



London Docklands Railway (Beckton) Act 1989

CHAPTER ix

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ELIZABETH II



1989 CHAPTER ix

An Act to empower London Regional Transport to construct works and to acquire lands; to confer further powers on London Regional Transport; and for other purposes. [21st July 1989]

WHEREAS—

(1) By the London Regional Transport Act 1984 the London Transport Executive which were established by the Transport (London) Act 1969 were reconstituted on 29th June 1984 under the name of London Regional Transport (in this Act referred to as "the Corporation"): 1984 c. 32. 1969 c. 35.

(2) It is the general duty of the Corporation under the said Act of 1984, in accordance with principles from time to time approved by the Secretary of State and in conjunction with the British Railways Board, to provide or secure the provision of public passenger transport services for Greater London, and in carrying out that duty the Corporation shall have due regard to (a) the transport needs for the time being of Greater London and (b) efficiency, economy and safety of operation:

1980 c. 65.
S.I. 1981/936.

(3) Under the Local Government, Planning and Land Act 1980 the London Docklands Development Corporation was established by the London Docklands Development Corporation (Area and Constitution) Order 1980 as the urban development corporation for London docklands for the purpose of securing the regeneration of its area and it is the view of the said corporation that the works authorised and the powers conferred by this Act will advance the securing of such regeneration:

(4) The Corporation propose to extend the railway authorised by the London Docklands Railway Acts 1984 and 1985 from Poplar to Beckton:

(5) It is expedient that for the purposes aforesaid the Corporation should be empowered to construct the works authorised by, and to acquire the lands referred to in, this Act:

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

(7) Plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officers of the London borough councils of Newham and Tower Hamlets 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:

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

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

PART I

PRELIMINARY

- Short title. **1.** This Act may be cited as the London Docklands Railway (Beckton) Act 1989.
- 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 related 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. xxiv. | “the Act of 1963” means the London Transport Act 1963; |
| 1964 c. xxvi. | “the Act of 1964” means the London Transport Act 1964; |
| 1965 c. xli. | “the Act of 1965” means the London Transport Act 1965; |
| 1966 c. xxxiii. | “the Act of 1966” means the London Transport Act 1966; |

- “the Act of 1969” means the London Transport Act 1969;
 “the Act of 1976” means the London Transport Act 1976;
 “the Act of 1978” means the London Transport Act 1978;
 “the Act of 1981” means the London Transport Act 1981;
 “the Act of 1984” means the London Docklands Railway Act 1984;
 “the Act of 1985” means the London Docklands Railway Act 1985;
 “Bow Creek” means that part of the River Lea known as Bow Creek;
 “the Corporation” means London Regional Transport;
 “the development corporation” means the London Docklands Development Corporation;
 “the Docklands Railway” means the railway authorised by the Acts of 1984 and 1985;
 “the limits of deviation” means the limits of deviation shown on the deposited plans;
 “the port authority” means the Port of London Authority;
 “public telecommunications operator” has the same meaning as in section 9 (3) of the Telecommunications Act 1984;
 “the railway bridge” means the bridge carrying Work No. 6 over Bow Creek;
 “the railways board” means the British Railways Board;
 “tidal work” means so much of any work carried out or constructed under the powers of this Act as is in, on, over or under Bow Creek or involves cutting its banks;
 “the tribunal” means the Lands Tribunal; and
 “the works” means the works authorised by Part II (Works, etc.) of this Act.

PART I
 —cont.
 1969 c. l.
 1976 c. xxxvii.
 1978 c. xv.
 1981 c. xxxii.
 1984 c. iv.
 1985 c. vi.

1984 c. 12.

(2) Any reference to the London Transport Board or the London Transport Executive in any of the provisions incorporated with this Act by section 17 (Incorporation of works provisions), section 21 (Incorporation of lands provisions) and section 22 (Incorporation of protective provisions) of this Act shall be construed as a reference to the Corporation.

(3) All distances, lengths and directions stated in any description of works, powers or lands shall be construed as if the words “or thereabouts” were inserted after each such distance, length and direction, and distances between points on a railway shall be taken to be measured along the railway.

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

3.—(1) 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:—

- (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845;
 (b) the Act of 1845, except sections 1, 7, 8, 9, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 94 and 95 thereof; and
 (c) in the Act of 1863, Part I (relating to construction of a railway), except sections 13, 14, 18 and 19 thereof.

Incorporation
 of general
 enactments.

1845 c. 18.

PART I
—cont.

(2) 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 Corporation.

(3) Sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Corporation 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; or

(b) section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act.

PART II

WORKS, ETC.

Power to
make works.

4.—(1) Subject to the provisions of this Act, the Corporation may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the following works with all necessary works and conveniences connected therewith:—

(Railways in
London
boroughs of
Tower Hamlets
and Newham.)

