ELIZABETH II



1981 CHAPTER xxiii

An Act to empower the British Railways Board to construct works and to acquire lands; to empower Sealink U.K. Limited to construct works and to acquire lands; to confer further powers on the Board and on that company; and for other purposes. [27th July 1981]

WHEREAS—

(1) By the Transport Act 1962 the British Railways Board (hereinafter referred to as " the Board ") were established: 1962 c. 46.

(2) It is the duty of the Board under the Transport Act 1962 (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

(3) It is expedient that the Board should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

(4) By the British Rail Shipping and Harbours Scheme 1979, made by the Board in exercise of their powers under section 7

1968 c. 73. of the Transport Act 1968, there were transferred from the Board to Sealink U.K. Limited (a wholly-owned subsidiary of the Board and hereinafter referred to as "the company") on 1st January 1979 (inter alia) all the property, rights and liabilities comprised in those parts of the undertaking of the Board connected with their shipping and international services and harbours which immediately before that date were managed and directed by the Shipping and International Services Division of the Board:

(5) It is expedient that the company should be empowered to construct the further works authorised by this Act and to acquire the further lands referred to in this Act:

(6) It is expedient that the other powers in this Act contained should be conferred upon the Board and the company as therein provided, 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 Greater London Council and of the county councils of the several counties within which the said works will be constructed or the said lands are situated, 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 British Railways Act 1981.

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

PART I *—cont.*

wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings, and—

" the Act of 1839 " means the Highway (Railway Crossings) Act 1839; 1839 c. 45.

" the Act of 1842 " means the Railway Regulation Act 1842; 1842 c. 55.

" the Act of 1845 " means the Railways Clauses Consolidation Act 1845; 1845 c. 20.

" the Act of 1863 " means the Railways Clauses Act 1863; 1863 c. 92.

" the Act of 1963 " means the British Railways Act 1963; 1963 c. xviii.

" the Act of 1967 " means the British Railways Act 1967; 1967 c. xxx.

" the Act of 1968 " means the British Railways Act 1968; 1968 c. xxxiv.

" the Act of 1969 " means the British Railways Act 1969; 1969 c. xliii.

" the Act of 1970 " means the British Railways Act 1970; 1970 c. lxxv.

" the Act of 1971 " means the British Railways Act 1971; 1971 c. xlv.

" the (No. 2) Act of 1975 " means the British Railways (No. 2) Act 1975; 1975 c. xxix.

" the Act of 1976 " means the British Railways Act 1976; 1976 c. xxv.

" the Act of 1978 " means the British Railways Act 1978; 1978 c. xxi.

" the Board " means the British Railways Board;

" the company " means Sealink U.K. Limited;

" enactment " means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

" the limits of deviation " means the limits of deviation shown on the deposited plans;

" new rights " in relation to any land means easements or other rights over such land which are not in existence at the passing of this Act;

" the specified enactments " means the Act of 1839, section 9 of the Act of 1842, section 47 of the Act of 1845, sections 5, 6 and 7 of the Act of 1863 and any other provision to the same or similar effect incorporated with, or contained in, any enactment;

" the statutory maximum " means the prescribed sum as defined in section 32(9) of the Magistrates' Courts Act 1980; 1980 c. 43.

" telegraphic line " has the meaning assigned to it by section 2 of the Telegraph Act 1878; 1878 c. 76.

" traffic sign " has the meaning assigned to it by section 54 of the Road Traffic Regulation Act 1967; 1967 c. 76.

" the tribunal " means the Lands Tribunal;

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

PART I —*cont.*

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

Provided that this subsection shall not apply to the directions, distances or lengths stated in subsection (3) of section 24 (Reconstruction of bridge over Cobbold Road, Leytonstone), subsection (2) of section 25 (Trowse Swing Bridge over river Wensum, Norwich) and subsection (1) of section 35 (Interpretation of Part IV) of this Act.

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

Incorporation of general Acts.

3. The following Act and Part of an Act, 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:—

The Act of 1845, except sections 7, 8, 9, 17, 19, 20, 22 and 23 thereof, and Part I (relating to the construction of a railway), except sections 13 to 19 thereof, of the Act of 1863:

Provided that—

(i) for the purposes of the provisions of the Act of 1845 and the Act of 1863, as incorporated with this Act—

(*a*) the expression "the company" where used in the said incorporated provisions means the Board;

(*b*) Work No. 9 shall be deemed to be a railway authorised by the special Act;

(ii) for the purposes of sections 16 and 32 to 44 of the Act of 1845, as incorporated with this Act, the new road and turning-head authorised by section 8 (Further works and powers) of this Act shall be deemed to be railways authorised by the special Act;

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

(*a*) Part II of the Public Utilities Street Works Act 1950;

1950 c. 39.

PART I —*cont.*

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

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

Application of Part I of Compulsory Purchase Act 1965.

4.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4 and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

1965 c. 56.

1946 c. 49.

(2) In section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice), as so applied, for the words "fourteen days" there shall be substituted the words "three months".

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

1845 c. 18.

PART II

WORKS, ETC.

Power to make works.

5.—(1) Subject to the provisions of this Act, the Board may, on lands in their ownership and in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In Greater London—

In the London borough of Croydon—

(Railway at Coulsdon).

Work No. 1 A railway (559 metres in length) commencing by a junction with the Tattenham Corner Branch railway at a point 1 metre south-west of the bridge carrying the said railway over Stoats Nest Road and terminating by a junction with the railway between London and Coulsdon North at a point 83 metres north-east of the footbridge over that railway at Coulsdon North station:

PART II —*cont.*

(Railway at Croydon).

Work No. 2 A railway (819 metres in length) commencing by a junction with the railway between London Bridge and Brighton at a point 581 metres south-west of the bridge carrying Tennison Road over the said railway and terminating by a junction with the railway between Victoria and East Croydon at a point 256 metres south-east of the junction of Tait Road and Gloucester Road:

(Railway at Croydon).

Work No. 3 A railway (958 metres in length) commencing by a junction with the railway between Victoria and East and West Croydon at a point 1 metre south-east of the bridge carrying the said railway over Selhurst Road and terminating by a junction with the railway between London Bridge and Brighton at a point 33 metres north-east of the termination of Work No. 2:

(Railway at Croydon).

Work No. 4 A railway (490 metres in length) commencing by a junction with Work No. 2 at its commencement hereinbefore described and terminating by a junction with Work No. 3 at a point 296 metres north-east of its termination hereinbefore described.

(2) Subject to the provisions of this Act, the Board may, in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In the metropolitan county of South Yorkshire—

In the borough of Rotherham—

(Railway at Rotherham).

Work No. 5 A railway (912 metres in length) commencing by a junction with the railway between Sheffield and Rotherham at a point 23 metres east of the footbridge over the said railway at Holmes Lane level crossing and terminating by a junction with the railway between Sheffield and Mexborough at a point 141 metres north-east of Lockhouse Bridge which carries the last-mentioned railway over the Sheffield to Keadby Canal New Cut:

In the metropolitan county of West Midlands—

In the city of Birmingham—

(Railway at Birmingham).

Work No. 6 A railway (3,131 metres in length) commencing at a point 32 metres south-east of the junction of Livery Street and Northwood Street and terminating by a junction with the Birmingham

PART II —*cont.*

(Opening of Grove Hill Tunnel, Tunbridge Wells).

and Oxford Junction railway at a point 142 metres south-east of the bridge carrying that railway over Lawden Road:

In the county of Kent—

In the borough of Tunbridge Wells—

Work No. 9 A conversion into open cutting of the north-western end of the Grove Hill Tunnel of the railway between Tunbridge Wells and Hastings:

In the county of Wiltshire—

In the district of Salisbury—

(Railway at Salisbury).

Work No. 10 A railway (603 metres in length) in the parish of Laverstock commencing by a junction with the railway between Basingstoke and Salisbury at a point 403 metres north-east of the bridge carrying London Road over the said railway and terminating by a junction with the railway between Salisbury and Romsey at a point 309 metres south-east of the bridge carrying London Road over the last-mentioned railway.

(3) The Board may, in relation to Works Nos. 2 to 4, 9 and 10, provide means of access at the points specified in column (1) of Schedule 1 to this Act for the purposes mentioned in column (2) of that schedule.

Appropriation of works for Work No. 6.

6.—(1) In this section—

" the original works " means so much of the works authorised by the scheduled enactments as lies within the limit of deviation of Work No. 6;

" the scheduled enactments " means the enactments specified in columns (1) and (2) of Schedule 2 to this Act.

(2) If the Board proceed with the construction of Work No. 6—

(*a*) they may hold, use and appropriate such part of the original works as they may require for the purposes of Work No. 6 and shall be relieved of the obligation to maintain such part of the original works for the purposes of the scheduled enactments; and

(*b*) the provisions of the scheduled enactments specified in column (3) of Schedule 2 to this Act, so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act, shall continue to apply to the original works:

Provided that the expressions " the Company ", " the said Railway Company ", " the said Company of Proprietors of the Birmingham and Oxford Junction Railway.", " the said Company of Proprietors of the Birmingham and Oxford Junction Railway Company " and " the said Birmingham and Oxford Junction

PART II —*cont.*

Railway Company" where used in the said provisions of the scheduled enactments shall mean the Board.

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

(4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under and in accordance with the Land Compensation Act 1961.

1961 c. 33.

Appropriation of works for Work No. 10.

7.—(1) In this section—

"the Act of 1846" means The London and South-western Railway Company's Basingstoke and Salisbury Extension Act 1846;

1846 c. cccIxx.

"the original works" means so much of the works authorised by the Act of 1846 as lies within the limit of deviation of Work No. 10.

(2) If the Board proceed with the construction of Work No. 10 they may hold, use and appropriate such part of the original works as they may require for the purposes of Work No. 10 and shall be relieved of the obligation to maintain such part of the original works for the purposes of the Act of 1846.

(3) Subject to subsection (2) of this section, all the powers and obligations conferred or imposed upon the Board by the Act of 1846 in relation to the original works shall cease to have effect.

(4) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under and in accordance with the Land Compensation Act 1961.

Further works and powers.

8.—(1) Subject to the provisions of this Act (and, in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels as shown) the Board may make and maintain the works described in this section with all necessary works and conveniences connected therewith and exercise the powers hereinafter mentioned:—

(*a*) In the metropolitan county of Greater Manchester—

(i) In the city of Manchester—

(A) stop up and discontinue so much of Belle Vue Avenue as lies between the points marked "A" and "B" on the deposited plans;

(B) stop up and discontinue so much of the footpath from Kirkmanshulme Lane to Redgate Lane as lies between the points marked "C" and "D" on the

deposited plans and provide a new footpath between the points marked " V ", " W ", " X ", " Y " and " Z " in the position shown on the deposited plans;

(ii) In the borough of Wigan—

stop up and discontinue so much of the footpath between Wallgate and King Street and crossing the site of the former goods yard at Wigan (North Western) railway station by means of a footbridge as lies between the points marked " X ", " Y ", " C " and " Z " on the deposited plans and substitute therefor a new footpath between the points marked "A", " B ", " C " and " Z " in the position shown on the deposited plans:

(*b*) In the metropolitan county of West Midlands—

In the city of Birmingham—

stop up and discontinue Shut Lane between the points marked " X " and " Y " on the deposited plans:

(*c*) In the county of North Yorkshire—

In the parish of Copmanthorpe in the district of Selby—

(i) make and maintain between the points marked " A " and " C " on the deposited plans a road commencing by a junction with Moor Lane and terminating by a junction with the road between Copmanthorpe and Acaster Malbis (C.292) with access to the said road at the points marked " D " and " E " on the deposited plans;

(ii) make and maintain between the points marked " X " and " Y " on the deposited plans a turning-head;

(iii) upon the construction and opening for public use of the said road and turning-head, stop up and discontinue between the points marked " A " and " B " on the deposited plans such part of Moor Lane as is crossed on the level by the railway between Church Fenton and York at the level crossing known as Moor Lane crossing:

(*d*) In Greater London—

In the London borough of Barking and Dagenham—

stop up and discontinue so much of Ripple Road which is crossed on the level by the railway between Barking and Dagenham Dock stations at the level crossing known as Ripple Road crossing as lies within the boundaries of their property:

PART II —*cont*

(*e*) In the county of Humberside—

In the parish of Goxhill in the borough of Glanford—

stop up and discontinue so much of Gatehouse Road and an unnamed road which is crossed on the level by the railway between Thornton Abbey and Goxhill stations at the level crossing known as Southend crossing as lies within the boundaries of their property:

(*f*) In the county of Lincolnshire—

In the borough of Boston—

stop up and discontinue so much of the road known as Robin Hood's Walk which is crossed on the level by the railway between Boston and Thorpe Culvert stations at the level crossing known as Robin Hood's Walk crossing as lies within the boundaries of their property:

(*g*) In the county of Nottinghamshire—

In the district of Bassetlaw—

stop up and discontinue so much of Tranker Lane which is crossed on the level by the railway between Shireoaks and Worksop at the level crossing known as Trankerwood crossing as lies within the boundaries of their property.

(2) The stopping up under this section of the level crossings known as Southend crossing and Trankerwood crossing shall not affect the right of persons to use the same as a bridleway or on foot and the Board shall provide and maintain for the convenience of such persons wicket gates on both sides of the railway at the said level crossings:

Provided that, upon the construction and opening for public use of a bridge to carry the proposed Worksop by-pass road (A.57) over the railway in the vicinity of Trankerwood crossing, the said right in relation to that level crossing shall be extinguished.

(3) Upon the stopping up of Moor Lane crossing, Ripple Road crossing, Southend crossing, Robin Hood's Walk crossing and Trankerwood crossing in pursuance of, and subject to, the provisions of this section, the provisions of the specified enactments relating to those level crossings shall cease to apply thereto.

Power to cross road on level.

9.—(1) Subject to the provisions of this section, of the Act of 1845 and of Part I (relating to construction of a railway) of the Act of 1863 with respect to the crossing of roads on the level, the Board may in the construction of Work No. 5 carry the same by not more than two lines of railway across and on the level of the road numbered on the deposited plans 12 in the borough of Rotherham.

PART II —*cont.*

(2) The Board shall not be required to erect or maintain a lodge at the level crossing authorised by subsection (1) of this section (hereinafter in this section referred to as " the level crossing ").

