ELIZABETH II

1987 CHAPTER xxix

An Act to empower the British Railways Board to construct works and to purchase or use land; to confer further powers on the Board and on British Rail Pension Trustee Company Limited and British Railways Savings Company Limited; and for other purposes.

[17th December 1987]

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 or use the land referred to in this Act:

(4) It is expedient that the other powers in this Act contained should be conferred on the Board as therein provided, and that the other provisions in this Act contained should be enacted:

(5) In exercise of powers under the British Railways (Pension Schemes) Act 1981, British Rail Pension Trustee Company Limited (a wholly-owned subsidiary of the Board) was formed and there were transferred from the Board to the said trustee company on 1st February 1982 all the property, rights and liabilities of the Board as trustees of the pension schemes specified in the Schedule to the said Act of 1981:

1981 c. xv.

(6) In exercise of their powers under section 7 of the Transport Act 1968 the Board made on 30th May 1985 the British Railways Savings Company Scheme (which was confirmed by the Secretary of State on 7th June 1985 and came into operation on 1st August 1985) and transferred to British Railways Savings Company Limited (a wholly-owned subsidiary of the Board) on 1st August 1985 all the property, rights and liabilities comprised in that part of the Board's undertaking which immediately before that date consisted of the British Railways Savings Bank:

1968 c. 73.

(7) It is expedient that the powers in this Act contained should be conferred on the said trustee company and on the said savings company as therein provided:

(8) Plans and sections showing the lines or situations and levels of the works to be constructed under this Act, and plans of the land authorised to be purchased or used by this Act, and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said land were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officers of the county and metropolitan district councils of the several counties and metropolitan districts within which the said works may be constructed or the said land is 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:

(9) 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 1987.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires, words and expressions to which meanings are assigned by the enactments incorporated herewith have in relation to the related subject-matter the same respective meanings; and

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

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

1965 c. 56. "the Act of 1965" means the Compulsory Purchase Act 1965;

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

1984 c. xx. "the (No. 2) Act of 1984" means the British Railways (No. 2) Act 1984;

"the Board" means the British Railways Board;

"enactment" includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

PART I —*cont.*

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

"reference point" means Ordnance Survey National Grid reference point;

"the specified enactments" means the Highway (Railway Crossings) Act 1839, section 9 of the Railway Regulation Act 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; 1839 c. 45. 1842 c. 55.

"traffic sign" has the meaning assigned to it by section 64 of the Road Traffic Regulation Act 1984 and section 65 (1) of that Act shall have effect with respect to the erection and display of any traffic sign by the Board as if it were a traffic sign erected and displayed by a highway authority; 1984 c. 27.

"the tribunal" means the Lands Tribunal; and

"the works" means the works authorised by Parts II (Works, etc.) and III (Works, etc., at Blyth) 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 that work shall be construed as a reference to the work of that number authorised by this Act.

(4) References in this Act to points identified by letters shall be construed as references to the points so lettered on the deposited plans.

Incorporation of general enactments.

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

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

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

(2) (*a*) For the purposes of the enactments incorporated by subsection (1) above—

(i) the expression "the company" where used in those enactments means the Board; and

(ii) Work No. 1 shall be deemed to be a railway authorised by the special Act.

(*b*) For the purposes of sections 16 and 30 to 44 of the Act of 1845, as so incorporated, Works Nos. 2A, 2B and 6 shall be deemed to be railways authorised by the special Act.

(*c*) For the purposes of sections 16 and 86 of the Act of 1845, as so incorporated, the existing railway as defined in section 27 (Interpretation of Part III) of this Act shall be deemed to be a railway authorised by the special Act.

(*d*) Sections 18 and 21 of the Act of 1845, as so incorporated, shall not extend to regulate the relations between the Board and any other person in

PART I —*cont.*

respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of—

1950 c. 39.

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

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

Application of Part I of Compulsory Purchase Act 1965.

1981 c. 67.

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

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

1845 c. 18.

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

PART II

WORKS, ETC.

Works

Power to make works.

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

In the city of Newcastle upon Tyne, county of Tyne and Wear—

(Alteration in level of railway at Elswick)

Work No. 1 An alteration in level of the railway (known as the Newburn branch railway) between Newburn and Newcastle upon Tyne at Elswick (845 metres in length), commencing at a point on that railway 253 metres west of the junction of Sanderson Street with Scotswood Road and terminating at a point on that railway directly above the western abutment of the bridge carrying that railway over Water Street;

In the city of Canterbury, county of Kent—

(Railway at Whitehall Farm)

Work No. 2 A railway (506 metres in length) in the parish of Harbledown, commencing by a junction with the railway between Chartham and Canterbury West stations at a point 8 metres south-east of the bridge carrying the A.2 trunk road over that railway and terminating by a junction with the railway between Selling and Canterbury East stations at a point 196 metres west of the bridge carrying the last-mentioned railway over the first-mentioned railway to be carried over Works Nos. 2A and 2B by means of bridges:

(Road at Whitehall Farm)

