the company and by the British Railways Act 1967 further powers were conferred on the company in respect of such part of their undertaking:

1967 c. xxx.

(9) It is expedient that the company should be empowered to construct the further works authorised by this Act and to acquire the further lands referred to in this Act:

(10) It is expedient that the period now limited for the compulsory acquisition by the Board of certain lands should be extended as provided by this Act:

(11) It is expedient that the other powers in this Act contained should be conferred upon the Board and the company as therein provided, and that the other provisions in this Act contained should be enacted:

(12) 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 officers of the Greater London Council and the county councils of the several counties within which the said works will be constructed

or the said lands are situated, 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:

(13) 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

1. This Act may be cited as the British Railways Act 1980. Short title.

2. (1)—In this Act, unless there be something in the subject or Interpretation 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 1839 ” means the Highway (Railway Crossings) Act 1839; 1839 c. 45.
- “ the Act of 1842 ” means the Railway Regulation Act 1842; 1842 c. 55.
- “ 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 1963 ” means the British Railways Act 1963; 1963 c. xviii.
- “ the Act of 1967 ” means the British Railways Act 1967; 1967 c. xxx.
- “ the Act of 1968 ” means the British Railways Act 1968; 1968 c. xxxiv.
- “ the Act of 1969 ” means the British Railways Act 1969; 1969 c. xliii.
- “ the (No. 2) Act of 1975 ” means the British Railways (No. 2) Act 1975; 1975 c. xxix.
- “ the Act of 1976 ” means the British Railways Act 1976; 1976 c. xxv.
- “ the Act of 1978 ” means the British Railways Act 1978; 1978 c. xxi.
- “ the Board ” means the British Railways Board;
- “ enactment ” means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;

PART I
—cont.

“ the specified enactments ” means the Act of 1839, section 9 of the Act of 1842, section 47 of the Act of 1845, sections 5, 6 and 7 of the Act of 1863 and any other provision to the same or similar effect incorporated with or contained in any enactment;

1878 c. 76.

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ the tribunal ” means the Lands Tribunal;

“ the works ” means the works authorised by Part II (Works) of this Act.

(2) All directions, 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 direction, distance and length and distances between points on a railway shall be taken to be measured along the railway.

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

Incorporation
of general
Acts.

3. The following Act and Parts of an Act, 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:—

The Act of 1845, except sections 7, 8, 9, 17, 19, 20, 22 and 23 thereof, and Part I (relating to the construction of a railway), except sections 13 to 19 thereof, 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 Board;

(b) Works Nos. 6 and 7 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 Board 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 Public Utilities Street Works Act 1950;

1950 c. 39.

(b) by the provisions of section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act; or

PART I
—cont.

(c) by the provisions of section 45 (For further protection of gas, water and electricity undertakers) of the Act of 1967, as incorporated with this Act.

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

Application
of Part I of
Compulsory
Purchase
Act 1965.
1965 c. 56.

1946 c. 49.

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

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

1845 c. 18.

PART II

WORKS

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

Power to
make works.

In the county of Humberside—

In the city of Kingston upon Hull—

(Railway at
Kingston
upon Hull.)

Work No. 4 A railway (1,044 metres in length), being a deviation of the Manor House Branch railway, commencing by a junction with the said railway at a point 290 metres west of the footbridge thereover known as Liverpool Street Footbridge and terminating by a junction with the said railway at a point 145 metres east of the bridge carrying that railway over Dairycoates subway:

PART II
—cont.

(Railway at
Staines.)

In the county of Surrey—

In the borough of Spelthorne—

Work No. 5 A railway (447 metres in length) at Staines commencing by a junction with the railway between Staines and Windsor at a point 402 metres south-east of the bridge carrying the Staines By-pass Road (A.30) over that railway and over the railway between Staines West and West Drayton and terminating by a junction with the last-mentioned railway at a point 1 metre south-east of the said bridge:

(Widening of
railway at
East
Croydon.)

In Greater London—

Work No. 6 A widening (210 metres in length) at East Croydon station in the London borough of Croydon of the railway between London and Brighton on the east side thereof commencing at a point 379 metres north of the bridge carrying Addiscombe Road over the said railway and terminating at a point 169 metres north of the said bridge;

(Additional
bridging at
Cricklewood.)

Work No. 7 A decking over of the gaps between the bridges at Cricklewood in the London borough of Barnet carrying the railway between London and Bedford over Cricklewood Lane.

Further
works and
powers.

6.—(1) Subject to the provisions of this Act (and, in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels as shown) the Board may make and maintain the works described in this section with all necessary works and conveniences connected therewith and exercise the powers hereinafter mentioned, that is to say:—

(a) In the county of Humberside—

In the city of Kingston upon Hull—

stop up and discontinue the footpath crossing the Manor House Branch railway by means of the footbridge known as Liverpool Street Footbridge between the points marked “C” and “G” on the deposited plans and substitute therefor between the points marked “C”, “D”, “E”, “F” and “G” a new footpath to be carried over Work No. 4 by means of a footbridge in the position shown on the deposited plans:

(b) In the county of Surrey—

In the borough of Spelthorne—

stop up and discontinue so much of the footpath leading from Staines to Staines Moor as lies between the points marked “ A ” and “ B ” on the deposited plans and substitute therefor a new footpath between the said points crossing Work No. 5 and the railway between Staines and Windsor on the level:

(c) In the metropolitan county of Greater Manchester—

In the city of Manchester—

stop up and discontinue—

(i) so much of Belle Vue Avenue as lies between the points marked “ B ” and “ H ” on the deposited plans;

(ii) so much of the footpath from Kirkmanshulme Lane to Redgate Lane as lies between the points marked “ A ”, “ B ”, “ C ”, “ D ”, “ E ”, “ F ” and “ G ” on the deposited plans:

(d) In the county of Lincolnshire—

In the parish of Firsby, in the district of East Lindsey—

stop up and discontinue so much of the road known as Spilsby Road, Firsby, which is crossed by the railway between Boston and Thorpe Culvert stations at the level crossing known as Spilsby Road crossing, as lies within the boundaries of their property:

(e) In the county of Humberside—

In the parish of Haxey, in the district of Boothferry—

stop up and discontinue so much of the road from Misterton to Haxey, which is crossed by the railway between Gainsborough (Lea Road) and Doncaster stations at the level crossing known as Tindale Bank crossing, Haxey, as lies within the boundaries of their property.