(3) The Board may, with the consent in writing of the Secretary of State (which consent the Secretary of State may amend or revoke) and subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the level crossing so long as the consent continues in force, such barriers, lights, traffic signs and automatic or other devices and appliances as may be specified by the Secretary of State.

(4) So long as the consent referred to in subsection (3) of this section continues in force, the provisions (in so far as they are inconsistent with any such consent) of the Act of 1839, of section 9 of the Act of 1842, of section 47 of the Act of 1845 and of section 6 of the Act of 1863 shall not apply to the level crossing.

(5) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided in pursuance of any consent referred to in subsection (3) of this section.

Diversion of footpath at Westbury.

1930 c. lxviii.

10. Notwithstanding the provisions of sections 20 (For protection of Westbury Urban District Council) and 21 (For protection of Westbury and Whorwellsdown Rural District Council) of the Great Western Railway Act 1930, and subject to the provisions of this Act the Board may stop up and discontinue so much of the footpath in the parish of Westbury in the district of West Wiltshire in the county of Wiltshire as lies between the points marked "A" and " C " on the deposited plans and substitute therefor a new footpath between the points marked "A", " B " and " C " thereon:

Provided that the said sections 20 and 21, so far as the same are not inconsistent with, or varied by, the provisions of this Act, shall apply to the new footpath to be provided between the points marked " A ", " B " and " C " on the deposited plans as those sections now apply to so much of the said footpath as lies between the points marked " A " and " C " thereon.

As to stopping up of footpath and new footpaths at North Mymms.

11.—(1) In this section—

" the existing footpath " means so much of the footpath in the parish of North Mymms in the district of Welwyn Hatfield in the county of Hertfordshire between Warren Gate Road and Hawkshead Road and crossed by the railway near Brookmans Park station as lies between the points marked " A " and " F " on the signed plan;

PART II —*cont.*

"the new footpaths" means new footpaths in the said parish of North Mymms between the points marked "A", "B" and "C" and "D", "E" and "F" on the signed plan;

"the signed plan" means the plan of which copies have been signed in sextuplicate by David Winnick the chairman of the committee of the House of Commons to which the Bill for this Act was referred, of which one has been deposited in the office of the Clerk of the Parliaments, one in the Private Bill Office of the House of Commons, one in the office of the County Secretary of the Hertfordshire County Council, one in the office of the Secretary to the Welwyn Hatfield District Council, one at the residence of the Clerk for the time being of the North Mymms Parish Council and one in the principal office of the Board.

(2) The Board may stop up and discontinue the existing footpath and may provide the new footpaths within the lines marked "Limit of deviation of course of new footpath" on the signed plan.

(3) Copies of or extracts from the signed plan deposited at the principal office of the Board and purporting to be certified on behalf of the Board to be true shall be evidence of the contents of the signed plan.

Stopping up roads and footpaths without providing substitute.

12.—(1) Where this Act authorises the stopping up of a road or footpath or portion thereof without providing a substitute, such stopping up shall not take place (except as to so much of the road or footpath or portion thereof authorised to be stopped up as is bounded on both sides by lands of the Board) without the consent of the owners, lessees and occupiers of the houses and lands abutting on both sides thereof.

(2) After any such stopping up as is referred to in subsection (1) of this section all rights of way over or along the road or footpath or portion thereof authorised to be stopped up shall be extinguished.

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

Stopping up roads and footpaths in case of diversion or substitution.

13.—(1) Where this Act authorises—

(*a*) the diversion of an existing road or footpath; or

(*b*) the making of a new road or footpath and the stopping up of an existing road or footpath or portion thereof;

the stopping up of the existing road or footpath shall not in either case take place until the highway authority are satisfied that the new road or footpath has been completed in accordance

PART II —*cont.*

with their reasonable requirements and is open for public use or, in case of any difference between the Board and the highway authority as to whether the said requirements have been complied with or as to their reasonableness, until the matter in dispute has been referred to and determined by arbitration.

(2) Before referring a matter to arbitration under this section, the Board shall give to the highway authority seven days' notice in writing of their intention to do so.

(3) As from the completion to the satisfaction of the highway authority of the new road or footpath, or as from the date of the determination by arbitration of any difference under subsection (1) of this section (as the case may be), all rights of way over or along the existing road or footpath or portion thereof authorised to be diverted or stopped up shall be extinguished.

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

Appropriating sites of roads and footpaths.

14. After a road or footpath or portion thereof is diverted or stopped up in pursuance of either section 12 (Stopping up roads and footpaths without providing substitute) or section 13 (Stopping up roads and footpaths in case of diversion or substitution) of this Act, the Board may, subject to the provisions of the Act of 1845 with respect to mines lying under or near the railway as far as the said road or footpath or portion thereof is bounded on both sides by lands of the Board, appropriate without making any payment therefor and use for the purposes of their undertaking the site thereof.

Temporary stoppage of roads and footpaths.

15.—(1) The Board during and for the purpose of the execution of the works may temporarily stop up and divert and interfere with any road 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 Board shall provide reasonable access for persons on foot bona fide going to or from any such land, house or building.

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

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

PART II —*cont.*

(*a*) the traffic commissioners in whose area the road is situate; and

(*b*) the operator over that road of a local service as defined in section 3 of the Transport Act 1980;

1980 c. 34.

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

(5) The exercise by the Board of the powers of this section in relation to any road or footpath shall not prejudice or affect the right of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or break open that road or footpath for any of those purposes.

New level crossing at Littleport, East Cambridgeshire.

16.—(1) In this section " the new level crossing " means a level crossing in the parish of Littleport in the district of East Cambridgeshire in the county of Cambridgeshire whereby the new public road between Ely and Littleport in the said district of East Cambridgeshire, proposed to be constructed by the Secretary of State, will be carried across the railway between Downham Market and Littleport stations on the level.

(2) The Board and the Secretary of State may enter into and carry into effect agreements—

(*a*) for the construction of the new level crossing; and

(*b*) with reference to the defraying or making of contributions towards the cost of constructing, maintaining and renewing the new level crossing and with regard to any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Any expenses incurred by the Secretary of State for the purposes of this section shall be deemed to be expenses incurred by him in the exercise of his powers as a highway authority under the Highways Act 1980.

1980 c. 66.

Level crossings at Wisbech.

17.—(1) In this section—

" the existing crossing " means the level crossing in the parish of Wisbech in the district of Fenland in the county of Cambridgeshire known as New Bridge Lane crossing whereby the road known as New Bridge Lane is crossed by the railway;

" the new highway " means the new public road between Wisbech in the said district of Fenland and West Walton Highway in the district of West Norfolk in the county of Norfolk proposed to be constructed by the Secretary of State;

PART II —*cont.*

" the new level crossing " means a level crossing in the said parish of Wisbech whereby the new highway will be carried across the railway on the level;

" the railway " means the railway between March and Wisbech stations;

" the specified date " means the date of the passing of this Act or of the completion and opening for public use of the new level crossing, whichever is the later.

(2) The Board and the Secretary of State may enter into and carry into effect agreements—

(*a*) for the construction of the new level crossing; and

(*b*) with reference to the defraying or making of contributions towards the cost of constructing, maintaining and renewing the new level crossing and with regard to any other matters relating thereto.

(3) The Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the new level crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(4) Any expenses incurred by the Secretary of State for the purposes of this section shall be deemed to be expenses incurred by him in the exercise of his powers as a highway authority under the Highways Act 1980. 1980 c. 66.

(5) As from the specified date—

(*a*) all rights of way over the existing crossing shall be extinguished and the provisions of the specified enactments relating to the existing crossing shall cease to apply to the existing crossing; and

(*b*) the existing crossing shall be deemed to be a work provided by the Board at the specified date in pursuance of section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway, and, for the purposes of this paragraph, such owners and occupiers shall be deemed to include the owners and occupiers of any lands the use of which would have been interrupted if the existing crossing had been closed at the specified date.

(6) If any part of the road crossed by the railway at the existing crossing shall in consequence of the provisions of this section cease to be a road over which the public have a right of way for the passage of vehicles, the owners and occupiers of the lands abutting on such part shall be deemed to have such rights of passage thereover as shall be necessary to enable them to pass and repass to and from the said lands from and to the existing crossing.

PART II —*cont.*

(7) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the existing crossing shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

Fox Covert level crossing, Peakirk.

18.—(1) In this section "the level crossing" means the level crossing in the parish of Peakirk in the city of Peterborough in the county of Cambridgeshire known as Fox Covert level crossing, Peakirk, whereby Fox Covert Road is crossed by the railway between Peterborough and Spalding stations.

(2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the vehicular gates at the level crossing may be kept—

(*a*) open to road traffic and away from the railway, except when engines, carriages or other vehicles passing along the railway shall have occasion to cross the road, from 0700 hours to 2300 hours;

(*b*) permanently closed across the road from 2300 hours to 0700 hours and, while such gates are so closed, the Board shall not be required to employ proper persons to open and shut the gates at the level crossing:

Provided that the Board may keep the gates at the level crossing open to road traffic and away from the railway at all times while the railway is closed to rail traffic.

Night-time closure of certain level crossings.

19.—(1) Notwithstanding the provisions of the specified enactments—

(*a*) the vehicular gates at the level crossing referred to in Part I of Schedule 3 to this Act may be kept permanently closed across the road from 2300 hours to 0600 hours;

(*b*) the vehicular gates at the level crossings referred to in Part II of the said schedule may be kept permanently closed across the road from 2200 hours to 0600 hours;

(*c*) the vehicular gates at the level crossing referred to in Part III of the said schedule may be kept permanently closed across the road from 2200 hours to 0700 hours; and

(*d*) the vehicular gates at the level crossing referred to in Part IV of the said schedule may be kept permanently closed across the road from 2300 hours to 0700 hours.

(2) Notwithstanding the provisions of section 68 of the Act of 1845 or any other enactment, the vehicular gates at the level

PART II —*cont.*

crossing referred to in Part V of Schedule 3 to this Act may be kept permanently closed across the road from 2200 hours to 0600 hours.

(3) While the vehicular gates at the level crossings referred to in Schedule 3 to this Act are so closed, the Board shall not be required to employ proper persons to open and shut the gates at those level crossings.

(4) Notwithstanding the provisions of the specified enactments, sections 68 and 75 of the Act of 1845 or any other enactment including this section, while the railway is closed to rail traffic the Board may keep the vehicular gates at the level crossings referred to in Schedule 3 to this Act permanently open to road traffic and shall not be required to employ proper persons to open and shut the gates at those level crossings.

Reduction in status of certain level crossings.

20.—(1) As from the passing of this Act, all rights of way over the level crossings referred to in Schedule 4 to this Act, other than a right for all persons to use those level crossings as a bridleway or on foot, shall be extinguished and the Board shall provide and maintain for the convenience of such persons gates on both sides of the railway at each of the said level crossings.

(2) The provisions of the specified enactments relating to the level crossings referred to in Schedule 4 to this Act shall cease to apply to those level crossings.

(3) As from the passing of this Act, the level crossings referred to in Schedule 4 to this Act (including the gates thereof, other than the gates provided in pursuance of subsection (1) of this section), shall be deemed to be works provided by the Board at the passing of this Act in pursuance of section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway and, for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any lands the use of which would have been interrupted if such level crossings had been closed at the passing of this Act.

(4) If any part of the road crossed by the railway at the level crossings referred to in Schedule 4 to this Act shall in consequence of the provisions of this section cease to be a road over which the public have a right of way for the passage of vehicles, the owners and occupiers of the lands abutting on such part shall be deemed to have such rights of passage thereover as shall be necessary to enable them to pass and repass to and from the said lands from and to such level crossing.

PART II —*cont.*

(5) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the level crossings referred to in Schedule 4 to this Act shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

Cuxton Station level crossing.

21.—(1) (*a*) In this section "the level crossing" means the accommodation level crossing in the parish of Cuxton in the borough of Rochester upon Medway in the county of Kent known as Cuxton Station crossing whereby the accommodation road from Station Road, Cuxton, to Automarine Boat Yard and the industrial estate adjacent to the river Medway on the south-east side of the railway between Cuxton and Halling stations is crossed by the railway.

(*b*) For the purpose of the application of section 54 of the Road Traffic Regulation Act 1967 and section 22 of the Road Traffic Act 1972 to a traffic sign provided in pursuance of paragraph (*c*) of subsection (2) of this section, the said accommodation road shall be deemed to be a road within the meaning of the said Acts of 1967 and 1972.

1967 c. 76.
1972 c. 20.

(2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment—

(*a*) the vehicular gates at the level crossing may be kept open to road traffic and closed across the railway, except when engines, carriages or other vehicles passing along the railway shall have occasion to cross the road, from 0630 hours to 2030 hours and at such other times as may be approved by the Secretary of State;

(*b*) the Board may, with the consent in writing of the Secretary of State (which consent the Secretary of State may amend or revoke) and subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the level crossing in substitution for the vehicular gates at the level crossing such lifting or other barriers as may be approved by the Secretary of State;

(*c*) the Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain and operate at or near the level crossing such traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(3) If lifting or other barriers are provided at or near the level crossing in pursuance of paragraph (*b*) of subsection (2) of this section, the Board—

(*a*) shall, subject to such requirements as the Secretary of State may from time to time lay down, provide, maintain

PART II —*cont.*

and operate at or near the level crossing such road traffic lights as may be approved by the Secretary of State;

(*b*) may, with the consent in writing of the Secretary of State (which consent the Secretary of State may amend or revoke) and subject to such requirements as the Secretary of State may from time to time lay down, keep the said barriers in the fully raised position, except when engines, carriages or other vehicles shall have occasion to cross the road, from 0630 hours to 2030 hours and at such other times as may be approved by the Secretary of State.

(4) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided in pursuance of paragraph (*c*) of subsection (2) of this section.

Little Mill level crossing, Cropredy. 1949 c. 97.

22.—(1) In this section—

" the Act of 1949 " means the National Parks and Access to the Countryside Act 1949;

" the county council " means the Oxfordshire County Council and their predecessors for the purposes of the Act of 1949;

" the level crossing " means the accommodation level crossing at Cropredy in the parish of Bourton in the district of Cherwell in the county of Oxfordshire known as Little Mill crossing whereby the road known as Mill Lane is crossed by the railway between Banbury and Leamington stations.

