ELIZABETH II



1982 CHAPTER xxiii

An Act to empower the British Railways Board to construct works and to purchase lands; to confer further powers on the Board; and for other purposes.

[28th October 1982]

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

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

(4) It is expedient that the other powers in this Act contained should be conferred upon the Board and upon the Tyne and Wear Passenger Transport Executive as therein provided, and that the other provisions in this Act contained should be enacted:

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

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

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

PART I
PRELIMINARY

Short title.

1. This Act may be cited as the British Railways Act 1982.

Interpretation.

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

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

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

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

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

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

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

1981 c. xxxv. " the (No. 2) Act of 1981 " means the British Railways (No. 2) Act 1981;

PART I —*cont.*

" the Board " means the British Railways Board;

" 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;

" the Lincoln Avoiding Line " means so much of the railway of that name between Saxilby and Spalding as is routed to avoid Lincoln Central station between Pyewipe Junction and Greetwell Junction, Lincoln;

" 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;

" 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.

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

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

(4) References in this Act to reference points shall be construed as references to Ordnance Survey National Grid reference points.

Incorporation of general Acts.

3. The following enactments, so far as the same are applicable for the purposes and are not inconsistent with, or varied by, the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

PART I —*cont.*

The Act of 1845, except sections 1, 7, 8, 9, 11, 12, 15, 17, 19, 20, 22 and 23 thereof, and Part I (relating to the construction of a railway), except sections 13 to 19 thereof, of the Act of 1863:

Provided that—

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

(*a*) the expression " the company " where used in the said incorporated provisions means, in relation to Part II of this Act, the Board and, in relation to section 30 (Railway at South Gosforth) of this Act, the Tyne and Wear Passenger Transport Executive;

(*b*) Works Nos. 1 and 10 and the railway at South Gosforth referred to in the said section 30, shall be deemed to be railways authorised by the special Act;

(ii) for the purposes of sections 16 and 30 to 44 of the Act of 1845, as incorporated with this Act, Work No. 5 shall be deemed to be a railway 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.

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

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

Application of Part I of Compulsory Purchase Act 1965. 1965 c. 56.

4.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4 and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory purchase of land under this Act as it applies to a compulsory purchase to which the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.

1981 c. 67.

(2) In section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than 14 days' notice), as so applied, for the words " fourteen days " there shall be substituted the words " three months ".

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the purchase of land under this Act. PART I —*cont.* 1845 c. 18.

PART II

WORKS, ETC.

Works

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

In Greater London—

In the London borough of Lambeth—

Work No. 1 A widening (311 metres in length) on the west side of the railway between Vauxhall and Waterloo stations commencing by a junction with the Windsor lines of the said railway at a point 45 metres south of the bridge carrying that railway over Virgil Street and terminating by a junction with those lines at a point 1 metre south of the bridge carrying the said railway over Westminster Bridge Road: (Widening of railway at Waterloo)

In the metropolitan county of Greater Manchester—

In the city of Salford—

Work No. 2 A railway (525 metres in length), being a deviation of the Manchester, Bolton and Bury railway, commencing by a junction with the said railway and the Wigan and Manchester railway at a point 239 metres north of the bridge known as Windsor Bridge carrying the A.6 road thereover and terminating by a junction with the said Manchester, Bolton and Bury railway at a point 245 metres south-east of the said bridge: (Deviation railway at Salford)

Work No. 3 A railway (950 metres in length), being a deviation of the Manchester-bound line of the Liverpool and Manchester and the Manchester South Junction and Altrincham railways, commencing by a junction with the Liverpool and Manchester railway at a point 33 metres east of the bridge carrying West Egerton Street over that railway and terminating by a junction with the Manchester South Junction and Altrincham railway (Deviation railway at Salford)

PART II —*cont.*

at a point 22 metres east of the bridge carrying the last-mentioned railway over Wilburn Street:

(Railway at Salford)

Work No. 4 A railway (1,152 metres in length) commencing by a junction with Work No. 2 beneath, and mid-way between the parapets of, the said Windsor Bridge and terminating by a junction with Work No. 3 at a point 159 metres west of its termination hereinbefore described:

(New road at Salford)

Work No. 5 A new road commencing by a junction with Albion Street at a point 120 metres north-east of the junction of that street with Liverpool Street and terminating by a junction with, and forming a north-western continuation of, Hope Street:

In the metropolitan county of Tyne and Wear—

In the borough of South Tyneside—

(Railway at Boldon)

Work No. 6 A railway (409 metres in length) at Boldon commencing by a junction with the railway between Newcastle and Sunderland at a point 138 metres east of Pontop Crossing, whereby the said railway is crossed on the level by the Pontop and South Shields railway, and terminating by a junction with the Brockley Whins and Tyne Dock railway at a point 327 metres south-west of the bridge carrying John Reid Road over the last-mentioned railway:

(Railway at Boldon)

Work No. 7 A railway (96 metres in length) at Boldon commencing by a junction with the Pontop and South Shields railway at a point 5 metres north-east of the said Pontop Crossing and terminating by a junction with Work No. 6 at a point 204 metres south of its termination hereinbefore described:

In the metropolitan county of West Midlands—

In the borough of Wolverhampton—

(Railway at Wolverhampton)

Work No. 8 A railway (303 metres in length) commencing by a junction with the Dunstall Park railway at a point 14 metres south-east of the bridge carrying the said railway over the Birmingham Canal and terminating by a junction with the Bushbury branch railway at a point 30 metres south of the bridge carrying the last-mentioned railway over the footpath between Fox's Lane and Park Lane:

