

ELIZABETH II



1987 CHAPTER xiii

An Act to empower the British Railways Board to construct works and to purchase or use land in the district of Uttlesford in the county of Essex; to confer further powers on the Board; and for other purposes.
[15th May 1987]

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) By reason of the proposed development and expansion of Stansted airport by the British Airports Authority it is expedient that the Board should be empowered to construct the

works authorised by this Act and to purchase or use the land referred to in this Act so as to provide improved services and facilities for railway passengers travelling to or from the said airport:

(4) It is further expedient that the other powers in this Act contained should be conferred on the Board as therein provided, 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 this Act, and plans of the land 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 land 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 Chief Executive and Clerk of the Essex County 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 (Stansted) Act 1987.
- Interpretation. 2.—(1) In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the enactments incorporated herewith have in relation to the related subject-matter the same respective meanings; and—
- 1845 c. 20. “the Act of 1845” means the Railways Clauses Consolidation Act 1845;
- 1965 c. 56. “the Act of 1965” means the Compulsory Purchase Act 1965;
- 1981 c. xxxv. “the (No. 2) Act of 1981” means the British Railways (No. 2) Act 1981;

“the (No. 2) Act of 1984” means the British Railways (No. 2) Act 1984;

“the Board” means the British Railways Board;

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

“reference point” means Ordnance Survey National Grid reference point;

“the tribunal” means the Lands Tribunal; and

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

PART I
—cont.
1984 c. xx.

(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) 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.—(1) The following enactments, so far as the same are applicable for the purposes of and are not inconsistent with this Act, are incorporated with this Act, and this Act shall be the special Act for the purposes of the said incorporated enactments:—

(a) the Act of 1845, except sections 1, 7, 8, 9, 11, 12, 15, 17, 19, 20, 22 and 23 thereof; and

(b) in the Railways Clauses Act 1863, Part I (relating to the construction of a railway), except sections 13 to 19 thereof.

(2) (a) For the purposes of the enactments incorporated by subsection (1) above the expression “the company” where used in those enactments means the Board.

(b) For the purposes of sections 16 and 30 to 44 of the Act of 1845, as incorporated by subsection (1) above, Works Nos. 3, 4, 5, 6 and 7 shall be deemed to be railways authorised by the special Act.

(c) Sections 18 and 21 of the Act of 1845, as incorporated by subsection (1) above, shall not extend to regulate the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—

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

PART I
—cont.

(ii) section 27 (For protection of electricity, gas and water undertakers) of the (No. 2) Act of 1984, as incorporated with this Act.

Application of
Part I of
Compulsory
Purchase Act
1965.

1981 c. 67.

4.—(1) Part I of the Act of 1965 (except sections 4 and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), so far as it is applicable for the purposes of and is not inconsistent with this Act, 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 Act of 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.

Works

Power to
make works.

5. The Board may, in the lines or situations shown on the deposited plans and within the limits of deviation and according to the levels shown on the deposited sections, make and maintain the following works in the district of Uttlesford, in the county of Essex, with all necessary works and conveniences connected therewith:—

(Stansted Spur
railway)

Work No. 1—A railway (6,035 metres in length and partly in tunnel) commencing in the parish of Stansted Mountfitchet by a junction with the railway between London and Cambridge at a point 308 metres north-east of the bridge carrying Church Road over that railway passing through the parish of Elsenham and terminating in the parish of Takeley at a point 310 metres north of the north-west corner of Rose Cottage:

(Cambridge
Chord railway)

Work No. 2—A railway (769 metres in length) commencing in the parish of Stansted Mountfitchet by a junction with the railway between London and Cambridge at a point 89 metres south-west of the bridge carrying the M.11 motorway over that railway and terminating in the parish of Elsenham by a

junction with Work No. 1 at a point 12 metres north-west of the central reservation of the M.11 motorway:

PART II
—cont.