(2) Notwithstanding the entries on the definitive map and statement prepared and published by the county council in pursuance of section 32 of the Act of 1949 (which provides for the preparation, publication and effect of definitive maps and statements), any reference to the bridleway numbered BR14 in the parish of Bourton on the said definitive map shall for the purposes of the Act of 1949 be treated as being of no effect in respect of that part of the said bridleway which crosses the Board's land by means of the level crossing and the Board shall not be under any obligation arising from the specified enactments, the Act of 1949 or otherwise to provide gates for persons to use the level crossing as a bridleway.

(3) As soon as may be after the passing of this Act, the county council shall modify the definitive map and statement referred to in subsection (2) of this section so as to remove any indication that any part of the Board's land comprised in the level crossing

PART II —*cont.*

forms a portion of the bridleway referred to in the said subsection (2) and such modification shall be treated as being effected in pursuance of section 33 of the Act of 1949.

(4) It is hereby declared that section 8 (As to certain level crossings) of, and Parts II and IV of the First Schedule to, the British Transport Commission Act 1952, in so far as they relate to the level crossing, have full force and effect.

1952 c. xxxiv.

Eaves Lane level crossing, Sutton-on-Trent.

23. The provisions of the specified enactments relating to the level crossing in the parish of Sutton-on-Trent in the district of Newark in the county of Nottinghamshire known as Eaves Lane level crossing, whereby Eaves Lane is crossed by the railway between Newark and Retford stations, shall cease to apply to that level crossing.

Reconstruction of bridge over Cobbold Road, Leytonstone.

24.—(1) In this section "the bridge" means the bridge carrying the railway between Leytonstone (High Road) and Wanstead Park stations over Cobbold Road, Leytonstone, in the London borough of Waltham Forest.

(2) If at any time the Board require to reconstruct the bridge, they may, notwithstanding anything in any enactment relating to the bridge, reconstruct the bridge as an archway with such span and headway as they may think fit subject to the provisions of subsection (3) of this section and they may stop up and discontinue for that purpose so much of Cobbold Road and the footways thereof as are situate within the lines marked "Public road and footways under bridge to be stopped up and appropriated" on the deposited plans as they may require.

(3) If reconstructed in pursuance of the powers of this section, the bridge shall (except as otherwise agreed in writing between the Board and the council of the London borough of Waltham Forest) have a clear span between the side walls of not less than 4·88 metres and a clear headway of not less than 3·66 metres and so much of Cobbold Road as shall not be appropriated and used by the Board for the purpose of reconstructing the bridge as aforesaid shall remain open as a right of way for persons on foot.

(4) If the bridge is reconstructed in pursuance of the powers of this section, the provisions of paragraphs (1), (2) and (5) of section 19 (For the protection of the Leyton Local Board) of the Tottenham and Forest Gate Railway Act 1890 shall cease to apply to the bridge.

1890 c. clviii.

Trowse Swing Bridge over river Wensum, Norwich.

25.—(1) In this section "the bridge" means the bridge of the Board known as Trowse Swing Bridge which carries the railways from London and Cambridge to Norwich over the river Wensum near Norwich Thorpe station in the city of Norwich.

(2) Notwithstanding the provisions of paragraph (2) of section 7 (As to reconstruction of bridge &c.) of the Great Eastern

PART II —*cont.*

Railway Act 1903 or any other enactment, in carrying out works, including the provision of new timber fendering, in connection with the bridge the Board shall be required to leave a clear and uninterrupted navigable waterway for masted vessels of not less than 42 feet (12·8 metres) clear span under the bridge. 1903 c. xliii.

Power to deviate.

26. In the execution of any, or any part, of the works the Board may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation of those works and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and 3 metres downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Secretary of State.

Incorporation of provisions relating to works.

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

The Act of 1963—

Section 13 (Provision as to repair of roads and footpaths); and

Section 14 (Power to make agreements with road authorities);

The Act of 1968—

Section 11 (Underpinning of houses near works) except the proviso to subsection (5) thereof;

The Act of 1978—

Section 13 (Use of sewers, etc., for removing water):

Provided that the Board shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 11 of the Act of 1968 as not to obstruct or render less convenient the access to any telegraphic line belonging to, or used by, the Post Office.

PART III

LANDS

Power to acquire lands.

28.—(1) Subject to the provisions of this Act, the Board 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 authorised by subsection (2) of section 5 (Power to make works) and paragraph (*c*) of subsection (1) of section 8 (Further works and powers) of this Act or for any purpose connected with or ancillary to their undertaking.

PART III —*cont.*

(2) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section, the Board may, subject to the provisions of this Act, enter upon, take and use for the purposes specified in column (3) of Schedule 5 to this Act all or any of the lands referred to in columns (1) and (2) of that schedule.

(3) Subject to the provisions of this Act, the Board 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 mentioned in subsection (1) of this section without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(4) The Board shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 21 to 23 in the city of Birmingham or any part of those lands.

(5) Subject to the provisions of section 29 (Compulsory acquisition of rights over lands) of this Act, the Board shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 12, 12a and 19 in the borough of Rotherham or any part of those lands:

Provided that the Board may, in accordance with subsection (2) of the said section 29, purchase compulsorily such new rights over the said land numbered 12 as they may require for the purpose of constructing, maintaining, altering, renewing and using so much of Work No. 5 as comprises the level crossing authorised by section 9 (Power to cross road on level) of this Act.

(6) Subject to the provisions of section 30 (Temporary possession of land at Tunbridge Wells) of this Act, the Board shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 9 to 26 in the borough of Tunbridge Wells or any part of those lands.

Compulsory acquisition of rights over lands. 1965 c. 56.

29.—(1) In this section—

" the Act " means the Compulsory Purchase Act 1965;

" the Rotherham lands " means the lands numbered on the deposited plans 12 and 12a in the borough of Rotherham;

" the Salisbury lands " means the lands numbered on the deposited plans 2, 5 and 6 in the district of Salisbury;

" the specified purpose " means access for the Board for the construction of Work No. 5 or 10 and the maintenance,

alteration, renewal and use of Work No. 5 or 10 and of the other works or lands of the Board in the vicinity thereof.

(2) The Board may, for the purpose of constructing, maintaining, altering, renewing and using the works authorised by subsection (2) of section 5 (Power to make works) and paragraph (*c*) of subsection (1) of section 8 (Further works and powers) of this Act, purchase compulsorily such new rights as they may require over any of the lands which may be acquired under section 28 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

(3) The Board may, for the specified purpose, purchase compulsorily such new rights as they may require over the Rotherham lands and over the Salisbury lands.

(4) The Act, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights under subsections (2) and (3) of this section as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

(5) Without prejudice to the generality of subsection (4) of this section, in relation to the purchase of new rights in pursuance of subsections (2) and (3) of this section—

(*a*) Part I of the Act shall have effect with the modifications specified in Schedule 2 to the Act of 1976 and as if for the references in that schedule to the Act of 1976 there were substituted references to this Act;

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

Temporary possession of land at Tunbridge Wells.

30.—(1) In this section—

" the borough council " means the Tunbridge Wells Borough Council;

" the relevant land " means any part of the land which is required by the Board for use as a working site in connection with the construction of Work No. 9, and comprises so much of the land numbered on the deposited plans 9 in the borough of Tunbridge Wells as is within the area marked " Working Site A " on the deposited plans.

(2) The Board may enter upon and take possession temporarily of the relevant land after giving to the borough council not less

PART III —*cont.*

than 28 days' previous notice in writing and may construct such temporary works and structures thereon as may be required by the Board and may remove any structures and trees on the relevant land and provide means of access to the relevant land from Sutherland Road at the point marked " X " on the deposited plans:

Provided that—

(i) the Board shall not, without the agreement of the borough council, remain in possession of the relevant land under the powers of this section after a period of one year from the completion of Work No. 9;

(ii) before giving up possession of the relevant land, the Board shall remove all temporary works and structures erected by them thereon and restore the land to the reasonable satisfaction of the borough council;

(iii) the Board shall compensate the borough council for any loss or damage which may result to them by reason of the exercise of the powers of this section in relation to the relevant land; and

(iv) nothing in this section shall relieve the Board from liability to compensate under section 6 or section 43 of the Act of 1845 or section 10 (2) of the Compulsory Purchase Act 1965, as incorporated or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under proviso (iii) of this subsection.

1965 c. 56.

(3) Every case of compensation to be ascertained under this section shall be ascertained under the provisions of the Land Compensation Act 1961.

1961 c. 33.

Temporary possession of land at Salisbury.

31.—(1) In this section " the relevant land " means the land numbered on the deposited plans 4 in the district of Salisbury.

(2) The Board may, in connection with the construction of Work No. 10, use the relevant land for the purpose of obtaining access to the site of Work No. 10 after giving to the owners and occupiers thereof not less than 28 days' previous notice in writing and may, for such purpose, remove any structures on the relevant land and provide means of access to the relevant land from Cow Lane at the point marked " B " on the deposited plans:

Provided that—

(i) the Board shall not be empowered to purchase compulsorily or be required to purchase any part of the relevant land;

PART III —*cont.*

(ii) the Board shall not, without the agreement of the owners and occupiers thereof, remain in possession of any part of the relevant land under the powers of this section after a period of one year from the completion of Work No. 10;

(iii) before giving up possession of the relevant land, the Board shall remove all temporary works and restore the relevant land to the reasonable satisfaction of the owners and occupiers thereof;

(iv) the Board shall compensate the owners and occupiers of the relevant land for any loss or damage which may result to them by reason of the exercise of the powers of this section in relation to the relevant land; and

(v) nothing in this section shall relieve the Board from liability to compensate under section 6 or section 43 of the Act of 1845 or section 10 (2) of the Compulsory Purchase Act 1965, as incorporated or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under proviso (iv) of this subsection. 1965 c. 56.

(3) Every case of compensation to be ascertained under this section shall be ascertained under the provisions of the Land Compensation Act 1961. 1961 c. 33.

Extinction or suspension of private rights of way.

32.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement or on the entry on the land in pursuance of section 11 (1) of the Compulsory Purchase Act 1965, as applied by this Act, whichever is sooner.

(2) All private rights of way over any land of which the Board may take temporary possession under this Act shall be suspended and unenforceable against the Board for so long as the Board shall remain in lawful possession thereof.

(3) Any person who suffers loss by the extinguishment or suspension of any right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under and in accordance with the Land Compensation Act 1961.

Period for compulsory purchase of lands and new rights over lands.

33. The powers of the Board for the compulsory purchase of the lands and new rights over lands which they are authorised by this Act to acquire shall cease on 31st December 1985.

PART III —*cont.*

Incorporation of provisions relating to lands.

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

The Act of 1963—

Section 19 (Correction of errors in deposited plans and book of reference); and

Section 28 (As to cellars under streets not referenced);

The Act of 1967—

Section 15 (Acquisition of part only of certain properties);

The Act of 1969—

Section 12 (Disregard of recent improvements and interests).

PART IV

POWERS FOR SEALINK U.K. LIMITED

Interpretation of Part IV.

35.—(1) In this Part of this Act—

" the Act of 1847 " means the Harbours, Docks and Piers Clauses Act 1847;

1847 c. 27.

1894 c. 60.

" the Act of 1894 " means the Merchant Shipping Act 1894;

" the defined limits " means the bed, shores and waters of Wootton Creek below the level of high water within the limit of deviation in respect of the harbour works, together with so much of the channel of Wootton Creek as extends for a distance of 20 metres beyond that limit on the north-western side thereof;

" the harbour works " means the works authorised by section 40 (Power to company to construct works and acquire lands) of this Act;

" the level of high water " means the level of mean high-water springs;

" the master of the terminal " means a person appointed by the company to be the master of the terminal and includes the deputies and assistants of any person so appointed;

" the terminal " means the vehicle ferry terminal of the company at Fishbourne in the borough of Medina in the county of Isle of Wight and includes the harbour works and all lands, buildings, machinery, apparatus, works and conveniences forming part of the terminal or held or used by the company in connection therewith and comprised in the undertaking of the company at Fishbourne as from time to time existing;

PART IV —*cont.*

" tidal work " means so much of any work authorised by this head as is on, under or over tidal waters or tidal lands below the level of high water;

" Trinity House " means the Corporation of Trinity House of Deptford Strond;

" vessel " means every description of vessel, however propelled or moved, including a hovercraft (within the meaning of the Hovercraft Act 1968), a hydrofoil vessel and anything constructed or used to carry persons or goods by water. 1968 c. 59.

(2) Any reference in this Part of this Act to a head not otherwise identified is a reference to a head of this Part of this Act.

A. Fishbourne

Incorporation of Act of 1847.

36. The provisions of the Act of 1847 (except sections 7 to 9, 11 to 20, 22 to 26, 33, 49, 50, 79, 80, 84 to 90 and 95 thereof), so far as the same are applicable for the purposes and are not inconsistent with, or varied by, the provisions of this head are incorporated with, and form part of, this head and this Act shall be deemed to be the special Act for the purposes of the Act of 1847:

Provided that—

(*a*) the expression " the harbour, dock or pier " where used in the said incorporated provisions means the terminal and the expression " the harbour master " where so used means the master of the terminal;

(*b*) the word " vessel " where so used has the same meaning as in section 35 (Interpretation of Part IV) of this Act;

(*c*) section 52 of the Act of 1847 shall extend to empower the master of the terminal to give directions prohibiting the mooring of vessels in any particular place or places within the defined limits; and

(*d*) the expression " the prescribed limits " where used in section 83 of the Act of 1847 means the terminal.

Limits of master of terminal's jurisdiction.

37. The limits within which the powers of the master of the terminal may be exercised under and subject to the provisions of the Act of 1847, as incorporated with this head, shall comprise the defined limits:

Provided that the said powers shall only be exercised so as to affect vessels navigating the channel of Wootton Creek if such vessels are likely to obstruct access to or from the terminal or to endanger vessels berthed at or using the terminal.

Application of provisions of Act of 1967.