(2) The stopping up under this section of the level crossing known as Spilsby Road crossing shall not affect the right of persons to use the same as a bridleway or on foot and the Board shall provide and maintain for the convenience of such persons wicket gates on both sides of the railway at the said level crossing.

(3) The stopping up under this section of the level crossing known as Tindale Bank crossing shall not affect the right of

PART II
—cont.

persons to use the same as a bridleway or on foot and the Board shall provide and maintain for the convenience of such persons wicket gates on both sides of the railway at the said level crossing.

(4) The provisions of the specified enactments relating to the level crossings known as Spilsby Road crossing and Tindale Bank crossing referred to in this section shall cease to apply to those level crossings.

As to Long
Green level
crossing,
Marks Tey.

7.—(1) Notwithstanding the provisions of the specified enactments, subsection (2) of this section shall apply to the level crossing in the parish of Marks Tey in the borough of Colchester in the county of Essex known as Long Green level crossing, Marks Tey, whereby Dobbies Lane is crossed by the railway between Kelvedon and Marks Tey stations (in subsection (2) of this section referred to as “the level crossing”).

(2) The vehicular gates at the level crossing may be kept permanently closed across the road from 2230 hours to 0630 hours each night and, while such gates are so closed, the Board shall not be required to employ persons to open and shut the gates at the level crossing.

As to North
Carr level
crossing,
Haxey.

8.—(1) Notwithstanding the provisions of the specified enactments, subsection (2) of this section shall apply to the level crossing in the parish of Misterton in the district of Bassetlaw in the county of Nottinghamshire known as North Carr level crossing, Haxey, whereby North Carr Road is crossed by the railway between Gainsborough (Lea Road) and Doncaster stations (in subsection (2) of this section referred to as “the level crossing”).

(2) The vehicular gates at the level crossing may be kept permanently closed across the road from 2200 hours to 0600 hours each night and, while such gates are so closed, the Board shall not be required to employ persons to open and shut the gates at the level crossing.

(3) Notwithstanding the provisions of the specified enactments or of this section, while the railway is closed to rail traffic the Board may keep the vehicular gates at the level crossing permanently open to road traffic and shall not be required to employ persons to open and shut the gates at the level crossing.

As to level
crossing at
Beccles.

9.—(1) In this section—

“the council” means the Suffolk County Council;

“the new highway” means the new public road from Gillingham in the district of South Norfolk in the county of Norfolk to North Cove in the district of Waveney in the county of Suffolk proposed to be constructed by the council;

“ the new level crossing ” means a level crossing in the parish of Beccles in the said district of Waveney for carrying the new highway across the railway on the level;

“ the railway ” means the railway between Beccles and Oulton Broad South stations;

“ traffic sign ” has the meaning assigned to it by section 54 of the Road Traffic Regulation Act 1967.

1967 c. 76.

(2) The Board and the council may enter into and carry into effect agreements—

- (a) for the construction of the new level crossing;
- (b) with reference to the defraying of, or the making of contributions towards, the cost of constructing, maintaining and renewing the new level crossing; and
- (c) with regard to any other matters relating to the new level crossing.

(3) The Board may, subject to such requirements as the Minister of Transport may from time to time lay down, provide at or near the new level crossing and maintain and operate such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the said Minister.

(4) Any traffic sign provided in pursuance of subsection (3) of this section shall be deemed to be a traffic sign placed on or near a road in accordance with the Road Traffic Regulation Act 1967.

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

10.—(1) As from the passing of this Act, all rights of way over the level crossings referred to in Part I of Schedule 1 to this Act, other than a right for all persons to use those level crossings as a bridleway or on foot, shall be extinguished and the Board shall provide and maintain for the convenience of such persons gates on both sides of the railway at each of the said level crossings. As to certain level crossings.

(2) As from the passing of this Act, all rights of way over the level crossings referred to in Part II of the said schedule, other than a right for all persons to use those level crossings on foot, shall be extinguished and the Board shall provide and maintain for the convenience of such persons wicket gates or stiles on both sides of the railway at each of the said level crossings.

(3) The provisions of the specified enactments relating to any of the level crossings referred to in the said schedule shall cease to apply to those level crossings.

PART II
—cont.

(4) As from the passing of this Act, each of the level crossings referred to in the said schedule (including the gates thereof, other than the gates provided in pursuance of subsections (1) and (2) of this section), shall be deemed to be works provided by the Board at the passing of this Act pursuant to section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway and, for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any lands the use of which would have been interrupted if such level crossings had been closed at the passing of this Act.

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

(6) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the level crossings referred to in the said schedule shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

Stopping up
roads and
footpaths
without
providing
substitute.

11.—(1) Where this Act authorises the stopping up of a road or footpath or portion thereof without providing a substitute, such stopping up shall not take place (except as to so much of the road or footpath or portion thereof authorised to be stopped up as is bounded on both sides by lands of the Board) without the consent of the owners, lessees and occupiers of the houses and lands abutting on both sides thereof.

(2) After such stopping up all rights of way over or along the road or footpath or portion thereof authorised to be stopped up shall be extinguished.

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

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

12.—(1) Where this Act authorises—

(a) the diversion of an existing road or footpath; or

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

the stopping up of the existing road or footpath shall not in either case take place until the highway authority are satisfied that the

new road or footpath has been completed in accordance with their reasonable requirements and is open for public use or, in case of any difference between the Board and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, until the matter in dispute has been referred to and determined by arbitration.

(2) Before referring a matter to arbitration under this section, the Board shall give to the highway authority seven days' notice in writing of their intention to do so.

(3) As from the completion to the satisfaction of the highway authority of the new road or footpath, or as from the date of the determination by arbitration of any difference under subsection (1) of this section (as the case may be), all rights of way over or along the existing road or footpath or portion thereof authorised to be diverted or stopped up shall be extinguished.

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

13. After a road or footpath or portion thereof is diverted or stopped up pursuant to either section 11 (Stopping up roads and footpaths without providing substitute) or section 12 (Stopping up roads and footpaths in case of diversion or substitution) of this Act, the Board may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway as far as the said road or footpath or portion thereof is bounded on both sides by lands of the Board, appropriate without making any payment therefor and use for the purposes of their undertaking the site thereof. Appropriating sites of roads and footpaths.