Work No. 3—A cut (688 metres in length) in the parish of Stansted Mountfitchet, being a diversion of Stansted Brook, commencing at a point 37 metres south-west of the commencement of Work No. 1 and terminating at a point 621 metres north-east of the commencement of Work No. 1: (Diversions of watercourses)

Work No. 4—A cut (250 metres in length) in the parishes of Stansted Mountfitchet and Elsenham, being a further diversion of Stansted Brook, commencing at a point 23 metres south of the commencement of Work No. 2 and terminating at a point 180 metres south-west of the subway carrying the footpath between Elsenham and Tye Green beneath the railway between London and Cambridge:

Work No. 5—A cut (308 metres in length) in the parishes of Stansted Mountfitchet and Elsenham, being a diversion of Tye Green Brook, commencing at a point 32 metres south of the footbridge carrying the footpath between Elsenham and Burylodge Lane over the said brook and terminating at a point 103 metres north-west of the termination of Work No. 2:

Work No. 6—A cut (144 metres in length) in the parishes of Stansted Mountfitchet and Elsenham, being a further diversion of Tye Green Brook, commencing at a point 95 metres south-east of the footbridge carrying the footpath between Tye Green and Burylodge Lane over the said brook and terminating at a point 142 metres east of its commencement hereinbefore described:

Work No. 7—A new road in the parish of Stansted Mountfitchet, commencing at a point 16 metres west of the termination of Work No. 6 and terminating by a junction with Belmer Road at a point 33 metres north-west of the south-west corner of Oak Cottage. (New road)

Provisions relating to Works Nos. 1 to 7

6. If the Board proceed with the construction of Work No. 1, they may on any part of the land numbered on the deposited plans 107 to 109 in the parish of Takeley make, maintain and operate a railway station with all necessary works and conveniences connected therewith. Provision of railway station.

7. Subject to the provisions of this Act (and in the lines or situations shown on the deposited plans) the Board may make Further works, etc.

PART II
—cont.

and maintain the further works, with all necessary works and conveniences connected therewith, and exercise the powers, described in column (2) of Schedule 1 to this Act in respect of the portions of the road, bridleway and footpaths specified therein by reference to the letters shown on the deposited plans in relation to the areas specified in column (1) of the said schedule.

Infilling of
parts of
watercourses.

8. As from the completion of Works Nos. 3 to 6 or any of them the Board may fill in so much of the existing watercourses shown on the deposited plans as lies between the points marked "A" and "B", "C" and "D", "E" and "F" and "G", "H" and "I" and as will be rendered unnecessary by the said works.

Temporary
stoppage of
roads,
bridleways and
footpaths.

9.—(1) The Board during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any road, bridleway or footpath and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road, bridleway or footpath from passing along and using the same.

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

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

(4) The Board shall not exercise the powers of this section with respect to any road unless they have given not less than 21 days' notice in writing of their intention so to do to—

(a) the traffic commissioner, constituted for the purposes of the Public Passenger Vehicles Act 1981, in whose area the road is situate; and

(b) the operator over that road of a local service as defined in the Transport Act 1985;

except in case of emergency when such notice as is practicable shall be given.

(5) The exercise by the Board of the powers of this section in relation to any road, bridleway or footpath shall not prejudice or affect the rights of the operator of any telecommunications code system (within the meaning of Schedule 4 to the Telecommunications Act 1984) to maintain, inspect, repair, renew or remove telecommunication apparatus (within the meaning of paragraph 1 of Schedule 2 to the said Act of 1984) or break open that road, bridleway or footpath for any of those purposes.

1981 c. 14.

1985 c. 67.

1984 c. 12.

10.—(1) In this section “relevant authority” means the Thames Water Authority, the Essex County Council or the Uttlesford District Council.

PART II
—cont.
Use of sewers,
etc., for
removing
water.

(2) The Board may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain of a relevant authority, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation but—

- (a) the Board shall not discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of the relevant authority and subject to such terms and conditions as the relevant authority may reasonably impose; and
- (b) the Board shall not make any opening into any such sewer or drain save in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain shall be vested but approval of those plans by the relevant authority shall not be unreasonably withheld.

(3) (a) Section 31 of the Control of Pollution Act 1974 shall apply to, or to the consequence of, a discharge under the powers of this section into any relevant waters for the purposes of the said section 31 as if this section were excluded from the reference to any provision of a local Act mentioned in subsection (2) (b) (ii) of the said section 31 and as if no matter so discharged were trade or sewage effluent or other matter mentioned in subsection (2) (e) of the said section 31.