PART II
—*cont.*

In the county of Lincolnshire—

In the city of Lincoln—

Work No. 9 A railway (809 metres in length), being a deviation of the Lincoln Avoiding Line, commencing by a junction with the Lincoln Avoiding Line at a point 369 metres south-east of Pyewipe Junction and terminating by a junction with Work No. 10 at a point 56 metres south-east of Boultham Junction: (Deviation railway at Lincoln)

Work No. 10 An alteration in level of the railway between West Holmes Junction and Boultham Junction and of the Lincoln Avoiding Line (785 metres in length) commencing at a point on the first-mentioned railway 76 metres west of West Holmes Junction and terminating at a point 27 metres north-west of the bridge carrying the Lincoln Avoiding Line over the cut known as Main Drain: (Alteration in level of railway at Lincoln)

Work No. 11 A railway (655 metres in length) commencing by a junction with Work No. 10 at its termination hereinbefore described and terminating by a junction with the railway between Lincoln St. Marks station and Newark at a point 432 metres south-west of the bridge carrying the Lincoln Avoiding Line over the said railway: (Railway at Lincoln)

In the county of South Glamorgan—

In the city of Cardiff—

Work No. 12 A railway (279 metres in length) commencing by a junction with the Cardiff and Rhymney railway at a point 233 metres north of the bridge carrying Highfield Road over the said railway and terminating by a junction with the Coryton branch railway at a point 3 metres south-east of the bridge carrying Heath Halt Road over the last-mentioned railway. (Railway at Cardiff)

(2) If the Board proceed with the construction of Works Nos. 2 to 4, or any of them, they may, on any part of the lands numbered on the deposited plans 1 to 5 in the city of Salford lying to the north of the said Windsor Bridge, make, maintain and operate a railway station with all necessary works and conveniences connected therewith.

PART II —*cont.*

Provisions incidental to section 5

Appropriation of bridge for Work No. 11.

6.—(1) In this section—

"the Act of 1879" means the Great Northern and Great Eastern Railway Companies Act 1879;

1879 c. cx.

"the bridge" means the bridge carrying the Lincoln Avoiding Line over the cut known as Main Drain in the city of Lincoln in the county of Lincolnshire authorised by the Act of 1879.

(2) If the Board proceed with the construction of Work No. 11, they may hold, use and appropriate the bridge for the purposes of Work No. 11 and shall be relieved of the obligation to maintain the bridge for the purposes of the Act of 1879.

(3) Subject to subsection (2) of this section, all the powers and obligations conferred or imposed upon the Board by the Act of 1879 in relation to the bridge 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.

Discontinuance of certain services in Lincoln.

1962 c. 46.

7. On the opening for passenger and goods services of Works Nos. 10 and 11, the provisions of section 54 of the Transport Act 1962 (which requires advance notice of discontinuance of certain services to be published) and of section 56 of that Act (which relates to the establishment and functions of transport consultative committees) shall not apply in respect of the discontinuance of any railway passenger or goods services in the city of Lincoln—

(*a*) from Lincoln St. Marks station; and

(*b*) on so much of the railway between Newark and Barnetby as lies between the commencement of Work No. 11 and Durham Ox Junction.

Roads, bridleways and footpaths

Stopping up roads, etc.

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

(1) In the metropolitan county of Greater Manchester—

In the city of Salford—

(*a*) so much of Hope Street as lies between the

PART II —*cont.*

points marked " E " and " F " on the deposited plans;

(*b*) so much of West Charles Street as lies between the points marked " G " and " H " on the deposited plans;

(*c*) so much of Barlows Road as lies between the points marked " J " and " K " on the deposited plans;

(*d*) Eliza Street between the points marked " J " and " L " on the deposited plans;

(*e*) the footpath linking Albion Street with Hope Street, by means of a footbridge, between the points marked " C " and " D " on the deposited plans:

(2) In the county of Lincolnshire—

In the city of Lincoln—

so much of the footpath between Coulson Road and the city boundary 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 " in the position shown on the deposited plans, crossing Work No. 11 on the level.

Bridleway and private road diversion at South Hetton.

9.—(1) In this section—

" the existing bridleway " means so much of the bridleway in the parish of East Murton in the district of Easington in the county of Durham between South Hetton and Murton Moor East Farm as lies between the points marked " A ", " D " and " C " on the deposited plans;

" the existing road " means so much of the private road, connecting Murton Moor East Farm with the A. 182 road, as lies between the points marked " A " and " D " on the deposited plans and follows the course of the existing bridleway;

" the new bridleway " means a new bridleway in the said parish of East Murton between the points marked " A ", " B " and " C " on the deposited plans;

" the new road " means a new private road following the course of so much of the new bridleway as lies between the points marked " A " and " B " on the deposited plans.

PART II —*cont.*

(2) Subject to the provisions of this Act, the Board may stop up and discontinue the existing bridleway and provide the new bridleway within the line marked " Limit of deviation of bridleway diversion " on the deposited plans.

(3) Before the Board exercise the powers specified in subsection (2) of this section, they shall—

(*a*) provide the new road for the use of any person entitled to use the existing road; and

(*b*) upon the completion and opening for use of the new road, stop up the existing road;

and upon the stopping up of the existing road all private rights of way over that road shall be extinguished.

(4) Any person who suffers loss by the extinguishment 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.

1961 c. 33.

(5) Nothing in section 21 (Extinction or suspension of private rights of way) of the (No. 2) Act of 1981, as incorporated with this Act, shall apply to the portion of the existing road comprised in the land delineated on the deposited plans and described in the deposited book of reference and therein numbered 8 in the parish of East Murton.