14.—(1) The Board during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any road or footpath 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 the road or footpath from passing along and using the same. Temporary stoppage of roads and footpaths.

(2) The Board shall provide reasonable access for persons on foot bona fide going to or from any such land, house or building.

(3) The Board shall not exercise the powers of this section without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be referred to and settled by arbitration.

PART II
—cont.

(4) The Board shall not exercise the powers of this section with respect to any road upon which public service vehicles are authorised by a road service licence to operate unless the Board give not less than seven days' previous notice to the traffic commissioners and to the operators of the public service vehicles so licensed.

(5) The exercise by the Board of the powers of this section in relation to any road or footpath shall not prejudice or affect the right of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or break open that road or footpath for any of those purposes.

Incorporation
of provisions
of Acts of
1963, 1968 and
1978 relating
to works.

15. Subject to the provisions of this Act, the following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 5 (Power to deviate);

Section 13 (Provision as to repair of roads and footpaths); and

Section 14 (Power to make agreements with road authorities):

The Act of 1968—

Section 11 (Underpinning of houses near works);

The Act of 1978—

Section 13 (Use of sewers, etc., for removing water):

Provided that the Board shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 11 of the Act of 1968 as not to obstruct or render less convenient the access to any telegraphic line belonging to, or used by, the Post Office.

PART III

LANDS

Power to
acquire
lands.

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

(2) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section, the Board may, subject to the provisions of this Act, enter upon, take and use for the purposes specified in column (3) of Schedule 2 to this Act all or any of the lands referred to in columns (1) and (2) of the said schedule.

PART III
—cont.

(3) Subject to the provisions of this Act, the Board may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes 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.

(4) The Board shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 1 to 16 in the city of Manchester; 1 to 20 in the city of Salford; 1 to 5 in the city of Wakefield and 1 to 10 in the parish of Normanton.

17.—(1) In this section—

“the Act” means the Compulsory Purchase Act 1965;

“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.

Compulsory
acquisition
of rights
over lands.
1965 c. 56.

(2) The Board may, for the purpose of constructing, maintaining, altering, 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 16 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

(3) The Act, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights under subsection (2) of this section as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act to land are read as referring, or as including references, to the new rights or to land over which the new 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 new rights in pursuance of subsection (2) of this section—

(a) Part I of the Act shall have effect with the modifications specified in Schedule 2 to the Act of 1976 and as if for the references in that schedule to the Act of 1976 there were substituted references 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.

18.—(1) In this section—

“the Act” means the Compulsory Purchase Act 1965;

Power to
acquire land
and carry on
works at
Brandon.

PART III
—cont.

- “ drainage works ” means the construction, laying, placing, maintenance, repair and renewal of channels, conduits, culverts, drains, manholes, outfalls and pipes and any works subsidiary or ancillary thereto for the purpose of draining subterranean and surface water from the lands and from the railway into the river Browney and includes the making of junctions and communications between any of those works or between any of those works and any works, forming part of the railway, for carrying or conveying water;
- “ in ”, in a context referring to drainage works in the lands, includes under, over, through or upon;
- “ the lands ” means the lands at Brandon in the parish of Brandon and Byshottles in the city of Durham in the county of Durham delineated on the deposited plans and described in the deposited book of reference;
- “ 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;
- “ regrading ” means the alteration in level of land by the bringing in, digging and taking out, moving, carrying away or depositing of earth or soil or other material;
- “ the railway ” means the railway between Durham and Darlington.

(2) Subject to the provisions of this Act, the Board may, for the purpose of strengthening the embankment of and stabilising the railway adjacent to the lands, exercise the powers hereinafter mentioned:—

- (a) enter upon, take and use so much of the lands within the line “ Limit of land to be acquired ” as they may require and may carry out such drainage works in, and such regrading of, such lands as they consider necessary;
- (b) purchase compulsorily such new rights in the lands within the line “ Limit of permanent easement for drainage to be acquired ” as they may require and may carry out such drainage works in such lands as they consider necessary;
- (c) purchase compulsorily such new rights in the lands within the line “ Limit of permanent easement for drainage and temporary easement for regrading to be acquired ” as they may require and may carry out such drainage works in, and such regrading of, such lands as they consider necessary;
- (d) enter upon and take possession temporarily of the lands within the line “ Limit of temporary easement for regrading to be acquired ” after giving to the owner,

lessee and occupier thereof (except in case of emergency) not less than 28 days' previous notice in writing specifying the part of the lands of which possession is so required and may carry out such regrading of such lands as they consider necessary, and may construct thereon such temporary works and structures as may be required for the purposes of carrying out such regrading of such lands without being obliged or compellable to acquire any interest in such lands in respect of such temporary possession;

- (e) for the purpose of obtaining access to the lands referred to in paragraphs (a) to (d) of this subsection, enter upon and take possession temporarily of the lands within the line "Limit of temporary easement for access to be acquired" after giving to the owner, lessee and occupier thereof (except in case of emergency) not less than 28 days' previous notice in writing specifying the part of the lands of which possession is so required without being obliged or compellable to acquire any interest in such lands in respect of such temporary possession:

Provided that in respect of the lands referred to in paragraphs (d) and (e) of this subsection—

- (i) the Board shall not, without the agreement of the owner, lessee and occupier thereof, remain in possession of any such land under the powers of this section after a period of two years from the completion of the drainage works in, and the regrading of, such lands;
- (ii) the Board shall compensate the owner, lessee and occupier of any such land for any loss or damage which may result to them by reason of the exercise of the powers of this subsection in relation to such land; and
- (iii) nothing in this subsection shall relieve the Board from liability to compensate under section 6 or section 43 of the Act of 1845 or section 10 (2) of the Act, as incorporated or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under proviso (ii) to this subsection.

(3) The Board may provide means of access to the lands referred to in paragraph (e) of subsection (2) of this section from Browney Lane (B.6300) at the points marked "A" and "B" on the deposited plans.

(4) Before giving up possession of any land upon which entry is obtained under paragraphs (d) and (e) of subsection (2) of this section, the Board shall remove all temporary works and struc-

PART III
—cont.

tures erected by them thereon and shall ensure that the land is restored to the reasonable satisfaction of the owner, lessee and occupier thereof.

1961 c. 33.

(5) Every case of compensation to be ascertained under this section shall be ascertained under the provisions of the Land Compensation Act 1961.