1974 c. 40.

(b) In the exercise of their powers under this section the Board shall not damage or interfere with the bed of any watercourse forming part of the main river of the Thames Water Authority or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976.

1976 c. 70.

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

(5) Any difference arising between the Board and a relevant authority, as the case may be, under this section shall be referred to and settled by arbitration.

Incorporated works provisions

11. The following provisions of the (No. 2) Act of 1981 are incorporated with this Act:—

Incorporation
of works
provisions.

Section 8 (Power to deviate);

PART II
—cont.

- Section 9 (Stopping up roads, bridleways and footpaths without providing substitute);
 Section 10 (Stopping up roads, bridleways and footpaths in case of diversion or substitution);
 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); and
 Section 15 (Underpinning of buildings near works).

PART III

LAND

*Purchase of land, etc.*Purchase
of land.

12.—(1) Subject to the provisions of this Act, the Board may purchase compulsorily and use such of the land delineated on the deposited plans and described in the deposited book of reference as they 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 subsection (1) above, the Board may purchase compulsorily and use for the purposes specified in column (3) of Schedule 2 to this Act all or any of the land referred to in columns (1) and (2) of that schedule.

(3) 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 of subsection (1) above 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
land.

13.—(1) In this section 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) Subject to the provisions of this Act, the Board may, for the purpose of constructing, maintaining, altering, renewing and using the works, or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works, purchase compulsorily such new rights as they require over any of the land delineated on the deposited plans and described in the deposited book of reference instead of purchasing that land under section 12 (Purchase of land) of this Act.

(3) The Act of 1965, 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) above as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act of 1965 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.

PART III
—cont.

(4) Without prejudice to the generality of subsection (3) above, in relation to the purchase of new rights under subsection (2) above—

- (a) Part I of the Act of 1965 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 that Act there were substituted references to this Act; and
- (b) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

14.—(1) In this section—

“the designated land” means any part of the land required by the Board for use as a working site in connection with the works and comprising the land situate within the lines marked “Limit of temporary working site” on the deposited plans;

Temporary possession of land and access.

“the relevant land” means the land numbered on the deposited plans 6, 8, 41 and 42 in the parish of Stansted Mountfitchet situate within the lines marked “Limit of temporary easement to be acquired” on the deposited plans; and

“the specified land” means the designated land or the relevant land, as the case may be.

(2) The Board, in connection with the construction of the works and after giving to the owners and occupiers of the specified land not less than 28 days’ previous notice in writing, may—

- (a) (i) enter upon and take possession temporarily of the designated land;
- (ii) construct on the designated land such temporary works or structures as may be required by the Board; and
- (iii) remove any structures and vegetation on the designated land;
- (b) (i) use the relevant land for the purpose of obtaining access from and to the designated land; and
- (ii) remove any structures and vegetation on the relevant land.

PART III
—cont.

(3) On the exercise of the powers conferred by subsection (2) above, the following provisions shall have effect:—

- (a) The Board shall not be empowered to purchase compulsorily or be required to purchase any part of the specified land:
- (b) The Board shall not, without the agreement of the owners and occupiers of the specified land, remain in possession of any part thereof after a period of one year from the completion of the works:
- (c) Before giving up possession of the specified land, the Board shall remove all temporary works or structures and restore the specified land to the reasonable satisfaction of the owners and occupiers thereof:
- (d) The Board shall compensate the owners and occupiers of the specified land for any loss or damage which may result to them by reason of the exercise of the powers of subsection (2) above:
- (e) Nothing in this section shall relieve the Board from liability to compensate under section 6 or 43 of the Act of 1845 or section 10 (2) of the Act of 1965, as incorporated with or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (d) above:
- (f) Any dispute as to a person's entitlement to compensation under paragraph (d) above or as to the amount thereof shall be determined by the tribunal.

Time for purchase of land and rights over land.

15. The powers of the Board for the compulsory purchase of land and rights over land under this Act shall cease on 31st December 1991.

Incorporated lands provisions

Incorporation of lands provisions.

