

ELIZABETH II



1983 CHAPTER iv

An Act to empower the British Railways Board to construct works and to purchase lands in the city of London and in the London boroughs of Hackney and Tower Hamlets; to confer further powers on the Board and for other purposes. [11th April 1983]

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 said Act of 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) In order to provide improved services and facilities for railway passengers travelling to or from Liverpool Street Station in the city of London and to improve the operation of railway passenger services to and from the said station, it is expedient that the Board should be empowered to construct in the city of

London and in the London boroughs of Hackney and Tower Hamlets the works authorised by this Act and to purchase the lands in the said city and boroughs referred to in this Act:

(4) It is expedient that the other powers in this Act contained should be conferred upon the Board and that the other provisions in this Act contained should be enacted:

(5) 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 purchased or used by this Act, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Greater London Council, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

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

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the *British Railways (Liverpool Street Station) Act 1983*.

Interpretation. 2.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings, and—

1845 c. 20. “the Act of 1845” means the *Railways Clauses Consolidation Act 1845*;

1863 c. 92. “the Act of 1863” means the *Railways Clauses Act 1863*;

1963 c. xviii. “the Act of 1963” means the *British Railways Act 1963*;

1967 c. xxx. “the Act of 1967” means the *British Railways Act 1967*;

1981 c. xxxv. “the (No. 2) Act of 1981” means the *British Railways (No. 2) Act 1981*;

“the Board” means the *British Railways Board*;

“the existing railway” means so much of the railways of the Board serving the eastern counties of England and having a terminus at the station as is within the limits of deviation;

“the limits of deviation” means the limits of deviation shown on the deposited plans;

“the station” means the Liverpool Street Station of the Board in the city of London;

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

1878 c. 76.

“the tribunal” means the Lands Tribunal;

“the works” means the works authorised by Part II (Works, etc.) 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.

3. The following enactments, 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:—

Incorporation
of general
Acts.

The Act of 1845, except sections 1, 7, 8, 9, 11, 12, 15, 17, 19, 20, 22 and 23 thereof, and Part I (relating to the construction of a railway), except sections 13 to 19 thereof, 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, the expression “the company” where used in the said incorporated provisions means the Board;
- (ii) for the purposes of sections 16 and 30 to 44 of the Act of 1845, as incorporated with this Act, Works Nos. 3, 3A, 4 and 5 shall be deemed to be railways authorised by the special Act;
- (iii) the provisions of sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend

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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 by the provisions of—

1950 c. 39. (a) Part II of the Public Utilities Street Works Act 1950;

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

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

Application of Part I of Compulsory Purchase Act 1965.

1965 c. 56.

1981 c. 67.

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 purchase of land under this Act as it applies to a compulsory purchase to which the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.

(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 14 days' notice), as so applied, for the words "fourteen days" there shall be substituted the words "three months".

1845 c. 18.

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

PART II

WORKS, ETC.

Power to make works.

5.—(1) 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:—

In Greater London—

In the city of London and in the London boroughs of Hackney and Tower Hamlets—

(Deviation railway).

Work No. 1 A railway (2115 metres in length), being a deviation of the existing railway, commencing in the city of London at a point 71 metres south of the buffer stop of the line of the existing railway serving platform number 6 of the station, passing

through the London borough of Hackney and terminating at Bethnal Green in the London borough of Tower Hamlets by a junction with the Norwich lines of the existing railway at a point 3 metres east of the eastern abutment of the bridge carrying those lines over Buckhurst Street:

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Work No. 2 A railway (1790 metres in length and partly in tunnel) commencing in the city of London at a point 81 metres west of the commencement of Work No. 1, passing through the London borough of Hackney and terminating at Bethnal Green in the London borough of Tower Hamlets by a junction with the Cambridge lines of the existing railway at a point 24 metres west of the western abutment of the bridge carrying the existing railway over Brady Street: (Railway).

In the London borough of Hackney—

Work No. 3 An extension of the bridge carrying Worship Street over the existing railway and a widening of Worship Street, comprising— (Bridge extension and widening of Worship Street).

(a) in respect of the said bridge, a reconstruction and widening on the south side and a lengthening on the western side to carry Worship Street over Work No. 2; and

(b) in respect of Worship Street, a widening and improvement on the south and north sides—

(i) on the south side, commencing 10 metres east of the junction of Appold Street with Worship Street and terminating at a point 9 metres south of the junction of Worship Street with Norton Folgate; and

(ii) on the north side, commencing at a point 96 metres east of the junction of Curtain Road with Worship Street and terminating 32 metres east of the commencement:

Work No. 3A A widening and improvement of Norton Folgate and of Shoreditch High Street on the north-west side, including a widening of the bridge carrying Norton Folgate and Shoreditch High Street over the existing railway, commencing at a point 9 metres north of the junction of Worship Street with Norton Folgate and terminating at a point 2 metres south of the (Widening of Norton Folgate/Shoreditch High Street).

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—cont.

junction of Plough Yard with Shoreditch High Street:

In the London borough of Tower Hamlets—

(Lengthening of Wheler Street bridge).

Work No. 4 A reconstruction and lengthening on the north side of the bridge carrying Wheler Street over the existing railway:

(Lengthening of Brick Lane bridge).

Work No. 5 A reconstruction and lengthening on the north side of the bridge carrying Brick Lane over the existing railway:

In the London borough of Hackney—

(Railway at Hackney).

Work No. 6 A railway (510 metres in length) commencing by a junction with the North London railway at a point 7 metres east of the eastern face of the bridge carrying Navarino Road over the said railway and terminating by a junction with the London to Cambridge railway at a point 3 metres north of the northern abutment of the bridge carrying the last-mentioned railway over Reading Lane.

(2) The Board may, in connection with the construction of Works Nos. 1 and 2, widen, enlarge and improve the station within the limits of deviation.

(3) Subject to the provisions of this Act, the Board may for the purpose of constructing Work No. 2 enter upon, open, break up and interfere with so much of the surface of Norton Folgate, Shoreditch High Street and Commercial Street in the London borough of Hackney as is within the limits of deviation.

(4) The Board may, in relation to the works or to all or any of the lands within the limits of deviation, provide means of access at the points specified in column (1) of Schedule 1 to this Act for the purposes mentioned in column (2) of that schedule.

(5) For the duration of any temporary stoppage under section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated with this Act, of so much of Worship Street as is within the limits of deviation, the Board may, for constructing Works Nos. 1, 2, 3, 3A, 4 and 5, or any of them, have access to and from that part of the street from and to its western continuation and from and to Norton Folgate.

(6) Subject to the provisions of this Act and within the limits of deviation, the Board may, in constructing Works Nos. 3, 3A, 4 and 5, make junctions with, and alter the line or level of, any street or way interfered with, by or contiguous to, the said works and alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavements and execute any works for the protection of any adjoining land or building:

Provided that, notwithstanding anything in this subsection, the Board shall not alter (as defined in the Telegraph Act 1878) any telegraphic line belonging to or used by British Telecommunications except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the said Act of 1878.

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—cont.
1878 c. 76.

(7) The Board shall erect a good and sufficient fence on each side of the reconstructed, lengthened and widened bridges comprised in Works Nos. 3, 3A, 4 and 5.

