

ELIZABETH II



1982 CHAPTER viii

An Act to empower the Hertsmere Borough Council to execute highway works at Rowley Lane upon land including part of a metropolitan common; and to enact provisions incidental thereto.

[27th May 1982]

WHEREAS the borough of Hertsmere (hereinafter referred to as "the borough") in the county of Hertfordshire is a district under the local government and administration of the Hertsmere Borough Council (hereinafter referred to as "the Council"):

And whereas certain land adjoining Rowley Lane in the borough is a metropolitan common (hereinafter referred to as "the common") within the meaning of the Metropolitan Commons Acts 1866 to 1898:

And whereas part of the common separates Rowley Lane from other land in the ownership of the Council and extending to some 32 hectares which is appropriate for redevelopment and it is expedient for that purpose that access from Rowley Lane to that land should be afforded and that Rowley Lane should be widened and improved, in each case over part of the common:

And whereas it has been agreed pursuant to arrangements in that behalf between the Council and the Hertfordshire County Council, as highway authority for Rowley Lane, that the works

authorised by this Act should be executed by the Council and it is expedient to empower the Council to execute the works and to appropriate and use the lands, including lands forming part of the common, as in this Act described:

And whereas estimates have been prepared by the Council for the following purposes:—

the purchase of lands, £500; and
the execution of the works authorised by this Act, £92,800:

And whereas it is expedient that the other provisions of this Act should be enacted:

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

And whereas a plan and section showing the lines or situations and levels of the works authorised by this Act, and the lands which may be appropriated or used for the purposes thereof, 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 those lands, and describing the same, 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 Hertfordshire County 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:

1972 c. 70.

And whereas in relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

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:—

Citation

1. This Act may be cited as the Hertsmere Borough Council (Rowley Lane) Act 1982.

Interpretation.

2. In this Act, unless the context otherwise requires—

1882 c. 56.

“apparatus” means, in relation to the Eastern Electricity Board, any electric line or work (as respectively defined in the Electric Lighting Act 1882) belonging to or used by the board;

“the common” means the metropolitan common, consisting of roadside waste in the parishes of Shenley and Elstree

between Well End and the Barnet Bypass and registered as common land (Register unit No. CL 299) in the register maintained by the Hertfordshire County Council;

“ the Council ” means the Hertsmere Borough Council;

“ the limits of deviation ” means the limits of deviation authorised by section 6 (Power to deviate) of this Act;

“ the improvements ” means the works authorised by section 5 (Power to make work) of this Act, including all works incidental thereto and anything executed or provided pursuant to the powers referred to in subsection (3) of the said section 5;

“ Rowley Lane ” means the highway maintainable at the public expense known as Rowley Lane in the borough of Hertsmere.

3.—(1) Notwithstanding anything in the Metropolitan Commons Acts 1866 to 1898 or any other enactment, the Council may, for the purposes of the improvements—

Power to appropriate or enclose lands.

(a) enter upon, appropriate and use, in accordance with the provisions of this Act, so much of the lands within the limits of deviation as form part of the common and as are incorporated in the improvements, including land required for providing traffic sight lines, or in the new footpath;

(b) enter upon and use, during the execution of the improvements, any other part of the lands within those limits and forming part of the common which may be required for the purposes of or in connection with such execution or for any purpose subsidiary or ancillary thereto.

(2) Any lands which form part of the common and which are appropriated by the Council under subsection (1) (a) above for the purposes of the improvements or of the new footpath shall cease for all purposes to form part of the common, and to be subject to any enactment for the management of the common.

(3) (a) Upon the completion and bringing into use of the improvements there shall be added to the common, in exchange for lands which are appropriated under subsection (1) (a) above, the lands delineated on the deposited plan and thereon stippled black and the last-mentioned lands shall be subject to the like rights, trusts and incidents relative to the common as attached to the lands so appropriated by the Council as aforesaid, and any byelaws and regulations made under any enactment for the management of the said common shall be enforceable as fully and effectually as if the lands so added in exchange formed and had always formed part of the common.

(b) The Eastern Electricity Board shall continue to have the same rights and powers in respect of any apparatus remaining in the lands so added to the common as they enjoyed in respect of that apparatus immediately before the lands were so added.

1965 c. 64.

(4) As soon as reasonably practicable after the completion and bringing into use of the improvements, the registration authority under the Commons Registration Act 1965 for the county of Hertfordshire shall make such amendments to the register of common land as are appropriate to give effect to the foregoing provisions of this section.