In the London borough of Tower Hamlets—

Work No. 1A A railway (386 metres in length) commencing by a junction with the Docklands Railway at a point 80 metres west of the junction of West India Dock Road, Garford Street and Ming Street and terminating by a junction with that railway at a point 95 metres south-west of the southern terminus of Dolphin Lane;

Work No. 2A A railway (345 metres in length) commencing by a junction with the Docklands Railway at a point 65 metres south-east of the junction of West India Dock Road, Garford Street and Ming Street and terminating by a junction with the commencement of Work No. 2 at a point 70 metres south-east of the southern terminus of Dolphin Lane;

Work No. 2 A railway (671 metres in length) commencing by a junction with the termination of Work No. 2A and terminating by a junction with Work No. 3 at a point 120 metres south of the junction of Prestons Road and Poplar High Street;

Work No. 3A A railway (356 metres in length) commencing by a junction with Work No. 2A at a point 72 metres west of the southern terminus of Dolphin Lane and terminating by a junction with the commencement of Work No. 3 and with the Docklands Railway at a point 165 metres south of the junction of Simpsons Road and Poplar High Street.

In the London boroughs of Tower Hamlets and Newham—

Work No. 3 A railway (7,763 metres in length) commencing in the London borough of Tower Hamlets by a junction with the termination of Work No. 3A and terminating in the London borough of Newham at a point 75 metres south-east of the junction of Winsor Terrace with East Ham Manor Way.

In the London borough of Newham—

PART II
—cont.

Work No. 3B A railway (1,223 metres in length), being in substitution for a portion of Work No. 3, commencing by a junction with Work No. 3 at a point 192 metres west of the junction of Prince Regent Lane and Victoria Dock Road and terminating by a junction with Work No. 3 at a point 60 metres south-east of the junction of Stansfield Road and Straight Road;

Work No. 4 A railway (687 metres in length) commencing by a junction with Work No. 3 at a point 870 metres east of the termination of that work and terminating at a point 658 metres east of its commencement;

Work No. 5 A railway (55 metres in length) commencing by a junction with Work No. 4 at a point 50 metres north-east of the commencement of that work and terminating by a junction with Work No. 3 at a point 68 metres north of the commencement of Work No. 4.

In the London Boroughs of Tower Hamlets and Newham—

Work No. 6 A railway (1,612 metres in length), being in substitution for a portion of Work No. 3, commencing by a junction with Work No. 3 at a point 150 metres east of the eastern terminus of East India Dock Wall Road and terminating by a junction with Work No. 3 at a point 18 metres north-west of the bridge carrying Silvertown Way over the North Woolwich line of the railways board.

(2) In constructing Work No. 3 the Corporation shall not construct so much of that work as lies between the commencement and termination points of Works Nos. 3B and 6.

(3) In constructing Works Nos. 2A and 3A the Corporation may stop up and discontinue so much of the depot access road in the London borough of Tower Hamlets as lies between the points marked "A" and "B" on the deposited plans and substitute therefor a new road in the said borough between the points marked "A", "C" and "D" on the deposited plans.

5.—(1) Subject to the provisions of this section, the Corporation may, for the purpose of Work No. 3, stop up and discontinue the footpath numbered on the deposited plans 9 and 10 in the London borough of Newham, which crosses the North Woolwich line of the railways board by means of a footbridge, between the points marked "E", "F", "G" and "H" on the deposited plans and may substitute therefor a new footpath and footbridge between the points marked "E", "F", "J" and "K" on the deposited plans.

Footbridge at
Victoria Dock
Road and Tidal
Basin Road,
Canning Town.

(2) The public use of the footpath to be stopped up and discontinued under subsection (1) above shall not be interfered with until a temporary footpath carried across the railway of the railways board by means of a footbridge has been provided to the reasonable satisfaction of the highway authority and is open for public use.

(3) The temporary footpath to be provided under subsection (2) above shall not be discontinued until such new footpath as is authorised by subsection (1) above is completed to the reasonable satisfaction of the highway authority and is open for public use.

PART II
—cont.

Stopping up and
narrowing, etc.,
of Victoria Dock
Road.

6.—(1) The Corporation may—

(a) stop up and discontinue—

(i) so much of the road known as Victoria Dock Road, and numbered on the deposited plans 77 in the London borough of Newham, as lies between the points marked “L” and “M” on the deposited plans; and

(ii) so much of the said road, and numbered on the deposited plans 77a in the London borough of Newham, as lies between the points marked “N” and “P” on the deposited plans; and

(b) narrow, stop up and discontinue—

(i) so much of the western side of the said road numbered on the deposited plans 77a as lies between the points marked “P”, “Q” and “R” on the deposited plans and the boundary of the road; and

(ii) so much of the southern side of the said road, and numbered on the deposited plans 11 in the London borough of Newham, as lies between the points marked “A”, “B”, “C” and “D” on the deposited plans and the boundary of the road.

(2) After any such stopping up and discontinuing under subsection (1) (a) above or any such narrowing, stopping up and discontinuing under subsection (1) (b) above all rights of way over or along the portions of the road so stopped up shall be extinguished and the Corporation may, subject to the provisions of this Act and of the Act of 1845, as incorporated with this Act, with respect to mines lying under or near the railway, appropriate, without making any payment therefor, and use for the purposes of their undertaking the sites of the road so stopped up.

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

Temporary
stopping up of
Victoria Dock
Road.

7.—(1) The Corporation may, during and for the purpose of the execution of Work No. 6, temporarily stop up and interfere with so much of the road known as Victoria Dock Road as lies between the points marked “P”, “S” and “T” on the deposited plans 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 any part of the road so stopped up and interfered with, from passing along and using the same.