16. The following provisions of the undermentioned Acts are incorporated with this Act:—

The (No. 2) Act of 1981—

Section 21 (Extinction or suspension of private rights of way); and

Section 24 (Correction of errors in deposited plans and book of reference):

The (No. 2) Act of 1984—

Section 21 (Purchase of part of certain properties); and

Section 22 (Disregard of recent improvements and interests).

PART IV
PROTECTIVE PROVISIONS

17.—(1) The following provisions of the undermentioned Acts are incorporated with this Act:—

Incorporation
of protective
provisions.

The (No. 2) Act of 1981—

- Section 32 (Notice of interference with roads); and
- Section 33 (Crown rights):

The (No. 2) Act of 1984—

- Section 27 (For protection of electricity, gas and water undertakers).

(2) For the purposes of section 27 of the (No. 2) Act of 1984, as incorporated by subsection (1) above—

- (a) for the reference in paragraph (2) thereof to section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated by section 18 (Incorporation of works provisions) of the (No. 2) Act of 1984, there shall be substituted a reference to section 9 (Temporary stoppage of roads, bridleways and footpaths) of this Act; and
- (b) for the references in paragraph (4) thereof to section 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981, as incorporated by the said section 18, there shall be substituted references to section 10 (Use of sewers, etc., for removing water) of this Act.

18. For the protection of the Secretary of State the following provisions shall, unless otherwise agreed in writing between the Board and the Secretary of State, apply and have effect:—

For protection
of Secretary
of State.

(1) In this section—

“the authorised works” means the new bridge and so much of Works Nos. 1 and 2 as may in any way affect the motorway and includes any works in connection therewith and “authorised work” shall be construed accordingly;

“the motorway” means the M.11 London to Cambridge motorway and includes all works and conveniences connected with it;

“the new bridge” means the bridge for carrying the motorway over Works Nos. 1 and 2; and

“plans” includes sections, specifications, designs and details of methods of construction:

(2) Before inviting tenders for the construction of the authorised works, the Board shall submit to the

PART IV
—cont.

Secretary of State for his approval, which shall not be unreasonably withheld, the names of the contractors who are to be invited to submit tenders and the Board shall not invite tenders from any contractors who are not approved by the Secretary of State:

Provided that, if within 56 days after the submission to him of the names of contractors under this paragraph the Secretary of State does not signify his approval or disapproval of them and the grounds for such disapproval, he shall be deemed to have approved them:

- (3) Before commencing the construction of any of the authorised works, the Board shall submit plans thereof to the Secretary of State for his approval, which shall not be unreasonably withheld, and, notwithstanding anything shown on the deposited plans and the deposited sections, the authorised works shall not be constructed otherwise than in accordance with such plans as may be approved, or, if such approval be refused, as may be settled by arbitration:

Provided that, if within 56 days after the submission to him of plans in accordance with the provisions of this paragraph the Secretary of State does not signify his approval or disapproval thereof and the grounds for such disapproval, he shall be deemed to have approved them:

- (4) Notwithstanding anything in this Act or shown on the deposited plans the new bridge shall be designed and constructed so as to provide for loadings to be agreed in advance by the Secretary of State and the Board shall indemnify the Secretary of State against, and make good to him, all expenses which he may reasonably incur or sustain in the maintenance or repair of the motorway and any drain or apparatus therein by reason of any non-compliance by the Board with the provisions of this paragraph:
- (5) The authorised works shall not (except with the consent of the Secretary of State) be so constructed as to interfere with the provision of proper means of drainage of the surface of the motorway:
- (6) Any part of the construction of the authorised works which may involve interference with the motorway shall be carried out under the supervision (if given) and to the reasonable satisfaction of the Secretary of State:
- (7) The Board shall, at all reasonable times during the construction of any part of the authorised works,

afford to the Secretary of State access to that part of the authorised works for the purposes of inspection:

PART IV
—cont.