38. The provisions of Part IV (Harbours) of the Act of 1967 (except section 23 (Harbour master may give directions as to

PART IV —*cont.*

mooring) thereof), so far as the same are applicable for the purpose and are not inconsistent with, or varied by, the provisions of this head, shall apply to the terminal and to the defined limits and for the purposes of such application—

(*a*) the expression "the Board" where used in the said provisions means the company and the expression "the Board's harbours" where so used shall be construed accordingly and shall include the terminal;

(*b*) the expressions "the harbour" and "the harbour limits" where so used mean respectively the terminal and the defined limits;

(*c*) the expression "the harbour master" where so used means the master of the terminal;

(*d*) the expression "harbour works and premises" where so used means the terminal;

(*e*) the expression "hover vehicle" where so used means a hovercraft within the meaning of the Hovercraft Act 1968; and

1968 c. 59.

(*f*) the expression "the Railway Harbour Acts" includes this Act.

Application of provisions of (No. 2) Act of 1975.

39. The provisions of Part IV (Harbour byelaws) of the (No. 2) Act of 1975 (except subsection (2) of section 17 (Application of section 83 of Act of 1847) and section 21 (Amendment of section 67 of Act of 1962) thereof) shall apply to the terminal and for the purposes of such application—

(*a*) the expression "the Board" where used in the said provisions means the company and the expression "the Board's harbours" where so used shall be construed accordingly and shall include the terminal;

(*b*) the expressions "the harbour", "the harbour limits" and "harbour works and premises" where so used mean the terminal; and

(*c*) the expression "the harbour master" where so used means the master of the terminal.

Power to company to construct works and acquire lands.

40.—(1) Subject to the provisions of this Act, the company 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 work hereinafter described with all necessary works and conveniences connected therewith, and may enter upon, take and use such of the lands delineated on the deposited plans relating to the said work and described in the deposited book of

PART IV —*cont.*

reference as they may require for the purposes of the said work or for any purpose connected with or ancillary to their undertaking:—

In the county of Isle of Wight—

Partly in the borough of Medina and partly on the foreshore and bed of the sea adjacent thereto—

(Jetties and loading ramp at Fishbourne).

Work No. 11 An enlargement of the existing terminal at Wootton Creek by means of—

(*a*) an approach of solid construction commencing at a point on the approach to the company's existing slipway 180 metres north-west of Fishbourne Lane (B.3331) and extending in a north-westerly direction then turning and proceeding in a north-easterly direction for a total distance of 67 metres and there terminating;

(*b*) two jetties of open construction commencing at points 9 metres to the north-west and 8 metres to the south-east of the termination of the said approach respectively, both jetties extending in a north-easterly direction for distances of 102 metres and 48 metres respectively into Wootton Creek and there terminating; and

(*c*) a loading ramp commencing at the termination of the said approach and extending, between the two jetties, in a north-easterly direction for a distance of 42 metres into the said creek and there terminating.

(2) The company may, within the limit of deviation of Work No. 11, from time to time extend, enlarge, alter, renew, replace or reconstruct temporarily or permanently Work No. 11.

Power to company to make subsidiary works.

41. The company may, in connection with the harbour works, from time to time construct or place and maintain in, under or over any of the lands delineated on the deposited plans relating to the harbour works and described in the deposited book of reference, all such works and conveniences subsidiary or ancilliary to the harbour works and all such appliances, machinery and apparatus as they may from time to time deem necessary or convenient for any purpose of, or in connection with, the harbour works or the accommodation of vessels and traffic thereat.

Power to dredge.

1924 c. lxvi.

42.—(1) The powers of the company under section 45 (Power to company to acquire lands) of the Southern Railway Act 1924 to deepen, dredge, scour, cleanse, alter and improve the bed, shores

PART IV —*cont.*

and channel of Wootton Creek for the purpose of improving the access to certain lands in the former parish of Binstead may also be exercised for the purposes of—

(*a*) constructing, extending, enlarging, altering, renewing, replacing or reconstructing the harbour works; and

(*b*) improving the access to and from the terminal;

and shall extend to the bed of the sea in or near to any approach to the said creek and be deemed always to have so extended.

(2) The company may in the construction, extension, enlargement, alteration, renewal, replacement or reconstruction of the harbour works blast any rock within the limit of deviation of Work No. 11 and any rock so blasted may be used and appropriated by the company in accordance with the provisions of section 45 (Power to company to acquire lands) of the Southern Railway Act 1924.

1924 c. lxvi.

Power to deviate for Work No. 11.

43. In the execution of any part of Work No. 11 the company may deviate from the line or situation thereof shown on the deposited plans to the extent of the limit of deviation of that work and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres upwards and to such extent downwards as may be found necessary or convenient.

Powers with respect to disposal of wrecks.

44.—(1) In their application to the company sections 530 and 532 of the Act of 1894 (which confer powers on the company with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in a harbour or in or near any approach thereto) shall have effect in relation to the defined limits and the waters of Wootton Creek and the approaches thereto—

(*a*) subject to the provisions of section 45 (Protection of Crown interests in wrecks) of this Act; and

(*b*) in relation to a vessel sunk, stranded or abandoned before, as well as after, the passing of this Act.

(2) Subject to the provisions of subsection (3) of this section and to any enactment for the time being in force limiting his liability, the company may recover from the owner of any vessel in relation to which they have exercised their powers under section 530 or section 532 of the Act of 1894 (being a vessel sunk, stranded or abandoned after the passing of this Act) any expenses reasonably incurred by them under those sections in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of those sections.

(3) Except in a case which is in the opinion of the company a case of emergency, subsection (2) of this section shall not apply in

PART IV —*cont.*

relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by section 530 of the Act of 1894, other than the power of lighting and buoying, the company have given to the owner of the vessel not less than 48 hours' notice of their intention to do so; and, if before the notice expires the company receive from the owner counter-notice in writing that he desires to dispose of the vessel himself and no direction is served in respect of the vessel under paragraph (*b*) of subsection (2) of section 45 (Protection of Crown interests in wrecks) of this Act, he shall be at liberty to do so, and the company shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the company.

(4) Notice under subsection (3) of this section to the owner of any vessel may be served by the company either by delivering it to him or by sending it to him by registered post or the recorded delivery service addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the company, or is not in the United Kingdom, by displaying the notice at the office of the master of the terminal for the period of its duration.

(5) In this section the expression " owner " in relation to any vessel means the person who was the owner of the vessel at the time of the sinking, stranding or abandonment thereof.

(6) The powers conferred on the company by this section shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks within the defined limits and the waters of Wootton Creek and the approaches thereto.

(7) Except in a case which is in the opinion of the company a case of emergency, the company shall, before raising, removing or destroying under the powers conferred upon them by section 530 of the Act of 1894 any vessel sunk, stranded or abandoned in the defined limits or the waters of Wootton Creek or the approaches thereto and within a distance of 100 metres of any submarine cable placed or maintained by the Post Office in or across the bed or shores of Wootton Creek or the bed of the sea, give to the Post Office in writing as long notice as is practicable of their intention to do so.

Protection of Crown interests in wrecks.

45.—(1) Without prejudice to section 741 of the Act of 1894 (which relates to the exemption from provisions of that Act of vessels belonging to Her Majesty), as modified by any Order in

PART IV —*cont.*

1906 c. 48.

Council made under section 80 of the Merchant Shipping Act 1906, the powers conferred on the company by sections 530 and 532 of the Act of 1894 with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the defined limits or the waters of Wootton Creek or the approaches thereto shall not be exercisable—

(*a*) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such;

(*b*) except with the consent of the Secretary of State (which may be given with or without such a direction as is referred to in paragraph (*b*) of subsection (2) of this section) in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which at the time when the vessel was sunk, stranded or abandoned—

(i) had been required to be placed at the disposal of Her Majesty or of a government department; and

(ii) was appropriated to the service, under the direction and control of the Secretary of State, of Her Majesty's ships of war.

(2) The company shall give notice in writing to the Secretary of State of any decision of the company to exercise in relation to any vessel any of the powers aforesaid, other than the power of lighting and buoying, and, except in a case which is in the opinion of the company a case of emergency, shall not proceed with the exercise thereof—

(*a*) except with the consent of the Secretary of State before the expiration of a period of 14 days from the giving of the notice; or

(*b*) if, before the expiration of the said period, there is served on the company a direction by the Secretary of State that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid;

and, where in any such case as aforesaid the company proceed to exercise those powers without the consent and before the expiration of the said period of 14 days or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if before the expiration of the said period such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by section 530 of the

PART IV —*cont.*

Act of 1894, or the power conferred by subsection (2) of section 44 (Powers with respect to disposal of wrecks) of this Act:

Provided that—

(i) the company shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (*b*) of subsection (1) of this section, but any direction such as is referred to in paragraph (*b*) of this subsection accompanying that consent shall be deemed, for the purposes of this subsection and of subsection (3) of the said section 44, to have been duly served under paragraph (*b*) of this subsection;

(ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Secretary of State for the purposes of this proviso.

(3) Without prejudice to the power of sale conferred on the company by the said section 530 of the Act of 1894 the company shall hold and dispose of any wreck within the meaning of Part IX of the Act of 1894 raised, removed or recovered under that section in the defined limits or in or near any approach thereto and any surplus proceeds of sale within the meaning of that section in accordance with such directions (if any) as may be given to them by the receiver of wreck and, on exercising the said power of sale in the case of any property, the company shall discharge any sums payable in respect of that property by way of duties of customs or excise, value added tax or surcharge in respect of sugar or molasses and any sums so discharged shall be deemed to be expenses incurred by the company under that section.

(4) Any limitation on the powers of the company in relation to any vessel arising by virtue of subsection (1) or (2) of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on Trinity House by section 531 of the Act of 1894.

Agreements between company and Board.

46.—(1) The company and the Board may enter into and carry into effect agreements as to—

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

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

PART IV —*cont.*

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

Tidal works not to be executed without approval of Secretary of State.

47.—(1) A tidal work shall not be constructed, extended, enlarged, altered, renewed, replaced or reconstructed except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work is begun.

(2) If a tidal work is constructed, extended, enlarged, altered, renewed, replaced or reconstructed in contravention of this section or of any condition or restriction imposed under this section—

(*a*) the Secretary of State may by notice in writing require the company at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the company, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(*b*) if it appears to the Secretary of State urgently necessary so to do, he may himself remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the company.

Survey of tidal works.

48. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work, or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the company.

Lights on tidal works during construction.

49.—(1) The company shall at or near a tidal work during the whole time of the construction, extension, enlargement, alteration, renewal, replacement or reconstruction thereof exhibit every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

(2) If the company fail to comply in any respect with a 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.

Permanent lights on tidal works.

50.—(1) After the completion of a tidal work the company shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights (if any) and take such other steps for the

PART IV —*cont.*

prevention of danger to navigation as Trinity House shall from time to time direct.

(2) If the company fail to comply in any respect with a 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.

Abatement of works abandoned or decayed.

51.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the company at their own expense 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 Secretary of State may think proper.

(2) Where a work authorised by this head and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere, or to cause reasonable apprehension that it may interfere, with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date on which a notice under this section is served upon the company, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice, and any expenditure incurred by him in so doing shall be recoverable from the company.

Provision against danger to navigation.

52.—(1) In case of injury to or destruction or decay of a tidal work, or any part thereof, the company shall forthwith notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House shall from time to time direct.

(2) If the company fail to notify Trinity House as required by this section or to comply in any respect with a 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.

Consent to works within defined limits.

53.—(1) No person other than the company shall construct, alter or extend any works or lay down any moorings within the defined limits without the previous consent in writing of the company (which consent shall not be unreasonably withheld) and, where any person has constructed, altered or extended any works or laid down any moorings without such consent, or has failed to comply with any condition subject to which any such consent

PART IV —*cont.*

has been given, the company may serve a notice on that person requiring him within such period as may be specified in the notice to remove the works or to make such alterations therein as may be so specified or to remove the moorings (as the case may be) or they may themselves remove or alter the works or remove the moorings and they shall be entitled to recover the expense thereof from the person by whom the works were constructed, altered or extended or the moorings were laid down.

(2) Any question whether such consent is unreasonably withheld shall be settled by arbitration.

(3) Nothing in this section shall be deemed to prejudice or affect the provisions of any other enactment under which any consent may be required or any conditions or restrictions may be imposed in respect of the construction, alteration or extension of any works or the laying down of any moorings.

Incorporation of certain provisions relating to lands.

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

The Act of 1963—

Section 19 (Correction of errors in deposited plans and book of reference);

The Act of 1969—

Section 12 (Disregard of recent improvements and interests):

Provided that the expression " the Board " where used in the said incorporated provisions shall mean " the company ".

Application of certain provisions relating to private rights of way.

55. The provisions of section 32 (Extinction or suspension of private rights of way) of this Act shall apply to the lands authorised to be acquired under section 40 (Power to company to construct works and acquire lands) of this Act as if any reference therein to the Board were a reference to the company.

Period for compulsory purchase of lands under head A.

56. The powers of the company for the compulsory purchase of the lands which they are authorised by this head to acquire shall cease on 31st December 1985.

Defence available to company.

57.—(1) In proceedings for an offence under section 49 (Lights on tidal works during construction), section 50 (Permanent lights on tidal works) or section 52 (Provision against danger to navigation) of this Act, it shall be a defence for the company to prove that they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(2) If in any case the defence provided by subsection (1) of this section involves the allegation that the commission of the offence was due to the act or default of another person, the company shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing

PART IV —*cont.*

they have served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, that other person as was then in their possession.

Works to be within borough of Medina, etc.

58. So much of the harbour works as is beyond mean low water shall be deemed to be within—

(*a*) the borough of Medina;

(*b*) the petty sessional division of Isle of Wight;

(*c*) the Ryde Binstead electoral division; and

(*d*) the Ryde Ashey and Binstead ward.

Hovercraft in Wootton Creek.

59.—(1) In this section—

" the appropriate authority " means the Board, the company or British Rail Hovercraft Limited;

" hovercraft " has the same meaning as in the Hovercraft Act 1968; 1968 c. 59.

" the Queen's harbour master " means the person for the time being appointed under the Dockyard Ports Regulation Act 1865 to be Queen's harbour master for Portsmouth and any person having authority to act as Queen's harbour master. 1865 c. 125.

(2) The appropriate authority shall not operate hovercraft in Wootton Creek for a period of 10 years from the passing of this Act and thereafter may only do so in accordance with such conditions as the Queen's harbour master may from time to time lay down.

B. Newhaven

Denton Island Bridge.