(6) The Act, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights under paragraphs (b) and (c) of subsection (2) of this section as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

(7) Without prejudice to the generality of subsection (6) of this section, in relation to the purchase of new rights in pursuance of paragraphs (b) and (c) of subsection (2) of this section—

- (a) Part I of the Act shall have effect with the modifications specified in Schedule 2 to the Act of 1976 and as if for the references in that schedule to the Act of 1976 there were substituted references 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.

(8) The Board may appropriate and dispose of any earth, soil or other material removed in the course of the exercise of the powers of subsection (2) of this section and may deposit any such earth, soil or other material on any part of the lands.

(9) (a) Subject to the provisions of section 42 (For protection of Northumbrian Water Authority) of this Act, no person shall, without the previous consent in writing of the Board, erect, place or add to any building or structure in or on, execute any work in or on, or alter the level of the surface of, any part of the lands within the lines “Limit of permanent easement for drainage to be acquired”, “Limit of easement for drainage and temporary easement for regrading to be acquired” and “Limit of temporary easement for regrading to be acquired”.

(b) Before giving consent under paragraph (a) of this subsection to any person, the Board may require such person to submit detailed plans, sections and particulars of any proposed building, structure (or addition to either), work or alteration of level referred to in that paragraph and may give such consent subject to such conditions as may be reasonably necessary to prevent any reduction of the strength of the embankment or of the stability of the railway referred to in subsection (2) of this section.

(10) (a) Nothing in this section shall authorise the obstruction or impendance of the flow of the river Browney.

(b) Notwithstanding anything in section 11 (7) of the Rivers (Prevention of Pollution) Act 1951, the discharge of water under the powers of this section into the river Browney shall be subject to the provisions of section 2 of that Act.

(c) On the coming into force of section 31 of the Control of Pollution Act 1974, paragraph (b) of this subsection shall cease to have effect and the said section 31 shall apply to, or to the consequence of a discharge of water under the powers of this section into any relevant waters for the purposes of that section as if—

- (i) this section were excluded from the reference to any provision of a local Act mentioned in subsection (2) (b) (ii) of that section; and
- (ii) no matter so discharged were trade or sewage effluent or other matter mentioned in subsection (2) (e) of that section.

(11) The Board shall take all such steps as may reasonably be required to secure that any water discharged by them into the river Browney under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.

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

19. The powers of the Board 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, 1984.

Period for compulsory purchase of lands and rights over lands.

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

Incorporation of provisions of Acts of 1963, 1967 and 1969 relating to lands.

The Act of 1963—

Section 19 (Correction of errors in deposited plans and book of reference); and

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

The Act of 1967—

Section 15 (Acquisition of part only of certain properties):

The Act of 1969—

Section 12 (Disregard of recent improvements and interests); and

Section 13 (Extinction of private rights of way).

PART IV

FISHGUARD HARBOUR

Interpreta-
tion of
Part IV.

21. In this Part of this Act—

“ the company ” means the Fishguard and Rosslare Railways and Harbours Company;

“ the harbour works ” means the works authorised by section 22 (Power to company to construct works and acquire lands) of this Act;

“ the level of high water ” means the level of mean high-water springs;

1977 c. 45.

“ the statutory maximum ” means the prescribed sum as defined in section 28(7) of the Criminal Law Act 1977;

“ tidal work ” means so much of any work authorised by this Part of this Act as is on, under or over tidal waters or tidal lands below the level of high water;

“ Trinity House ” means the Corporation of Trinity House of Deptford Strond.

Power to
company to
construct
works and
acquire lands.

22.—(1) Subject to the provisions of this Act, the company 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 work hereinafter described with all necessary works and conveniences connected therewith, and may enter upon, take and use such of the lands delineated on the deposited plans relating to the said work and described in the deposited book of reference as they may require for the purposes of the said work or for any purpose connected with or ancillary to their undertaking:—

(Harbour
works at
Fishguard.)

In the county of Dyfed—

Partly in the community of Fishguard and Goodwick in the district of Preseli and partly on the foreshore and bed of the sea adjacent thereto—

Work No. 8 An embankment commencing by a junction with the existing embankment of Fishguard Harbour at a point 170 metres north-east of Goodwick Quay, extending from the said existing embankment in a south-easterly direction for a distance of 50 metres, thence proceeding in a north-easterly direction and curving to a northerly direction for a distance of 206 metres, thence proceeding in a north-westerly direction for a distance of 14 metres and there terminating by a junction with the quay wall at Fishguard Harbour at a point 360 metres north-east of Goodwick Quay.

(2) The company may within the limits of deviation from time to time extend, enlarge, alter, replace or reconstruct Work No. 8.

PART IV
—cont.

(3) The company may fill in and reclaim from the foreshore and bed of the sea and may hold and use as part of their undertaking so much of the foreshore and bed of the sea as is situated within the limits of deviation and is landward of Work No. 8 as from time to time existing.

23.—(1) In this section “the footpath” means the footpath situated in the community of Fishguard and Goodwick in the district of Preseli in the county of Dyfed leading to Quay Road and crossing the railway and the adjoining service road by means of a footbridge to the south-west of Fishguard Harbour station.

Diversion of
footpath a
Fishguard
Harbour
station.

(2) Subject to the provisions of this Act and in the line or situation and within the limits of deviation shown on the deposited plans the Board may stop up and discontinue so much of the footpath as lies between the points marked “L”, “M” and “N” on the deposited plans and may substitute therefor a new footpath and extended footbridge between the said points.

24. The company may, in connection with the harbour works, from time to time construct or place and maintain in, under or over any of the lands delineated on the deposited plans relating to the harbour works and described in the deposited book of reference, all such works and conveniences subsidiary or ancillary to the harbour works and all such appliances, machinery and apparatus as they may from time to time deem necessary or convenient for any purpose of or in connection with the harbour works or the accommodation of vessels and traffic thereat.

Power to
company
to make
subsidiary
works.

25. The company may from time to time deepen, dredge, scour, cleanse, alter and improve the bed of Fishguard Harbour and the bed of the sea in or near to any approach to the harbour works and blast any rock within the said harbour and any rock in the sea in or near to any approach to the harbour works, and any materials taken up or collected in the course of any such operations shall (subject to the consent required by section 39 (Crown rights) of this Act) be the property of the company and may be used, sold, removed, deposited or otherwise disposed of as the company may think fit:

Power to
dredge.