6.—(1) In this section—

“the new works” means Works Nos. 1, 2, 3, 3A, 4 and 5 and the widening, enlargement and improvement of the station authorised by subsection (2) of section 5 (Power to make works) of this Act or any of them;

“the original works” means the Broad Street Station of the Board, the former Bishopsgate Goods Depot of the Board and the approaches thereto and such other works and premises authorised by the scheduled enactments as are within the limits of deviation of the new works;

“the scheduled enactments” means the enactments specified in Schedule 2 to this Act.

Appropriation
of works and
premises.

(2) If the Board proceed with the construction of the new works they may—

(a) hold, use and appropriate such part of the original works as they may require for the purposes of the new works or for any purpose connected with or ancillary to their undertaking;

(b) take down and remove such part of the original works as they do not require for those purposes;

and they shall be relieved of the obligation to maintain all such parts of the original works for the purposes of the scheduled enactments.

(3) Subject to subsection (2) of this section, all the powers and obligations conferred or imposed upon the Board by the scheduled enactments in relation to the original works shall cease to have effect.

(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 under and in accordance with the Land Compensation Act 1961.

1961 c. 33.

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—cont.
Dimensions
of bridges.

7. Notwithstanding anything in the Act of 1845, as incorporated with this Act, the Board may—

- (1) in constructing Work No. 1 or Work No. 2, as the case may be, reconstruct the existing bridges for carrying those works over the roads in the London borough of Tower Hamlets specified in column (1) of the following table with the respective clear heights above the surface of the roads of not less than those specified in column (2) of that table:—

TABLE

Road (1)	Height (2)
WORKS NOS. 1 AND 2	
Vallance Road	3.88 metres
WORK NO. 1	
Hemming Street	4.42 metres
Brady Street	3.96 metres
Tapp Street	3.42 metres
Coventry Road	4.72 metres
Buckhurst Street	3.65 metres

- (2) maintain the existing bridge for carrying Work No. 1 over Collingwood Street in the London borough of Tower Hamlets at a clear height above the surface of the road of not less than 3.50 metres;
- (3) maintain the existing bridge for carrying Work No. 2 over Hemming Street in the London borough of Tower Hamlets at a clear height above the surface of the road of not less than 4.42 metres;
- (4) construct the bridge for carrying Work No. 6 over Wilton Way in the London borough of Hackney with a clear height above the surface of the road of not less than 4.55 metres.

Stopping up
roads, etc.

8.—(1) Subject to the provisions of this Act the Board may stop up and discontinue the whole or, as the case may be, portions of the following roads and footpaths and may make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In Greater London—

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—cont.

(a) In the city of London—

(i) the road known as Broad Street Buildings between the points marked “A” and “B” on the deposited plans;

(ii) the footpath known as Sun Street Passage between the points marked “R” and “W” on the deposited plans:

(b) Partly in the city of London and partly in the London borough of Hackney—

(i) so much of Pindar Street, which crosses the existing railway by means of a bridge, as lies between the points marked “F” and “K” on the deposited plans;

(ii) provide a footpath between the points marked “F” and “K” on the deposited plans to be carried over Works Nos. 1 and 2 by means of a footbridge in the position shown on the deposited plans;

(iii) so much of Primrose Street as lies between the points marked “L” and “P” on the deposited plans:

(c) In the London borough of Hackney—

the road and footpath known as Bowl Court between the points marked “X”, “Y” and “Z” on the deposited plans:

(d) In the London borough of Tower Hamlets—

(i) so much of Fleet Street Hill as lies between the points marked “JJ” and “WW” on the deposited plans;

(ii) the footpath between Three Colts Corner and Fleet Street Hill, which crosses the existing railway by means of a footbridge, between the points marked “HH” and “JJ” on the deposited plans and substitute therefor between the points marked “HH” and “WW” a new footpath to be carried over Works Nos. 1 and 2 by means of a footbridge in the position shown on the deposited plans.

(2) In respect of the stopping up and discontinuance of roads and footpaths under this section no consent shall be required under section 9 (Stopping up roads, bridleways and footpaths without providing substitute) of the (No. 2) Act of 1981, as incorporated with this Act, to the stopping up and discontinuance of Broad Street Buildings and Bowl Court and

PART II
—cont.

the portions of Pindar Street, Primrose Street and Fleet Street Hill.

Provision of
bus station.

9.—(1) In this section—

“the bus station” means an omnibus station with facilities for interchange between road and rail transport constructed on any part of the lands numbered on the deposited plans 9, 10 and 17 to 19 in the city of London and 1 and 3 in the London borough of Hackney as are bounded by the line marked “Limit of Land to be used for Bus Station” on the deposited plans and includes all necessary works and conveniences connected therewith;

“the operator” means the London Transport Executive or any other road passenger transport operator.

(2) The Board may—

(a) construct, maintain and operate the bus station;

(b) provide means of access to and from the bus station from and to Blomfield Street and Eldon Street at the point marked “C” on the deposited plans.

(3) The Board and the operator may enter into and carry into effect agreements as to—

(a) the construction, maintenance and operation of the bus station and as to any other matters incidental thereto or consequential thereon; and

(b) the defraying of, or the making of contributions towards, the cost of the matters referred to in paragraph (a) of this subsection by the Board or by the operator, or by the Board and the operator jointly.

(4) Any such agreement may provide (inter alia) for the exercise by the operator of all or any of the powers of the Board in connection with the bus station, subject to the like provisions in relation thereto as would apply if those powers were exercised by the Board.

Provision of
railway station.

10. Subject to the provisions of section 11 (Temporary working site) of this Act, the Board may—

(1) on any part of the lands numbered on the deposited plans 19 to 22, 24, 26 and 35 to 40 in the London borough of Hackney as are bounded by the line marked “Limit of Land to be used for Railway Station” on the deposited plans construct, maintain and operate a railway station to serve passengers using the city branch of the North London railway with all necessary works and conveniences connected therewith;

(2) provide for the purposes of the railway station referred to in paragraph (1) of this section—

PART II
—cont.

(a) means of access for its construction and use from and to Curtain Road and Worship Street at the points marked respectively “T” and “U” on the deposited plans, but without prejudice to the existing use of either such means of access for the general purposes of the Board;

(b) means of pedestrian access for its use from and to Norton Folgate at the point marked “X” on the deposited plans.

11.—(1) In this section “the relevant lands” means any part of the lands required by the Board for use as a working site in connection with the construction of Works Nos. 1, 2, 3, and 3A, or any of them, and comprise the lands numbered on the deposited plans 19 to 22 and 26 in the London borough of Hackney.

Temporary working site.

(2) Without prejudice to the provisions of section 10 (Provision of railway station) of this Act, the Board may enter upon and take possession temporarily of the relevant lands and may—

(a) construct such temporary works and structures thereon as they may require;

(b) remove any structures thereon; and

(c) use the means of access from and to Curtain Road and Worship Street specified in sub-paragraph (a) of paragraph (2) of the said section 10.

12. In relation to the Broad Street Station of the Board nothing in this Act shall have the effect of overriding the provisions of—

Saving for closure procedure.

(a) section 56 of the Transport Act 1962 (which contains a procedure for the proposed discontinuance of railway passenger services);

1962 c. 46.

(b) section 54 of the Transport Act 1968 (which makes further provision with respect to railway closures); and

1968 c. 73.

(c) section 25 of the Transport (London) Act 1969 (which concerns railway closures in and around Greater London).

1969 c. 35.

13. Subject to the provisions of this Act, the following provisions of the (No. 2) Act of 1981 are incorporated with, and form part of this Part of, this Act:—

Incorporation of works provisions.

