Blyth Generating Station (Ancillary Powers) Act, 1956

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CHAPTER xxxiii

An Act to confer powers upon the Central Electricity Authority for the construction of ancillary works in connection with the proposed Blyth generating station and for the acquisition of lands and easements for the purposes thereof or in connection therewith and for other purposes. [15th March 1956.]

WHEREAS the Central Electricity Authority (hereinafter referred to as " the Authority ") were established by the Electricity Act 1947 under their then name of the British Electricity Authority:

And whereas the name of the Authority was on and from the first day of April nineteen hundred and fifty-five changed to that which they now bear by virtue of section 15 of and Part II of the First Schedule to the Electricity Reorganisation (Scotland) Act 1954:

And whereas it is the duty of the Authority under the said Act of 1947 as amended by the said Act of 1954 to develop and maintain an efficient co-ordinated and economical system of electricity supply for all parts of England and Wales and for that purpose (inter alia) to generate or acquire supplies of electricity and to provide bulk supplies of electricity for the area boards in England and Wales established by the said Act of 1947 for distribution by those boards:

And whereas to meet the increasing demands for the supply of electricity the Authority are proposing to construct on land they have acquired or are about to acquire two generating stations in the urban district of Bedlingtonshire in the county of Northumberland which together will be known as " the Blyth generating station " (hereinafter referred to in this Act as " the

generating station") and the Minister of Fuel and Power has given his consent under section 2 of the Electric Lighting Act 1909 (as subsequently amended) to the construction of the first of the said two generating stations:

And whereas it will be necessary to dispose of the water which will be used in connection with the operation of the generating station and the most convenient and economical method of disposing of the water is to discharge it into the sea:

And whereas in connection with the construction and operation of the generating station it will be expedient to construct certain other ancillary works including a railway across a public highway:

And whereas it is expedient that the Authority should be empowered to acquire lands and easements for the purpose of the construction of the works necessary for the discharge of water from the generating station as aforesaid and for other purposes connected therewith:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Authority:

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

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

And whereas plans and sections showing the lines and levels of the works by this Act authorised such plans showing also the lands which may be acquired or used compulsorily under the powers of this Act for or in connection with the said works and the other purposes mentioned in this Act together with a book of reference to the said plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the clerk of the county council of the administrative county of Northumberland and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference:

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 (that is to say):—

Short title.

1. This Act may be cited as the Blyth Generating Station (Ancillary Powers) Act 1956.

Incorporation of Acts.

2.—(1) The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act:—

(*a*) The Lands Clauses Acts with the following exceptions and modification:—

(i) Section 92 and sections 127 to 133 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the sureties mentioned in that section;

(*b*) Section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof.

(2) In the construction for the purposes of this Act of the provisions of the Lands Clauses Acts and of the Railways Clauses Consolidation Act 1845 incorporated with this Act—

the expressions "the undertakers" or "the promoters of the undertaking" or "the company" shall mean the Authority;

the expression "the railway" shall mean the works by this Act authorised to be constructed by the Authority (including the access road to be constructed on the lands numbered 99 and 100 on the deposited plans) and the centre line of those works as shown on the deposited plans (or in the case of the said access road that road) shall be deemed to be the centre of the railway.

(3) For the purposes of the said section 85 of the Lands Clauses Consolidation Act 1845 as incorporated with this Act the Authority shall be deemed to be a railway company and section 36 (except paragraph 4 thereof) of the Railway Companies Act 1867 shall apply accordingly.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

"the Authority" means the Central Electricity Authority;

"the county" means the administrative county of Northumberland;

" the county council " means the county council of the county ;

" the generating station " means such one or more generating stations as may be constructed by the Authority in the urban district and includes any extension or addition to such generating station or stations ;

" highway authority " means—

(*a*) in relation to a trunk road the Minister or with his consent the authority who are for the time being acting as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road ;

(*b*) in relation to any other highway which is repairable by the inhabitants at large the authority by whom that highway is maintained ;

" the Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 Part V of the Town and Country Planning Act 1947 the Lands Tribunal Act 1949 and the Town and Country Planning Act 1954 ;

" the Minister " means the Minister of Transport and Civil Aviation ;

" the railway " means Work No. 3 authorised by this Act ;

" the tribunal " means the tribunal or authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 and the Lands Tribunal Act 1949 ;

" the urban district " means the urban district of Bedlingtonshire in the county ;

" the undertaking " means the undertaking of the Authority as for the time being authorised.