Work No. 2A A road in the parish of Harbledown, being a diversion of Whitehall Road, commencing at a point in Whitehall Road 60 metres north-east of the junction of the drive leading to Whitehall Farm with Whitehall Road, and terminating at a point in Whitehall Road 130 metres west of Whitehall level crossing whereby the railway between Chartham and Canterbury West stations crosses Whitehall Road:

PART II —*cont.*

Work No. 2B A cut in the parish of Harbledown, being a diversion of Whitehall Dyke, commencing at a point 10 metres south of the junction of the drive leading to Whitehall Farm with Whitehall Road and terminating at a point 130 metres north-east of the bridge carrying the A.2 trunk road over the railway between Chartham and Canterbury West stations: (Cut at Whitehall Farm)

Work No. 3 A railway (747 metres in length), being a reinstatement of the former chord railway connecting the railway between Selling and Canterbury East stations with the railway between Chartham and Canterbury West stations, commencing in the parish of Harbledown by a junction with the railway between Selling and Canterbury East stations at the termination of Work No. 2 and terminating in the non-parished area of the city of Canterbury by a junction with the railway between Chartham and Canterbury West stations at a point 78 metres south-west of the bridge carrying Rheims Way over that railway; (Reinstatement of chord at Whitehall Farm)

In the borough of Taff-Ely, county of Mid Glamorgan—

Work No. 4 A railway (1,120 metres in length) in the community of Llantrisant, being a deviation of the Mwyndy branch railway, commencing by a junction with that railway directly above the central pier of the bridge carrying that railway over the Ely river and terminating by a junction with that railway at a point 755 metres east of Cowbridge Road level crossing whereby Cowbridge Road is crossed by that railway; (Deviation railway at Llantrisant)

In the district of Stratford-on-Avon, county of Warwickshire—

Work No. 5 A railway (2,268 metres in length) at Kineton in the parish of Burton Dassett, being a deviation of the railway between Fenny Compton and Kineton Depot, commencing by a junction with that railway at a point, within the depot, 970 metres south-west of the boundary gate across that railway and terminating by a junction with that railway at a point 958 metres north-east of the bridge carrying the A.41 trunk road over that railway; (Deviation railway at Kineton)

In the city of Peterborough, county of Cambridgeshire—

Work No. 6 A footbridge, partly in the parish of Bretton and partly in the non-parished area of the city of Peterborough, at Werrington over the railway between Peterborough and Stamford and that between Peterborough, Grantham and Spalding. (Footbridge at Werrington)

Provisions relating to Works Nos. 2A and 2B

Stopping up of Whitehall Road.

6. As from the completion and opening for public use of Work No. 2A, the Board may stop up and discontinue so much of Whitehall Road shown on the deposited plans as lies between points "A" and "B".

Infilling of Whitehall Dyke.

7. As from the completion of Work No. 2B, the Board may fill in so much of Whitehall Dyke shown on the deposited plans as lies between points "C", "D" and "E" and as will be rendered unnecessary by Work No. 2B.

Provisions relating to Work No. 4

New level crossing and road closure at Llantrisant, Mid Glamorgan.

8.—(1) In this section—

"the council" means Mid Glamorgan County Council;

"the level crossing" means a level crossing in the community of Llantrisant in the borough of Taff-Ely, county of Mid Glamorgan, formed

PART II —*cont.*

by the crossing of Work No. 4 and the new Talbot Green bypass road (A.473) proposed to be constructed by the council at reference point ST 0358:8247 or in the vicinity thereof; and

"the prescribed road" means the portion of the Talbot Green bypass road extending from a junction with Cowbridge Road, westward to a junction with the existing A.473 road.

(2) The Board and the council may enter into and carry into effect agreements—

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

(*b*) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the level crossing and 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 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 exercise of their powers as a highway authority under the Highways Act 1980.

1980 c. 66.

(5) Subject to the provisions of this Act, and as from the completion and opening for public use of the prescribed road, the Board may stop up and discontinue so much of Cowbridge Road as lies between points "A" and "B".

Provisions relating to Work No. 6

Stopping up footpath and new footpath at Werrington.

9.—(1) In this section "the footpath" means so much of the footpath as lies between points "A" and "B" at Werrington partly in the parish of Bretton in the city of Peterborough, county of Cambridgeshire, and partly in the non-parished area of the said city, linking Stirling Way and the A.15 trunk road and crossed by the railway between Peterborough and Stamford and that between Peterborough, Grantham and Spalding at the level crossing known as Cock Lane crossing (reference point TF 1637:0272).

(2) The Board may stop up and discontinue the footpath and substitute therefor a new footpath between points "A", "C", "D", "E", "F" and "B", to be carried over the said railways by means of Work No. 6.

Roads

Stopping up of roads at Alrewas, Staffordshire.