60.—(1) In this section—

" the existing bridge " means the bridge in the parish of Newhaven in the district of Lewes in the county of East Sussex carrying the road between Newhaven and Denton Island over Denton Island Creek (otherwise known as the Old Arm of the river Ouse);

" the specified road " means so much of the said road as lies within the boundaries of the existing bridge.

(2) The company may stop up and discontinue the specified road:

Provided that such stopping up shall not take place until a new road between Newhaven and Denton Island has been constructed to a standard acceptable to the highway authority and opened for public use.

(3) Upon the opening for public use of the new road referred to in subsection (2) of this section, section 39 (Power to pull down or stop up Newhaven Bridge, &c.) of the Newhaven Harbour and Ouse Lower Navigation Improvement Act 1863 shall cease to 1863 c. clxxxiv.

PART IV —*cont.*

have effect and thereupon the company may demolish the existing bridge.

C. Part IV protective provisions

Application of certain protective provisions.

61. The provisions of section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963 and section 45 (For further protection of certain gas, water and electricity undertakers) of the Act of 1967, as incorporated with Part V of this Act, shall have effect as if any reference therein to the Board were a reference to the company.

For protection of Medina Borough Council.

62. For the protection of the Medina Borough Council (in this section referred to as " the council ") the following provisions shall, unless otherwise agreed in writing between the company and the council, apply and have effect:—

(1) In this section—

" plans " means plans, sections, drawings, specifications and particulars (including particulars of method of construction);

" the signed plan " means the plan signed in duplicate by Evan Harding on behalf of the company and by William James Le Breton on behalf of the council;

" the survey area " means the area shown hatched on the signed plan:

(2) The company shall—

(*a*) before commencing the harbour works;

(*b*) one year after the completion of such works; and

(*c*) in the fourth and eighth years after the completion of such works;

undertake a hydrographic and topographic survey in accordance with the reasonable requirements of the council, to ascertain the levels of the bed and foreshore of the survey area:

(3) Notwithstanding anything in this Part of this Act or shown on the deposited plans and sections but subject to the provisions of section 47 (Tidal works not to be executed without approval of Secretary of State) of this Act, the company shall so construct Work No. 11 that any sheet piling forming part of the construction of either jetty (other than any dolphins or piled supports) shall be so driven as not to be proud of the bed of Wootton Creek:

(4) The company shall, before commencing the harbour works, furnish to the council plans thereof for the approval of the council and shall not commence such

PART IV —*cont.*

works until the plans thereof shall have been approved by the council, or in the case of difference between the company and the council, until they have been settled by arbitration:

Provided that—

(*a*) the approval of the council shall not be unreasonably withheld;

(*b*) if within two months after such plans have been furnished to the council the council shall not have intimated their approval or disapproval thereof, they shall be deemed to have approved them;

(*c*) in the event of any inconsistency arising between any plans approved or deemed to be approved or settled by arbitration and plans approved by the Secretary of State under section 47 (Tidal works not to be executed without approval of Secretary of State) of this Act the requirements of the Secretary of State shall prevail:

(5) The company shall indemnify the council against all reasonable expenses incurred by the council in carrying out as coast protection authority, within 10 years after the completion of the harbour works, such works as are necessary or expedient to prevent injurious affection to land and premises adjoining the survey area by reason of the exercise by the company of the powers of section 42 (Power to dredge) of this Act and against all claims under section 19 of the Coast Protection Act 1949 arising in consequence of the carrying out of such works or otherwise in relation thereto: 1949 c. 74.

Provided that—

(i) the council shall give to the company reasonable notice of any such claim under the said section 19 and no settlement or compromise thereof shall be made without the agreement in writing of the company; and

(ii) nothing in this paragraph shall impose any liability on the company with respect to any such claim which is attributable to the default, neglect or wrongful act of the council or their servants or agents:

(6) The council shall, before commencing any of the works mentioned in paragraph (5) of this section, furnish to the company plans thereof for the approval of the company and shall not commence such works until the plans thereof shall have been approved by the company or, in the case of difference between the council and the company, until they have been settled by arbitration:

PART IV —*cont.*

Provided that—

(*a*) the approval of the company shall not be unreasonably withheld;

(*b*) if within two months after such plans have been furnished to the company the company shall not have intimated their approval or disapproval thereof, they shall be deemed to have approved them:

(7) (*a*) Any difference (other than a difference as to the meaning or construction of this section) between the company and the council under this section, including any difference under paragraph (5) of this section as to the necessity or expediency for carrying out any of the works therein mentioned shall be referred to and settled by arbitration;

(*b*) An arbitrator agreed upon or appointed for the purposes of this section shall seek the advice of the Hydraulics Research Station on the difference referred to him:

Provided that this sub-paragraph shall not apply to a difference under paragraph (5) of this section as to the reasonableness of expenses incurred by the council.

Crown rights.

63. Nothing in this Part of 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 company 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—

(*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 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.

PART V

PROTECTIVE PROVISIONS

Incorporation of protective provisions.

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

The Act of 1963—

Section 30 (As to works within Metropolitan Police District); and

Section 33 (For protection of gas, water and electricity undertakers);

PART V —*cont.*

The Act of 1967—

Section 45 (For further protection of certain gas, water and electricity undertakers);

The (No. 2) Act of 1975—

Section 23 (For protection of Post Office):

Provided that—

(i) the definition of " undertakers " in paragraph (1) of the said section 33 of the Act of 1963 and in paragraph (1) of the said section 45 of the Act of 1967, as so incorporated, shall be construed as including a water authority not only in their capacity as an authority authorised by an enactment to carry on an undertaking for the supply of water within their area but also in their capacity as the authority having the duties, within their area, imposed by section 10 and (except in the case of an authority to which section 69 (For protection of drainage authorities) of this Act applies) by section 14 of the Water Act 1973, and paragraph (*b*) of the definition of " apparatus " in the said sections 33 and 45 shall be construed accordingly; 1973 c. 37.

(ii) in the said section 45 of the Act of 1967, as so incorporated—

(*a*) the reference in paragraph (2) thereof to section 11 (Underpinning of houses near works) of the Act of 1967 shall be construed as a reference to section 11 (Underpinning of houses near works) of the Act of 1968 as incorporated with this Act;

(*b*) the reference in paragraph (3) thereof to section 12 (Temporary stoppage of roads and footpaths) of the Act of 1967 shall be construed as a reference to section 15 (Temporary stoppage of roads and footpaths) of this Act;

(*c*) for the reference in paragraph (4) thereof to section 17 (Use of sewers, etc., for removing water) of the Act of 1963 as incorporated by section 13 (Incorporation of provisions of Act of 1963 relating to works) of the Act of 1967 there shall be substituted a reference to section 13 (Use of sewers, etc., for removing water) of the Act of 1978 as incorporated with this Act; and

(iii) in the said section 23 of the (No. 2) Act of 1975, as so incorporated, the reference to section 7 (Further works and powers) shall be construed as a reference to sub-paragraph (i) of paragraph (*a*), sub-paragraph (iii) of paragraph (*c*) and paragraphs (*d*), (*e*), (*f*) and (*g*) of

PART V —*cont.*

subsection (1) of section 8 (Further works and powers) and section 24 (Reconstruction of bridge over Cobbold Road, Leytonstone) of this Act.

For protection of C. F. Booth Limited.

65. For the protection of C. F. Booth Limited (in this section referred to as "the company") the following provisions shall, unless otherwise agreed in writing between the Board and the company, apply and have effect:—

(1) In this section—

"the canal" means the Sheffield and South Yorkshire Navigation;

"the company" includes any other company which is for the time being a subsidiary (within the meaning of section 154 of the Companies Act 1948) of the company and which trades from the Clarence Metal Works of the company;

1948 c. 38.

"the level crossing" means the crossing of the railway comprised in Work No. 5 authorised by section 9 (Power to cross road on level) of this Act;

"the specified roads" means the roads on any part of the lands delineated on the deposited plans and thereon numbered 12 and 12a in the borough of Rotherham and the road carried by the bridge over the canal:

(2) Notwithstanding the provisions of subsection (1) of section 9 (Power to cross road on level) of this Act, the Board shall so construct Work No. 5 as to carry the same by a single line of railway across and on the level of the road numbered on the deposited plans 12 in the borough of Rotherham:

(3) During the construction of Work No. 5 the Board shall so use Armer Street, Brinsworth Street, Millmoor Lane and the road carried by the bridge over the canal as to preserve the existing unimpeded access to the premises of the company in Brinsworth Street and the Board shall maintain and repair and, on completion of the works, will restore so much of those roads as is not maintainable at public expense to as good a condition as they were in at the commencement of the works:

Provided that nothing in this paragraph shall prevent the Board from—

(*a*) using the said roads for the passage of vehicles to and from the site of Work No. 5;

(*b*) obstructing such access on any Saturday after 1200 hours or on any Sunday or public holiday;

PART V —*cont.*

(*c*) executing any alterations to the said roads in accordance with the traffic management scheme referred to in paragraph (5) of this section but, except with the consent of the company, whose consent shall not be unreasonably withheld, such alterations as may affect traffic turning round the south-west corner of Clarence Metal Works shall not be executed between 0730 hours and 1700 hours on any day other than a Saturday, Sunday or public holiday; or

(*d*) (with the consent of the company, whose consent shall not be unreasonably withheld) diverting, altering or protecting any pipes or cables in, on, under or over the said roads:

(4) Not less than two months before commencing construction of Work No. 5 the Board shall give written notice to the company of the intention of the Board so to commence:

(5) The Board shall in conjunction with the highway authority and before the opening of Work No. 5 to public traffic—

(*a*) prepare and implement a road traffic management scheme; and

(*b*) provide and maintain the installations and facilities required for the operation of such scheme;

to the reasonable satisfaction of the company so as to regulate the flow of traffic using the specified roads and thereby reduce to a minimum the delay to and disruption of traffic on such roads caused by the level crossing:

(6) Any difference arising between the Board and the company 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 BOC International Limited.

66. For the protection of BOC International Limited (in this section referred to as " BOC " which expression shall include their successors in title as owners of the apparatus) the following provisions shall, unless otherwise agreed in writing between the Board and BOC, apply and have effect:—

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

" the apparatus " means any pipe-lines or other apparatus belonging to BOC situated in the relevant lands;

PART V —*cont.*

" construct " includes enlarge, replace, renew and alter and " construction " shall be construed accordingly;

" plans " includes sections, specifications and particulars;

" position " includes depth;

" relevant lands " means the lands numbered on the deposited plans 10, 12, 15, and 16 in the borough of Rotherham:

(2) Notwithstanding anything in any other provision of this Act—

(*a*) the acquisition by the Board under the powers of this Act of any interest or right in the relevant lands shall not extinguish any existing easements or rights of BOC for the maintenance, repair, renewal and inspection of the apparatus in those lands;

(*b*) the apparatus shall not be removed; and

(*c*) the existing rights of BOC for access to the apparatus shall not be prevented or impeded, until BOC are assured of all such facilities as they may reasonably require for access for the maintenance, repair, renewal and inspection of the apparatus and have been granted an easement and rights for such access not less favourable than those now held by them:

(3) During the construction of Work No. 5 the Board shall so use, maintain and repair the roads on any part of the lands numbered 12 and 12a in the borough of Rotherham as to preserve the existing unimpeded access to the premises of BOC adjoining those roads and on completion of Work No. 5 will restore such roads to as good a condition as they were in at the commencement of that work:

Provided that, if and to such extent as it is reasonably necessary for the Board to impede such access for the execution of that work, they may do so after giving to BOC such notice as is reasonably practicable of their intention, but nothing in this paragraph shall relieve the Board from any liability to compensate BOC in respect of any interference with access to the said premises:

(4) The Board shall take all such steps as are reasonably necessary to protect the apparatus from damage by vehicles and plant engaged for the purposes of or in connection with the works:

PART V —*cont.*

(5) (*a*) Not less than 28 days before commencing the construction of any works in or under any land within 15 metres of, or which may otherwise affect, the apparatus, the Board shall submit to BOC a plan of those works;

(*b*) Any such works shall be constructed by the Board only in accordance with the plan so submitted and in accordance with such reasonable requirements as may be made by BOC, within 14 days from the submission to them of the plan for the protection of the apparatus or for securing access thereto:

Provided that nothing in this paragraph shall preclude the Board from submitting at any time, or from time to time (but in no case less than 28 days before commencing the execution of those works), a new plan instead of the plan previously submitted and thereupon the provisions of this paragraph shall apply to, and in respect of, the new plan:

(6) Any work of excavation within 1 metre of the apparatus shall be carried out using hand tools only:

(7) The Board shall not be required to comply with paragraph (5) of this section in case of emergency but, in such a case, they shall give notice to BOC as soon as is reasonably practicable and a plan of the works so soon as reasonably practicable thereafter, and shall otherwise comply with that paragraph so far as reasonably practicable in the circumstances:

(8) The Board shall pay to BOC all costs and expenses reasonably incurred by BOC in, or in connection with, the inspection, alteration or protection of the apparatus or the renewal of the apparatus, which may be required in consequence of any works of the Board, and shall also make compensation to BOC—

(*a*) for any damage caused to the apparatus; and

(*b*) for any other expenses, loss, damage or costs incurred by BOC (including any increase in the cost to BOC of insurance in respect of their obligations to supply gas);

by reason or in consequence of the execution, maintenance, use or failure of any such works:

(9) Section 23 (3) and (4) of the Public Utilities Street Works Act 1950 (limitations on undertakers' right to payments) shall, so far as applicable, apply to any payment to be made by the Board under paragraph (8) of this section as if the works or operations mentioned

1950 c. 39.

PART V —*cont.*

in that paragraph were such undertakers' works as are referred to in the said section 23 (3) and as if in that provision for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or determined by arbitration under section 66 (For protection of BOC International Limited) of the British Railways Act 1981 ":

(10) The Board shall indemnify BOC against all claims, demands, proceedings, costs, damages and penalties which may be made or taken against, or recovered from, BOC by reason or in consequence of any damage to the apparatus or any interruption in the supply of gas by means of that apparatus, caused by reason or in consequence of the execution, maintenance, use or failure of the works of the Board:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Board with respect to any claim, demand, proceedings, costs, damages or penalties to the extent to which the liability of BOC in respect of the same is covered under any policy of insurance referred to in paragraph (8) (*b*) of this section;

(ii) nothing in this paragraph shall impose any liability on the Board with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of BOC; and

(iii) BOC shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

(11) Nothing in this Act shall affect or prejudice the rights of BOC to maintain and use the apparatus or to carry out any pipe-line works under the Pipe-lines Act 1962:

1962 c. 58.