Power to execute works.

4. Subject to the provisions of this Act the Authority may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections construct and maintain and use the works in the urban district hereinafter described—

Work No. 2. An aqueduct commencing at a point 425 yards or thereabouts measured in an easterly direction from the junction between the road leading from East Sleekburn to Cambois and Wilson Avenue and terminating at the low-water mark of mean spring tides or thereabouts at a point 430 yards or thereabouts measured in a north-easterly direction from the junction between the said road with West Bridge Street ;

Work No. 3. A single line of railway across and on the level of the road leading from East Sleekburn to Cambois at a point 260 yards or thereabouts measured in an easterly direction from the junction between that road and Wilson Avenue.

Power to deviate.

5. The Authority in constructing the works authorised by this Act may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may also deviate vertically from the levels shown on the deposited sections upwards to any extent not exceeding ten feet and to any extent downwards.

Subsidiary works.

6.—(1) Subject to the provisions of this Act the Authority for the purposes of or in connection with any works authorised by this Act may within the limits of deviation or within the limits of lands to be acquired shown on the deposited plans—

(*a*) lay down erect construct make and maintain temporarily or permanently all proper roads bridges railways ropeways approaches ways access works walls embankments stages dams coffer-dams piles pumping works tanks weirs intakes valves sluices spillways overflows culverts tunnel shafts chambers aqueducts channels catchwaters gauges apparatus buildings works and conveniences in connection with or ancillary to the said works or any of them or necessary or convenient for constructing inspecting maintaining repairing cleansing managing or using the same ;

(*b*) temporarily or permanently use strengthen widen improve alter or otherwise interfere with highways public and private roads paths streams drains sewers telegraphic and telephonic apparatus electric lines and apparatus and gas water and other pipes wires works and apparatus providing a proper substitute before interrupting the traffic on any such highway road or path or the passage of water sewage gas or electricity in or through any such stream sewer drain pipe wire work or apparatus to the reasonable satisfaction of the undertakers concerned.

(2) Any paving metalling or materials in on or under any street altered or otherwise interfered with by the Authority under the powers of this section and any sewers drains mains pipes wires and works (hereinafter in this section referred to as "apparatus") rendered unnecessary by the substitution of other apparatus therefor shall vest in the Authority and the substituted

apparatus shall be under the same jurisdiction care management and direction as the existing apparatus for which it may be so substituted.

(3) (*a*) In the exercise of the powers conferred by this section the Authority shall cause as little detriment and inconvenience as the circumstances permit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(*b*) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(4) (*a*) Before executing any works under paragraph (*b*) of subsection (1) of this section affecting any highway or public road or footpath the Authority shall submit to the highway authority plans sections and particulars of the proposed works for their reasonable approval.

(*b*) The Authority shall execute such works in accordance with such plans and sections as may be submitted to and approved by the highway authority or if such approval be refused as may be settled by arbitration and all such works shall be executed to the satisfaction of the highway authority and the Authority shall at all times afford to the representative of the highway authority access for the purpose of inspecting such works.

(*c*) The Authority shall give reasonable notice to the highway authority of the time at which such works are intended to be executed and shall comply with such reasonable conditions as the highway authority may require for obviating or reducing interference with the traffic using the highway road or footpath.

(*d*) Any dispute or difference which may arise between the highway authority and the Authority under this subsection shall be settled by arbitration.

(5) Before executing any works under paragraph (*b*) of subsection (1) of this section affecting any drains sewers or pipes of a local authority the Authority shall give notice in writing of their proposals to the local authority concerned.

(6) The Authority shall not under the powers conferred by this section—

(*a*) use any telegraphic line belonging to or used by the Postmaster-General;

(*b*) alter any such line except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

(7) Any electrical works or apparatus constructed erected laid down maintained worked or used in pursuance of the powers conferred by this section shall be so constructed erected or laid down and so maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(8) Any telegraphic and telephonic apparatus used under the provisions of this section shall be so used as not to contravene the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(9) In subsections (6) and (7) of this section the expressions "alter" and "telegraphic line" have the same meanings as in the Telegraph Act 1878.

Special exemptions for Work No. 2.

7.—(1) The consent of the Minister under section 34 of the Coast Protection Act 1949 to the construction alteration and improvement in accordance with the provisions of this Act of Work No. 2 authorised by this Act shall not be required.