- (8) (a) The new bridge shall be vested in and maintained by the Secretary of State but the Board shall be liable to the Secretary of State for the maintenance 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 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 Secretary of State as to whether the said requirements have been complied with, until the matter in dispute has been settled by arbitration and the arbitrator has certified that the new bridge has been completed in accordance with his determination:
- (9) The Board shall pay to the Secretary of State an annual sum representing the cost of maintaining the new bridge, such sum to be calculated in accordance with a formula to be agreed between the Board and the Secretary of State:
- (10) The Board shall compensate the Secretary of State for subsidence of, or damage to, the motorway or any property of the Secretary of State, or under his control or repairable by him, which may be caused by, or in consequence of, any act or default of the Board, their contractors, servants or agents and whether such subsidence or damage shall happen during the construction of the authorised works or at any time thereafter:
- (11) The Board shall keep the Secretary of State indemnified against all actions, costs, claims and demands whatsoever brought or made against the Secretary of State by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the authorised works and the fact that any act or thing may have been done in accordance with plans approved by the Secretary of State or in accordance with any requirement of the Secretary of State or under his supervision shall not (if it was done without negligence on the part of the Secretary of State) excuse the Board from liability under the provisions of this section:

Provided that the Secretary of State 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:

PART IV
—cont.

(12) The Board shall repay to the Secretary of State all costs, charges and expenses reasonably incurred by the Secretary of State in—

(a) examining the plans submitted to him under paragraph (3) above; and

(b) supervising the construction of the authorised works in accordance with paragraph (6) above:

(13) Any difference arising between the Board and the Secretary of State under this section shall be referred to and settled by arbitration.

For protection
of Stansted
Airport
Limited.

19. For the protection of Stansted Airport Limited (in this section referred to as “the company”, which expression shall include their successors and assigns) the following provisions shall, unless otherwise agreed in writing between the Board and the company, apply and have effect:—

(1) In this section unless the context otherwise requires—

“the airport” means the airport known as Stansted Airport, London in the county of Essex;

“airport property” means the land, buildings, apparatus and any other property of whatever nature owned by the company and forming part of or held in connection with the airport;

“apparatus” means any apparatus, appliance, conduit, duct or structure belonging to the company or the Civil Aviation Authority and used for, or in connection with, the provision of services by the company or the Civil Aviation Authority for the operation of the airport and includes any structure for the lodging therein of such apparatus;

“construction” includes reconstruction and, for the purposes of paragraphs (15) to (19) below, includes maintenance and repair of the specified works;

“plans” includes sections, drawings, specifications, calculations and particulars (including particulars as to the method of constructing any work to which the plans relate);

“the signed route plan” means the plan signed in duplicate by Simon Osborne on behalf of the Board and by Richard Everitt on behalf of the company, one copy of which plan has been deposited with the Board and one copy with the company; and

“the specified works” means so much of Work No. 1 and any work or convenience connected

therewith as may be situated upon, across, under or over, or may in any way affect, airport property, and includes the construction of such works:

PART IV
—cont.

- (2) The Board shall not under the powers of this Act purchase compulsorily any airport property, except—
- (a) the subsoil or undersurface of land reasonably required for so much of the railway forming part of Work No. 1 as is to be constructed below ground level;
 - (b) the surface of land and the airspace reasonably required for the operation, maintenance or renewal of that railway;
 - (c) the interior of the building comprising the railway station building at the airport authorised by section 6 (Provision of railway station) of this Act, excluding any stanchions, foundations or walls supporting a building above that station;
 - (d) in accordance with section 13 (Purchase of rights over land) of this Act, such easements and rights as they may reasonably require for the purposes of the specified works or for obtaining access thereto, but—
 - (i) (except in the case of any easement or right required for obtaining permanent access on the surface to and from any of the specified works) those rights shall be operable only during construction of those works;
 - (ii) all those easements or rights shall be restricted to the surface or the subsoil and undersurface of the land in respect of which they are granted, as reasonably appropriate to the work in question; and
 - (iii) where those easements or rights affect any operational part of the airport, they shall be subject to such restrictions as the company consider necessary for the safe and efficient operation of the airport, those restrictions nonetheless having regard to any emergency requiring prompt action by the Board:
- (3) The Board shall not be entitled by virtue of paragraph (2) above to purchase compulsorily any interest in the subsoil or undersurface of, or the airspace above, any land on or in which any of the specified works or buildings are situate, except the space containing those works; and, subject to the terms of any grant made to the Board pursuant to paragraph (2) above—

PART IV
—cont.