Provided that no such materials shall be deposited below the level of high water, except in such places and in accordance with such conditions and restrictions as may be approved or prescribed by the Secretary of State.

26. The company may hold, use and appropriate the land delineated on the deposited plans and described in the deposited book of reference and therein numbered 10 in the community

Power to use
certain land.

PART IV
—cont.

of Fishguard and Goodwick for the purpose of excavating on, and extracting from, that land rock and other materials for use in connection with the harbour works or any part thereof.

Power to
deviate for
Work No. 8.

27. In the execution of any part of Work No. 8 the company may deviate from the line or situation thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

Agreements
between
company and
Board.

28.—(1) In this section “the Board” includes the wholly-owned subsidiary company of the Board known as Sealink U.K. Limited.

(2) The company and the Board may enter into and carry into effect agreements as to—

- (a) the construction, maintenance and operation of the harbour works and as to any other matters incidental thereto or consequential thereon;
- (b) the exercise of all or any of the powers of section 23 (Diversion of footpath at Fishguard Harbour station) and section 26 (Power to use certain land) of this Act; and
- (c) the defraying of or the making of contributions towards the cost of the matters referred to in paragraphs (a) and (b) of this subsection by the Board or by the company, or by the Board and the company jointly.

(3) Any such agreement may provide (inter alia) for the exercise by the Board of all or any of the powers of the company in connection with the harbour works or arising under section 23 (Diversion of footpath at Fishguard Harbour station) and section 26 (Power to use certain land) of this Act, subject to the like provisions in relation thereto as would apply if those powers were exercised by the company.

Tidal works
not to be
executed
without
approval of
Secretary of
State.

29.—(1) A tidal work shall not be constructed, extended, enlarged, altered, replaced or reconstructed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

(2) If a tidal work is constructed, extended, enlarged, altered, replaced or reconstructed in contravention of this section or of any condition or restriction imposed under this section—

- (a) the Secretary of State may by notice in writing require the company at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days

from the date when the notice is served upon the company, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

PART IV
—cont.

- (b) if it appears to the Secretary of State urgently necessary so to do, he may himself remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the company as a simple contract debt.

30. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the company as a simple contract debt.

31.—(1) The company shall at or near a tidal work during the whole time of the construction, extension, enlargement, alteration, replacement or reconstruction thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

Lights on
tidal works
during
construction.

(2) If the company fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

32.—(1) After the completion of a tidal work the company shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House shall from time to time direct.

Permanent
lights on
tidal works.

(2) If the company fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

33.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the company at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State may think proper.

Abatement
of works
abandoned
or decayed.

(2) Where a work authorised by this Part of this Act and consisting partly of a tidal work and partly of works on or over land

PART IV
—cont.

above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date on which a notice under this section is served upon the company, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the company as a simple contract debt.

Provision
against
danger to
navigation.

34.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the company shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(2) If the company fail to notify Trinity House as required by this section or to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

Harbour
works to
form part of
Fishguard
Harbour.
1914 c. ix.

35. The harbour works shall be deemed to form part of Fishguard Harbour as defined in section 3 of the Fishguard and Rosslare Railways and Harbours Act 1914 and all the enactments relating to Fishguard Harbour shall (so far as the same are applicable and are not inconsistent with or varied by the provisions of this Act) apply to the harbour works as if those works had been authorised by the said Act of 1914.

Incorporation
of provisions
of Acts of
1963 and 1969
relating to
lands.

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

The Act of 1963—

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

The Act of 1969—

Section 12 (Disregard of recent improvements and interests); and

Section 13 (Extinction of private rights of way):

Provided that the expression “the Board” where used in the said incorporated provisions shall mean “the company”.

37. In their application to this Part of this Act, section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963, section 45 (For further protection of certain gas, water and electricity undertakers) of the Act of 1967 and section 17 (For protection of National Coal Board) of the Act of 1976, as incorporated with this Act, shall have effect as if any reference therein to the Board were a reference to the company.

PART IV
—cont.

Application
of certain
protective
provisions.

38.—(1) In any proceedings for an offence under section 31 (Lights on tidal works during construction), section 32 (Permanent lights on tidal works) or section 34 (Provision against danger to navigation) of this Act, it shall be a defence for the company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Defence
available to
company.

(2) If in any case the defence provided by subsection (1) of this section involves the allegation that the commission of the offence was due to the act or default of another person, the company shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, they have served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in their possession.

39.—(1) Nothing in this Part of this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular, and without prejudice to the generality of the foregoing, nothing in this Act authorises the company to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or
- (b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under subsection (1) of this section may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

40. So much of the harbour works as is outside the area of the petty sessional division of Fishguard in the county of Dyfed or the community of Fishguard and Goodwick shall be deemed to be within the said area or the said community as the case may be.

Works to be
within petty
sessional
division of
Fishguard
and
community
of Fishguard
and Goodwick.

PART V

PROTECTIVE PROVISIONS

Incorporation
of protective
provisions of
Acts of 1963,
1967, (No. 2)
1975 and
1976.

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

The Act of 1963—

Section 30 (As to works within Metropolitan Police District);

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

The Act of 1967—

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

The (No. 2) Act of 1975—

Section 23 (For protection of Post Office):

The Act of 1976—

Section 17 (For protection of National Coal Board)

Provided that—

(i) the definition of “undertakers” in paragraph (1) of the said section 33 of the Act of 1963 and in paragraph (1) of the said section 45 of the Act of 1967, as so incorporated, shall be construed as including a water authority not only in their capacity as an authority authorised by an enactment to carry on an undertaking for the supply of water within their area but also in their capacity as the authority having the duties, within their area, imposed by sections 10 and 14 of the Water Act 1973, and paragraph (b) of the definition of “apparatus” in the said sections 33 and 45 shall be construed accordingly;

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

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

(b) the reference in paragraph (3) thereof to section 12 (Temporary stoppage of roads and footpaths) of the Act of 1967 shall be construed as a reference to section 14 (Temporary stoppage of roads and footpaths) of this Act;

(c) for the reference in paragraph (4) thereof to section 17 (Use of sewers, etc., for removing water) of the Act of 1963 as incorporated by section 13

(Incorporation of provisions of Act of 1963 relating to works) of the Act of 1967 there shall be substituted a reference to section 13 (Use of sewers, etc., for removing water) of the Act of 1978 as incorporated with this Act;

- (iii) in the said section 23 of the (No. 2) Act of 1975, as so incorporated, the reference to section 7 (Further works and powers) shall be construed as a reference to paragraphs (c) (i), (d), (e) of subsection (1) of section 6 (Further works and powers) of this Act; and
- (iv) in paragraphs (3) and (4) of the said section 17 of the Act of 1976, as so incorporated, any reference to “the works” shall be construed as a reference to the works authorised by Part II (Works) and Part IV (Fishguard Harbour) of this Act and the drainage works, regrading and other works authorised by section 18 (Power to acquire lands and carry out works at Brandon) of this Act, and any reference in the said section 17 to the construction of the works shall include a reference to the carrying out of such drainage works, regrading and other works.