Stopping up of footpath at Southport.

10.—(1) In this section—

" the footpath " means the footpath in the borough of Sefton in the metropolitan county of Merseyside between Banastre Road and Belmont Street, Southport, crossing the railway between Birkdale and Southport stations by means of a footbridge;

" obligation " means any obligation of the Board under any deed, conveyance, covenant, agreement or other instrument to make and maintain the footpath.

(2) Subject to the provisions of this Act, the Board may stop up and discontinue the footpath.

(3) As from the passing of this Act the Board shall be relieved from any obligation in respect of the footpath.

(4) Any person who but for this section would have been entitled to institute or continue any action or other proceeding against the Board for the purpose of enforcing any obligation shall be entitled to be paid by the Board compensation in respect of any land or interest in land which has been injuriously affected by the relief of the Board under this section and any dispute arising in relation to compensation shall be referred to and determined by the tribunal.

Level crossings

PART II
—*cont.*

Stopping up, etc., level crossings.

11.—(1) Subject to the provisions of this Act the Board may, at the level crossings described in this section, stop up and discontinue so much of the following roads as lies within the boundaries of their property:—

(*a*) In the county of Cleveland—

In the borough of Middlesbrough—

(i) Sussex Street which is crossed by the railway at Middlesbrough station at the level crossing known as Sussex Street crossing (reference point NZ 4947:2073);

(ii) the private road known as Works Road serving industrial development on the south bank of the river Tees at Cargo Fleet, which is crossed by the railway between Cargo Fleet and South Bank stations at the level crossing known as Old Station crossing (reference point NZ 5170:2056):

(*b*) In the county of Lincolnshire—

In the parish of Metheringham in the district of North Kesteven—

Ox Pasture Lane which is crossed by the railway between Lincoln Central and Metheringham stations at the level crossing known as Ox Pasture Lane crossing (reference point TF 0676:6216):

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

In the parish of Whitby in the borough of Scarborough—

the road connecting Windsor Terrace with the banks of the river Esk which is crossed by the railway between Whitby and Ruswarp stations at the level crossing known as Bog Hall crossing (reference point NZ 8990:1040).

(2) (*a*) The stopping up under paragraph (*a*) (ii) of subsection (1) of this section of Old Station crossing shall not take place until there has been constructed and opened for public use a new road bridge over the railway near the site of Old Station crossing to serve industrial development on the south bank of the river Tees.

(*b*) Any person who suffers loss by the extinguishment of any private right consequent upon the stopping up of Old Station crossing 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.

PART II —*cont.*

(3) (*a*) The stopping up of Ox Pasture Lane crossing under paragraph (*b*) of subsection (1) of this section 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 gates on both sides of the railway at the said crossing.

(*b*) The stopping up of Bog Hall crossing under paragraph (*c*) of subsection (1) of this section shall not affect the right of persons to use the same 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 crossing.

(4) Upon the stopping up of Sussex Street crossing under paragraph (*a*) (i) of subsection (1) of this section and of Ox Pasture Lane and Bog Hall crossings, the provisions of the specified enactments shall cease to apply to those crossings.

Hele and Bradninch level crossing, East Devon.

12.—(1) In this section "the level crossing" means the level crossing in the parish of Broad Clyst in the district of East Devon in the county of Devon known as Hele and Bradninch crossing (reference point SS 9955: 0229) whereby Station Road is crossed by the railway between Tiverton Junction and Exeter St. David's stations.

(2) Subject to the provisions of this Act, the Board may, in the line and situation and within the limit of deviation shown on the deposited plans and according to the level shown on the deposited sections, make and maintain one additional line of railway across and on the level of Station Road at the level crossing with all necessary works and conveniences connected therewith.

(3) The Board shall not be required to erect or maintain a lodge at the level crossing.

(4) 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 approved by the Secretary of State.

(5) So long as the consent referred to in subsection (4) 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 section 6 of the Act of 1863 shall not apply to the level crossing.

(6) Nothing in this section shall impose on a highway authority any liability in respect of a traffic sign provided under any consent referred to in subsection (4) of this section.

PART II —*cont.*

13.—(1) In this section—

" the council " means Norfolk County Council;

New level crossing at Downham Market, Norfolk.

" the new level crossing " means a level crossing in the parish of Downham Market in the district of Kings Lynn and West Norfolk in the county of Norfolk whereby the new public road between Railway Road, Downham Market, and the A.10 road between Kings Lynn and Ely, proposed to be constructed by the council, will be carried across the railway between Littleport and Downham Market stations on the level.

(2) The Board and the council 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 council for the purposes of this section shall be deemed to be expenses incurred by them in the exercise of their powers as a highway authority under the Highways Act 1980.

1980 c. 66.

14.—(1) In this section—

Night-time closure of level crossings.

" the level crossings " mean the Park Lane crossing and the Stone crossing;

" the Park Lane crossing " means the level crossing at Waltham Cross in the borough of Broxbourne in the county of Hertfordshire (reference point TL 3552: 0052) whereby Park Lane is crossed by the railway between Turkey Street and Theobalds Grove stations;

" the Stone crossing " means the level crossing in the parish of Stone in the borough of Dartford in the county of Kent (reference point TQ 5743 : 7492) whereby Church Hill is crossed by the railway at Stone Crossing station.

(2) Notwithstanding the provisions of the specified enactments—

(*a*) the pedestrian and vehicular gates at the Stone crossing may be kept permanently closed across the road from 2200 hours to 0600 hours; and

PART II —*cont.*

(*b*) the vehicular gates at the Park Lane crossing may be kept permanently closed across the road from 1900 hours to 0700 hours.