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

Stopping up of
Wharfside Road.

8.—(1) The Corporation may stop up and discontinue so much of Wharfside Road as lies within the limits of deviation and the land numbered on the deposited plans 74 in the London borough of Newham.

(2) After such stopping up all rights of way over or along the portion of the road so stopped up shall be extinguished and the Corporation may, subject to the provisions of the Act of 1845, as incorporated with this Act, with respect to mines lying under or near the railway, appropriate, without making any payment therefor, and use for the purposes of their undertaking the site of the road so stopped up.

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

9.—(1) In this section—

“the existing road” means so much of Tidal Basin Road, numbered on the deposited plans 78 in the London borough of Newham, as lies between the points marked “U”, “V” and “W” on the deposited plans; and

“the realigned road” means Tidal Basin Road to be realigned between the points marked “U” and “W” on the deposited plans.

(2) The Corporation may, for the purpose of Work No. 6, stop up and discontinue the existing road and provide the realigned road.

(3) As from the completion of the realigned road, all rights of way over or along the existing road shall be extinguished, and the Corporation may, subject to the provisions of the Act of 1845, as incorporated with this Act, with respect to mines lying under or near the railway, appropriate, without making any payment therefor, and use for the purposes of their undertaking the site of the existing road so stopped up.

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

(5) As from its opening for public use the realigned road shall, unless otherwise agreed, become a highway maintainable at public expense.

10.—(1) The Corporation may for the purposes of constructing the works enter upon, open, break up and interfere with so much of the surface of the streets in the London boroughs of Tower Hamlets and Newham specified in Schedule 1 to this Act as lies within the limits of deviation.

(2) The Corporation may, during and for the purpose of the execution of the works, temporarily stop up and interfere with so much of any of the streets in the said London boroughs specified in Schedule 1 to this Act as lies within the limits of deviation 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 or building abutting on any part of a street so stopped up and interfered with, from passing along and using the same.

(3) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land or building.

11. In the execution of the works, the Corporation may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections—

(a) in respect of so much of Work No. 3 as lies between the termination of Work No. 5 and a point on its centre line 312 metres south-east of the junction of Winsor Terrace and East Ham Manor Way to any extent not exceeding 10 metres upwards or 12 metres downwards;

(b) in respect of so much of Work No. 6 as lies between a point on its centre line 160 metres south of the junction of Wharfside Road and Bidder Street and a further point on its centre line 30 metres west of the junction of Sabbarton Street and Victoria Dock Road to any extent not exceeding 5 metres upwards or 10 metres downwards; and

(c) in respect of the remainder of Works Nos. 3 and 6 and Works Nos. 1A, 2, 2A, 3A, 3B, 4 and 5 to any extent not exceeding 5 metres upwards or downwards.

PART II
—cont.
Stopping up, etc.,
of Tidal Basin
Road.

As to certain
streets in
Tower Hamlets
and Newham.

Power to deviate.

12.—(1) In this section—

“the designated lands” means so much of the lands of the railways board as are delineated on the deposited plans and therein numbered 6, 7, 9, 12, 13, 13a, 14, 15, 15a, 16, 18a, 64, 72 and 76 in the London borough of Newham; and

“the specified works” means so much of Works Nos. 3, 3B and 6 as is to be constructed on the designated lands.

(2) Subject as may be otherwise agreed in writing between the Corporation and the railways board, any works of alteration or adaptation of property of the railways board which may be necessary in order to construct the specified works and thereafter the use, maintenance, repair and renewal of such property and of the specified works shall be regulated and carried out by the Corporation or the railways board, or by the Corporation and the railways board jointly, in accordance with such terms and conditions as may be agreed in writing between the Corporation and the railways board and any such agreement may relate to the whole or part of the specified works and may contain such incidental, consequential or supplementary provisions as may be so agreed, including (but without prejudice to the generality of the foregoing) provisions—

- (a) with respect to the defraying of, or the making of contributions towards, the cost of such works of alteration or adaptation or of such maintenance, repair and renewal by the Corporation or by the railways board, or by the Corporation and the railways board jointly;
- (b) for the exercise by the railways board or by the Corporation, or by the railways board and the Corporation jointly, of all or any of the powers and rights of the railways board or the Corporation (as the case may be) in respect of any part of the designated lands or the specified works under any enactment or contract and in particular the operating by the railways board of freight services over the railway comprising Works Nos. 3, 3B and 6.

(3) The exercise by the Corporation or by the railways board, or by the Corporation and the railways board jointly, of any powers and rights under any enactment or contract pursuant to any such agreement as is authorised by subsection (2) above shall be subject to all statutory and contractual provisions relating thereto as would apply if such powers and rights were exercised by the Corporation or the railways board (as the case may be) alone, and accordingly such provision shall, with any necessary modifications, apply to the exercise of such powers and rights by the Corporation or by the railways board, or by the Corporation and the railways board jointly, as the case may be.

(4) The Corporation and the railways board may enter into, and carry into effect, agreements for the transfer to the Corporation, or the Corporation and the railways board jointly, of any part of the designated lands.