(5) In this section "the new footpath" means the way to be created under section 10 (Creation of footpath) of this Act.

Correction
of errors
in deposited
plan and
book of
reference.

4.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Council, after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake or inadvertence, they shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office of the House of Commons and with the proper officer of the Hertfordshire County Council and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to use the land and execute the improvements in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Power to
make work.

5.—(1) Subject to the provisions of this Act, the Council may in the parish of Elstree in the borough of Hertsmere in the county of Hertfordshire in the lines or situations and within the limits of deviation shown upon the deposited plan, and according to the levels shown on the deposited section execute the works described in subsection (2) below with all necessary and proper works and conveniences connected therewith or incidental thereto.

(2) The works referred to in subsection (1) above are—

A widening and improvement of Rowley Lane, incorporating two access points to adjoining land and a roundabout, commencing at National Grid reference point TQ 20849724 and terminating at National Grid reference point TQ 20719761.

(3) In executing or doing works or things authorised by this section, and in addition to and not in derogation of any of the functions conferred by this Act, but subject to the provisions thereof, the Council may exercise any of the powers conferred upon any authority by Part V (Improvement of highways) of the Highways Act 1980.

1980 c. 66.

6. In the construction of the works the Council may deviate laterally from the lines or situations thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding 3 metres upwards or downwards.

Power to deviate.

7.—(1) The Council may, for the purposes of and during the execution of the improvements, stop up, open, break up, interfere with, alter or divert temporarily all or any part of the carriageway or footway of Rowley Lane within the limits of deviation and may execute and do all necessary works and things for or in connection with such stopping up, opening, breaking up, interference, alteration or diversion, and for keeping such carriageway or footway open for traffic, and may remove or alter any lamp-posts, street refuges, posts and other erections upon the lands so affected.

Temporary stoppage of Rowley Lane.

(2) The Council shall provide reasonable access for all persons bona fide going to or returning from any premises in any part of Rowley Lane stopped up, interfered with or diverted under the powers of this section.

(3) The temporary stopping up or diversion of any part of the carriageway or footway of Rowley Lane under the powers of subsection (1) above shall not prevent the British Gas Corporation or the Eastern Electricity Board from obtaining access to any apparatus belonging to or maintainable by them nor prejudice or affect any right of the corporation or the said board—

- (a) to lay, erect, maintain, inspect, repair, renew or remove any such apparatus in such carriageway or footway; or
- (b) for the purposes of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open such carriageway or footway.

Notice to
police.

8. Before breaking up or otherwise interfering with any road in connection with the construction of any of the works, the Council shall (except in a case of emergency) give 14 days' notice to the chief officer of police of their intention so to do.

Application of
Public
Utilities
Street Works
Act 1950.
1950 c. 39.

9. In relation to any of the improvements to which, apart from this section, the provisions contained in Part II of, and Schedule 4 to, the Public Utilities Street Works Act 1950 (which regulate the relations between an authority executing a road alteration and undertakers within the meaning of that Act whose apparatus is affected thereby), would not apply, the said provisions shall apply as if the works were mentioned in section 21 (1) (a) of that Act, and the undertakers' apparatus affected thereby were in a street.

Creation of
footpath.

10. From and after completion of the improvements and their opening to the public use, there shall be created a way over which the public shall have a right of passage on foot only between the points A and B marked on the deposited plan and the Council shall do all such things as are necessary to provide the footpath with any necessary facilities for its convenient use.

Modification
of Town and
Country
Planning Act
1971.
1971 c. 78.
S.I. 1977/289.

11. In their application to development authorised by this Act, Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 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) shall have effect as if the authority to develop given by this Act were limited to such development begun within 10 years after the passing of this Act.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR W. J. SHARP

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

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£1.25 net

ISBN 0 10 510882 0



Hertsmere Borough Council (Rowley Lane) Act 1982

CHAPTER viii

ARRANGEMENT OF SECTIONS

Section

1. Citation.
2. Interpretation.
3. Power to appropriate or enclose lands.
4. Correction of errors in deposited plan and book of reference.
5. Power to make work.
6. Power to deviate.
7. Temporary stoppage of Rowley Lane.
8. Notice to police.
9. Application of Public Utilities Street Works Act 1950.
10. Creation of footpath.
11. Modification of Town and Country Planning Act 1971.