Section 8 (Power to deviate);

Section 9 (Stopping up roads, bridleways and footpaths without providing substitute);

PART II
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- Section 11 (Appropriating sites of roads, bridleways and footpaths);
- Section 12 (Repair of roads, bridleways and footpaths);
- Section 13 (Agreements between Board and highway authorities);
- Section 14 (Temporary stoppage of roads, bridleways and footpaths);
- Section 15 (Underpinning of buildings near works); and
- Section 16 (Use of sewers, etc., for removing water).

PART III

LANDS

Purchase of
lands.

14.—(1) Subject to the provisions of this Act, the Board may purchase compulsorily 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, purchase compulsorily and use, for the purposes of the railway station referred to in section 10 (Provision of railway station) of this Act and all necessary works and conveniences connected therewith, all or any of the lands referred to in that section.

(3) Subject to the provisions of this Act, the Board may enter upon, use and appropriate so much of the subsoil and undersurface 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 or other right therein or thereunder or to make any payment therefor.

Purchase of
rights over
lands.
1965 c. 56.

15.—(1) In this section—

“the 1965 Act” means the Compulsory Purchase Act 1965; and

references to the purchase by the Board of new rights are references to the purchase of rights to be created in favour of the Board.

(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 delineated on the deposited plans and described in the

deposited book of reference instead of purchasing those lands under section 14 (Purchase of lands) of this Act.

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—cont.

(3) The 1965 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 1965 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 under subsection (2) of this section—

(a) Part I of the 1965 Act shall have effect with the modifications specified in Schedule 3 to the (No. 2) Act of 1981 and as if for the references in that schedule to the (No. 2) Act of 1981 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.

16. The powers of the Board for the compulsory purchase of the lands and rights over lands which they are authorised by this Act to purchase shall cease on 31st December 1987.

Time for purchase of lands and rights over lands.

17.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Compulsory Purchase Act 1965, as applied by this Act, the following provisions of this section shall apply to the land subject to the notice instead of section 8 (1) of that Act.

Purchase of part of certain properties.
1965 c. 56.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house, together with any park or garden belonging thereto, then, if the person on whom the notice is served, within 21 days after the day on which the notice is served on him, serves on the Board a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereinafter in this section referred to as “the land subject to the counter-notice”), the question whether he shall be required to sell the part shall, unless the Board agree to take the land subject to the counter-notice, be referred to the tribunal.

(3) If the said person does not serve such a counter-notice as aforesaid within 21 days after the day on which the notice to treat is served on him, or if on such a reference to the tribunal the tribunal determine that the part subject to the notice to treat

PART III
—cont.

can be taken without material detriment to the remainder of the land subject to the counter-notice or, in the case of part of land consisting of a house, together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(4) If on such a reference to the tribunal the tribunal determine that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(5) If on such a reference to the tribunal the tribunal determine that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Board are authorised to purchase compulsorily under this Act.

(6) If the Board agree to take the land subject to the counter-notice, or if the tribunal determine that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice, whether or not the whole of the land is land which the Board are authorised to purchase compulsorily under this Act.

(7) In any case where, by virtue of a determination by the tribunal under subsection (4), (5) or (6) of this section, a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice, the Board may, within six weeks after the tribunal make

their determination, withdraw the notice to treat, and if they do so shall pay to the said person compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

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—cont.

(8) Where a person is required under this section to sell part only of a house, building or factory, or of land consisting of a house, together with any park or garden belonging thereto, the Board shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

18. Subject to the provisions of this Act, the following provisions of the (No. 2) Act of 1981 are incorporated with, and form part of this Part of, this Act:—

Incorporation
of lands
provisions.

- Section 21 (Extinction or suspension of private rights of way);
- Section 23 (Disregard of recent improvements and interests);
- Section 24 (Correction of errors in deposited plans and book of reference); and
- Section 25 (Cellars under streets not referenced).

PART IV

PROTECTIVE PROVISIONS

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

Incorporation
of protective
provisions.

The Act of 1963—

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 1981—

Section 29 (For protection of British Telecommunications); and

Section 32 (Notice of interference with roads):

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 in their capacity as an authority authorised

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by an enactment to carry on an undertaking for the supply of water within their area 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 15 (Underpinning of buildings near works) of the (No. 2) Act of 1981 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, bridleways and footpaths) of the (No. 2) Act of 1981 as incorporated with this Act; and

(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 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981 as incorporated with this Act;

(iii) in the said section 29 of the (No. 2) Act of 1981, as so incorporated—

(a) the reference in paragraph (1) thereof to paragraph (c) of subsection (1) of section 7 (Further works and powers) of the (No. 2) Act of 1981 shall be construed as a reference to paragraphs (a)(i), (b)(i) and (iii), (c) and (d)(i) of subsection (1) of section 8 (Stopping up roads, etc.) of this Act; and

(b) the reference in paragraph (2) thereof to the said section 7 of the (No. 2) Act of 1981 shall be construed as a reference to the said section 8 of this Act.

For
protection of
Greater London
Council.

20. For the protection of the Greater London Council (in this section referred to as “the council”) the following provisions shall, unless otherwise agreed in writing between the Board and the council, apply and have effect:—

(1) In this section—

“highway” means any highway vested in or repairable or maintainable by the council;

“the new bridge” means any bridge carrying a highway to be extended, lengthened, reconstructed or widened under the provisions of this Act and the expression “the new bridges” shall be construed accordingly;

“the new highway” means any new, improved or widened highway to be provided by the Board under the provisions of this Act and the expression “the new highways” shall be construed accordingly;

“plans” includes sections and particulars;

“specified works” means the new bridges, the new highways and so much of the works as may in any way affect any highway:

(2) Notwithstanding anything contained in this Act the Board shall not permanently stop up and discontinue any part of Pindar Street or Primrose Street until Works Nos. 3 and 3A shall have been opened for public use:

(3) If the Board proceed with the stopping up of Pindar Street under the powers of paragraph (b) (i) of subsection (1) of section 8 (Stopping up roads, etc.) of this Act they shall provide an alternative adequately lighted pedestrian way between the points marked “F” and “K” on the deposited plans to the reasonable satisfaction of the council, until the footbridge referred to in paragraph (b) (ii) of the said subsection (1) shall have been opened for public use:

Provided that nothing in this paragraph shall prevent the Board, on any Saturday or Sunday, after giving reasonable notice to the council, from temporarily stopping up such alternative pedestrian way if it is reasonably necessary so to do in connection with the carrying out of the works:

(4) The Board shall give to the council not less than 28 days’ notice in writing of their intention permanently to stop up and discontinue any highway under the powers of this Act:

(5) The Board shall, in the exercise of the powers of subsections (3) and (6) of section 5 (Power to make works) of this Act, comply with and conform to all reasonable directions of the council for the safety of road traffic:

(6) The Board shall not exercise the powers of section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated

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with this Act, with respect to any road or footpath which is not a highway unless they have given to the council not less than 28 days' notice in writing of their intention so to do, except in case of emergency when such notice as is practicable shall be given:

- (7) Notwithstanding anything mentioned in column (2) of Schedule 1 to this Act with respect to the purposes for which the Board may use the means of access at point "UU" specified in column (1) of the said schedule, the Board shall only use such means of access for the purposes of altering, maintaining, removing or repairing any railway of the Board or any apparatus or works connected therewith:
- (8) Before commencing the construction of any of the specified works, the Board shall submit to the council for their reasonable approval plans thereof and, notwithstanding anything shown on the deposited plans and the deposited sections, the work to which such plans relates shall not be constructed otherwise than in accordance with such plans as may be approved by the council as aforesaid, or, if such approval be refused, as may be settled by arbitration, and any part of the construction of the specified works which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the council:

Provided that, if within 56 days after the submission to them of plans in accordance with the provisions of this paragraph the council do not signify their approval or disapproval thereof and the grounds for such disapproval, they shall be deemed to have approved thereof:

- (9) Notwithstanding anything in this Act or shown on the deposited plans the new bridges shall be designed, constructed and maintained so as to provide for loadings to be agreed in advance by the council and the Board shall indemnify the council against and make good to the council all expenses which the council may reasonably incur or be put to in the maintenance or repair of any highway, drain or apparatus therein by reason of any non-compliance by the Board with the provisions of this paragraph:
- (10) (a) Before commencing to construct any part of the specified works which will involve interference with a highway the Board shall consult the council as to the time when such part shall be commenced, as to the extent of the surface of the highway which it may be

reasonably necessary for the Board to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Board except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Board and the council or, in default of agreement, settled by arbitration;

(b) Any such highway shall be reinstated by the Board in a manner reasonably approved by the council and to their reasonable satisfaction:

(11) The Board shall, at all reasonable times during the construction of any part of the specified works, afford to the Controller of Transportation and Development of the council or her duly authorised representatives access to that part of the specified works for the purposes of inspection:

(12) The structures of the new bridges, the embankments on which the approaches to the new bridges are constructed and any fencing on either side of those approaches shall be maintained by the Board:

(13) (a) The new highways and the surface of the new bridges shall be vested in and maintained by the council who shall have all such rights in relation to the subsoil and undersurface thereof as are necessary for the performance of their functions as highway authority:

Provided that the Board shall be liable to the council for the maintenance of any new highway and the surface of the new bridge for a period of 12 months after the date of completion;

(b) In this paragraph "the date of completion" means the date upon which the new highway or, as the case may be, the new bridge is completed in accordance with the requirements of this section and open for public use or, in the case of a difference between the Board and the council as to whether the said requirements have been complied with, until the matter in dispute has been referred to and determined by arbitration and the arbitrator has certified that the new highway or, as the case may be, the new bridge has been completed in accordance with his determination:

(14) The Board shall keep the council indemnified against all actions, costs, claims and demands whatsoever

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brought or made against the council by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the specified works and the fact that any act or thing may have been done in accordance with plans approved by the council or in accordance with any requirement of the council or under their supervision shall not (if it was done without negligence on the part of the council) excuse the Board from liability under the provisions of this section:

Provided that the council shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

- (15) The Board shall repay to the council all costs, charges and expenses reasonably incurred by the council—
- (a) in the examination of the plans submitted to the council under this section in relation to any of the specified works;
- (b) in installing road traffic signals at the junction of Worship Street with Norton Folgate and Shoreditch High Street:
- (16) Any difference arising between the Board and the council under this section shall be referred to and settled by arbitration.

For protection
of Corporation
of London.

21. For the protection of the mayor and commonalty and citizens of the city of London (in this section referred to as “the corporation”) the following provisions shall, unless otherwise agreed in writing between the Board and the corporation, apply and have effect:—

- (1) In this section—

“highway” means any highway vested in or repairable or maintainable by the corporation;

“the new bridge” means the footbridge referred to in paragraph (b) (ii) of subsection (1) of section 8 (Stopping up roads, etc.) of this Act;

“the new highway” means any new highway to be provided by the Board under the provisions of this Act and the expression “the new highways” shall be construed accordingly;

“specified works” means the new bridge, the new highways and so much of the works as may in any way affect any highway:

- (2) Notwithstanding anything contained in this Act the Board shall not permanently stop up and discontinue

any part of Pindar Street or Primrose Street until Works Nos. 3 and 3A shall have been opened for public use:

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—cont.

- (3) The Board shall give to the corporation not less than 28 days' notice in writing of their intention permanently to stop up and discontinue any highway under the powers of this Act:
- (4) The Board shall not exercise the powers of section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated with this Act, with respect to any highway unless they have given to the corporation not less than 28 days' notice in writing of their intention so to do, except in case of emergency when such notice as is practicable shall be given:
- (5) The Board shall not exercise the powers of section 15 (Underpinning of buildings near works) of the (No. 2) Act of 1981, as incorporated with this Act, so as to interfere with any highway except with the consent of the corporation, which consent shall not be unreasonably withheld or delayed:
- (6) The access at point "D" referred to in column (1) of Schedule 1 to this Act shall not be constructed at a point further north than 31 metres from the junction of Finsbury Avenue with Eldon Street:
- (7) Before commencing the construction of any of the specified works, the Board shall submit to the corporation for their reasonable approval plans, sections and particulars relating thereto and, notwithstanding anything shown on the deposited plans and the deposited sections, the work to which such plans, sections and particulars relate shall not be constructed otherwise than in accordance with such plans, sections and particulars as may be approved by the corporation as aforesaid, or, if such approval be refused, as may be settled by arbitration, and any part of the construction of the specified works which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the corporation:

Provided that, if within 56 days after the submission to them of plans, sections and particulars in accordance with the provisions of this paragraph the corporation do not signify their approval or disapproval thereof and the grounds for such disapproval, they shall be deemed to have approved thereof:

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—cont.

- (8) Notwithstanding anything in this Act or shown on the deposited plans the new bridge shall be designed, constructed and maintained so as to provide for loadings to be agreed in advance by the corporation and the Board shall indemnify the corporation against and make good to the corporation all expenses which the corporation may reasonably incur or be put to in the maintenance or repair of any highway, drains or apparatus therein by reason of any non-compliance by the Board with the provisions of this paragraph:
- (9) (a) Before commencing to construct any part of the specified works which will involve interference with a highway the Board shall consult the corporation as to the time when such part shall be commenced, as to the extent of the surface of the highway which it may be reasonably necessary for the Board to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Board except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Board and the corporation or, in default of agreement, settled by arbitration;
- (b) Any such highway shall be reinstated by the Board in a manner reasonably approved by the corporation and to their reasonable satisfaction:
- (10) The Board shall, at all reasonable times during the construction of any part of the specified works, afford to the city engineer of the corporation or his duly authorised representatives access to that part of the specified works for the purposes of inspection:
- (11) The structure of the new bridge, the embankments on which the approaches to the new bridge are constructed and any fencing on either side of those approaches shall be maintained by the Board:
- (12) (a) The new highways and the surface of the new bridge shall be vested in and maintained by the corporation who shall have all such rights in relation to the subsoil and undersurface thereof as are necessary for the performance of their functions as highway authority:

Provided that the Board shall be liable to the corporation for the maintenance of any new highway and the surface of the new bridge for a period of 12 months after the date of completion;

(b) In this paragraph “the date of completion” means the date upon which the new highway or, as the case may be, the new bridge is completed in accordance with the requirements of this section and open for public use or, in the case of a difference between the Board and the corporation as to whether the said requirements have been complied with, until the matter in dispute has been referred to and determined by arbitration and the arbitrator has certified that the new highway or, as the case may be, the new bridge has been completed in accordance with his determination:

(13) The Board shall keep the corporation indemnified against all actions, costs, claims and demands whatsoever brought or made against the corporation by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the specified works and the fact that any act or thing may have been done in accordance with plans, sections and particulars approved by the corporation or in accordance with any requirement of the corporation or under their supervision shall not (if it was done without negligence on the part of the corporation) excuse the Board from liability under the provisions of this section:

Provided that the corporation shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

(14) The Board shall repay to the corporation all costs, charges and expenses reasonably incurred by the corporation for the examination of the plans, sections and particulars submitted to the corporation under this section in relation to any of the specified works:

(15) Any difference arising between the Board and the corporation under this section shall be referred to and settled by arbitration.