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

(4) Notwithstanding the provisions of the specified enactments 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 permanently open to road traffic and shall not be required to employ proper persons to open and shut the gates at the level crossings.

Reduction in status of level crossings.

15.—(1) As from the passing of this Act—

(*a*) all rights of way over the level crossings referred to in Part I of Schedule 1 to this Act shall be extinguished;

(*b*) all rights of way over the level crossing referred to in Part II of the said schedule, other than a right for all persons to use that level crossing 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 the said level crossing.

(2) The provisions of the specified enactments relating to the level crossings referred to in Schedule 1 to this Act shall cease to apply to those level crossings.

(3) Subject to section 16 (Station level crossing, Bradfield, Essex) of this Act, as from the passing of this Act the level crossings referred to in Schedule 1 to this Act (including the gates thereof, other than the gates provided under subsection (1) of this section) shall be deemed to be works provided by the Board at the passing of this Act under 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 1 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 crossings.

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 1 to this Act shall be entitled to be paid by the Board compensation to be determined in case of dispute by the tribunal.

Station level crossing, Bradfield, Essex.

16.—(1) In this section—

"the level crossing" means the level crossing known as Station crossing referred to in Part I of Schedule 1 to this Act;

"the special provisions" means such of the provisions of section 68 of the Act of 1845 as require the Board to maintain gates for the accommcdation of the owners and occupiers of lands adjoining the railway.

(2) Notwithstanding the special provisions the Board may, subject to such requirements as the Secretary of State may from time to time lay down, provide at or near the level crossing in substitution for the vehicular gates at the level crossing such lifting barriers as may be approved by the Secretary of State.

(3) If lifting barriers are provided at or near the level crossing under subsection (2) of this section, section 75 of the Act of 1845 shall have effect in its application to the level crossing as if for the words "shut and fasten any gate" there were substituted the words "lower any lifting barrier".

Relief from lodge obligations.

17.—(1) In this section "the level crossings" means—

(*a*) the level crossing in the parish of Beccles in the district of Waveney in the county of Suffolk known as Cromwell Road crossing (reference point TM 4198 : 8806) whereby Cromwell Road is crossed by the railway between Beccles and Brampton stations; and

(*b*) the level crossing in the parish of Darsham in the district of Suffolk Coastal in the said county known as Willow Marsh crossing (reference point TM 4047 : 7084) whereby Silletts Lane is crossed by the railway between Darsham and Halesworth stations.

(2) Notwithstanding anything in section XLIV (Company to erect a Station or Lodge at Points of Crossing, and abide by Rules, &c. of Board of Trade) of the East Suffolk Railway Act 1854, the Board shall not be required to maintain either a station or a lodge at the level crossings.

1854 c. cxix.

Old Drift level crossing, Fulbourn, South Cambridgeshire.

1977 c. xvii.

18.—(1) Section 7 (As to level crossing at Cherry Hinton) of the British Railways Act 1977 shall have effect as if—

(*a*) in subsection (3), the words "Upon the completion and

PART II —*cont.*

opening for public use of the new level crossing" were omitted; and

(*b*) after subsection (3) there were inserted—

"(3A) (*a*) In this subsection "the relevant enactments" means the Highway (Railway Crossings) Act 1839, section 9 of the Railway Regulation Act 1842, section 47 of the Act of 1845, section 27 of the Newmarket and Chesterford Railway Act 1846 and any other provision to the same or similar effect incorporated with, or contained in, any enactment.

1839 c. 45.
1842 c. 55.
1846 c. clxxii.

(*b*) The provisions of the relevant enactments relating to the existing crossing shall cease to apply to that crossing.".

(2) As from the passing of this Act, the existing crossing, as defined in subsection (1) of the said section 7, shall be known as the Old Drift level crossing.

Incorporated provisions

Incorporation of works provisions.

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

Section 8 (Power to deviate);

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

Section 10 (Stopping up roads, bridleways and footpaths in case of diversion or substitution);

Section 11 (Appropriating sites of roads, bridleways and footpaths);

Section 12 (Repair of roads, bridleways and footpaths);

Section 13 (Agreements between Board and highway authorities);

Section 14 (Temporary stoppage of roads, bridleways and footpaths);

Section 15 (Underpinning of buildings near works); and

Section 16 (Use of sewers, etc., for removing water).

PART III

LANDS

Purchase of lands.

20.—(1) Subject to the provisions of this Act, the Board may purchase compulsorily and use such of the lands delineated on the deposited plans and described in the deposited book of reference

as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking. 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, purchase compulsorily and use for the purposes specified in column (3) of Schedule 2 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 or other right therein or thereunder or to make any payment therefor.

21.—(1) In this section— **Purchase of rights over lands. 1965 c. 56.**

" the 1965 Act " means the Compulsory Purchase Act 1965;

" 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.

(2) The Board may, for the purpose of constructing, maintaining, altering, renewing and using the works, purchase compulsorily such new rights as they may require over any of the lands delineated on the deposited plans and described in the deposited book of reference instead of purchasing those lands under section 20 (Purchase of lands) of this Act.

(3) The 1965 Act, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights under subsection (2) of this section as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the 1965 Act to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

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

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

PART III —*cont.*

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

Time for purchase of lands and rights over lands.

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

Incorporation of lands provisions.

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

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

Section 22 (Purchase of part of certain properties);

Section 23 (Disregard of recent improvements and interests);

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

Section 25 (Cellars under streets not referenced).

PART IV

PROTECTIVE PROVISIONS

Incorporation of protective provisions.