42. For the protection of the Northumbrian Water Authority (in this section referred to as “the authority”) the following provisions shall, unless otherwise agreed in writing between the Board and the authority, apply and have effect:—

For protection of Northumbrian Water Authority.

- (1) Section 29 of the Land Drainage Act 1976 (which relates to structures in, over or under watercourses) shall have effect in relation to so much of the works referred to in section 18 (Power to acquire lands and carry out works at Brandon) of this Act as may be constructed, laid or placed within 20 metres (measured in any direction) from the boundary of the parish of Brandon and Byshottles in the city of Durham in the county of Durham as if those works were a structure in, over or under a watercourse forming part of a main river.
- (2) (a) Notwithstanding the provisions of subsection (9) of section 18 (Power to acquire lands and carry out works at Brandon) of this Act, in the case of works or operations carried out by the authority in pursuance of their statutory powers, consent under paragraph (a) of that subsection shall not be unreasonably withheld and any plans, sections and particulars submitted by the authority under paragraph (b) of that subsection shall be deemed to be approved unless, within two months of their submission, the Board have informed the authority in writing of their disapproval and have indicated in writing the grounds of such disapproval;

PART V
—cont.

- (b) Any difference arising between the Board and the authority under this paragraph (other than a difference as to the meaning or construction of this paragraph) shall be settled by arbitration.

PART VI
MISCELLANEOUS

Increase of
fines fixed by
enactments.

43. In their application to the Board, to any railway of the Board or any works connected therewith or to any train on such railway the enactments specified in column (1) of Schedule 3 to this Act (being enactments creating the offences broadly described in column (2) of that schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in the enactment were a fine not exceeding the amount specified in column (4) of that schedule instead of a fine of, or not exceeding, the amount specified in column (3) of that schedule.

As to bridge
over afon
Tywi at
Carmarthen.
1845c. cxc.

44.—(1) Notwithstanding anything in section XXXI (Drawbridge to be made across the River Fowy) of the South Wales Railway Act 1845, the Board shall not be required to maintain a drawbridge in the bridge over the afon Tywi referred to in the said section XXXI (which bridge is situated in the communities of Carmarthen and Llangunnor in the district of Carmarthen in the county of Dyfed).

(2) Section XXIX (Vessels not to be unnecessarily detained in passing Bridge) of the South Wales Railway Act 1845 shall cease to have effect.

As to
Gamston
Lane level
crossing,
Retford.

45. The provisions of the specified enactments relating to the level crossing in the parish of Gamston in the district of Bassetlaw in the county of Nottinghamshire known as Gamston Lane level crossing, whereby Causeway Lane is crossed by the railway between Newark and Retford stations, shall cease to apply to that level crossing.

Release of
Board from
obligations
in regard
to certain
bridges at
Woodlesford.

46.—(1) In this section—

“ the Act of 1836 ” means the Act 6 & 7 Will. 4 c.cvii intituled

“ An Act for making a Railway from Leeds to Derby,
to be called ‘ The North Midland Railway ’ ”;

“ city ” means the city of Leeds in the metropolitan county of West Yorkshire.

(2) Notwithstanding anything in section XCII (Providing for the Formation of certain Bridges affording access to Property of the Undertakers of the Aire and Calder Navigation) or section XCIV (Company to keep Culverts, Bridges, &c. in repair) of the Act of 1836, the Board may fill in the arch of the bridge (No. 242) which is situate in the city and carries the railway between Leeds and

Derby over a former tramroad leading to a former stone quarry in the former parish of Rothwell referred to in the said section XCII:

PART VI
—cont.

Provided that before commencing the work of filling in the said arch the Board shall culvert with a pipe having a minimum diameter of one metre the stream which flows under the said arch.

(3) (a) The requirements referred to in this subsection are—

- (i) to maintain the bridge (No. 230), which is situate in the city and carries the railway between Leeds and Derby over the public footpath from Wood Row to Fleet Bridge, as an archway or viaduct having a width of 18 feet and a clear height of 16 feet above the surface of the former Methley Road from Fleet Mills to Woodrow;
- (ii) to maintain the accommodation bridge (No. 240), which is situate in the city, was constructed in pursuance of the said section XCII of the Act of 1836 and formerly carried the private road (now known as Applegarth Road) from Woodlesford Grange to Oddies Mill over the said railway;
- (iii) to maintain the accommodation bridge (No. 241), which is situate in the city, was constructed in pursuance of the said section XCII of the Act of 1836 and formerly carried the private road from Wood End Farm, Woodlesford, to the Aire and Calder Navigation over the said railway.

(b) So much of the said section XCIV of the Act of 1836 as imposes the requirements referred to in this subsection shall cease to have effect:

Provided that the Board shall continue to maintain the footbridge constructed by them in place of the accommodation bridge referred to in paragraph (a) (ii) of this subsection.

(4) The provisions of subsection (3) of this section shall not affect the rights of the public to use the footpath crossed by the bridge referred to in paragraph (a) (i) of that subsection.

47.—(1) In this section “the rules” means the rules dated 30th May, 1930, made by the Great Western Railway Company whereby the Great Western Railway Supplemental Pensions Reserve Fund was established.

As to Great Western Railway Supplemental Pensions Reserve Fund.