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

For protection
of Hackney
Corporation.

(1) In this section—

“highway” means any highway vested in or repairable or maintainable by the corporation;

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“the new bridge” means—

(a) the footbridge referred to in paragraph (b) (ii) of subsection (1) of section 8 (Stopping up roads, etc.) of this Act; or

(b) any extension of the bridge carrying Worship Street over the existing railway; as the case may be;

“the new highway” means any new or widened highway to be provided by the Board under the provisions of this Act and the expression “the new highways” shall be construed accordingly;

“plans” includes sections and particulars;

“specified works” means the new bridge, the new highways and so much of the works as may in any way affect any highway:

- (2) Notwithstanding anything contained in this Act the Board shall not permanently stop up and discontinue any part of Pindar Street or Primrose Street until Works Nos. 3 and 3A shall have been opened for public use:
- (3) The Board shall give to the corporation not less than 21 days' notice in writing of their intention permanently to stop up and discontinue any highway under the powers of this Act:
- (4) The Board shall, in the exercise of the powers of subsection (5) of section 5 (Power to make works) of this Act, comply with and conform to all reasonable directions of the corporation for the safety of road traffic:
- (5) The Board shall not exercise the powers of section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated with this Act, with respect to any highway unless they have given to the corporation not less than 21 days' notice in writing of their intention so to do, except in case of emergency when such notice as is practicable shall be given:
- (6) Notwithstanding anything in paragraph (b) of subsection (2) of section 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981, as incorporated with this Act, if the corporation, within 56 days after the submission to them for their reasonable approval of plans of any proposed opening into any sewer or drain which is vested in the corporation, notify the Board that the corporation desire themselves to make such opening then, if the Board desire such opening to be made, the corporation shall carry

out the same with all reasonable dispatch at the expense and to the reasonable satisfaction of the Board in accordance with the plans reasonably approved by the corporation:

- (7) The access at point "D" referred to in column (1) of Schedule 1 to this Act shall not be constructed at a point further north than 31 metres from the junction of Finsbury Avenue with Eldon Street:
- (8) Notwithstanding anything mentioned in column (2) of Schedule 1 to this Act with respect to the purposes for which the Board may use the means of access at point "UU" specified in column (1) of the said schedule, the Board shall only use such means of access for the purpose of altering, maintaining, removing or repairing any railway of the Board or any apparatus or works connected therewith:
- (9) Before commencing the construction of any of the specified works, the Board shall submit to the corporation for their reasonable approval plans thereof and, notwithstanding anything shown on the deposited plans and the deposited sections, the work to which such plans relate shall not be constructed otherwise than in accordance with such plans as may be approved by the corporation as aforesaid, or, if such approval be refused, as may be settled by arbitration, and any part of the construction of the specified works which may involve interference with a highway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the corporation:

Provided that, if within 56 days after the submission to them of plans in accordance with the provisions of this paragraph the corporation do not signify their approval or disapproval thereof and the grounds for such disapproval, they shall be deemed to have approved thereof:

- (10) Notwithstanding anything in this Act or shown on the deposited plans the new bridge shall be designed, constructed and maintained so as to provide for loadings to be agreed in advance by the corporation and the Board shall indemnify the corporation against and make good to the corporation all expenses which the corporation may reasonably incur or be put to in the maintenance or repair of any highway, drain or apparatus therein by reason of any non-compliance by the Board with the provisions of this paragraph:
- (11) (a) Before commencing to construct any part of the specified works which will involve interference with a

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—cont.

highway the Board shall consult the corporation as to the time when such part shall be commenced, as to the extent of the surface of the highway which it may be reasonably necessary for the Board to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Board except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Board and the corporation or, in default of agreement, settled by arbitration:

- (b) Any such highway shall be reinstated by the Board in a manner reasonably approved by the corporation and to their reasonable satisfaction:
- (12) The Board shall, at all reasonable times during the construction of any part of the specified works, afford to the surveyor of the corporation or his duly authorised representatives access to that part of the specified works for the purposes of inspection:
- (13) The structure of the new bridge, the embankments on which the approaches to the new bridge are constructed and any fencing on either side of those approaches shall be maintained by the Board:
- (14) (a) The new highways and the surface of the new bridge shall be vested in and maintained by the corporation who shall have all such rights in relation to the subsoil and undersurface thereof as are necessary for the performance of their functions as highway authority:

Provided that the Board shall be liable to the corporation for the maintenance of any new highway and the surface of the new bridge for a period of 12 months after the date of completion:

- (b) In this paragraph “the date of completion” means the date upon which the new highway or, as the case may be, the new bridge is completed in accordance with the requirements of this section and open for public use or, in the case of a difference between the Board and the corporation as to whether the said requirements have been complied with, until the matter in dispute has been referred to and determined by arbitration and the arbitrator has certified that the new highway or, as the case may be, the new bridge has been completed in accordance with his determination:

- (15) The Board shall keep the corporation indemnified against all actions, costs, claims and demands whatsoever brought or made against the corporation by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the specified works and the fact that any act or thing may have been done in accordance with plans approved by the corporation or in accordance with any requirement of the corporation or under their supervision shall not (if it was done without negligence on the part of the corporation) excuse the Board from liability under the provisions of this section:

Provided that the corporation shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

- (16) The Board shall repay to the corporation all costs, charges and expenses reasonably incurred by the corporation—

(a) in the examination of the plans submitted to the corporation under this section in relation to any of the specified works;

(b) in installing road traffic signals at the junction of Worship Street with Norton Folgate and Shoreditch High Street:

- (17) Any difference arising between the Board and the corporation under this section shall be referred to and settled by arbitration.

23. For the protection of the London Transport Executive (in this section referred to as “the executive”) the following provisions shall, unless otherwise agreed in writing between the Board and the executive, apply and have effect:—

For protection
of London
Transport
Executive.