(5) (a) In constructing Works Nos. 3, 3B and 6 on any part of the designated lands the Corporation may, on such terms as shall be agreed with the railways board, re-align the existing North Woolwich line of the railways board to such position and on such terms as shall be agreed between the Corporation and the railways board including the erection by the Corporation at their own expense of fencing and other works as necessary to comply with the requirements from time to time of the Secretary of State in relation to the separation of the railway of the Corporation from that of the railways board.

(b) Any difference arising between the Corporation and the railways board under this subsection (other than a difference as to its meaning or construction) shall be referred to and settled by arbitration.

13.—(1) In this section “the relevant authority” means—

- (a) in relation to so much of Bow Creek as is within the jurisdiction of the British Waterways Board, that board; and
- (b) in relation to so much of Bow Creek as is within the jurisdiction of the port authority, that authority.

PART II
—cont.
Works at Bow
Creek.

(2) The railway bridge shall be constructed so as to provide a span between the piers of not less than 45 metres and a headway of not less than 5 metres above the level of mean high-water springs.

(3) (a) The Corporation may, for the purpose of constructing Work No. 6, alter or interfere with the banks, bed and foreshores of Bow Creek and construct, place, maintain, alter and remove all such works and conveniences as they may deem expedient or necessary in Bow Creek within the limits of deviation.

(b) The Corporation may occupy and use so much of the banks, bed and foreshores of Bow Creek as they may require for the purposes referred to in paragraph (a) above and as lies within the limits of deviation.

(4) (a) The Corporation may, with the consent of the relevant authority (whose consent shall not be unreasonably withheld) and subject to such reasonable conditions as the relevant authority may impose, for the purpose of the construction or maintenance of the railway bridge, moor or anchor temporarily vessels, barges, lighters or other craft in Bow Creek.

(b) Any difference arising between the Corporation and the relevant authority under this subsection shall be referred to and settled by arbitration.

14.—(1) The Corporation shall—

- (a) at or near every tidal work exhibit such lights and lay down such buoys and take such other steps for preventing danger to navigation as the port authority may from time to time reasonably direct;
- (b) in the case of injury to or destruction or decay of a tidal work or any part thereof immediately notify the port authority, and the port authority may thereupon give to the Corporation reasonable directions as to the steps to be taken for preventing danger to navigation.

Marking of
tidal works in
Bow Creek.

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

15. Notwithstanding anything in section 49 of the Act of 1845 the Corporation may, in constructing Work No. 1A over the highways known as Garford Street and West India Dock Road, make and maintain bridges carrying that work over those highways at a height which is not greater than the height of the bridges adjacent thereto carrying the Docklands Railway.

As to bridges
over Garford
Street and West
India Dock Road.

16. The Corporation shall in connection with the works from time to time submit for the approval of the Secretary of State plans, sections and other details of their proposals with respect to—

- (a) permanent way, bridges and viaducts, platforms, stairs, lifts, escalators and other communications;
- (b) rolling stock;
- (c) lighting;
- (d) signalling; and
- (e) the power required for traction, with particular reference to the use of conductor rail systems;

Plans, etc.,
to be approved
by Secretary of
State.

PART II
—cont.

and any rolling stock and work included in the said proposals shall be constructed and maintained only in accordance with plans, sections and other details as approved by the Secretary of State.

Incorporation
of works
provisions.

17.—(1) The following provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act:—

The Act of 1963—

Section 7 (Repair of roads where level not permanently altered);

Section 10 (Provisions as to use of electrical power);

Section 15 (Power to make trial holes):

The Act of 1965—

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

The Act of 1978—

Section 10 (Use of sewers, etc., for removing water).

(2) For the purposes of this Act references in the said section 10 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as references to the works.

(3) The Corporation shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 10 of the Act of 1965, as so incorporated, as not to prevent any public telecommunications operator from having access to any telecommunication apparatus (as defined in paragraph 1 of Schedule 2 to the Telecommunications Act 1984) kept installed for the purposes of that system.

1984 c. 12.

PART III

LANDS

Power to
acquire lands.

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

(2) Without prejudice to the generality of subsection (1) above the Corporation may enter upon, take and use for the purposes specified in column (3) of Schedule 2 to this Act, or for any purpose connected with or ancillary to their undertaking, the lands referred to in columns (1) and (2) of that schedule.

(3) The Corporation shall not under the powers of this Act—

(a) without the consent of the railways board acquire or enter upon, take or use whether temporarily or permanently the land of the railways board delineated on the deposited plans and therein numbered 6, 7, 9, 12, 13, 13a, 14, 15, 15a, 16, 18a, 64, 72 and 76 in the London borough of Newham except so much of the said land numbered 72 as is required for the construction of the bridge referred to in section 13 (Works at Bow Creek) of this Act and for the permanent support thereof and the supports of the viaduct from the northern bank of Bow Creek to the termination of the viaduct as shown on the deposited plans;

(b) acquire compulsorily any interest in the lands of the development corporation delineated on the deposited plans and therein numbered 1a, 3a, 6a, 22, 54, 61 and 65 in the London borough of Tower Hamlets and 10, 13, 13a, 16, 59, 61, 62, 63, 64, 65 and 68 in the London borough of Newham.