(12) Any difference arising between the Board and BOC 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 Steel Corporation.

67. For the protection of the British Steel Corporation (in this section referred to as " the corporation ") and their successors as owners or occupiers of the lands of the corporation to which this section applies the following provisions shall, unless otherwise

PART V
—cont.

agreed in writing between the Board and the corporation, apply and have effect:—

(1) In this section—

"the canal" means the Sheffield and South Yorkshire Navigation;

"the level crossing" means the crossing of the railway comprised in Work No. 5 authorised by section 9 (Power to cross road on level) of this Act;

"the specified roads" means the roads on any part of the lands delineated on the deposited plans and thereon numbered 12 and 12a in the borough of Rotherham and the road carried by the bridge over the canal:

(2) Notwithstanding the provisions of subsection (1) of section 9 (Power to cross road on level) of this Act, the Board shall so construct Work No. 5 as to carry the same by a single line of railway across and on the level of the road numbered on the deposited plans 12 in the borough of Rotherham:

(3) During the construction of Work No. 5 the Board—

(*a*) shall so use Armer Street, Brinsworth Street, Millmoor Lane and the road carried by the bridge over the canal as to preserve the existing unimpeded access to the works, lands and installations of the corporation (including their Holmes scrap stocking area) served by the said roads and shall maintain and repair and, on completion of the works, restore so much of those roads as is not maintainable at public expense to as good a condition as they were in at the commencement of the works:

Provided that the Board may impede such access to the extent reasonably necessary for the execution of the works;

(*b*) shall not, without the consent of the corporation, execute any works between 0800 hours and 1600 hours on any working day so as to prevent such access but nothing in this sub-paragraph shall prohibit the Board from carrying out the works of constructing the level crossing on any Saturday or Sunday:

Provided that the Board shall give to the corporation seven days' notice in writing of their intention to execute any works which will prevent such access on a Saturday:

(4) Not less than two months before commencing construction of Work No. 5 the Board shall give written

PART V —*cont.*

notice to the corporation of the intention of the Board so to commence:

(5) (*a*) The construction of Work No. 5 shall, when commenced, be carried out with all reasonable dispatch and, so far as reasonably practicable, in such manner as to cause as little interference as possible with the access to and the operation of the works and installations of the corporation served by the roads referred to in paragraph (3) (*a*) of this section;

(*b*) If any such interference shall be caused in the construction of Work No. 5, the Board shall on demand pay to the corporation all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such interference;

(*c*) The Board shall be responsible for and make good to the corporation all costs, charges, damages and expenses which may be occasioned to or reasonably incurred by the corporation—

(i) by reason of the railway or the failure thereof; or

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

and the Board shall effectively indemnify and hold harmless the corporation from and against all claims and demands arising out of or in connection with the construction of the railway or any such failure, act or omission as aforesaid:

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

(6) The Board shall in conjunction with the highway authority and before the opening of Work No. 5 to public traffic—

(*a*) prepare and implement a road traffic management scheme; and

(*b*) provide and maintain the installations and facilities required for the operation of such scheme;

to the reasonable satisfaction of the corporation so as to regulate the flow of traffic using the specified roads and thereby reduce to a minimum the delay to and disruption of traffic on such roads caused by the level crossing:

(7) Any difference arising between the Board and the corporation 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 V —*cont.*

For protection of Slag Reduction Holdings Limited and another.

68. For the protection of Slag Reduction Holdings Limited and The Slag Reduction Company Limited (in this section referred to as "the companies") the following provisions shall, unless otherwise agreed in writing between the Board and the companies, apply and have effect:—

(1) In this section—

"the canal" means the Sheffield and South Yorkshire Navigation;

"the companies" includes the successors in title of the companies as owners of the companies' lands;

"the companies' lands" means the lands numbered on the deposited plans 8 and 9 in the borough of Rotherham belonging to the companies or either of them;

"the engineer" means the consulting engineer to be appointed by the companies;

"the level crossing" means the crossing of the railway comprised in Work No. 5 authorised by section 9 (Power to cross road on level) of this Act;

"plans" includes sections, drawings, specifications and descriptions (including descriptions of methods of construction);

"the railway" means that part of Work No. 5 and all necessary works and conveniences connected therewith as will be constructed on, or in the vicinity of, the companies' lands;

"the signed plan" means the plan signed in duplicate by Evan Harding on behalf of the Board and by James Stanley Prest on behalf of the companies, one copy of which has been retained by the Board and one by the companies;

"the specified roads" means the roads on any part of the lands delineated on the deposited plans and thereon numbered 12 and 12a in the borough of Rotherham and the road carried by the bridge over the canal:

(2) Notwithstanding anything in this Act or shown on the deposited plans or contained in the deposited book of reference, the Board shall not under the powers of this Act—

(*a*) acquire from the companies any interest in; or

(*b*) use, occupy or take possession of;

the companies' lands north of the northern line marked purple on the signed plan except as respects lands lying

PART V —*cont.*

within 2 metres north of the said line which may be so occupied temporarily if reasonably necessary for or in connection with the construction of the railway:

(3) Notwithstanding the provisions of subsection (1) of section 9 (Power to cross road on level) of this Act, the Board shall construct so much of Work No. 5 as lies between the points marked "A" and "B" on the signed plan as a single line of railway and so as to carry that single line across and on the level of the road numbered on the deposited plans 12 in the borough of Rotherham:

(4) During the construction of the railway the Board shall so use Armer Street, Brinsworth Street, Millmoor Lane and the road carried by the bridge over the canal as to preserve the existing unimpeded access to the companies' lands and the companies' stock-piling area lying to the south of the canal and the Board shall maintain and repair and, on completion of the works, restore so much of those roads as is not maintainable at the public expense to as good a condition as they were in at the commencement of the works:

Provided that the Board may impede such access to the extent reasonably necessary for the execution of the works:

(5) During the maintenance and repair of the level crossing the Board shall, to such extent as is reasonably practicable, ensure that the existing unimpeded access to the companies' lands and the companies' stock-piling area referred to in paragraph (4) of this section is preserved:

(6) The Board shall before commencing the construction of the railway furnish to the companies proper and sufficient plans thereof for the reasonable approval of the engineer and shall not construct the railway otherwise than as so approved or settled by arbitration:

Provided that, if within two months after such plans have been furnished to the companies the companies or the engineer shall not have intimated disapproval thereof and the grounds of such disapproval, the companies shall be deemed to have approved them:

(7) Not less than two months before commencing construction of the railway the Board shall give written notice to the companies of the intention of the Board so to commence; and during construction of the railway the Board shall afford to the engineer access to the construction works at all reasonable times for inspection:

PART V —*cont.*

(8) (*a*) The construction of the railway shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved under paragraph (6) of this section and to the reasonable satisfaction of the engineer and, so far as reasonably practicable, in such manner as to cause as little damage as possible to the land retained by the companies and as little interference as possible with the operation of the companies' Millmoor works;

(*b*) If any such damage or interference shall be caused in the construction of the railway, the Board shall, notwithstanding any such approval or deemed approval, make good such damage to the reasonable satisfaction of the companies and on demand pay to the companies 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:

(9) (*a*) After the completion of the railway the Board shall maintain any embankments, walls or retaining structures constructed by them on the northern side of the railway in a proper condition and to the reasonable satisfaction of the companies;

(*b*) The Board shall plan and carry out the construction of the railway in such a way as to permit the re-arrangement of the companies' operations and the re-location of their plant on the land retained by the companies as expeditiously and efficiently as possible and with the least disruption to their business:

(10) (*a*) The Board shall, at their own cost, design and construct to the reasonable satisfaction of the companies such protective fences and other works as may reasonably be required by the companies with a view to safeguarding the companies against claims for damage, loss or injury which might be caused to the railway, the Board's lands, trains, passengers, workmen or any other person, whether or not lawfully on the railway or the said lands or trains, arising from any of the operations at present conducted by the companies at their Millmoor works, including (without prejudice to the generality of the foregoing) splintering and vibration caused by the companies' drop-balling operations;

(*b*) The Board shall keep the companies indemnified against all actions, costs, claims and demands whatsoever brought or made against the companies in respect of damage, loss or injury referred to in sub-paragraph (*a*) of this paragraph, save when such damage, loss or injury arises from the wilful or negligent misuse of plant or

PART V —*cont.*

equipment by the companies, their servants, agents or contractors:

Provided that the companies shall give to the Board reasonable notice of any actions, costs, claims or demands as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

(11) The Board shall in conjunction with the highway authority and before the opening of the railway to public traffic—

(*a*) prepare and implement a road traffic management scheme; and

(*b*) provide and maintain the installations and facilities required for the operation of such scheme;

to the reasonable satisfaction of the companies so as to regulate the flow of traffic using the specified roads and thereby reduce to a minimum the delay to and disruption of traffic on such roads caused by the level crossing:

(12) The Board shall keep the companies indemnified for a period of 10 years after the opening of the railway for public traffic (the date of which the companies shall be notified in writing by the Board) against all costs, charges, damages and expenses which may be occasioned to or reasonably incurred by the companies in the use of their Millmoor works for its existing purpose and resulting from any legislative requirements, either now existing or hereafter to be enacted, in relation to such use and which arise as a consequence or otherwise of the existence of or in connection with the railway:

(13) The Board shall be responsible for and make good to the companies all costs, charges, damages and expenses which may be occasioned to or reasonably incurred by the companies—

(*a*) in or in connection with the approval by the engineer of plans of the railway and his inspection of the construction thereof;

(*b*) by reason of the railway or the failure thereof; or

(*c*) by reason of any act or omission of the Board or of any person in their employ or of their contractors or others whilst engaged upon the construction of the railway;

and the Board shall effectively indemnify and hold harmless the companies from and against all claims and

PART V —*cont.*

demands arising out of or in connection with the construction of the railway 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 the requirements of the engineer, shall not (if it was done without negligence on the part of the companies) excuse the Board from any liability under the provisions of this section:

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

(14) Any difference arising between the Board and the companies 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 drainage authorities.

69. For the protection of each of the drainage authorities the following provisions shall, unless otherwise agreed in writing between the Board and the relevant drainage authority, apply and have effect:—

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

"banks" has the same meaning as in the Land Drainage Act 1976; 1976 c. 70.

"construction" includes execution, placing and altering and, in relation to temporary works, includes removal; and "construct" and "constructed" shall be construed accordingly;

"drainage authority" means, in relation to a specified work which is constructed or to be constructed in the Appleton Roebuck and Copmanthorpe Internal Drainage District, the Appleton Roebuck and Copmanthorpe Drainage Board and, in any other case where a specified work will or may affect a sewer (whether directly or indirectly), the Yorkshire Water Authority;

"sewer" means a public sewer within the meaning of the Public Health Act 1936 vested in or under the jurisdiction or control of the drainage authority and includes any manholes, ventilating shafts, pumps or other accessories belonging to or forming part of a sewer; 1936 c. 49.

"specified work" means so much of Work No. 5 or the works authorised by paragraph (*c*) of subsection (1) of section 8 (Further works and powers) of this Act or any work (whether temporary or

PART V —*cont.*

permanent) forming part of, or constructed in connection with, those works under the powers of this Act as will or may—

(*a*) interfere with or affect (either directly or indirectly) a watercourse; or

(*b*) be situated over or within 15 metres measured in any direction of any sewer of the Yorkshire Water Authority;

and includes the maintenance or renewal of any specified work;

" watercourse " includes a main river and any other river and any stream, ditch, drain, cut, culvert, dyke, sluice, sewer (other than a public sewer within the meaning of the Public Health Act 1936 vested in or under the jurisdiction or control of the drainage authority) or passage through which water flows and the banks thereof:

1936 c. 49.

(2) (*a*) No specified work shall be constructed so as to diminish the width between the banks of any watercourse except with the consent in writing of the drainage authority which consent shall not be unreasonably withheld;

(*b*) In the construction and maintenance of the specified works the Board shall provide, to the reasonable satisfaction of the drainage authority, such culverts and other drainage works as may be reasonably required for land drainage and the protection of watercourses:

(3) The Board shall not commence any specified work until they shall have given to the drainage authority two months' previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of the drainage authority with plans as described in paragraph (8) of this section (in this section referred to as " the said plans ") and until the drainage authority shall have signified their approval of the said plans:

Provided that such approval shall not be unreasonably withheld and if, within two months after the submission of the said plans, the drainage authority have not signified to the Board their approval or disapproval thereof, they shall be deemed to have approved the said plans:

(4) The Board shall comply with and conform to all reasonable orders, directions and regulations of the drainage authority in the execution of any specified work and shall provide new, altered or substituted

works in such manner as the drainage authority shall reasonably require for the proper protection of, and for preventing injury or impediment to, any sewer or watercourse by reason of any specified work and shall save harmless the drainage authority against all expenses to be occasioned thereby:

(5) (*a*) The specified works and all such new, altered or substituted works shall be constructed only in accordance with such plans as may be approved or be deemed to be approved by the drainage authority as aforesaid or settled by arbitration, subject however to any modification of those plans from time to time agreed upon between the Board and the drainage authority and be constructed to the reasonable satisfaction of the drainage authority who shall be given reasonable notice of the date and time on and at which any new, altered or substituted works are to be commenced;

(*b*) The Board shall indemnify the drainage authority against all costs, charges and expenses which the drainage authority may reasonably incur or have to pay or which they may sustain in the preparation or examination of plans:

(6) When any such new, altered or substituted works or any work of defence connected therewith shall be completed under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the drainage authority as any sewer or watercourse now or hereafter may be:

(7) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the drainage authority in relation to any sewer or watercourse but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:

(8) The plans to be submitted to the drainage authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall as far as reasonably practicable accurately describe the position of all sewers of the drainage authority within the limits of deviation (for which purpose the drainage authority shall allow the Board access to plans in their possession in order to enable the Board to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any sewer:

PART V —*cont.*

(9) The drainage authority may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewers of the drainage authority against interference or risk of damage and to provide and secure proper and convenient means of access to any sewer:

(10) The Board shall indemnify the drainage authority against all claims, demands, costs, expenses, damages or loss which may be made on or against the drainage authority or which the drainage authority may incur or have to pay or which they may sustain in consequence of the construction, maintenance or renewal of a specified work or of the failure or want of repair thereof or any subsidence caused by the construction of any specified work or in consequence of any act or omission of the Board, their contractors, agents, workmen or servants, whilst engaged upon the specified work:

Provided that—

(i) the drainage authority shall give to the Board reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement in writing of the Board;

(ii) nothing in this paragraph shall impose any liability on the Board with respect to any claim, demand, costs, expenses, damage or loss which is attributable to the act, neglect or default of the drainage authority or their servants or agents; and

(iii) at any time the Board may satisfy their future liability under this paragraph in relation to so much of the works authorised by paragraph (*c*) of sub-section (1) of section 8 (Further works and powers) of this Act as consists of a specified work by paying to the drainage authority compensation of such amount as shall be agreed between them or determined by arbitration:

(11) If the Board in the construction of any specified work or any new, altered or substituted work or any work of defence connected therewith provided in accordance with this section alter, damage or in any way interfere with any sewer of the drainage authority the Board shall give to the drainage authority full, free and uninterrupted access at all times to such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

PART V —*cont.*

(12) In the exercise of the powers conferred on them by section 13 (Use of sewers, etc., for removing water) of the Act of 1978 (as incorporated with this Act) the Board shall not (without prejudice to their obligations under paragraph (2) (*c*) of the said section 13) damage or interfere with the bed of any watercourse (other than a main river) or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976: 1976 c. 70.