(2) The Authority may by means of the said Work No. 2 discharge the water used for cooling purposes connected with the generating station notwithstanding that but for this section such discharge would have been unlawful.

Gates across railway.

8.—(1) The Authority shall erect and maintain gates (hereinafter in this section referred to as "the gates") across and at both ends of the railway and shall be responsible for opening and shutting the gates.

(2) The gates shall be of such dimensions and so constructed as when closed across the railway or across the road to fence in the railway sufficiently.

(3) The gates and any relevant safety equipment shall be erected maintained and worked to the satisfaction of the Minister in such manner as he may from time to time determine.

(4) The Authority shall unless otherwise permitted by the Minister in writing employ one or more proper persons to open and close the gates.

(5) The gates shall be so worked as to reduce the interference with traffic on the road leading from East Sleekburn to Cambois to the minimum required for the purposes of the construction of the generating station and the subsequent maintenance thereof during operation or for the purposes of any alterations thereto and (without prejudice to the generality of the foregoing) the gates shall be kept constantly closed and locked across the railway except when any rolling stock has occasion

to pass along the railway and as soon as such rolling stock has passed along the railway the gates shall be closed against the railway.

(6) The drivers or conductors of any rolling stock passing along the railway or the person whose office or duty it may be to open or close the gates shall cause the same to be closed and locked as soon as may be reasonably possible after such rolling stock shall have passed through the same under a penalty not exceeding forty shillings for every default therein.

(7) The gates shall be made conspicuous by being periodically painted white and in the event of rail movement taking place after dusk the Authority shall cause lamps to be placed on the gates and arrange for such lamps to be lit and maintained.

(8) The Authority shall to the reasonable satisfaction of the highway authority erect and maintain such warning signs and notices on either side of the railway as may be necessary to give adequate warning to road traffic.

As to construction of Work No. 3.

9.—(1) (*a*) Not less than twenty-eight days before commencing to construct or alter the railway the Authority shall submit to the highway authority for their reasonable approval plans sections specifications and particulars thereof.

(*b*) If the highway authority do not within twenty-eight days after the submission to them of any such plans sections specifications and particulars indicate in writing to the Authority any objection thereto or make any requirement with reference thereto they shall be deemed to have approved thereof.

(2) The Authority shall not construct or alter the railway otherwise than in accordance with such plans sections specifications and particulars as may be so approved or if such approval be refused as may be settled by arbitration as by this Act provided and the railway shall be constructed or altered under the superintendence of the surveyor of the highway authority (if after reasonable notice from the Authority he shall choose to attend) and to his reasonable satisfaction.

(3) Before commencing to construct or alter any part of the railway the Authority shall consult the highway authority as to the time when such part shall be commenced and as to the extent of the surface of the highway that it may be reasonably necessary for the Authority to occupy in the construction or alteration of such part and as to the conditions under which such part shall be constructed or altered so as to ensure the safety of and to reduce so far as possible inconvenience to the public and such part shall not be constructed or altered and the surface of the highway shall not be occupied by the Authority

except at such time to such extent and in accordance with such conditions as may be agreed or in default of agreement as may be determined by arbitration to be reasonable.

(4) The Authority in constructing or altering the railway shall—

(*a*) ensure that the top of the rails coincide with the surface of the highway ; and

(*b*) make good all damage and injury whatsoever which may happen or arise to the highway by reason or in consequence of such construction or alteration.

(5) The Authority shall at their expense and to the reasonable satisfaction of the highway authority—

(*a*) at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic on the highway the rails of the railway and the structure upon which the same rest ;

(*b*) maintain and keep in good condition and repair so much of the highway as lies between the rails of the railway and extends thirty inches beyond those rails on each side thereof.

(6) If at any time it is agreed between the Authority and the highway authority or failing agreement determined by arbitration that the railway is no longer required for railway traffic the Authority shall forthwith take up and remove the rails and make good the road to the reasonable satisfaction of the highway authority.

(7) Any dispute or difference which may arise between the highway authority and the Authority under this section shall be settled by arbitration.

(8) In this section " alter " includes extend enlarge replace or relay.

Works to form part of undertaking.

10. The works authorised by this Act shall for all purposes form part of the undertaking and for the purposes of subsection (5) of section 2 of the Electricity Act 1947 any functions of the Authority under this Act shall be deemed to be functions of the Authority under subsections (1) to (3) of that section.