PART III
—cont.

19.—(1) In this section “the Acts” means the Lands Clauses Acts and references to the purchase by the Corporation of new rights are references to the purchase of rights to be created in favour of the Corporation.

Power to
acquire new
rights.

(2) The Corporation may, for the purposes of constructing, maintaining, protecting, renewing and using the works, purchase compulsorily such new rights as they may require over any of the lands which may be acquired under section 18 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

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

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

(a) the Lands Clauses Consolidation Act 1845 shall have effect with the modifications specified in Schedule 1 (except paragraph 4) to the Act of 1976;

1845 c. 18.

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

(5) The powers of this section shall not apply to any land of the railways board.

20. The powers of the Corporation for the compulsory purchase of lands and new rights under this Act shall cease on 31st December 1992.

Period for
compulsory
purchase of
lands and
new rights.

21.—(1) The following provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act:—

The Act of 1963—

Section 21 (Power to enter for survey or valuation):

The Act of 1964—

Section 12 (Acquisition of part only of certain properties);

Section 14 (Extinction of private rights of way):

The Act of 1965—

Section 13 (Correction of errors in deposited plans and book of reference):

The Act of 1966—

Section 14 (Power to expedite entry):

The Act of 1969—

Section 14 (Disregard of recent improvements and interests).

Incorporation
of lands
provisions.

PART III
—cont.

(2) The provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word “acquire” there were inserted the words “or use”.

PART IV

PROTECTIVE PROVISIONS

Incorporation
of protective
provisions.

22.—(1) The following provisions of the under-mentioned Acts are, with necessary modifications, incorporated with this Act:—

The Act of 1963—

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

The Act of 1965—

Section 25 (As to works within Metropolitan Police District):

The Act of 1976—

Section 13 (For protection of sewers of Thames Water Authority):

The Act of 1981—

Section 17 (For protection of British Telecommunications):

The Act of 1985—

Section 20 (For protection of British Waterways Board).

(2) The provisions of the said section 42 of the Act of 1963, as so incorporated, shall have effect as if for the definition of the “undertakers” in paragraph (1) thereof there were substituted the following:—

“‘the undertakers’ means any person authorised to carry on an undertaking for the supply of gas, water or electricity within any area within which the Corporation are by this Act authorised to purchase land or execute works;”.

(3) The provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—

(a) for the reference in paragraph (8) thereof to section 7 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of the Act of 1976 there were substituted a reference to section 17 (Incorporation of works provisions) of this Act; and

(b) in the definition of “the specified works” in paragraph (1) thereof, for the reference to the works authorised by the Act of 1976 there were substituted a reference to the works.

(4) The provisions of the said section 17 of the Act of 1981, as so incorporated, shall have effect as if—

(a) paragraph (2) of that section were omitted;

(b) for reference to Work No. 2 of the Act of 1981 there were substituted reference to the works; and

(c) for reference to British Telecommunications there were substituted a reference to a public telecommunications operator.

(5) The provisions of the said section 20 of the Act of 1985, as so incorporated, shall have effect as if, in the definition of “the designated works” in paragraph (1) thereof, for the reference to the works authorised by the Acts of 1984 and 1985 there were substituted reference to Work No. 6 and to any works or operations authorised by subsection (3) of section 13 (Works at Bow Creek) of this Act.

23. For the protection of the port authority and users of Bow Creek the following provisions shall, unless otherwise agreed in writing between the Corporation and the port authority, apply and have effect:—

(1) In this section, except where the context otherwise requires—

“construction” includes renewal and works of maintenance, repair or alteration involving any interference with Bow Creek or the navigation thereof; and “construct” shall be construed accordingly;

“plans” means outline design and construction drawings and such other specifications and other appropriate documents (including, so far as is reasonably practicable, a programme of the times at which it is intended that significant operations will be carried out) as may be reasonably necessary to give the port authority an understanding of the intentions of the Corporation in connection with constructional operations which will, or may, have a significant effect on navigation in, or the flow or regime of, Bow Creek and such relevant hydraulic information as may be available to the Corporation and is not in the possession of the port authority; and

“scouring” includes disturbance or collapse of the foreshore or bed of Bow Creek:

- (2) The Corporation shall not under the powers of this Act acquire compulsorily any part of the bed, banks or foreshore of Bow Creek, but they may, in accordance with the provisions of section 19 (Power to acquire new rights) of this Act, acquire compulsorily such rights as they require for the purpose of the exercise of their functions under this Act in, on, over or under so much of Bow Creek as is within the limits of deviation:
- (3) (a) Not less than 28 days before the start of any part of the construction of a tidal work, the Corporation shall submit to the port authority plans thereof and such further particulars as may be available to them and as the port authority may reasonably require;
- (b) (i) In carrying out such construction the Corporation shall comply with all such reasonable modifications and conditions for the protection of traffic in, or the flow or regime of, Bow Creek as the port authority may specify;
- (ii) Any such modification or condition shall be notified by the port authority to the Corporation within 28 days of the receipt by the port authority of the plans or particulars to which the modification or condition relates:
- (4) (a) Every tidal work shall be constructed and maintained by the Corporation and, in the case of a temporary work, removed by them to the reasonable satisfaction of the port authority;
- (b) In the construction, maintenance and removal of a tidal work, traffic on Bow Creek shall not be interfered with more than may be reasonably necessary:
- (5) (a) Every tidal work, once commenced, shall be proceeded with and completed as soon as reasonably practicable;
- (b) Upon the completion of any part of a tidal work, the Corporation shall remove as soon as reasonably practicable every temporary work and all materials for a temporary work carried out or placed in, on, over or under Bow Creek in connection with that part of the tidal work and shall cause the site thereof to be made good to the reasonable satisfaction of the port authority:

PART IV
—cont.