- (1) In this section—

“construction” includes execution, placing and altering and “construct” and “constructed” shall be construed accordingly;

“the engineer” means an engineer to be appointed by the executive;

“executive property” means any railways of the executive and any works connected therewith for the maintenance or operation of which the executive are responsible and includes any lands, premises, arches, cellars or vaults held or used by the executive for the purposes of such railways or works;

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“plans” includes sections, drawings and particulars and “approved plans” means plans approved or deemed to be approved or settled by arbitration in accordance with the provisions of this section;

“the specified works” means so much of Works Nos. 1 and 2 as may be situated within 10 metres of, or may in any way affect, executive property and includes the construction, reconstruction and maintenance of such works:

(2) Notwithstanding anything in this Act or shown on the deposited plans, the Board shall not acquire compulsorily any executive property but they may, with the consent of the executive, which consent shall not be unreasonably withheld, acquire such easements or other rights in, under or over executive property in accordance with the provisions of section 15 (Purchase of rights over lands) of this Act as they may reasonably require for the purpose of the specified works:

(3) The Board shall, before commencing the specified works, furnish to the executive proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that, if within 56 days after such plans have been furnished to the executive the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the same:

(4) If within 28 days after such plans have been furnished to the executive the executive shall give notice to the Board that the executive desire themselves to construct any part of the specified works which in the opinion of the engineer will or may affect the stability of executive property or the safe operation of the executive's railway, then if the Board desire such part of the specified works to be constructed the executive shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Board in accordance with approved plans:

(5) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the specified works to ensure the safety or stability of executive property and such protective works as may

be reasonably necessary for those purposes shall be constructed with all reasonable dispatch and the Board shall not commence the construction of the specified works until the engineer shall have notified the Board that the protective works have been completed:

(6) The Board shall give to the engineer not less than 28 days' notice of their intention to commence the construction of any of the specified works and also, except in emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with executive property:

(7) The specified works shall when commenced be carried out—

(a) with all reasonable dispatch in accordance with approved plans;

(b) under the supervision (if given) and to the reasonable satisfaction of the engineer; and

(c) in such manner as to cause—

(i) as little damage to executive property as may be; and

(ii) as little interference as may be with the conduct of traffic on any railway of the executive and the use by passengers of executive property;

and, if any damage to executive property or any such interference shall be caused by the carrying out of the specified works, the Board shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the executive all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Board with respect to any damage, costs, expenses or loss which is attributable to the act, neglect or default of the executive or their servants, contractors or agents:

(8) The Board shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:

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—cont.

- (9) The executive shall at all times afford reasonable facilities to the Board and their agents for access to any works carried out by the executive under this section during their construction and shall supply the Board with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (10) If any alterations or additions, either permanent or temporary, to executive property shall be reasonably necessary during the construction of the specified works or during a period of 12 months after the completion thereof in consequence of the construction of the specified works, such alterations and additions may be effected by the executive after not less than 28 days' notice in writing has been given to the Board and the Board shall pay to the executive on demand the cost thereof as certified by the engineer:
- (11) The Board shall repay to the executive all costs, charges and expenses reasonably incurred by the executive—
- (a) in constructing any part of the specified works on behalf of the Board as provided by paragraph (4) of this section or in constructing any protective works under the provisions of paragraph (5) of this section;
 - (b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling any railway of the executive and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified works;
 - (c) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed and which may be due to the construction or failure of the specified works or from the substitution, suspension or diversion of railway services of the executive which may be necessary for the same reason;
 - (d) in respect of any additional temporary lighting of executive property in the vicinity of the works, being lighting made reasonably necessary during and by reason of the construction or failure of the specified works;
 - (e) in respect of the supervision by the engineer of the specified works:

(12) The Board shall be responsible for and make good to the executive all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the executive—

(a) by reason of the specified works or the failure thereof; or

(b) by reason of any act or omission of the Board or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the specified works;

and the Board shall effectively indemnify and hold harmless the executive from and against all claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the executive on behalf of the Board, or in accordance with approved plans, or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the executive or of any person in their employ or of their contractors or agents whilst engaged upon the construction of the specified works) excuse the Board from any liability under the provisions of this section:

Provided that the executive shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without prior consent of the Board:

(13) The Board shall not exercise the powers conferred by section 11 (3) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to survey and take levels of any land subject to compulsory purchase), as applied by section 4 (Application of Part I of Compulsory Purchase Act 1965) of this Act on any executive property without first obtaining the consent of the executive but such consent shall not be unreasonably withheld and the executive may attach thereto such reasonable terms and conditions as they think fit: 1965 c. 56.

(14) Any difference arising between the Board and the executive under this section shall be referred to and settled by arbitration.

24. For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Board and the Post Office, apply and have effect:— For protection of Post Office.

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—cont.

(1) In this section—

“the engineer” means an engineer appointed by the Post Office;

“the particular works” means such new, altered or substituted works as the Post Office shall reasonably require the Board, at the Board’s expense, to provide for the proper protection of, and for preventing injury to, Post Office property or interruption to the operation thereof, by reason of the specified works;

“plans” includes sections, drawings, specifications, calculations and descriptions of methods of construction as the case may be;

“Post Office property” means any part of the Post Office railway or any works of the Post Office connected therewith;

“the Post Office railway” means such part of the railway of the Post Office as is situate beneath the station, being part of Railway No. 11 authorised by the Post Office (London) Railway Act 1913;

“the specified works” means so much of Works Nos. 1 and 2, or either of them, lying within the station (whether temporary or permanent) as may be situated upon, across, under or over, or within 15 metres of, Post Office property and includes any structural alteration or renewal of such works:

- (2) Notwithstanding anything in this Act or shown on the deposited plans and sections or contained in the deposited book of reference the Board shall not acquire, either permanently or temporarily, any part of the Post Office railway:
- (3) The Board shall comply with and conform to all reasonable orders, directions and regulations of the Post Office in the construction of the specified works and the particular works:
- (4) The specified works and the particular works shall be carried out only in accordance with the plans approved or deemed to be approved or settled under paragraph (6) of this section, subject however to any modification of those plans from time to time agreed upon between the Board and the engineer, and to the reasonable satisfaction of the engineer who shall be given reasonable notice of the date and time on and at which the specified works and the particular works are to be commenced:

(5) Notwithstanding anything in this Act, the Board in constructing the specified works, or the particular works, or any works under paragraph (10) of this section, shall not deviate from the levels shown on the deposited sections without the consent of the engineer, which consent shall not be unreasonably withheld:

(6) The Board shall, before commencing the specified works or the particular works or any works under paragraph (10) of this section, furnish to the Post Office plans thereof for the reasonable approval of the engineer and shall not commence any of such works until such plans have been approved by the engineer or settled by arbitration:

Provided that, if within 56 days after such plans have been furnished to the Post Office the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the same:

(7) When the particular works shall be completed under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the Post Office as Post Office property now or hereafter may be:

(8) The Board shall give to the Post Office not less than 28 days' notice (except in cases of emergency) before commencing any structural alteration or renewal of the specified works together with a sufficient description of such works:

Provided that in case of emergency the Board shall give the Post Office the longest notice which they can reasonably give having regard to the urgency of the work to be executed and such notice shall be accompanied by a sufficient description of the work proposed to be carried out:

(9) The Board shall at all times maintain the specified works in substantial repair and good order and condition and, if and whenever the Board fail so to do, the Post Office may, after giving not less than 56 days' notice in writing to the Board, and at any time in case of emergency (without being required to give notice as aforesaid), make and do all such works and things on Post Office property as may be reasonably requisite for the protection thereof; and the expense reasonably incurred by the Post Office in so doing shall be repaid by the Board to the Post Office:

(10) If it appears to the engineer either before or during the construction, or within one year after the completion,

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—cont.

of the specified works, or the particular works, that any further or other works or appliances or measures of precaution are required either by way of addition to Post Office property or in connection with or in relation to the method of construction of the specified works or the particular works so as to prevent subsidence or injury happening to Post Office property owing to or in consequence of the execution of the specified works, or the particular works, the Board shall on receipt of written notice from the engineer requiring them so to do make and carry out at their own expense and in accordance with plans approved or deemed to have been approved or settled under paragraph (6) of this section such further works or take such measures of precaution (including the use of compressed air or the temporary cessation of the construction of the specified works or the carrying on of the construction of the specified works without cessation) as the engineer shall reasonably require:

- (11) If during and by the construction of the specified works or the particular works Post Office property shall be injured or damaged, the Post Office may forthwith make good such injury or damage and execute such protective works as the engineer shall consider reasonably necessary for ensuring the safety of Post Office property and the expense reasonably incurred by the Post Office in so doing shall be repaid by the Board to the Post Office:
- (12) The Board shall not—
- (a) in making and maintaining the specified works in any manner obstruct, hinder or interfere with any traffic on the Post Office railway;
 - (b) in making the particular works obstruct, hinder or interfere with any traffic on the Post Office railway except with the prior consent of the Post Office which consent shall not be unreasonably withheld;
 - (c) in making and maintaining the specified works or in making the particular works in any manner obstruct, hinder or interfere unreasonably with the free uninterrupted and safe user of other Post Office property:
- (13) The Board shall at all times afford reasonable facilities to the engineer to enter upon and inspect the specified works and the particular works during their construction and shall supply to the engineer such information as he may reasonably require with regard thereto or to the method of construction thereof:

(14) The Board shall, during the construction of the specified works, bear and on demand pay to the Post Office the reasonable expense of the employment by the Post Office of sufficient inspectors and watchmen, to be appointed by it, for inspecting and watching Post Office property for preventing as far as may be all interference, obstruction, danger or accident from any of the operations of the Board or from the acts or defaults of their agents, contractors or employees:

PART IV
—cont.

(15) Subject to the provisions of paragraph (19) of section 24 (For protection of Great Eastern Railway Company) of the Post Office (London) Railway Act 1913 and of an agreement dated 4th August 1916 made between the Postmaster General and the Great Eastern Railway Company, the Board shall be responsible for and make good to the Post Office all costs, losses, damages, charges and expenses which may be occasioned to the Post Office, to Post Office property or to the traffic on the Post Office railway or otherwise—

1913 c. cxvi.

(a) by the construction or failure of the specified works or the particular works; or

(b) by any act or omission of the Board, their agents, contractors or employees whilst engaged upon the specified works and the particular works; and the Board shall effectually indemnify and hold harmless the Post Office from all claims and demands upon or against it by reason of such construction or failure or of any such act or omission:

Provided that the Post Office shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

(16) The Board shall so construct and maintain their electric circuits and other works of all descriptions and shall so work the specified works as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or to be used on the Post Office railway or with the currents in such circuits:

Provided that at the expiration of two years from the completion of the specified works the provisions of this section shall not operate to give any right to claim in respect of injurious interference with any electric wires, lines or apparatus used for working the Post Office railway or the currents therein unless in the construction, erection, maintaining and working of

PART IV
—cont.

such wires, lines and apparatus all reasonable and proper precautions have been taken by the Post Office to prevent injurious interference therewith and with the currents therein by or from other electric currents:

- (17) Any difference arising under this section between the Board and the Post Office or between the Board and the engineer shall be referred to and settled by arbitration.

For protection
of sewers of
Thames Water
Authority.

25. For the protection of the sewers of the Thames 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:—

- (1) In this section—

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

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

- (2) The Board shall not commence the specified works until they shall have given to the authority 28 days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the authority with plans as described in paragraph (8) of this section (in this section referred to as "the said plans") and until the authority shall have signified their approval of the said plans:

Provided that such approval shall not be unreasonably withheld and, if within 28 days after the submission of the said plans the authority have not approved or disapproved them, they shall be deemed to have approved the said plans:

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

direction, superintendence and control of an officer of the authority duly appointed for the purpose at the cost, charge and expense in all respects of the Board and all reasonable costs, charges and expenses to which the authority may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the authority by the Board on demand:

- (5) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the cost, charge and expense of the Board under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the authority as any sewers or works now or hereafter may be:
- (6) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the authority in relation to sewers but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (7) The authority may require the Board in constructing the specified works—
 - (a) over the London Bridge Sewer (Shoreditch Branch) adjacent to Shoreditch High Street in the London borough of Hackney; or
 - (b) over the Ratcliffe Highway Sewer (Main Line Diversion) adjacent to Fleet Street Hill in the London borough of Tower Hamlets;to make any reasonable deviation within the limits of deviation from the levels shown upon the said plans for the purpose of avoiding injury or risk of injury to those sewers and the Board shall in constructing such works deviate accordingly:
- (8) The plans to be submitted to the authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, the specified works are proposed to be constructed and shall accurately describe the position of all sewers of the authority within the limits of deviation (for which purpose the authority shall allow the Board access to plans in their possession and to any of their sewers in order to enable the Board to obtain reliable information) and shall comprise

PART IV
—cont.

detailed drawings of every alteration which the Board may propose to make in any such sewers:

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

(14) Except as otherwise provided in this section, any difference arising between the Board and the authority under this section shall be referred to and settled by arbitration.

PART IV
—cont.

PART V

MISCELLANEOUS

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

Repeals.

27.—(1) In this section “Class XII development” means development authorised by 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).

Planning permission.

S.I. 1977/289.

(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 10 years after the passing of this Act.

(3) Subsection (2) of this section shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works or the substitution of new works therefor.

28. Where under any provision of this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, as applied by this Act, apply or as to the meaning or construction of any such provision) is to be referred to or settled by arbitration, then 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.

Arbitration.

1965 c. 56.

29. 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.

Costs of Act.

SCHEDULES

Section 5 (4).

SCHEDULE 1

MEANS OF ACCESS REFERRED TO IN SUBSECTION (4) OF SECTION 5
(POWER TO MAKE WORKS) OF THIS ACT

Description of access by reference to point marked by lettering on deposited plans (1)	Purpose for which access may be used (2)
Means of access in relation to Works Nos. 1, 2, 3, 3A, 4 and 5 or any of them	
Point "A" from and to Liverpool Street.	For construction after Broad Street Buildings stopped up.
Point "C" from and to Blomfield Street and Eldon Street.	For construction and thereafter for the general purposes of the Board.
Point "D" from and to Finsbury Avenue.	For construction.
Point "E" from and to Appold Street.	For construction and thereafter for the general purposes of the Board.
Points "G", "H" and "J" from and to Pindar Street.	For construction until Pindar Street stopped up in part.
Point "F" from and to Appold Street and Pindar Street.	For construction after Pindar Street stopped up in part.
Point "K" from and to Pindar Street.	For construction and thereafter for the general purposes of the Board after Pindar Street stopped up in part.
Points "M" and "N" from and to Primrose Street.	For construction until Primrose Street stopped up in part.
Point "L" from and to Appold Street.	For construction after Primrose Street stopped up in part.
Point "P" from and to Primrose Street.	For construction after Primrose Street stopped up in part.
Point "Q" from and to Appold Street.	For construction and thereafter for the general purposes of the Board.
Point "S" from and to Worship Street.	For construction.
Point "T" from and to Curtain Road.	For construction in addition to existing use for the general purposes of the Board.
Points "U" and "V" from and to Worship Street.	For construction in addition to existing use for the general purposes of the Board.
Point "X" from and to Norton Folgate.	For construction.
Point "AA" from and to Shoreditch High Street.	For construction.
Point "Z" from and to Plough Yard.	For construction.
Points "BB" and "CC" from and to Wheler Street.	For construction in addition to existing use for the general purposes of the Board.
Point "DD" from and to Wheler Street.	For construction and thereafter for the general purposes of the Board.

SCH. 1
—cont.