(13) It shall be lawful for an officer of the drainage authority duly appointed for the purpose at any reasonable time to enter upon and inspect any specified work or any other work constructed under the powers of this section:

(14) The fact that any specified work has been executed in accordance with a plan approved or not objected to by the drainage authority or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Board from any liability under the provisions of this section:

(15) As soon as reasonably practicable after the completion of the construction of a specified work the Board shall deliver to the drainage authority a plan and section showing the position and level of that work as constructed and all new, altered or substituted sewers of the drainage authority provided under this section:

(16) Any difference arising between the Board and the drainage authority under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

PART VI

SURVEYS AND SOIL TESTS

Interpretation and extent of Part VI.

70.—(1) In this Part of this Act—

" apparatus " includes any structure constructed in order that apparatus may be lodged in it;

" the appropriate Minister " means—

(*a*) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;

(*b*) in relation to the National Coal Board, the United Kingdom Atomic Energy Authority, an undertaking for the supply of district heating or statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Secretary of State for Energy;

PART VI —*cont.*

(*c*) in relation to the British Airports Authority or the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;

(*d*) in relation to the Post Office, the Secretary of State for Industry;

(*e*) in relation to statutory undertakers carrying on an undertaking for the supply of water, other than water authorities, in the application of this Act to England, the Secretary of State for the Environment, and, in the application of this Act to Wales, the Secretary of State for Wales;

(*f*) in relation to water authorities, the appropriate Minister or Ministers determined in accordance with section 1 (4) of the Water Act 1973;

1973 c. 37.

(*g*) in relation to an internal drainage board, in the application of this Act to England, the Minister of Agriculture, Fisheries and Food, and, in the application of this Act to Wales, the Secretary of State for Wales, but, where the district of an internal drainage board is partly in England and partly in Wales, the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales jointly; and

(*h*) in relation to any other relevant undertakers, the Secretary of State for the Environment;

"in", in relation to the construction or execution of works in land, includes under, over and upon;

"land" includes any interest in land but does not include buildings;

"local authority" means a county council or the Greater London Council, a district council, a London borough council or the Common Council of the City of London;

"notice" means notice in writing;

"relevant undertakers": means any of the following bodies, namely any local authority, any statutory undertakers, the Post Office, any water authority or internal drainage board, any person authorised to carry on a ferry undertaking or an undertaking for supplying district heating, the British Airports Authority, the Civil Aviation Authority, the National Coal Board, the Rochester Bridge Trust and the United Kingdom Atomic Energy Authority;

"the specified provisions" means sections 2 (2) to (5) and 4 of the Land Compensation Act 1961;

1961 c. 33.

"statutory undertakers" has the same meaning as in section 290 of the Town and Country Planning Act 1971.

1971 c. 78.

PART VI —*cont.*

(2) If, in relation to anything required or authorised to be done under this Part of this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any relevant undertakers, that question shall be determined by the Treasury.

(3) This Part of this Act shall not extend to Scotland.

Power to make surveys and soil tests.

71.—(1) A person authorised in writing in that behalf by the Board may at any reasonable time survey any land for the purpose of determining its suitability for the construction or execution by the Board of works in the land and, for the purpose of surveying any land in pursuance of this subsection, enter on the land and any other land.

(2) The power to survey land conferred by subsection (1) of this section includes power to search and bore on and in the land for the purpose of ascertaining the nature of the subsoil or whether minerals are present in the subsoil, and the power to enter on land conferred by that subsection includes power to place and leave on or in the land apparatus for use in connection with the survey in question and power to remove the apparatus; and it is hereby declared that references to surveying in this section include surveying from the air.

(3) A person authorised by the Board to enter on land in pursuance of subsection (1) of this section—

(*a*) shall, if so required before or after entering on the land, produce evidence of his authority to enter;

(*b*) may take with him on to the land such other persons and such vehicles and equipment as are necessary for the survey in question;

(*c*) shall not, if the land is occupied, demand admission to the land as of right unless notice of the intended entry has been served by the Board on the occupier not less than 28 days before the demand;

(*d*) shall, if the land is unoccupied when he enters or the occupier is then temporarily absent, leave the land as effectually secured against trespassers as he found it;

(*e*) shall not place or leave apparatus on or in the land or remove apparatus from the land unless notice of his intention to do so has been served by the Board on the owner of the land and, if the land is occupied, on the occupier not less than 28 days before he does so.

(4) A notice under paragraph (*c*) or (*e*) of subsection (3) of this section shall indicate the right of appeal to a magistrates' court and the time within which such an appeal may be brought (for which provision is made in section 72 (Appeals against notices under section 71) of this Act).

(5) Where it is proposed to search or bore in pursuance of this section in a street or controlled land within the meaning of the

PART VI —*cont.*

1950 c. 39.

Public Utilities Street Works Act 1950, section 26 of that Act (which imposes obligations on undertakers executing works likely to affect other undertakers' apparatus) shall have effect in relation to the searching or boring as if it were works to which that section applies and as if the person intending to do the searching or boring were an operating undertaker within the meaning of that section.

(6) If a person suffers damage in consequence of the exercise of a power conferred by subsection (1) or (3) (*b*) of this section or a failure to perform the duty imposed by subsection (3) (*d*) of this section, he shall be entitled to recover compensation for the damage from the Board.

(7) Any dispute as to a person's entitlement to compensation in pursuance of subsection (6) of this section or as to the amount of the compensation shall be determined by the tribunal, and the specified provisions (which relate to the conduct of certain proceedings before the tribunal and costs) shall with the necessary modifications apply in relation to the determination by the tribunal of such a dispute.

(8) If a person—

(*a*) intentionally obstructs another person in the exercise of a power conferred on the other person by subsection (1) or (3) (*b*) of this section; or

(*b*) while another person is on any land in pursuance of the said subsection (3) (*b*), intentionally obstructs him in doing things connected with the survey in question; or

(*c*) without reasonable excuse removes or otherwise interferes with apparatus left on or in land in pursuance of this section;

he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £50.

(9) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

Appeals against notices under section 71.

72.—(1) A person served with a notice under paragraph (*c*) or (*e*) of subsection (3) of section 71 (Power to make surveys and soil tests) of this Act may, within 28 days from the date on which the notice is served on him, appeal to a magistrates' court on any of the following grounds:—

(*a*) that the entry on, surveying of, searching or boring on or in the land or placing or leaving on, or removal of

apparatus from, the land will interfere unreasonably with his use and enjoyment of the land;

(*b*) that there has been some informality, defect or error in, or in connection with, the notice;

(*c*) that the notice should lawfully have been served on another person:

Provided that the relevant undertakers may only appeal on the grounds mentioned in paragraphs (*b*) and (*c*) of this subsection.

(2) The procedure on an appeal under this section shall be by way of complaint for an order.

(3) For the purposes of the time limit for bringing an appeal under this section, the making of the complaint shall be treated as the bringing of the appeal.

(4) In so far as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(5) Where the grounds upon which an appeal under this section is brought include the ground specified in paragraph (*c*) of subsection (1) of this section, the appellant shall serve a copy of his notice of appeal on each other person referred to therein.

(6) On the hearing of the appeal the court may make such order as it thinks fit.

(7) A person aggrieved by an order of a magistrates' court under this section may appeal to the Crown Court.

Supplementary provisions for relevant undertakers.

73.—(1) A person authorised by the Board to enter on land in pursuance of subsection (1) of section 71 (Power to make surveys and soil tests) of this Act shall not exercise any of the powers of this Part of this Act—

(*a*) unless notice of his intention to do so has been served by the Board, not less than 28 days before he does so, on—

(i) the area electricity board and the local authorities in whose areas the land is situated and the Central Electricity Generating Board;

(ii) the Post Office;

(iii) the British Gas Corporation;

(iv) the statutory water company (as defined in section 38(1) of the Water Act 1973) where the land is situated within the limits of supply of such a company; 1973 c. 37.

(v) the water authority in whose area the land is situated and, where it is situated in an internal drainage district, the internal drainage board;

PART VI —*cont.*

(*b*) in the vicinity of land in the ownership or occupation of the British Airports Authority unless notice of his intention to do so has been served by the Board, not less than 28 days before he does so, on the Secretary of the British Airports Authority;

(*c*) if the land is held or used by relevant undertakers—

(i) unless notice of his intention to do so has been served by the Board on the relevant undertakers not less than 28 days before he does so; and

(ii) if within that period the relevant undertakers serve on the Board a notice stating that they object to the entry, surveying, searching or boring or the placing or leaving or removal of the apparatus on the ground that to do so would be seriously detrimental to the carrying on of their undertaking or the performance of any of their functions, unless the Secretary of State for Transport and (if different) the appropriate Minister together authorise him in writing to do so, subject to compliance with such conditions as may be imposed under subsection (2) of this section.

(2) In exercising the powers of section 71 (Power to make surveys and soil tests) of this Act to survey land held or used by relevant undertakers, the Board shall comply with all reasonable conditions imposed by the relevant undertakers with regard to the entry on, surveying of, searching or boring on or in the land or placing or leaving on, or removal of apparatus from, the land:

Provided that any difference arising between the Board and any relevant undertaker as to whether or not any such conditions are reasonable shall be referred to and settled by arbitration.

PART VII

MISCELLANEOUS

Relief from obligation in respect of bridge at Bridgwater.

74.—(1) In this section " the bridge " means the bridge of the Board known as the Telescopic Bridge which is situate in the district of Sedgemoor in the county of Somerset and formerly carried the Bridgwater Communication railway over the river Parrett at Bridgwater.

(2) Notwithstanding anything in section 28 (Construction of bridge over river Parrett) of the Bristol and Exeter Railway Act 1866 and section 20 (Certain bridge may be made a rolling bridge instead of a swivel bridge) of the Bristol and Exeter Railway Act 1867, the Board shall not be required to maintain any portion of the bridge as a movable bridge.

1866 c. cxv.

1867 c. cxxx.

PART VII —*cont.*

(3) Section 30 (Opening of bridge) of the Bristol and Exeter Railway Act 1866 shall cease to have effect. 1866 c. cxv.

As to London Brighton and South Coast Railway Pension Fund.

75.—(1) In this section—

" the Act of 1899 " means the London Brighton and South Coast Railway (Pensions) Act 1899; 1899 c. liv.

" the Pension Fund " and " pension " have the same meaning respectively as in section 2 (Definitions) of the Act of 1899.

(2) Notwithstanding anything in the Act of 1899, or in the British Transport (Closed Railway Pension Schemes) Order 1968, where the actuary or actuaries from time to time appointed under subsection (5) of section 59 (Provisions as to the Brighton Pension Fund) of the Southern Railway Act 1930 certify that the assets of the Pension Fund exceed its liabilities, the Board may, subject to the approval of the aforesaid actuary or actuaries, amend the rules of the Pension Fund in accordance with the procedure laid down in subsection (3) of section 11 (Management of Fund—Rules) of the Act of 1899 so as to increase the amounts payable by way of pension. S.I. 1968/1021. 1930 c. clxviii.

As to Port Talbot Railway and Docks Company Augmentation Fund.

76.—(1) In this section—

" the old fund " means the Port Talbot Railway and Docks Company Augmentation Fund;

" the new fund " means the British Railways Superannuation Fund—New Section;

" surplus assets " means the assets of the old fund which remain after provision has been made for the payment of all costs, charges and expenses of winding up the old fund.

(2) As soon as may be after the passing of this Act the surplus assets of the old fund shall be transferred to, and become assets of, the new fund, whereupon the trusts of the old fund shall cease to apply to them and they shall be held by the trustees of the new fund upon the trusts of the new fund.

(3) The transfer to be made under subsection (2) of this section may be effected by making appropriate debits and credits in the accounts of the old fund and of the new fund.

(4) On completion of the transfer under subsection (2) of this section, the old fund shall be wound up by the preparation of its final accounts, their audit by an auditor appointed by the Board and the approval of those accounts by the Board.

(5) On completion of the winding up of the old fund the trustees of the old fund shall be discharged from all outstanding obligations (if any) relating thereto and their functions as such trustees shall thereupon cease.

PART VII —*cont.*

Microfilming of documents. 1962 c. 46.

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

" the Board " includes any subsidiary (within the meaning of section 92 of the Transport Act 1962) of the Board;

" document " means the whole or part of a register, book, record, letter, map, plan, drawing, photograph or other thing of a similar nature and references to documents of the Board are references to documents belonging to or permanently in the possession of the Board;

" microfilm recording " means a reproduction of a document on film or other material which is a product of photography or any similar process and is in general beyond legibility with the naked eye.

(2) Notwithstanding anything contained in any enactment, the Board may destroy any documents of the Board of which they have made microfilm recordings and have made provision for the retention of such recordings.

(3) Subject to subsection (5) of this section, any requirement imposed by any enactment that a document of the Board shall be made available for inspection shall be satisfied by their making available for inspection a legible enlargement of a microfilm recording of the document.