(a) the company shall retain the right to construct works or buildings above or beneath any of the specified works, both during and after construction of the specified works;

(b) there shall be reserved to the company reasonable rights of access, both during and after construction of the specified works—

(i) for exercising the right mentioned in sub-paragraph (a) above and, in addition, for constructing works or buildings on, above or beneath lands adjoining any of the specified works;

(ii) for maintaining or renewing works or buildings on, above or beneath lands in the vicinity of any of the specified works;

but the rights of the company under sub-paragraphs (a) and (b) above shall in any particular case be exercisable only if the company have given (except in case of emergency) not less than 56 days' notice in writing to the Board of the company's intention to exercise the rights (specifying the nature of the rights to be exercised) and shall be exercisable subject to such reasonable conditions as within 14 days following the giving of that notice the Board may in writing specify for protection of the specified works or of the Board's agents, contractors or workmen for the time being constructing, maintaining or renewing any of the specified works:

- (4) The Board shall not exercise in relation to airport property the powers of the Act of 1845 for the temporary occupation of lands, or take or use any airport property for the purpose of working areas in connection with the specified works, otherwise than with the agreement of the company:
- (5) Notwithstanding anything in the Act of 1965, the company may, after service of notice to treat for any land which the Board are authorised by this section to purchase compulsorily, from time to time make separate claims for the value of that land and for the injurious affection of any land of the company not so taken but no claim as aforesaid shall be made after the expiration of a period of three years from the date of the opening for public traffic of the specified works:
- (6) Notwithstanding anything in this Act, the Board shall construct so much of the works as lies between the points marked "A" and "B" on the signed route plan substantially along the alignment shown on the signed route plan:

PART IV
—cont.

- (7) So much of the specified works as is shown on the deposited plans and the deposited sections as to be constructed in tunnel shall be constructed in bored tunnel and not by cutting from the surface, except so much of the railway comprised in the specified works as is agreed between the company and the Board as appropriate for construction by cutting from the surface:
- (8) (a) The Board shall request the company in writing to specify the load-bearing capacities for so much of the specified works as is to be constructed in tunnel and the company shall specify the load-bearing capacities to the Board in writing within 56 days of the receipt of the Board's request;
- (b) The Board shall construct and thereafter maintain the specified works to ensure that at all times the specified works meet the load-bearing capacities so specified by the company under sub-paragraph (a) above:
- (9) The Board shall, before inviting tenders for, or themselves commencing, the specified works—
- (a) furnish to the company for their approval, which shall not be unreasonably withheld, a statement of the time or times at which, and the order in which, the specified works are to be constructed;
- (b) agree with the company a scheme for the regulation of the construction of the specified works, to include provisions restricting or regulating working areas, the provision of fencing and hoardings, the security of working areas during and outside hours of working, the lighting of the specified works, the height of the specified works and of surface equipment serving them or used in their construction, the hours of surface working, the hours for and methods of disposal of spoil, the routes and times of movement of construction traffic, the areas to be provided for the parking of vehicles, the cleansing of working areas, vehicles, vehicle routes and parking areas, the disposal of water found in constructing the specified works, the control of noise, smoke and dust emissions from the specified works and such other matters as may be agreed between the company and the Board; and
- (c) furnish proper and sufficient plans of the specified works to the company for their approval, which shall not be unreasonably withheld;

PART IV
—cont.

and the Board shall not commence the specified works until the statement referred to in sub-paragraph (a) above, the scheme referred to in sub-paragraph (b) above and the plans referred to in sub-paragraph (c) above have been approved in writing by the company or settled by arbitration:

Provided that, if, within 56 days after that statement, that scheme and those plans have been received by the company, the company shall not have intimated their disapproval thereof or of any part thereof and the grounds of their disapproval, they shall be deemed to have approved the same to the extent not explicitly disapproved:

- (10) The Board shall not depart from the agreed scheme referred to in paragraph (9) (b) above without the consent in writing of the company, which consent shall not be unreasonably withheld:
- (11) Upon signifying their approval or disapproval of the plans of the specified works, the company may specify—
- (a) some or all of those works as being required to be constructed under the supervision of the company to ensure the safe and secure operation of the airport; and
 - (b) any protective works, whether temporary or permanent, which in their reasonable opinion should be carried out before the commencement or during the construction of the specified works to ensure the safety, security or stability of airport 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 company shall have notified the Board in writing that any protective works required to be constructed before the commencement of the specified works have been completed to the company's reasonable satisfaction:
- (12) Upon signifying approval or disapproval of the plans submitted to them under paragraph (9) above, the company may give notice to the Board that they desire themselves—
- (a) to carry out any of the protective works referred to in paragraph (11) (b) above;
 - (b) to alter, remove or replace any apparatus affected by the construction of the specified works;
- or

(c) to reinstate any runway, taxi-way, road, pavement, building, structure or land affected by the specified works:

PART IV
—cont.

- (13) (a) Any works or other operations in respect of which notice has been given by the company under paragraph (12) above shall be carried out by the company with all reasonable dispatch and economy and in accordance with plans submitted to the Board for their approval, which shall not be unreasonably withheld;
- (b) The proviso to paragraph (9) above shall apply to any plans submitted by the company to the Board under this paragraph as it applies to plans submitted by the Board to the company under paragraph (9) (c) above as if references therein to the company were references to the Board:
- (14) The Board shall give to the company not less than 28 days' notice of their intention to commence the construction of any of the specified works:
- (15) (a) The specified works shall, when commenced, be constructed with all reasonable dispatch in accordance with the plans approved, deemed to be approved or settled by arbitration in accordance with paragraph (9) above and under the supervision, if required under paragraph (11) (a) above, of the company;
- (b) If any damage to, or interference with, airport property shall be caused by the construction of the specified works, the Board shall, notwithstanding any such approval or supervision as aforesaid, make good that damage and shall pay to the company all reasonable costs and expenses which the company may incur by reason of that damage or interference but nothing in this paragraph shall impose any liability on the Board with respect to any damage, costs or expenses attributable to the act, neglect or default of the company or their servants, contractors or agents:
- (16) The company may from time to time during the construction of the specified works give to the Board such directions relative to the construction as are reasonably necessary for ensuring the safe and secure operation of the airport and the Board shall, upon the receipt of directions, take all necessary steps to comply with them as soon as reasonably practicable:
- (17) The company and the Board shall at all times afford reasonable facilities to each other and their agents for access to, and inspection of, any works carried out by either of them under this section during their construction and shall supply each other with such information

PART IV
—cont.

as they may reasonably require with regard to those works or the method of construction thereof:

- (18) The Board shall repay to the company all reasonable costs, charges and expenses properly incurred by the company—

(a) in or in connection with the carrying out of any works or operations on behalf of the Board under paragraph (12) above and in supervising the carrying out of some or all of the specified works under paragraph (11) (a) above;

(b) in or in connection with the carrying out by the company, in agreement with the Board, of any works for the provision of the railway station authorised by section 6 (Provision of railway station) of this Act and of any works necessary to accommodate the same;

(c) in respect of the employment of any inspectors and other persons whom it shall be reasonably necessary to appoint for inspecting and guarding airport property 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;

(d) in respect of any additional temporary lighting of airport property in the vicinity of the specified works, being lighting made reasonably necessary during and by reason of the construction or failure of the specified works;

(e) in respect of the preparation and approval of all plans provided for in this section and of the statement and scheme referred to in paragraph (9) (a) and (b) above;

and, if the Board and the company agree that any liability of the Board to maintain and renew any part of the specified works or works for permanent protection of airport property or of the operation of the airport shall be transferred to and become a liability of the company, the Board shall pay to the company such capital sum as may be agreed between the Board and the company or, failing agreement, as may be settled by arbitration to represent proper commutation of that liability:

- (19) (a) The Board shall be responsible for and make good to the company all such costs, charges, damages, losses and expenses not otherwise provided for in this section

as may be occasioned to or reasonably incurred by the company by reason of—

PART IV
—cont.