(2) The rules shall have effect as if the following clause were inserted immediately after clause 6 thereof:—

“ 6A. The Company may from time to time by deed cancel or modify all or any of the provisions of these Rules provided that, except in so far as any modification shall provide for the payment of pensions to former members or to the widows of members or former members, no cancellation or modification shall alter the main purpose of the Fund

PART VI
—cont.

which is the payment of supplemental pensions to certain members of the Great Western Railway Pension Society and of the Great Western Railway Enginemen and Firemen's Mutual Assurance Sick and Superannuation Society or reduce without his consent the benefit of any person already in receipt of a pension on the date on which the cancellation or modification is made.”.

As to pension
and super-
annuation
funds.

S.I. 1970/477.

48.—(1) In this section—

“the amalgamated fund” means the British Railways Superannuation Fund established pursuant to the provisions of Article 2 of the British Transport (Amalgamation of Railways' Pension Funds) (No. 1) Order 1970;

“the G.W.R. fund” means the Great Western Railway Supplemental Pensions Reserve Fund established by the Great Western Railway Company by means of rules dated 30th May, 1930;

“the new fund” means the British Railways Superannuation Fund—New Section established by the Board by a trust deed dated 1st August, 1970;

1962 c. 46.

“the orders” means the orders made pursuant to section 74 of the Transport Act 1962 listed in Schedule 4 to this Act.

(2) The Board may from time to time by deed cancel or modify all or any of the provisions of—

(a) the orders;

1971 c. xlv.

(b) section 33 of and Schedule 5 to the British Railways Act 1971 (which provide for the management of the Board's Salaried Staff Superannuation Funds);

in so far as they relate to the amalgamated fund, the G.W.R. fund or the new fund:

Provided always that no cancellation or modification shall—

(i) reduce without his consent the benefit of any person already in receipt of a pension from the amalgamated fund, the G.W.R. fund or the new fund on the date on which the cancellation or modification is made;

(ii) vary the main purpose of the amalgamated fund, the G.W.R. fund or the new fund, which purpose is the provision of retirement pensions and other benefits for members.

As to B.R.
(1974) Pension
Fund.

49.—(1) In this section—

“the actuary” means an actuary appointed by the Board;

“the fund” means the B.R. (1974) Pension Fund established by the trust deed;

“the trust deed” means the trust deed dated 22nd November, 1974, which was made by the Board pursuant to subsection (7) of section 5 of the Railways Act 1974 (which subsection authorises, with the approval of the Secretary of State, the appointment of trustees to administer prescribed pension schemes), and established the Board as trustees to administer the fund and was amended by section 20 (As to British Railways (1974) Pension Fund) of the British Railways Act 1977.

PART VI

—cont.

1974 c. 48.

1977 c. xvii.

(2) The Board may transfer any of their obligations or liabilities arising under the trust deed to any other pension fund or scheme of which the Board are the trustees or which is administered by the Board and, for the purpose of satisfying any such obligations or liabilities which are transferred, the Board shall transfer from the fund to such other pension fund or scheme such assets of the fund as are certified by the actuary to be fair and equitable having regard to the obligations and liabilities so transferred.

(3) The Board, in connection with or for the purposes of any transfer of assets, obligations or liabilities from the fund to any other pension fund or scheme pursuant to subsection (2) of this section, may from time to time by deed cancel or modify all or any of the provisions of any deed or other instrument establishing or regulating such other pension fund or scheme to the extent necessary to enable effect to be given to such transfer.

(4) Any obligation or liability which is transferred pursuant to subsection (2) of this section and which immediately before such transfer is a prescribed obligation for the purposes of section 5 of the Railways Act 1974 shall, notwithstanding such transfer, be deemed to have arisen before 1st January, 1975.

(5) Clause 13A of the trust deed shall have effect as if there were omitted therefrom the words “or authorise the application of” down to the end of the clause.

50. The enactments specified in columns (1) and (2) of Repeals. Schedule 5 to this Act are hereby repealed to the extent mentioned in column (3) of that schedule.

51.—(1) The period now limited by the Act of 1976 for the compulsory purchase of the lands referred to in Schedule 6 to this Act is hereby extended until 31st December, 1984. Extension of time.

(2) In this section and in Schedule 6 to this Act the word “lands” includes any rights in, under, or over land authorised to be acquired by the Act of 1976.

PART VI
—cont.

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

52.—(1) In this section—

“ the enabling Act ” means the Act of 1976;

“ the land ” means any land which is for the time being authorised to be acquired compulsorily by the enabling Act;

“ lessee ” means a lessee under a lease having a period of not less than 21 years to run at the date of his notice under subsection (2) of this section.

(2) If any owner or lessee of any of the land shall give notice in writing to the Board of his desire for the acquisition as soon as may be by the Board of his interest in any part of the land specified in the notice, the Board shall within a period of three months after the receipt of such notice—

(a) enter into a contract with him for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

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

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

(3) Where notice is given under the last foregoing subsection by an owner or lessee of land specified in the notice, then—

(a) if the Board—

(i) fail to comply with that subsection; or

(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.

53.—(1) In this section—

“ the Order of 1977 ” means the Town and Country Planning General Development Order 1977;

Modification
of Town and
Country
Planning
Act 1971.
1971 c. 78.

“ Class XII development ” means development authorised by Article 3 of and Class XII in Schedule 1 to the Order of 1977 (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).

PART VI
—cont.

(2) Subject to the provisions of subsection (3) of this section, in its application to development authorised by this Act, the planning permission granted for Class XII development shall have effect as if the authority to develop given by this Act were limited to development begun within ten years after the passing of this Act.

(3) Nothing in subsection (2) of this section shall affect the carrying out of any development which consists of the alteration, maintenance, renewal or repair of the works authorised by section 5 (Power to make works) of this Act.

54. Where under this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, 1965 c. 56, 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.

55. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Board and may in whole or in part be defrayed out of revenue.

SCHEDULES

Section 10.

SCHEDULE 1

LEVEL CROSSINGS REFERRED TO IN SECTION 10 (AS TO CERTAIN LEVEL CROSSINGS) OF THIS ACT

PART I

In the county of Cheshire—

In the parish of Preston Brook in the borough of Halton—

The level crossing known as Norton crossing whereby the road connecting Norton Station Road with Red Brow Road, Preston Brook is crossed by the railway between Acton Bridge and Warrington (Bank Quay) stations.

In the county of Humberside—

In the parish of Gilberdyke in the district of Boothferry—

The level crossing known as Mill Lane crossing whereby the road known as Mill Lane is crossed by the railway between Saltmarshe and Gilberdyke stations.