(4) Notwithstanding anything contained in any enactment or any rule of law, a legible enlargement of a microfilm recording of a document of the Board which has been destroyed shall be admissible in evidence for any purpose for which the document would have been admissible in any proceedings in any court if an officer of the Board designated by them for the purposes of this subsection certifies that—

(*a*) the document has been destroyed in pursuance of this section; and

(*b*) a microfilm recording of the document has been made; and

(*c*) the enlargement is an enlargement of that microfilm recording.

(5) A microfilm recording of a document in colour where the colours are relevant to the interpretation of the document shall not suffice for the purposes of this section unless it so distinguishes between the colours as to enable the document to be interpreted.

Amendment of section 35 of Act of 1971.

78. Section 35 (Saving for Town and Country Planning Acts) of the Act of 1971 shall have effect in its application to Works Nos. 16, 17 and 18 authorised by the Act of 1971 as if in subsection (2) thereof for the words " ten years " there were substituted the words " fifteen years ".

PART VII —*cont.*

Repeals.

79. The enactments specified in columns (1) and (2) of Schedule 6 to this Act are hereby repealed to the extent mentioned in column (3) of that schedule.

Planning permission.

S.I. 1977/289.

80.—(1) In this section "Class XII development" means development authorised by Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).

(2) Subject to the provisions of subsection (3) of this section, in its application to development authorised by this Act, the planning permission granted for Class XII development shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.

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

(4) It is hereby declared that any time limit imposed by the enactments specified in Schedule 7 to this Act or by any other enactment on the planning permission granted for Class XII development, in its application to development authorised by the said enactments, shall not apply (and shall be deemed never to have applied) to any development consisting of the alteration, maintenance or repair of works or the substitution of new works therefor.

Arbitration.

1965 c. 56.

81. Where under this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, as applied by this Act, apply) is to be referred to or 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.

Costs of Act.

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

SCHEDULES

Section 5.

SCHEDULE 1

MEANS OF ACCESS REFERRED TO IN SUBSECTION (3) OF SECTION 5 (POWER TO MAKE WORKS) OF THIS ACT

Description of access by reference to letter on deposited plans (1)	Purposes for which the access may be used (2)
At the point marked "X" from Gloucester Road.	To construct Works Nos. 2, 3 and 4 or any of them.
At the point marked "W" from Grove Hill Road.	To construct Work No. 9.
At the point marked "A" from Cow Lane.	To construct Work No. 10 and to maintain, alter, renew and use Work No. 10 and other works or lands of the Board in the vicinity thereof.

SCHEDULE 2

Section 6.

ENACTMENTS REFERRED TO IN SECTION 6 (APPROPRIATION OF WORKS FOR WORK NO. 6) OF THIS ACT

Chapter (1)	Short title (2)	Provision (3)
9 & 10 Vict. c. cccxv.	Birmingham, Wolverhampton, and Dudley Railway Act 1846.	Sections 41 and 44 to 52.
9 & 10 Vict. c. cccxxxvii.	Birmingham and Oxford Junction Railway Act 1846.	Sections 34 to 40.
9 & 10 Vict. c. cccxxxviii.	Birmingham and Oxford Junction (Birmingham Extension) Railway Act 1846.	Sections 20 and 26 to 34.
36 & 37 Vict. c. cxc.	Great Western Railway Act 1873. ...	Section 40.
62 & 63 Vict. c. clxxxvii.	Great Western Railway Act 1899. ...	Sections 29 to 31.
63 & 64 Vict. c. clx.	Great Western Railway Act 1900. ...	Section 36.
1 Edw. 7 c. cxxiii.	Great Western Railway Act 1901. ...	Section 25.
8 Edw. 7 c. xxv.	Great Western Railway Act 1908. ...	Section 22.
10 Edw. 7 & 1 Geo. 5 c. xxii.	Great Western Railway (General Powers) Act 1910.	Section 25.

SCHEDULE 3

Section 19.

LEVEL CROSSINGS REFERRED TO IN SECTION 19 (NIGHT-TIME CLOSURE OF CERTAIN LEVEL CROSSINGS) OF THIS ACT

PART I

In the county of North Yorkshire—

In the parish of Hemingbrough in the district of Selby—

The level crossing known as Woodhall crossing whereby the road connecting Woodhall Lane with Springfield Lane is crossed by the railway between Selby and Wressle stations.

SCH. 3 —*cont.*

PART II

In the county of Humberside—

In the parish of Immingham in the borough of Cleethorpes—

The level crossing known as Roxton Sidings crossing, Habrough, whereby the road from Immingham to Keelby is crossed by the railway between Habrough and Stallingborough stations.

In the county of Lincolnshire—

In the district of South Holland—

In the parish of Gosberton—

The level crossing known as Brewery Lane crossing whereby the road known as North Gate is crossed by the railway between Spalding and Sleaford stations.

In the parish of Pinchbeck—

The level crossing known as Blue Gowt crossing whereby the road known as Blue Gowt Lane is crossed by the railway between Spalding and Sleaford stations.

The level crossing known as Flaxmill (otherwise Flax Mill or Langhole Drove) crossing whereby the road known as Langhole Drove is crossed by the railway between Spalding and Sleaford stations.

In the parishes of Donington and Quadring—

The level crossing known as Church Lane crossing whereby the road known as Church Lane or Church End Drove is crossed by the railway between Spalding and Sleaford stations.

In the parish of Surfleet—

The level crossing known as Water Drove crossing whereby the road known as Gubbole's Drove is crossed by the railway between Spalding and Sleaford stations.

In the parish of Honington in the district of South Kesteven—

The level crossing known as Frinkley Lane crossing whereby the road known as Frinkley Lane is crossed by the railway between Ancaster and Grantham stations.

In the district of West Lindsey—

In the parish of Northorpe—

The level crossing known as Bonsall Lane crossing whereby the road known as Bonsall Lane, Blyton, is crossed by the railway between Gainsbrough Central and Kirton Lindsey stations.

In the parish of Scothern—

The level crossing known as Scothern crossing whereby the road known as Langworth Road is crossed by the railway between Lincoln (Central) and Market Rasen stations.

PART III

SCH. 3 —*cont.*

In the county of North Yorkshire—

In the parish of Burn in the district of Selby—

The level crossing known as Burn Lane crossing whereby the road known as Burn Lane is crossed by the railway between Doncaster and Selby stations.

PART IV

In the county of Gwynedd—

In the community of Llanfairpwllgwyngyll in the borough of Ynys Mon—Isle of Anglesey—

The level crossing known as Llanfairpwllgwyngyll crossing whereby the road connecting Station Road with Crossing Terrace is crossed by the railway between Bangor and Llanfairpwll stations.

PART V

In the county of Lincolnshire—

In the parish of Buslingthorpe in the district of West Lindsey—

The level crossing known as Lissingley crossing whereby the road from Friesthorpe to Lissingley Lane is crossed by the railway between Lincoln (Central) and Market Rasen stations.

SCHEDULE 4

Section 20.

LEVEL CROSSINGS REFERRED TO IN SECTION 20 (REDUCTION IN STATUS OF CERTAIN LEVEL CROSSINGS) OF THIS ACT

In the county of Humberside—

In the parish of Harpham in the borough of North Wolds—

The level crossing known as Mingledale (otherwise Millingdale) crossing whereby the road known as Out Gates is crossed by the railway between Nafferton and Bridlington stations.

In the county of North Yorkshire—

In the parish of Seamer in the borough of Scarborough—

The level crossing known as Metes Lane crossing whereby the road named Pasture Lane and known as Metes Lane is crossed by the railway between Malton and Seamer stations.

Section 28.

SCHEDULE 5

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 28 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purpose for which the land may be used (3)
In Greater London— London borough of Waltham Forest	3	To reconstruct the bridge over Cobbold Road, Leytonstone, referred to in this Act.
In the metropolitan county of Greater Manchester— City of Manchester	1 to 11	To provide a maintenance depot and sidings for railway rolling stock and to provide a new footpath in manner provided by this Act.
In the county of Wiltshire— District of West Wiltshire— Parish of Dilton Marsh	1	To provide a road approach to a new accommodation bridge over the railway.
Parish of Dilton Marsh	2 to 8	To remodel and extend existing railway sidings.
Parish of Westbury	1 to 3	
Parish of Westbury	4	To provide a locomotive maintenance depot and sidings.

SCHEDULE 6

Section 79.

REPEALS

Chapter (1)	Short title (2)	Extent of repeal (3)
29 & 30 Vict. c. cxv.	Bristol and Exeter Railway Act 1866.	Section 28 (Construction of bridge over river Parrett). Section 29 (As to level of moveable platform). Section 30 (Opening of bridge). Section 31 (Foot crossings). Section 33 (Additional moorings).
30 & 31 Vict. c. cxxx.	Bristol and Exeter Railway Act 1867.	Section 20 (Certain bridge may be made a rolling bridge instead of a swivel bridge).
1972 c. xxxv.	British Railways Act 1972.	Subsection (7) of section 7 (As to certain level crossings).

Section 80.

SCHEDULE 7

ENACTMENTS REFERRED TO IN SECTION 80 (PLANNING PERMISSION) OF THIS ACT

Chapter (1)	Short title (2)	Enactment (3)
1970 c. lxxv.	British Railways Act 1970.	Section 21.
1971 c. xlv.	British Railways Act 1971.	Section 35.
1972 c. xxxv.	British Railways Act 1972.	Section 21.
1975 c. i.	British Railways Act 1975.	Section 30.
1975 c. xxix.	British Railways (No. 2) Act 1975.	Section 30.
1976 c. xxv.	British Railways Act 1976.	Section 27.
1977 c. xvii.	British Railways Act 1977.	Section 24.
1978 c. xxi.	British Railways Act 1978.	Section 33.
1979 c. x.	British Railways (Selby) Act 1979.	Section 30.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR W. J. SHARP
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

British Railways Act 1981

CHAPTER xxiii

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Incorporation of general Acts.
4. Application of Part I of Compulsory Purchase Act 1965.

PART II

WORKS, ETC.

5. Power to make works.
6. Appropriation of works for Work No. 6.
7. Appropriation of works for Work No. 10.
8. Further works and powers.
9. Power to cross road on level.
10. Diversion of footpath at Westbury.
11. As to stopping up of footpath and new footpaths at North Mymms.

Section

12. Stopping up roads and footpaths without providing substitute.
13. Stopping up roads and footpaths in case of diversion or substitution.
14. Appropriating sites of roads and footpaths.
15. Temporary stoppage of roads and footpaths.
16. New level crossing at Littleport, East Cambridgeshire.
17. Level crossings at Wisbech.
18. Fox Covert level crossing, Peakirk.
19. Night-time closure of certain level crossings.
20. Reduction in status of certain level crossings.
21. Cuxton Station level crossing.
22. Little Mill level crossing, Cropredy.
23. Eaves Lane level crossing, Sutton-on-Trent.
24. Reconstruction of bridge over Cobbold Road, Leytonstone.
25. Trowse Swing Bridge over river Wensum, Norwich.
26. Power to deviate.
27. Incorporation of provisions relating to works.

PART III

LANDS

28. Power to acquire lands.
29. Compulsory acquisition of rights over lands.
30. Temporary possession of land at Tunbridge Wells.
31. Temporary possession of land at Salisbury.
32. Extinction or suspension of private rights of way.
33. Period for compulsory purchase of lands and new rights over lands.
34. Incorporation of provisions relating to lands.

PART IV

POWERS FOR SEALINK U.K. LIMITED

35. Interpretation of Part IV.

A. Fishbourne

36. Incorporation of Act of 1847.
37. Limits of master of terminal's jurisdiction.
38. Application of provisions of Act of 1967.
39. Application of provisions of (No. 2) Act of 1975.
40. Power to company to construct works and acquire lands.
41. Power to company to make subsidiary works.
42. Power to dredge.
43. Power to deviate for Work No. 11.

Section
44. Powers with respect to disposal of wrecks.
45. Protection of Crown interests in wrecks.
46. Agreements between company and Board.
47. Tidal works not to be executed without approval of Secretary of State.
48. Survey of tidal works.
49. Lights on tidal works during construction.
50. Permanent lights on tidal works.
51. Abatement of works abandoned or decayed.
52. Provision against danger to navigation.
53. Consent to works within defined limits.
54. Incorporation of certain provisions relating to lands.
55. Application of certain provisions relating to private rights of way.
56. Period for compulsory purchase of lands under head A.
57. Defence available to company.
58. Works to be within borough of Medina, etc.
59. Hovercraft in Wootton Creek.

B. Newhaven

60. Denton Island Bridge.

C. Part IV protective provisions

61. Application of certain protective provisions.
62. For protection of Medina Borough Council.
63. Crown rights.

PART V

PROTECTIVE PROVISIONS

64. Incorporation of protective provisions.
65. For protection of C. F. Booth Limited.
66. For protection of BOC International Limited.
67. For protection of British Steel Corporation.
68. For protection of Slag Reduction Holdings Limited and another.
69. For protection of drainage authorities.

PART VI

SURVEYS AND SOIL TESTS

70. Interpretation and extent of Part VI.
71. Power to make surveys and soil tests.
72. Appeals against notices under section 71.
73. Supplementary provisions for relevant undertakers.

PART VII

MISCELLANEOUS

Section
74. Relief from obligation in respect of bridge at Bridgwater.
75. As to London Brighton and South Coast Railway Pension Fund.
76. As to Port Talbot Railway and Docks Company Augmentation Fund.
77. Microfilming of documents.
78. Amendment of section 35 of Act of 1971.
79. Repeals.
80. Planning permission.
81. Arbitration.
82. Costs of Act.

SCHEDULES:

Schedule 1—Means of access referred to in subsection (3) of section 5 (Power to make works) of this Act.

Schedule 2—Enactments referred to in section 6 (Appropriation of works for Work No. 6) of this Act.

Schedule 3—Level crossings referred to in section 19 (Night-time closure of certain level crossings) of this Act.

Schedule 4—Level crossings referred to in section 20 (Reduction in status of certain level crossings) of this Act.

Schedule 5—Lands referred to in subsection (2) of section 28 (Power to acquire lands) of this Act.

Schedule 6—Repeals.

Schedule 7—Enactments referred to in section 80 (Planning permission) of this Act.