24. 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 33 (For protection of gas, water and electricity undertakers);

The Act of 1967—

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

The (No. 2) Act of 1981—

Section 29 (For protection of British Telecommunications); and

Section 32 (Notice of interference with roads):

Provided that—

(i) the definition of " undertakers " in paragraph (1) of the said section 33 of the Act of 1963 and in paragraph (1) of the said section 45 of the Act of 1967, as so incorporated, shall be construed as including a water authority in their capacity as an authority authorised by an enactment to carry on an undertaking for the supply of water

PART IV —*cont.*

within their area and paragraph (*b*) of the definition of "apparatus" in the said sections 33 and 45 shall be construed accordingly;

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

(*a*) the reference in paragraph (2) thereof to section 11 (Underpinning of houses near works) of the Act of 1967 shall be construed as a reference to section 15 (Underpinning of buildings near works) of the (No. 2) Act of 1981, as incorporated with this Act;

(*b*) the reference in paragraph (3) thereof to section 12 (Temporary stoppage of roads and footpaths) of the Act of 1967 shall be construed as a reference to section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No.2) Act of 1981, as incorporated with this Act; and

(*c*) for the reference in paragraph (4) thereof to section 17 (Use of sewers, etc., for removing water) of the Act of 1963 as incorporated by section 13 (Incorporation of provisions of Act of 1963 relating to works) of the Act of 1967 there shall be substituted a reference to section 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981, as incorporated with this Act;

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

(*a*) the reference in paragraph (1) thereof to paragraph (*c*) of subsection (1) of section 7 (Further works and powers) of the (No. 2) Act of 1981 shall be construed as a reference to sub-paragraphs (*a*) to (*d*) of paragraph (1) of section 8 (Stopping up roads, etc.) and to paragraphs (*a*)(i), (*b*) and (*c*) of subsection (1) of section 11 (Stopping up, etc., level crossings) of this Act; and

(*b*) the reference in paragraph (2) thereof to the said section 7 of the (No. 2) Act of 1981 shall be construed as a reference to the said sections 8 and 11 of this Act.

For protection of Northumbrian Water Authority.

25. For the protection of the Northumbrian Water Authority (in this section referred to as "the authority") the following provisions shall, unless otherwise agreed in writing between the Board and the authority, apply and have effect:—

(1) (*a*) 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,

PART IV —*cont.*

includes removal; and " construct " and " constructed " shall be construed accordingly;

" plans " means detailed plans, drawings, sections and specifications;

" sewer " means a sewer within the meaning of the Public Health Act 1936 vested in or under the jurisdiction or control of the 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 any work carried out under or in pursuance of section 9 (Bridleway and private road diversion at South Hetton) of this Act and so much of any work (whether temporary or permanent) forming part of, or constructed in connection with that work as will or may interfere with or affect (either directly or indirectly) a watercourse, 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 authority) or passage through which water flows and the banks thereof;

(*b*) The plans to be submitted under this section shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed:

(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 authority which consent shall not be unreasonably withheld;

(*b*) In the construction and maintenance of the specified work the Board shall provide, to the reasonable satisfaction of the 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 authority two months' previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of the authority with plans, and until the authority shall have signified their approval of the plans:

Provided that such approval shall not be unreasonably withheld and if, within two months after the submission

of the plans, the authority have not signified to the Board their approval or disappoval thereof, they shall be deemed to have approved the plans:

(4) The Board shall comply with and conform to all reasonable orders, directions and regulations of the authority in the execution of any specified work and shall provide new, altered or substituted works in such manner as the authority shall reasonably require for the proper protection of, and for preventing injury or impediment to any watercourse by reason of any specified work and shall save harmless the 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 authority as aforesaid or settled by arbitration, subject however to any modification of those plans from time to time agreed upon between the engineer of the Board and the engineer of the authority, and be constructed to the reasonable satisfaction of the 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 authority against all costs, charges and expenses which the authority may reasonably incur or have to pay or which they may sustain in the preparation or examination of plans:

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

(7) The Board shall indemnify the authority against all claims, demands, costs, expenses, damages or loss which may be made on or against the authority or which the 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:

PART IV —*cont.*

Provided that—

(i) the 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; and

(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 authority or their servants or agents:

(8) Notwithstanding the temporary stopping up or diversion of any road or footpath under the powers of section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated with this Act, the authority shall be at liberty at all times to execute and do all such works and things in, upon or under any such road, bridleway or footpath as may be reasonably necessary or desirable to enable them to inspect, repair, maintain, renew, remove or use any sewer which at the time of the stopping up or diversion was in that road, bridleway or footpath:

(9) In the exercise of the powers conferred on them by section 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981, as incorporated with this Act, the Board shall not (without prejudice to their obligations under paragraph (*c*) of subsection (3) of the said section 16) 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.

(10) It shall be lawful for an officer of the 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:

(11) The fact that any specified work has been executed in accordance with plans approved or not objected to by the 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:

(12) As soon as reasonably practicable after the completion of the construction of a specified work the Board shall deliver to the authority a plan and section showing the position and level of that work as constructed:

(13) Any difference arising between the Board and the authority under this section shall be referred to and settled by arbitration. PART IV —*cont.*

26. For the protection of the North West Water Authority (in this section referred to as " the authority ") the following provisions shall, unless otherwise agreed in writing between the Board and the authority, apply and have effect:— For protection of North West Water Authority.