Power to dredge.

11.—(1) Subject to the provisions of this Act the Authority may within the limits of deviation shown on the deposited plans from time to time deepen dredge scour and improve the bed and foreshore of the sea or any part or parts thereof and remove carry away and dispose of any chalk gravel rock or other materials taken up or collected by means of such dredging or scouring.

(2) All rock sand mud and other materials dredged up or removed shall be the property of the Authority and they may use sell or otherwise dispose of or remove or deposit the same as they think fit:

Provided that no such materials shall be laid down or deposited in any place below high-water mark of mean spring tides other than within the said limits of deviation except in such a position and under such restrictions and regulations as may be fixed by the Minister.

(3) Nothing herein contained shall be deemed to authorise in relation to any foreshore or bed of the sea vested in the Crown within the limits of deviation the removal of any such materials by the Authority or their licensees otherwise than to the extent hereinbefore mentioned.

(4) The powers of the Authority under this section shall be exercisable subject to the provisions of section 32 (Crown rights) of this Act and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands on behalf of Her Majesty may be given subject to such restrictions and conditions including the payment by the Authority to the Commissioners of Crown Lands of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Authority under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands.

Works below high-water mark to be subject to approval of Minister.

12.—(1) Subject to the provisions of this Act any work authorised by this Act shall be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister and subject to such conditions and restrictions as the Minister may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Authority and the amount of such cost shall be a debt due from the Authority to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Lights on works during construction.

13.—(1) The Authority shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister shall from time to time require or approve.

(2) If the Authority fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent lights on works.

14.—(1) After the completion of the works by this Act authorised the Authority shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

(2) If the Authority fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Survey of works by Minister.

15. If at any time the Minister deems it expedient to order a survey and examination of any work constructed by the Authority under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Authority shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Authority to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Abatement of work abandoned or decayed.

16.—(1) Where any work constructed by the Authority under the powers of this Act and situate wholly or partially on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Authority at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove

the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Authority they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Authority and the amount of such expense shall be a debt due from the Authority to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Provision against danger to navigation.

17.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Authority shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

(2) If the Authority fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Temporary stoppage of roads and footpaths.

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

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

(3) The Authority shall not exercise the powers of this section—

(*a*) as respects any trunk road without giving to the Minister reasonable notice of the times at which interference with the trunk road is intended to take place and complying with such reasonable conditions as he may require ; or

(*b*) as respects any other road without the consent of the highway authority but such consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be determined by the Minister.

Period for completion of works.

19. Subject to the provisions of this Act if the construction of the works authorised by this Act is not completed within ten years from the first day of October one thousand nine hundred and fifty-five then on the expiration of that period the powers by this Act granted to the Authority in relation to such construction shall cease except as to so much of the said works as is then completed :

Provided that the Authority may subject to the provisions of section 5 (Power to deviate) of this Act maintain use extend enlarge alter replace or relay the said works at any time and from time to time as occasion may require but nothing in this section shall relieve the Authority from any obligation to obtain the consent of any other authority body or person to the execution of any works which consent they would have been required to obtain if this section had not been enacted.

Power to acquire lands.

20.—(1) Subject to the provisions of this Act the Authority may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the following purposes (that is to say) :—

(*a*) as regards the lands numbered 99 and 100 on the deposited plans for the purpose of an access road and for the deposit of spoil ;

(*b*) as regards the remainder of the lands so delineated and described for the purpose of the works authorised by this Act or for the purpose of obtaining access thereto.

(2) Subject to the provisions of this Act the Authority may enter upon use and appropriate so much of the subsoil and under-surface of any public street road footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the works authorised by this Act without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(3) The power of the Authority for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October one thousand nine hundred and fifty-five.

Correction of errors in deposited plans and book of reference.

21.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Authority after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county in which the land is situated for the correction thereof.

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

(3) Any such certificate shall be deposited with the clerk of the county council and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the Standing Orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Authority to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

Acquisition of part only of certain properties.

22.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(*a*) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(*b*) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Authority that part of the house building factory park or garden.

Power to expedite entry.

23. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act or in respect of any easement or right in any such land but not less than one month after giving to the owner and occupier of the land notice of their intention to exercise the powers of this section the Authority may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice or enter on the land in respect of which the easement or right is to be acquired without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Authority shall pay the like compensation for land of which possession is taken under this section or for the easement or right acquired and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

24.—(1) Any person acting on behalf of the Authority and duly authorised by the secretary of the Authority may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Authority not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land in manner provided by section 285 of the Public Health Act 1936.

(2) Any power conferred by this section to survey land shall include power to make trial borings for the purpose of ascertaining the nature of the soil:

Provided that no works authorised by this subsection shall be carried out unless notice of the intention to carry out the same has been included in the notice required by subsection (1) of this section:

Provided also that no such works shall be carried out on land held by any statutory undertakers and used by them for the purpose of their undertaking except with the consent of such statutory undertakers but such consent shall not be unreasonably withheld and any question as to whether such consent is or is not unreasonably withheld shall be determined by the appropriate Minister.

(3) If any land on which works are carried out under subsection (2) of this section is not acquired by the Authority the Authority shall make good and restore the surface of the land and make compensation to the owner and occupier thereof for any damage sustained by him by reason of the carrying out of such works such compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(4) In and for the purposes of the second proviso to subsection (2) of this section the expressions "appropriate Minister" and "statutory undertakers" shall have the meanings respectively assigned to those expressions by section 119 of the Town and Country Planning Act 1947.

Disregard of recent improvements and interests.

25. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(*a*) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty-four; or

(*b*) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Extinction of private rights of way.

26.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Authority compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Power to acquire easements only.

27.—(1) In lieu of acquiring any land which may be acquired under this Act the Authority may for the purposes of constructing using and maintaining so much of the works authorised by this Act as will be constructed underground or of obtaining access to the works authorised by this Act and doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes.

(2) Accordingly the Authority may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Authority have acquired an easement or right only in any land under this section—

(*a*) they shall not be required or (except by agreement or during the execution of the said works) entitled to fence off or sever that land from the adjoining land;

(*b*) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this Act had not been passed.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Authority to acquire the land the Authority shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

28.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Authority any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

For protection of British Transport Commission.

29. For the protection of the British Transport Commission (in this section referred to as "the commission") the following provisions shall unless otherwise agreed in writing between the Authority and the commission apply and have effect:—

(1) In this section—

"railway property" means the lands belonging to or occupied by the commission numbered 4 to 9 (inclusive) 11 to 29 (inclusive) 31 to 33 (inclusive) and 91 in the urban district on the deposited plans and the railways and railway works of the commission;

"the works" means so much of Work No. 2 authorised by this Act and of any other works constructed by the Authority under the powers of this Act as may be situated upon across under or over the railway property or may in any way affect the same and includes the construction maintenance and renewal of such works;

"the engineer" means an engineer to be appointed by the commission;

"plans" include sections drawings and specifications:

(2) The Authority shall not under the powers of this Act acquire compulsorily any railway property but they may in accordance with the provisions of section 27 (Power to acquire easements only) of this Act acquire such easements and rights in relation to the railway property within the limits of deviation shown on the deposited plans as they may require for the purposes of the works (whether or not the works or any of them will be constructed underground):

(3) The Authority shall before commencing the works (other than works of maintenance and repair) furnish to the commission plans thereof for the reasonable approval of the engineer and shall not commence the works until such plans shall have been approved in writing by the engineer or if he shall not approve the plans until the same shall have been settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the commission the engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved the same:

(4) If within twenty-eight days after such plans have been furnished to the commission the commission shall give notice to the Authority that in consequence of the nature of the works it is reasonably necessary that the commission should themselves construct any part of the works then if the Authority desire such part of the works to be constructed the commission shall construct the same with all reasonable dispatch on behalf of the Authority in accordance with the plans approved or deemed to be approved or settled as aforesaid:

(5) Upon signifying his approval or disapproval of the said plans the engineer may specify any temporary or permanent works which in his opinion should be carried

out before the commencement of the works to ensure the stability of any railway property or to protect the same from injury and such temporary or permanent works as may be reasonably necessary for those purposes shall be constructed by the commission and the Authority shall not commence the construction of the works until the engineer shall have notified the Authority that such temporary or permanent works have been completed:

Provided that any temporary or permanent works to be constructed in pursuance of this subsection shall at the request of the Authority be constructed with all reasonable dispatch:

(6) The Authority shall give to the engineer fourteen days' notice in writing of their intention to commence any of the works except in cases of emergency when they shall give such notice thereof as may be reasonably practicable:

(7) The works (or so much thereof as shall be carried out by the Authority) 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 to the railway property as may be and so as not to interfere with or obstruct the free uninterrupted and safe user of the railways of the commission or the traffic thereon and if any damage to the railway property or any such interference or obstruction shall be caused or take place the Authority shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage interference or obstruction:

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

(9) The commission shall at all times afford reasonable facilities to the Authority for access to any works carried out by the commission under this section and shall supply the Authority with all such information as they may reasonably require with regard to such works or the method of construction thereof:

(10) If any alterations or additions either permanent or temporary to any railway property shall be reasonably necessary in consequence of the construction of the works such alterations and additions may be effected by the commission after notice has been given to the Authority and the Authority shall repay to the commission the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing any such alterations or additions:

(11) The Authority shall repay to the commission all costs charges and expenses reasonably incurred by the commission in connection with the works—

(*a*) in respect of the construction by the commission of any part of the works on behalf of the Authority as provided by subsection (4) of this section or of any temporary or permanent works under the provisions of subsection (5) of this section;

(*b*) in respect of the employment of any inspectors signalmen watchmen and other persons whom it may be reasonably necessary to appoint for inspecting watching lighting and signalling the railway property and for preventing as far as may be all interference obstruction danger or accident arising from the 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 or from the substitution or diversion of services; and

(*d*) in additional lighting of the railway property in the vicinity of the works:

(12) The Authority shall at all times after the construction of the works maintain the same in substantial repair and good order and condition and when necessary renew the same to the reasonable satisfaction and under the supervision (if given) of the engineer and if and whenever the Authority fail so to do after twenty-eight days' notice in that behalf the commission may make and do in and upon the lands of the commission or of the Authority all such works and things as shall be requisite in that behalf and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Authority:

(13) The Authority shall be responsible for and make good to the commission all costs charges damage and expenses not otherwise provided for in this section which may be occasioned to the commission by reason of

the works or the leakage bursting or failure thereof or by reason of any act or omission of the Authority or of any persons in their employ or of their contractors or others whilst engaged upon the works and the Authority shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the works or any such leakage bursting or failure or act or omission as aforesaid and the fact that any work or thing may have been done by the commission on behalf of the Authority or in accordance with any plan approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the commission or of any person in their employ or of their contractors or others whilst engaged upon the works) excuse the Authority from any liability under the provisions of this section:

Provided that the commission shall give to the Authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without prior consultation with the Authority:

(14) Any additional expense which the commission may reasonably incur after giving one month's notice thereof to the Authority in altering reconstructing or maintaining the railway property by reason of the existence of the works shall be repaid by the Authority to the commission:

(15) (*a*) The commission shall not be responsible for lateral or vertical support for the works;

(*b*) If in the opinion of the engineer it shall be necessary for the protection and safety of the commission's railway and railway works for the commission to purchase any minerals for the support of the railway and railway works or to pay compensation for any minerals to be left unworked for the support of the railway and railway works and the works of the Authority also derive support from such minerals the Authority shall repay to the commission a reasonable proportion of the amount paid by the commission for or in respect of such minerals and the costs and expenses incurred by the commission in relation to any such purchase or payment of compensation:

(16) Any difference arising between the Authority and the commission under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

Saving for town and country planning.

30. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Arbitration.

31. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them) and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to the reference and determination.

Crown rights.

32. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Authority to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Costs of Act.

33. The costs charges and expenses preliminary to and of and incidental to the applying for and the preparing obtaining and passing of this Act shall be paid by the Authority.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 16.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railway Companies Act 1867	30 & 31 Vict. c. 118.
Electric Lighting Act 1909	9 Edw. 7 c. 34.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Trunk Roads Act 1936	1 Edw. 8 & 1 Geo. 6 c. 5.
Trunk Roads Act 1946	9 & 10 Geo. 6 c. 30.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Electricity Act 1947	10 & 11 Geo. 6 c. 54.
Coast Protection Act 1949	12, 13 & 14 Geo. 6 c. 74.
Lands Tribunal Act 1949	12, 13 & 14 Geo. 6 c. 42.
Arbitration Act 1950	14 Geo. 6 c. 27.
Electricity Reorganisation (Scotland) Act 1954	2 & 3 Eliz. 2 c. 60.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

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