For protection of
Port of London
Authority and
users of Bow
Creek.

PART IV
—cont.

- (6) The Corporation shall at all reasonable times allow an authorised representative of the port authority to inspect and survey the railway bridge and any works which, in the course of construction or maintenance of the railway bridge, they construct on lands immediately adjacent to Bow Creek, and they shall provide reasonable facilities therefor:
- (7) Except so far as may be necessary or unavoidable in the construction of the railway bridge, the Corporation shall not, without the consent of the port authority (which shall not be unreasonably withheld), deposit in or allow to fall or be washed into Bow Creek any gravel, soil or other material; and they shall not discharge or allow to escape either directly or indirectly into Bow Creek any offensive or injurious matter in suspension or otherwise:
- (8) (a) Any pile, stump or other obstruction which becomes exposed in consequence of a tidal work shall be removed from Bow Creek by the Corporation or, if it is not reasonably practicable to remove it, shall be cut off at such level below the bed of Bow Creek as the port authority may direct;
- (b) If the Corporation fail to remove from Bow Creek or to cut off any such pile, stump or other obstruction within 28 days after receipt of written notice from the port authority requiring the removal or cutting off, the port authority may carry out the removal or cutting off and recover their costs from the Corporation:
- (9) (a) Before the start of construction of any tidal work the port authority in conjunction with the Corporation shall, for the purpose of establishing the condition at that time of those parts of Bow Creek the regime of which is reasonably likely to be affected by any tidal work, carry out a hydrographic survey of those parts;
- (b) The Corporation shall pay to the port authority such reasonable costs incurred by them in carrying out—
- (i) the survey work under sub-paragraph (a) above; and
 - (ii) any survey of Bow Creek which the port authority reasonably decide to carry out during or after construction of the railway bridge to ascertain the effect of tidal works on the regime of Bow Creek;
- as would not otherwise have been incurred;
- (c) The port authority shall make available to the Corporation the results of every survey carried out under this paragraph:
- (10) (a) This paragraph applies in relation to any siltation or scouring of Bow Creek which is wholly or partly caused by—
- (i) a tidal work during the period beginning with the start of construction of the railway bridge and ending with the expiration of 10 years after the date on which the railway bridge is completed; or
 - (ii) any other tidal work which may materially affect traffic in, or the flow or regime of, Bow Creek and is carried out in connection with the maintenance, repair or alteration of the railway bridge or any part thereof during the period beginning with the start of execution of that work and ending with the expiration of 10 years after the date on which it is completed;
- (b) If—
- (i) any part of Bow Creek becomes subjected to siltation or scouring; and

(ii) such siltation or scouring is siltation or scouring to which this paragraph applies; and

(iii) for the safety of navigation or in the interests of persons using Bow Creek or for the protection of works in Bow Creek, such siltation or scouring should in the reasonable opinion of the port authority be removed or made good;

the Corporation shall pay to the port authority (in the manner set out in sub-paragraph (d) below) any additional expense to which the port authority may reasonably be put in dredging Bow Creek to remove the siltation or in making good the scouring, in so far as (in either case) it is attributable to a tidal work;

(c) The Corporation shall pay to the port authority the costs reasonably incurred by them which they would not otherwise have incurred in establishing whether siltation or scouring to which this paragraph applies has occurred;

(d) The Corporation shall, on application by the port authority, make to them one or more interim payments on account of any sums required to be paid under sub-paragraph (b) above, being payments of such amounts and made at such times as shall be reasonable for meeting the current expenditure of the port authority in removing the siltation or making good the scouring;

(11) (a) Without prejudice to the provisions of section 14 (Marking of tidal works in Bow Creek) of this Act, the Corporation shall cause to be provided at the railway bridge or afford reasonable facilities thereat for the port authority to provide navigational lights, signals, radar or other apparatus for the benefit, control and direction of navigation as the port authority may reasonably consider necessary by reason of the construction and presence of the railway bridge;

(b) The Corporation shall repay to the port authority the costs reasonably incurred by them in connection therewith or in connection with any surveillance, co-ordination and regulation of traffic in Bow Creek which becomes reasonably necessary by reason of the construction of the railway bridge;

(12) On completion of construction of the railway bridge the Corporation shall supply to the port authority a plan on a scale of not less than 1:2500 and sections and cross-sections on scales of not less than 1:100 showing the situation and levels thereof;

(13) (a) If a tidal work is abandoned or falls into decay, the port authority may by notice in writing require the Corporation either to repair and restore the work, or any part thereof, or to remove the work and restore the site thereof to its former condition to such an extent and within such limits as the port authority think proper;

(b) If a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of mean high-water springs is abandoned or suffered to fall into decay and that part of the work on or over land above the level of mean high-water springs is in such condition as to interfere or cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the port authority may include that part of the work or any portion thereof in any notice under this paragraph;

PART IV
—cont.