(i) the failure of the specified works; or

(ii) 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 company 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;

(b) The fact that any act or thing may have been done by the company on behalf of the Board, or in accordance with plans approved by the company, or in accordance with any requirement of the company or under the supervision of the company, shall not excuse the Board from any liability under the provisions of this section, but—

(i) nothing in this paragraph shall impose any liability on the Board with respect to any costs, charges, damages, losses or expenses attributable to the act, neglect or default of the company or their servants, contractors or agents; and

(ii) the company shall give 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:

(20) The Board shall not in exercise of the powers of this Act make any trial holes on airport property or enter upon airport property without first obtaining the consent of the company, which shall not be unreasonably withheld, and the company may attach thereto such reasonable conditions as they think fit:

(21) The Board shall agree with the company a programme for the carrying out of works for the repair or maintenance of the specified works and shall, before on each occasion commencing any of those works, give to the company not less than 28 days' notice of their intention to commence those works (except in case of emergency, when the Board shall give such notice as may be reasonably practicable), with a written description of the character and extent of the works:

PART IV
—cont.

1962 c. 46.

(22) In any case of conflict between—

(a) any byelaws made by the Board under section 67 (1) of the Transport Act 1962 applying within railway premises (including stations and the approaches to stations) of the Board; and

(b) any byelaws of the company for the time being in force and relating to airport property;

the byelaws of the company shall prevail, except in so far as provision to a contrary effect is made, with the express consent of the company, in the byelaws of the Board:

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

PART V

GENERAL

Planning
permission.

S.I. 1977/289.

20.—(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).

(2) Subject to subsection (3) below, 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) above 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.

Arbitration.

21. Where under any provision of this Act any difference (other than a difference 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.

Costs of Act.

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

SCHEDULES

Section 7.

SCHEDULE 1

FURTHER WORKS, ETC., REFERRED TO IN SECTION 7 OF THIS ACT

Area (1)	Description of work and power (2)
In the county of Essex— In the district of Uttlesford— Parish of Stansted Mountfitchet.	Stop up and discontinue footpath between points "J" and "K" and substitute therefor new footpath between points "J", "L" and "K" to pass under Work No. 1.
Partly in the parish of Stansted Mountfitchet and partly in the parish of Elsenham.	<p>(a) Stop up and discontinue footpath between points "M", "N" and "O" and substitute therefor new footpath between points "M", "P", "N" and "O" to pass under Work No. 1;</p> <p>(b) Stop up and discontinue footpath between points "Q", "R", "S" and "T" and substitute therefor new footpath between points "Q", "R", "U", "V", "S" and "T" to pass under Work No. 2;</p> <p>(c) Stop up and discontinue footpath between points "W" and "X" and substitute therefor new footpath between points "W", "U", "V", "Y" and "X" to be carried over Work No. 4 by a footbridge and to pass under Work No. 2.</p>
Parish of Elsenham.	Stop up and discontinue bridleway between points "Z", "AA", "BB" and "CC" and substitute therefor new bridleway between points "Z", "AA", "DD", "EE", "BB" and "CC" to be carried over Work No. 1 by a bridle bridge.
Partly in the parish of Elsenham and partly in the parish of Stansted Mountfitchet.	Stop up and discontinue footpath between points "FF", "HH" and "II" and substitute therefor new footpath between points "FF", "JJ", "KK", "HH" and "II" to be carried over Work No. 6 by a footbridge and to cross Work No. 1 on the level.
Parish of Stansted Mountfitchet.	Stop up and discontinue footpath between points "LL", "MM" and "NN" and substitute therefor new footpath between points "LL", "OO", "PP", "MM" and "NN".
Parish of Takeley.	<p>(a) Stop up and discontinue road ("The Highway") between points "QQ" and "RR";</p> <p>(b) Stop up and discontinue footpath between points "SS" and "TT".</p>

Section 12 (2).

SCHEDULE 2

LAND REFERRED TO IN SECTION 12 (2) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which land may be used (3)
In the county of Essex— District of Uttlesford— Parish of Stansted Mountfitchet— Parish of Elsenham—	2 to 6, 11 to 16. 7, 11.	To provide a compensatory area for the loss of flood-water storage capacity resulting from the construction of Works Nos. 1 and 2, or either of them, and elsewhere to deposit surplus spoil excavated in the construction of the works.

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