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

" construction " includes placing and altering and, in relation to temporary works, includes removal:

" new, altered or substituted works " includes any works required for the protection of any sewer;

" sewer " means a sewer, including a public sewer, within the meaning of the Public Health Act 1936 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. 3 or Work No. 4 and of any work (whether temporary or permanent) forming part of, or constructed in connection with, either of those works as will or may be situated over or within 15 metres measured in any direction of, or (wherever situated) impose any load directly upon, any sewer, and includes the construction, maintenance or renewal of any such works:

(2) The Board shall not commence the execution of any specified work until they shall have given to the authority two months' previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of the authority with plans as described in paragraph (7) of this section (in this section referred to as " the said plans "), and until the authority shall have signified their approval of the said plans:

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

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

PART IV —*cont.*

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

(4) (*a*) The specified works and all such new, altered or substituted works shall be executed only in accordance with such plans as may be approved or be deemed to be approved by the authority as aforesaid or settled by arbitration, subject however to any modification of those plans from time to time agreed upon between the engineer of the Board and the engineer of the authority duly authorised for that purpose, and be executed to the reasonable satisfaction of the 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 authority against all costs, charges and expenses which the authority may reasonably incur or have to pay or which they may sustain in the preparation or examination of plans:

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

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

(7) The plans to be submitted to the authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be executed and shall accurately describe the position of all sewers within the limits of deviation (for which purpose the 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:

(8) The authority may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewers against interference or risk of damage and to

provide and secure proper and convenient means of access to any sewer:

(9) The Board shall indemnify the authority against all claims, demands, costs, expenses, damages or loss which may be made on or against the authority or which the 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 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; and

(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 authority or their servants or agents:

(10) If the Board in the execution of any specified work or any new, altered or substituted work alter, damage or in any way interfere with any sewer, the Board shall give to the authority full, free and uninterrupted access at all times to any such new, altered or substituted work or to any such sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

(11) Where, in consequence of this Act, any part of any street, road, bridleway or footpath in which any sewer is situate ceases to be part of a street, road, bridleway or footpath, the authority may, so far as reasonably practicable, exercise the same rights of access to such sewer as they enjoyed immediately before the passing of this Act, but nothing in this paragraph shall prejudice or affect any power of the Board under this Act to remove a sewer or any right of the authority to require the provision of new, altered or substituted works or the making of modifications in any specified work in accordance with paragraph (3) or paragraph (8) of this section:

(12) Where, by reason or in consequence of the stopping up of any street, road, bridleway or footpath under the powers of this Act, any sewer laid or placed in such street, road, bridleway or footpath or elsewhere is rendered derelict or unnecessary, the Board shall pay to the

PART IV —*cont.*

authority the then value of such sewer (which shall thereupon become the property of the Board) and the reasonable cost of and incidental to the cutting off or sealing of such sewer, and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of such sewer being so rendered derelict or unnecessary:

Provided that the Board shall not under the provisions of this paragraph be required to pay to the authority the value of any sewer rendered derelict or unnecessary if, to the reasonable satisfaction of the authority, new, altered or substituted works shall, at the expense of the Board, have been provided and laid and made ready for use in substitution for the sewer so rendered derelict or unnecessary:

(13) Notwithstanding the temporary stopping up or diversion of any road, bridleway or footpath under the powers of section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated with this Act, the authority shall be at liberty at all times to execute and do all such works and things in, upon or under any such road, bridleway or footpath as may be reasonably necessary or desirable to enable them to inspect, repair, maintain, renew, remove or use any sewer which at the time of the stopping up or diversion was in that road, bridleway or footpath:

(14) In the exercise of the powers of section 15 (Underpinning of buildings near works) of the (No. 2) Act of 1981, as incorporated with this Act, the Board shall not, so far as reasonably practicable, obstruct or render less convenient the access to any sewer and, if by reason or in consequence of the exercise of those powers any damage to any sewer (other than a sewer the repair of which is not reasonably necessary in view of its intended removal or abandonment) shall be caused, the Board shall bear and pay the cost reasonably incurred by the authority in making good such damage and shall—

(*a*) make reasonable compensation to the authority for any loss sustained by them; and

(*b*) indemnify the authority against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the authority;

by reason or in consequence of any such damage:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Board with respect to any damage to

PART IV —*cont.*

the extent that such damage may be attributable to the act, neglect or default of the authority or their contractors or workmen;

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

(15) It shall be lawful for an officer of the authority duly appointed for the purpose at any reasonable time to enter upon and inspect any specified work or any other work executed under the powers of this Act, for which purpose the Board shall allow to any such officer access over any other works or land of the Board:

(16) The fact that any specified work has been executed in accordance with a plan approved or not objected to by the 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:

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

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

For protection of sewers of Thames Water Authority.

27. For the protection of the sewers of the Thames Water Authority (in this section referred to as "the authority") the following provisions shall, unless otherwise agreed in writing between the Board and the authority, apply and have effect:—

(1) In this section—

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

"the specified works" means so much of Work No. 1 and of any work (whether temporary or permanent) forming part of, or constructed in connection with, that work which will or may be situated in or on the ground over or within 15 metres measured in any direction of any sewer of the authority:

(2) The Board shall not commence the specified works until they shall have given to the authority 28 days' previous

PART IV —*cont.*

notice in writing of their intention to commence the same by leaving such notice at the principal office of the authority with plans as described in paragraph (8) of this section (in this section referred to as "the said plans") and until the authority shall have signified their approval of the said plans:

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

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

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

(5) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the cost, charge and expense of the Board under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the authority as any sewers or works now or hereafter may be:

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

(7) The authority may require the Board in constructing the specified works to make any reasonable deviation within the limits of deviation from the line or levels shown upon the said plans for the purpose of avoiding

PART IV —*cont.*

injury or risk of injury to any sewer of the authority and the Board shall in constructing such works deviate accordingly:

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

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

(10) The Board shall be liable to make good, or, if the authority so decide, to bear any expense reasonably incurred by the authority in making good, all injury or damage caused by or resulting from the construction of the specified works to any sewers, drains or works vested in the authority and the authority shall from time to time have power to recover any expense so incurred by them from the Board in any court of competent jurisdiction:

(11) If, in the construction of the specified works, or any new, altered or substituted works or any work of defence connected therewith provided in accordance with this section, the Board damage, or, without the consent of the authority, alter or in any way interfere with any existing sewer of the authority the Board shall—

(*a*) from time to time pay to the authority any additional expense to which the authority may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and

(*b*) give to the authority full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

(12) It shall be lawful for an officer of the authority duly appointed for the purpose at any reasonable time and,

PART IV —*cont.*

if required by the Board, under their supervision to enter upon and inspect the specified works or any other works constructed under the powers of this section:

(13) The approval by the authority of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Board from any liability or affect any claim for damages under this section or otherwise:

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

For protection of Sunderland and South Shields Water Company.

28.—(1) For the protection of the Sunderland and South Shields Water Company, the provisions of subsection (2) of this section shall, unless otherwise agreed in writing between the Board and that company, apply and have effect.

(2) In section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Part of this Act, any reference to the works includes reference to any works or operations carried out under or in pursuance of section 9 (Bridleway and private road diversion at South Hetton) of this Act and any works or operations carried out in, or in connection with, the lands described in the deposited book of reference and therein numbered 8 in the parish of East Murton; and includes any work of maintenance or renewal of any such works.

For protection of National Smokeless Fuels Limited.

29. For the protection of National Smokeless Fuels 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 pipeline " means the 12-inch coke oven gas pipeline of the company situated in lands in and adjacent to the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 6, 7, 8 and 9 in the parish of East Murton;

"plans " includes sections, specifications and particulars;

" specified work " means either—

(*a*) any work carried out under or in pursuance of subsection (3) of section 9 (Bridleway and private road diversion at South Hetton) of this Act; or

(*b*) the realignment of sidings, serving Hawthorn Colliery, South Hetton, on or in the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 8 and 9 in the parish of East Murton;

as the case may be:

(2) (*a*) Not less than 28 days before commencing to carry out the specified work the Board shall submit to the company for their reasonable approval plans thereof;

(*b*) If the company do not within 28 days after the submission to them of any such plans indicate in writing to the Board any objections thereto or make any requirement with reference thereto, they shall be deemed to have approved thereof;

(*c*) The company may require such modifications to be made in the said plans as may be reasonably necessary to secure the pipeline against interference or risk of damage and to provide and secure proper and convenient means of access to the pipeline:

(3) The specified work shall not be carried out otherwise than in accordance with such plans as may be approved by the company (or, if such approval be refused, as may be settled by arbitration) and in accordance with such reasonable conditions as may be imposed by the company:

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

PART V

MISCELLANEOUS

Railway at South Gosforth. 1973 c. xxxii.

30. The rapid transit railway defined in section 3 (Interpretation) of the Tyneside Metropolitan Railway Act 1973 includes the railway at South Gosforth in the city of Newcastle upon Tyne in the metropolitan county of Tyne and Wear, commencing at a point 60 metres east of the bridge carrying the Great North Road (A.6125) over the former Gosforth and Ponteland Light Railway of the Board and terminating at a point 107 metres west of Gosforth East Junction on the former Blyth and Tyne railway of the Board, constructed by the Tyne and Wear Passenger Transport Executive after the passing of the said Act of 1973 and now used by the Board by agreement with the Executive under that Act, and the Executive may maintain the said railway at South Gosforth.

PART V —*cont.*

Amalgamation of pension and superannuation funds.

31.—(1) In this section—

"the Police Retirement Fund" means the British Transport Police Force Retirement Benefit Fund as established by a trust deed dated 1st September 1968;

"the Police Superannuation Fund" means the British Transport Police Force Superannuation Fund as established by the said trust deed dated 1st September 1968;

"the Police 1970 Section" means the 1970 section of the British Transport Police Force Superannuation Fund as established by a trust deed dated 5th April 1972;

"term" in relation to a pension fund to which the section refers, includes any rule or provision affecting the fund, and any provision of any deed or instrument, or of any statutory provision, relating to the fund;

"the Wages Pension Fund" means the British Railways (Wages Grades) Pension Fund as established by a trust deed dated 5th May 1967;

"the Wages Lump Sum Fund" means the British Railways (Wages Grades) Lump Sum Retirement Benefit Fund as established by the said trust deed dated 5th May 1967.

(2) (*a*) Notwithstanding any provision of the trusts set out in the trust deed dated 5th May 1967 whereby the Wages Pension Fund and the Wages Lump Sum Fund were established, the Wages Pension Fund and the Wages Lump Sum Fund shall be deemed to have been amalgamated as from 31st December 1974 into one fund known as the British Railways (Wages Grades) Pension Fund by the trust deed made by the Board on that date.

(*b*) The terms of the said British Railways (Wages Grades) Pension Fund are hereby varied to the extent necessary for the Board to hold the said Fund in accordance with the provisions of a trust deed executed by the Board and dated 24th November 1981.

(3) Notwithstanding any provision of the trusts set out in the trust deed dated 1st September 1968 whereby the Police Retirement Fund and the Police Superannuation Fund were established, the Police Retirement Fund, the Police Superannuation Fund and the Police 1970 Section shall be deemed to have been amalgamated as from 30th December 1974 into one fund known as the British Transport Police Force Superannuation Fund by the trust deed made by the Board on that date.