1968 c. xxxii.

- (c) If on the expiration of such reasonable period as may be specified in a notice under sub-paragraph (a) above the work specified therein has not been done, the port authority may do that work and any expenditure reasonably incurred by them in so doing shall be recoverable from the Corporation:
- (14) (a) Except as provided by this Act, nothing in this Act shall prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the port authority or alter or diminish any power, authority or jurisdiction vested in the port authority at the commencement of this Act;
- (b) Without prejudice to the generality of sub-paragraph (a) above, the Corporation shall not carry out any cleansing, scouring, cutting, deepening, widening, dredging or taking up or removal of material from the bed or banks of Bow Creek in connection with the works except under and in accordance with a licence granted under section 73 (Licensing of dredging, etc.) of the Port of London Act 1968:
- (15) Any difference arising between the Corporation and the port authority under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

For protection of
British Railways
Board.

24. For the protection of the railways board the following provisions shall, unless otherwise agreed in writing between the Corporation and the railways board, apply and have effect:—

(1) In this section—

“construction” includes reconstruction and, where the context so admits, the maintenance and repair of the specified works;

“the engineer” means an engineer to be appointed by the railways board;

“plans” includes sections, drawings, particulars and schedules of construction;

“railway property” means any railway of the railways board, and any works, apparatus and equipment connected therewith for the maintenance or operation of which the railways board are responsible when the relevant specified works are begun and includes any lands held or used by the railways board for the purposes of such railway or works; and

“the specified works” means so much of the works as may be situated upon, across, under, over or within 15 metres of railway property or may in any way affect railway property:

- (2) The Corporation shall not under the powers of this Act without the consent of the railways board acquire or enter upon, take or use, whether temporarily or permanently, or acquire any new rights in or subsoil of, any of the lands of the railways board situated closer to any railway of the railways board than four metres away from the nearest rail:
- (3) In the exercise of the powers of section 18 (Power to acquire lands) and section 19 (Power to acquire new rights) of this Act, and subject to paragraph (2) above, the Corporation shall not acquire any greater interest in those parts of the lands of the railways board delineated on the deposited plans and therein numbered 72 which are not required permanently as part of the Corporation’s railway and for the maintenance thereof than a right to occupy the same temporarily for

the purposes of construction of the works, which right shall expire on 31st December 1992 and such rights of access over those lands to the Corporation's railway as may be reasonably required for the maintenance thereof:

PART IV
—cont.

- (4) The exercise by the Corporation against the railways board of the powers of—

(a) section 15 (Power to make trial holes) of the Act of 1963, as incorporated by section 17 (Incorporation of works provisions) of this Act; and

(b) section 22 (Power to enter for survey or valuation) of the Act of 1963, as incorporated by section 21 (Incorporation of lands provisions) of this Act;

shall be confined to lands which the Corporation are empowered to acquire compulsorily under section 18 (Power to acquire lands) of this Act:

- (5) (a) The Corporation shall, before commencing the construction of the specified works, furnish to the railways board such proper and sufficient plans thereof as may reasonably be required 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;
- (b) If within 28 days after such plans have been furnished to the railways board the engineer shall not have notified his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as submitted:
- (6) If within 28 days after such plans have been furnished to the railways board the railways board give notice to the Corporation that the railways board desire themselves to construct any part of the specified works, which in the opinion of the engineer will or may affect the stability of railway property and the safe operation of the railways of the railways board, if the Corporation desire such part of the specified works to be constructed, the railways board shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Corporation in accordance with the plans approved or deemed to be approved or settled as aforesaid:
- (7) (a) 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 construction of the specified works to ensure the stability of railway property, the continuation of safe and effective operation of the railways of the railways board, including any relocation of works, apparatus and equipment necessitated by the specified works and the comfort and safety of passengers using the railway stations of the railways board;
- (b) Any such protective works as may be reasonably necessary for the purposes mentioned in sub-paragraph (a) above shall be constructed by the railways board with all reasonable dispatch or, if the railways board so desire, such protective works shall be carried out by the Corporation at their own expense and the Corporation shall not commence the construction of the specified works until the engineer shall have notified the Corporation that the protective works have been satisfactorily completed:
- (8) The Corporation shall give to the engineer not less than 28 days' notice of their intention to commence the construction of any of the

PART IV
—cont.