Description of access by reference to point marked by lettering on deposited plans (1)	Purpose for which access may be used (2)
Points "EE" and "FF" from and to Brick Lane.	For construction in addition to existing use for the general purposes of the Board.
Point "GG" from and to Grimsby Street.	For construction and thereafter for the general purposes of the Board.
Point "HH" from and to Three Colts Corner.	For construction.
Point "KK" from and to Fleet Street Hill.	For construction.
Point "LL" from and to Fleet Street Hill.	For construction in addition to existing use for the general purposes of the Board.
Points "MM" and "NN" from and to Vallance Road.	For construction.
Points "PP" and "QQ" from and to Hemming Street.	For construction.
Point "RR" from and to Tent Street.	For construction.
Means of access in relation to Work No. 6	
Point "SS" from and to Graham Road.	For construction in addition to existing use for the general purposes of the Board.
Point "TT" from and to Graham Road.	For construction.
Point "UU" from and to Graham Road.	For the general purposes of the Board.
Points "VV" and "XX" from and to Wilton Way.	For construction.

SCHEDULE 2

Section 6.

ENACTMENTS REFERRED TO IN SECTION 6 (APPROPRIATION OF WORKS AND PREMISES) OF THIS ACT

Chapter (1)	Title or short title (2)
6 & 7 Will. 4. c. cvi (1836).	An Act for making a Railway from London to Norwich and Yarmouth, by Romford, Chelmsford, Colchester, and Ipswich, to be called "The Eastern Counties Railway".
9 & 10 Vict. c. cclviii (1846).	An Act to enable the Eastern Counties Railway Company to enlarge their Stations in London and at Stratford; and for other Purposes.
10 & 11 Vict. c. clvii (1847).	An Act to enable the Eastern Counties Railway Company to enlarge their London and Stratford Stations; and to amend some of the Provisions of the Acts relating to the Eastern Counties Railway Company.

SCH. 2
—cont.

Chapter (1)	Title or short title (2)
24 & 25 Vict. c. cxcvi.	North London Railway (City Branch) Act 1861.
25 & 26 Vict. c. ccxxiii.	Great Eastern Railway Act 1862.
27 & 28 Vict. c. ccxxvi.	London and North-western Railway (Additional Powers) Act 1864.
27 & 28 Vict. c. ccxli.	North London Railway (Additional Powers) Act 1864.
27 & 28 Vict. c. cclxxxii.	Great Eastern Railway Junctions Act 1864.
27 & 28 Vict. c. cccxiii.	Great Eastern Railway (Metropolitan Station and Railways) Act 1864.
28 & 29 Vict. c. cxviii.	Great Eastern Railway (Additional Powers) Act 1865.
29 & 30 Vict. c. cclv.	Great Eastern Railway (Additional Powers) Act 1866.
30 & 31 Vict. c. lxxviii.	North London Railway Act 1867.
33 & 34 Vict. c. lii.	Great Eastern Railway (Metropolitan Railways) Act 1870.
34 & 35 Vict. c. cxiv.	London and North-western Railway (Additional Powers) Act 1871.
35 & 36 Vict. c. lxxxvii.	London and North-western Railway (Additional Powers) Act 1872.
36 & 37 Vict. c. cci.	London and North-western Railway (New Works and Additional Powers) Act 1873.
37 & 38 Vict. c. lxxv.	North London Railway Act 1874.
39 & 40 Vict. c. lxxviii.	Great Eastern Railway Act 1876.
41 & 42 Vict. c. clxxxii.	London and North-western Railway (Additional Powers) Act 1878.
42 & 43 Vict. c. cl.	Great Eastern Railway Act 1879.
45 & 46 Vict. c. clxvi.	Great Eastern Railway Act 1882.
47 & 48 Vict. c. ccvii.	London and North-western Railway Act 1884.
48 & 49 Vict. c. xciii.	Great Eastern Railway (General Powers) Act 1885.
50 & 51 Vict. c. cxxxii.	London and North-Western Railway Act 1887.
50 & 51 Vict. c. clxi.	Great Eastern Railway (General Powers) Act 1887.
53 & 54 Vict. c. cliv.	London and North Western Railway Act 1890.
63 & 64 Vict. c. cx.	Great Eastern Railway (General Powers) Act 1900.
26 Geo. 5 & 1 Edw. 8. c. cxxxvi.	London and North Eastern Railway (London Transport) Act 1936.

SCHEDULE 3


Section 26.

REPEALS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
6 & 7 Will. 4. c. cvi (1836).	An Act for making a Railway from London to Norwich and Yarmouth, by Romford, Chelmsford, Colchester, and Ipswich, to be called "The Eastern Counties Railway".	Sections 70, 71 and 119.
9 & 10 Vict. c. cclviii (1846).	An Act to enable the Eastern Counties Railway Company to enlarge their Stations in London and at Stratford; and for other Purposes.	Sections XII and XXVI.
10 & 11 Vict. c. clvii (1847).	An Act to enable the Eastern Counties Railway Company to enlarge their London and Stratford Stations; and to amend some of the Provisions of the Acts relating to the Eastern Counties Railway Company.	Sections 28 and 32.
24 & 25 Vict. c. cxcvi.	North London Railway (City Branch) Act 1861.	Sections 11 to 15, 19, 20, 30 and 31.
27 & 28 Vict. c. ccxxvi.	London and North-western Railway (Additional Powers) Act 1864.	Sections 17 to 21 and 50.
27 & 28 Vict. c. cccxiii.	Great Eastern Railway (Metropolitan Station and Railways) Act 1864.	Sections 14, 18 to 22, 24 and 25.
28 & 29 Vict. c. cxviii.	Great Eastern Railway (Additional Powers) Act 1865.	Section 30.
29 & 30 Vict. c. cclv.	Great Eastern Railway (Additional Powers) Act 1866.	Section 19.
30 & 31 Vict. c. lxxviii.	North London Railway Act 1867.	Sections 24, 31 and 40.
33 & 34 Vict. c. lii.	Great Eastern Railway (Metropolitan Railways) Act 1870.	Sections 20, 22, 23, 26, 28 and 30 to 34.
35 & 36 Vict. c. lxxxvii.	London and North-western Railway (Additional Powers) Act 1872.	Sections 32 to 35.
37 & 38 Vict. c. lxxv.	North London Railway Act 1874.	In section 7, the proviso.
39 & 40 Vict. c. lxxviii.	Great Eastern Railway Act 1876.	Sections 9, 14, 15, 63 and 64.
41 & 42 Vict. c. clxxxii.	London and North-western Railway (Additional Powers) Act 1878.	Section 4(1).

SCH. 3
—cont.

Chapter (1)	Title or short title (2)	Extent of repeal (3)
45 & 46 Vict. c. clxvi.	Great Eastern Railway Act 1882.	Sections 13, 18, 20, 23, 25, 26 and 76.
48 & 49 Vict. c. xciii.	Great Eastern Railway (General Powers) Act 1885.	Section 39.
50 & 51 Vict. c. clxi.	Great Eastern Railway (General Powers) Act 1887.	Sections 8 to 17, 19 and 53.
63 & 64 Vict. c. cx.	Great Eastern Railway (General Powers) Act 1900.	Sections 32(7) and 36.
26 Geo. 5 & 1 Edw. 8. c. cxxvi.	London and North Eastern Railway (London Transport) Act 1936.	Sections 8, 13 and 15.

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 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

British Railways (Liverpool Street Station) Act 1983

CHAPTER iv

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