(4) If by reason of the provisions of this section the benefit to which any person is or may at any time be entitled under a pension fund to which this section applies is less than it would otherwise have been, the Board shall make such additional payments to or for the benefit of that person as may be necessary to compensate for the difference.

PART V —*cont.*

Winding up of pension schemes.

32.—(1) In this section—

" the fund " means the London and North Western Railway Supplementary Pension Fund and Locomotive Foremen's Pension Fund;

" the society " means the North British Railway Insurance Society;

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

(2) Upon the death, or other cessation of entitlement to benefit, of the last remaining person entitled to receive benefit from the fund or the society, as the case may be, the surplus assets of the fund or the society, as the case may be, shall be transferred and added to the assets of such one or more other pension schemes of the Board (and, if more than one, in such proportions) as the Board may determine.

(3) The transfers to be made under subsection (2) of this section may be effected by making appropriate debits in the accounts of the fund or the society and credits in the accounts of the receiving pension scheme.

(4) On completion of a transfer under subsection (2) of this section the winding up of the fund or the society, as the case may be, shall be effected 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 fund or of the society, as the case may be, the trustees of, or persons administering, the fund or the society shall be discharged from all outstanding obligations (if any) relating thereto and their functions as such trustees, or as such persons, shall thereupon cease.

Repeals.

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

Planning permission.

34.—(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).

S.I. 1977/289.

(2) Subject to the provisions of subsection (3) of this section, in its application to development authorised by this Act, the planning permission granted for Class XII development shall

PART V —*cont.*

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.

Arbitration.

35. Where under any provision of this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, as applied by this Act, apply or as to the meaning or construction of any such provision) is to be referred to or settled by arbitration, then such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

1965 c. 56.

Costs of Act.

36. 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

SCHEDULE 1

Section 15.

LEVEL CROSSINGS REFERRED TO IN SECTION 15 (REDUCTION IN STATUS OF LEVEL CROSSINGS) OF THIS ACT

PART I

In the county of Essex—

In the parish of Bradfield in the district of Tendring—

The level crossing known as Station crossing (reference point TM 1394:3141) whereby the road connecting the B.1352 road with Nether Hall is crossed by the railway between Mistley and Wrabness stations.

In the parish of Henham in the district of Uttlesford—

The level crossing known as Ugley crossing (reference point TL 5285:2933) whereby the road between Elsenham and Newport is crossed by the railway between Elsenham and Newport stations.

PART II

In the county of Leicestershire—

In the district of Harborough—

The level crossing known as Little Bowden Junction crossing (reference point SP 7427:8664) whereby Glebe Road is crossed by the railway between Market Harborough and Kettering stations.

SCHEDULE 2

Section 20 (2).

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 20 (PURCHASE OF LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which lands may be used (3)
In the county of Durham— District of Easington— Parish of East Murton	8 and 9	To realign sidings serving Hawthorn Colliery, South Hetton.
In the county of North Yorkshire— District of Selby— Parish of South Milford	1	To realign the railway.

Section 33.

SCHEDULE 3

REPEALS

Chapter (1)	Short title (2)	Extent of repeal (3)
28 & 29 Vict. c. cccxxxiii.	London and North-western Railway (Additional Powers, England) Act 1865.	In section 39 (Construction of Bridge over Wilburn Street, Salford), the words from " so as to leave a clear open space " to " such additional Bridge, and ".
46 & 47 Vict. c. clxix.	Lancashire and Yorkshire Railway Act 1883.	In section 22 (For Protection of Corporation of Salford), paragraph (12).
1977 c. xvii.	British Railways Act 1977.	In subsection (3) of section 7 (As to level crossing at Cherry Hinton), the words " Upon the completion and opening for public use of the new level crossing ".

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British Railways Act 1982

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.

Works

5. Power to make works.

Provisions incidental to section 5

6. Appropriation of bridge for Work No. 11.
7. Discontinuance of certain services in Lincoln.

Section

Roads, bridleways and footpaths

8. Stopping up roads, etc.
9. Bridleway and private road diversion at South Hetton.
10. Stopping up of footpath at Southport.

Level crossings

11. Stopping up, etc., level crossings.
12. Hele and Bradninch level crossing, East Devon.
13. New level crossing at Downham Market, Norfolk.
14. Night-time closure of level crossings.
15. Reduction in status of level crossings.
16. Station level crossing, Bradfield, Essex.
17. Relief from lodge obligations.
18. Old Drift level crossing, Fulbourn, South Cambridgeshire.

Incorporated provisions

19. Incorporation of works provisions.

PART III

LANDS

20. Purchase of lands.
21. Purchase of rights over lands.
22. Time for purchase of lands and rights over lands.
23. Incorporation of lands provisions.

PART IV

PROTECTIVE PROVISIONS

24. Incorporation of protective provisions.
25. For protection of Northumbrian Water Authority.
26. For protection of North West Water Authority.
27. For protection of sewers of Thames Water Authority.
28. For protection of Sunderland and South Shields Water Company.
29. For protection of National Smokeless Fuels Limited.

PART V

MISCELLANEOUS

30. Railway at South Gosforth.
31. Amalgamation of pension and superannuation funds.

Section

32. Winding up of pension schemes.
33. Repeals.
34. Planning permission.
35. Arbitration.
36. Costs of Act.

SCHEDULES:

Schedule 1—Level crossings referred to in section 15 (Reduction in status of level crossings) of this Act.

Schedule 2—Lands referred to in subsection (2) of section 20 (Purchase of lands) of this Act.

Schedule 3—Repeals.