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 railway property:

- (9) (a) The construction of the specified works and of any protective works carried out by the Corporation by virtue of the provisions of paragraph (7) above shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and under the supervision (if given), and to the reasonable satisfaction, of the engineer, and in such manner as to cause as little damage as may be to railway property and as little interference as may be with the conduct of traffic on the railways of the railways board and the use by passengers of railway property and, if any damage to railway property or any such interference shall be caused by the carrying out of the specified works, the Corporation shall, notwithstanding any such approval as aforesaid, make good such damage and shall pay to the railways board 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;
- (b) Nothing in this paragraph shall impose any liability on the Corporation with respect to any damage, cost, expense or loss which is attributable to the act, neglect or default of the railways board or their servants or agents:
- (10) The Corporation 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:
- (11) During the construction of any works by the railways board under this section the railways board shall at all times afford reasonable facilities to the Corporation and their agents for access to those works, and shall supply the Corporation with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (12) (a) If any alterations or additions, either permanent or temporary, to railway 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 carried out by the railways board and, if the railways board give to the Corporation reasonable notice of their intention to carry out such alterations or additions, the Corporation shall pay to the railways board the reasonable cost thereof, including, in respect of permanent alterations and additions, a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by the railways board in maintaining, working and, when necessary, renewing any such alterations or additions;
- (b) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving shall be set off against any sum payable by the Corporation to the railways board under this section:

- (13) The Corporation shall repay to the railways board all costs, charges and expenses reasonably incurred by the railways board—

PART IV
—cont.

(a) in constructing any part of the specified works on behalf of the Corporation as provided by paragraph (6) above or in constructing any protective works under the provisions of paragraph (7) above, including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the railways board in maintaining and renewing such works;

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so 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 by reason or in consequence of the construction or failure of the specified works, or from the substitution or diversion of services which may be reasonably necessary for the same reason;

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

(e) in respect of the supervision by the engineer of the construction of the specified works:

- (14) (a) The Corporation shall be responsible for, and make good to the railways board, all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the railways board—

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

(ii) by reason of any act or omission of the Corporation or of any person in their employ, or of their contractors or others whilst engaged upon the construction of the specified works;

and the Corporation shall indemnify the railways board 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 in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer or under his supervision, shall not (if it was not attributable to the act, neglect or default of the railways board or of any person in their employ, or of their contractors or agents) excuse the Corporation from any liability under the provisions of this section;

- (b) The railways board shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Corporation:

- (15) Any difference arising between the Corporation and the railways board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

PART IV
—cont.
Crown rights.

25.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Corporation to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or
- (b) belonging to Her Majesty in right of Her Crown and under the management (pursuant to any statute or otherwise) of the Secretary of State without his consent in writing; or
- (c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

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

Transfer of
rights and
obligations.

26.—(1) In this section “railway land” means any land which may be acquired by the Corporation from the railways board for the purposes of this Act.

(2) All rights and obligations of the railways board relating to railway land, whether statutory or otherwise, shall be transferred to the Corporation to the exclusion of the railways board by virtue of this Act on the date upon which the Corporation enter upon railway land.

PART V

MISCELLANEOUS

Additional fares.

27. For the purpose of section 22 (Additional fares) of the Act of 1985 as it applies to the railway authorised by that Act, the works shall be deemed to be part of that railway.

Power to
enter into
agreements
with London
Docklands
Development
Corporation.

28.—(1) For the purposes of enabling the works to be constructed, maintained and operated the Corporation may enter into such agreements with the development corporation as the parties think fit and, without prejudice to the generality of the foregoing, such agreements may provide—

- (a) for the use of the land of the development corporation for the purposes of constructing, maintaining and using the works and for the purchase or leasing of any such lands or the grant of easements and rights therein or thereover for such purposes; and
- (b) for the development corporation to contribute to or pay all the expenditure incurred or to be incurred by the Corporation in carrying out, maintaining and operating the works (including the acquisition of land), but no contribution or payment shall be made by the development corporation under any such agreement without the consent of the Secretary of State with the concurrence of the Treasury, as required by subsection (5) of section 136 of the Local Government, Planning and Land Act 1980.

1980 c. 65.

(2) No agreement under subsection (1) above shall enable the development corporation to dispose of any land (including any interest in or right over land) by way of gift, mortgage or charge.

29.—(1) In this section “Part 11 development” means development permitted by article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permits 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 the provisions of subsection (3) below, in its application to development authorised by this Act, the planning permission granted for Part 11 development shall have effect as if the authority to develop given by this Act were limited to development begun by 31st December 1998.

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

30. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts, as applied by this Act, apply) is to be referred to and settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of either party (after notice in writing to the other), by the President of the Institution of Civil Engineers.

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

PART V
—cont.
Planning
permission.
S.I. 1988/1813.

Arbitration.

Costs of Act.

SCHEDULES

Section 10.

SCHEDULE 1

STREETS REFERRED TO IN SECTION 10 (AS TO CERTAIN STREETS IN TOWER HAMLETS AND NEWHAM) OF THIS ACT

In the London borough of Tower Hamlets—

West India Dock Road;
 Garford Street;
 Prestons Road;
 Ditchburn Street;
 Blackwall Way;
 Harrap Street;
 Prestage Street;
 Quixley Street;
 East India Dock Wall Road;
 Orchards Place;
 Leamouth Road.

In the London borough of Newham—

Barking Road;
 Victoria Dock Road;
 Dock Road;
 Peto Street South;
 Connaught Road;
 Woolwich Manor Way;
 Gallions Road.

Section 18 (2).

SCHEDULE 2

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 18 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purpose for which lands may be used (3)
London borough of Tower Hamlets	20a, 59	} Construction and maintenance of Work No. 3.
London borough of Newham	53a	
London borough of Newham	60a	Construction and maintenance of Work No. 4.

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