In the county of Leicestershire—

In the parish of Bottesford in the borough of Melton—

The level crossing known as Bottesford Station crossing whereby the road connecting Station Road with property in the Beacon Hill area is crossed by the railway at Bottesford Station.

In the county of Norfolk—

In the parish of Runcion Holme in the district of West Norfolk—

The level crossing known as Holme Road crossing whereby the road known as Holme Road is crossed by the railway between Downham and Magdalen Road stations.

In the county of North Yorkshire—

In the parish of Seamer in the borough of Scarborough—

The level crossing known as Long Lane crossing whereby the road known as Meads Lane is crossed by the railway between Malton and Seamer stations.

In the parish of Barton-le-Willows in the district of Ryedale—

The level crossing known as Foston Gates crossing whereby the road known as Foston Lane, Barton Hill is crossed by the railway between York and Malton stations.

In the county of Nottinghamshire—

In the district of Bassetlaw—

In the parish of Beckingham—

The level crossing known as Tetheringrass Lane crossing whereby the road known as Tetheringrass Lane is crossed by the railway between Gainsborough (Lea Road) and Doncaster stations.

In the parish of Walkeringham—

The level crossing known as Walkeringham Station crossing whereby the road connecting Station Road with Marsh Road is crossed by the railway between Gainsborough (Lea Road) and Doncaster stations.

SCH. 1
—*cont.*

PART II

In the county of Lancashire—

In the district of West Lancashire—

The level crossing known as Frog Lane crossing whereby the road known as Frog Lane, Parbold is crossed by the railway between Hoscar and Parbold stations.

In the county of Lincolnshire—

In the parish of Sibsey in the district of East Lindsey—

The level crossing known as Wards Dyke crossing whereby the road known as Mallows Road is crossed by the railway between Boston and Thorpe Culvert stations.

Section 16.

SCHEDULE 2

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 16 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which the land may be used (3)
In the metropolitan county of Greater Manchester— City of Manchester ...	17 to 26	To provide a maintenance depot and sidings for railway rolling stock.
In the metropolitan county of West Yorkshire— City of Leeds	1	To provide a maintenance depot and sidings for rail- way rolling stock.
In the county of North York- shire— District of Hambleton— Parish of Newton on Ouse Parish of Tollerton ...	1 to 3 1 to 3	To strengthen the embankment carrying the railway between Thirsk and York by the construction of a berm.
In the county of North York- shire— District of Selby— Parish of South Milford	1 to 3 4, 5	To extend the existing sidings alongside the railway between Castleford and Selby and for that purpose to divert a private road to the position shown on the deposited plans. To provide sidings alongside the railway between Castle- ford and Selby.

SCHEDULE 3

Section 43.

INCREASE OF FINES FIXED BY ENACTMENTS

Enactment (1)	Description of offence (2)	Old maximum fine (3)	New maximum fine (4)
The Railways Clauses Consolidation Act 1845 (as amended by subsections (5) and (6) of section 31 of the Criminal Law Act 1977)— Section 24 ... Section 95 ... Section 103 ...	Obstructing construction of railway Wilful pulling down of milestones Refusal or neglect to quit carriage at destination	£25 £25 £25	£50 £50 £50
The Railways Clauses Consolidation (Scotland) Act 1845 (as amended by subsections (4) and (5) of section 289C of the Criminal Procedure (Scotland) Act 1975)— Section 24 ... Section 88 ... Section 96 ...	Obstructing construction of railway Wilful pulling down etc. of milestones Refusal or neglect to quit carriage at destination	£25 £25 £25	£50 £50 £50

SCHEDULE 4

Section 48.

ORDERS MADE UNDER SECTION 74 OF THE TRANSPORT ACT 1962

1962 c. 46.

1. The British Transport (Amalgamation of Railways' Pension Funds) (No. 1) Order 1970 (Statutory Instrument 1970 No. 477).

2. The British Transport (Amalgamation of Railways' Pension Funds) (No. 2) Order 1970 (Statutory Instrument 1970 No. 1298).

3. The British Railways Board (Pension Funds Investment Provisions) Order 1977 (Statutory Instrument 1977 No. 699).

4. The British Railways Board (Winding up of Closed Pension Funds) Order 1978 (Statutory Instrument 1978 No. 1358).

Section 50.

SCHEDULE 5

REPEALS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
6 & 7 Will. 4. c. cvii (1836).	An Act for making a Railway from Leeds to Derby, to be called "The North Midland Railway".	<p>In section XCII (Providing for the Formation of certain Bridges affording access to Property of the Undertakers of the Aire and Calder Navigation), the words from "and further, that in passing the said railway" (where these occur for the second time) to "shall direct", and the words from "and further, that in crossing a certain Road" to "such last-mentioned Road".</p> <p>So much of section XCIV (Company to keep Culverts, Bridges, &c. in repair) as imposes the requirements referred to in subsection (3) of section 46 (Release of Board from obligations in regard to certain bridges at Woodlesford) of this Act.</p>
8 & 9 Vict. c.cxc.	South Wales Railway Act 1845.	Section XXIX (Vessels not to be unnecessarily detained in passing Bridge).
18 & 19 Vict. c. xcvi.	South Wales Railway Consolidation Act 1855.	So much of Schedule A as relates to sections XXIX and XXXI of the South Wales Railway Act 1845.
63 & 64 Vict. c. cxliii.	Midland Railway Act 1900.	In subsection (1) of section 14 (For protection of urban district council of Hendon) the words "The new bridge over Child's Hill Lane shall not have a greater width than thirty-seven feet and its western side shall be at least ten feet from the eastern side of the existing bridge".

SCHEDULE 6

Section 51.

LANDS FOR WHICH THE PERIOD OF COMPULSORY ACQUISITION IS
EXTENDED BY THIS ACT TO 31ST DECEMBER, 1984

The lands authorised to be acquired by section 10 (Power to acquire
lands) of the Act of 1976 in the places hereinafter mentioned—

In the metropolitan county of Merseyside—

In the borough (in the Act of 1976 referred to as “ district ”)
of Knowsley;

In the metropolitan county of West Midlands—

In the parish of Bickenhill in the borough (in the Act of 1976
referred to as “ district ”) of Solihull;

In the county of Cambridgeshire—

In the parish of March in the district of Fenland.

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

British Railways Act 1980

CHAPTER ix

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