10.—(1) In this section—

"the level crossings" means the level crossings, or either of them, in the parish of Alrewas in the district of Lichfield, county of Staffordshire, known as Roddige Lane crossing and Fine Lane crossing (reference points SK 1695 : 1362 and SK 1655 : 1281) whereby the railway between Lichfield City and Wichnor Junction crosses Roddige Lane and Fine Lane; and

"re-equipping" means the provision at or near the level crossings of barriers, lights, traffic signs and automatic or other devices and appliances under an order made under the Level Crossings Act 1983.

1983 c. 16.

(2) Subject to the provisions of this Act, the Board may, for the purpose of re-equipping the level crossings, stop up and discontinue so much of the roads over the level crossings as they may require and as is comprised within the areas marked "Limits of Roddige Lane to be stopped up" and "Limits of Fine Lane to be stopped up" on the deposited plans.

Footpaths, etc.

PART II —*cont.*

Stopping up of tow-path and new footpath at Thornhill, Kirklees.

1885 c. lxxxviii.

1888 c. clxxvi.

11.—(1) In this section—

"the relevant enactments" means paragraph (2) of section 21 (For the protection of the Calder and Hebble navigation) of the London and North-western Railway Act 1885 and section 38 (Agreement with Ravensthorpe and Thornhill local boards confirmed) of, and the agreement scheduled to, the London and North-western Railway Act 1888; and

"the tow-path" means so much of the south-eastern tow-path of the river Calder at Thornhill in the metropolitan borough of Kirklees, county of West Yorkshire, as lies between points "A", "B", "C" and "D".

(2) The Board may stop up and discontinue the tow-path and substitute therefor a new footpath between points "A" and "D".

(3) Upon the stopping up of the tow-path the Board may, notwithstanding the provisions of the relevant enactments, remove the structure carrying the tow-path and, for that purpose, enter upon and take possession temporarily of the land within the area marked "Limit of land to be temporarily used" on the deposited plans.

(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.

(5) In paragraph (2) of section 21 (For the protection of the Calder and Hebble navigation) of the London and North-western Railway Act 1885 the words "The Company shall" to the end shall cease to have effect.

General works provisions

Temporary stoppage of roads, bridleways and footpaths.

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

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

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

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

(*a*) the traffic commissioner, constituted for the purposes of the Public Passenger Vehicles Act 1981, in whose area the road is situate; and 1981 c. 14.

(*b*) the operator over that road of a local service as defined in the Transport Act 1985; 1985 c. 67.

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

(5) The exercise by the Board of the powers of this section in relation to any road, bridleway or footpath shall not prejudice or affect the rights of the operator of any telecommunications code system (within the meaning of Schedule 4 to the Telecommunications Act 1984) to maintain, inspect, repair, 1984 c. 12.

PART II —*cont.*

renew or remove telecommunication apparatus (within the meaning of paragraph 1 of Schedule 2 to the said Act of 1984) or break open that road, bridleway or footpath for any of those purposes.

Use of sewers, etc., for removing water.

13.—(1) In this section "relevant authority" means a water authority, an internal drainage board or a county council, metropolitan district council or district council.

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

(*a*) the Board shall not discharge any water into any sewer or drain vested in or under the control of a relevant authority except with the consent of the relevant authority and subject to such terms and conditions as the relevant authority may reasonably impose; and

(*b*) the Board shall not make any opening into any such sewer or drain save in accordance with plans approved by, and under the superintendence (if given) of, the relevant authority in whom the sewer or drain shall be vested and approval of those plans by the relevant authority shall not be unreasonably withheld.

1974 c. 40.

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

1976 c. 70.

(*b*) In the exercise of their powers under this section the Board shall not damage or interfere with the bed of any watercourse forming part of the main river of a water authority or the banks thereof within the meaning of section 116 of the Land Drainage Act 1976 or forming part of a metropolitan watercourse within the meaning assigned to that expression by paragraph 1 of Schedule 5 to that Act.

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

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

Relinquishment of work, etc.

Relinquishment of Work No. 4 of British Railways Act 1986.
1986 c. iii.

14.—(1) The Board shall relinquish the power to construct Work No. 4 (Railway at Dunston) authorised by the British Railways Act 1986, in this section referred to as "the relinquished work".

(2) The relinquishment under this section by the Board of the power to construct the relinquished work shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any loss, damage or injury which has been sustained by that owner or occupier, or for any

damage occasioned to that land, by reason of the exercise of any of the powers contained in the Act of 1845, the said Act of 1986 or any other enactment applying to the relinquished work. PART II —*cont.*

(3) Section 12 (Public level crossing on Work No. 4) of the said Act of 1986 shall cease to have effect.

Level crossings

Level crossings at Glanamman, Dyfed.

15.—(1) In this section—

"the council" means Dyfed County Council;

"Glanamman crossing" means the level crossing in the community of Cwmamman in the borough of Dinefwr, county of Dyfed, known as Glanamman crossing (reference point SN 6749:1368) whereby Station Road (C.2141) is crossed by the railway;

"the new level crossing" means a new level crossing in the said community of Cwmamman whereby the road proposed to be constructed by the council as a diversion of Station Road will cross the railway at reference point SN 6761:1369 or in the vicinity thereof; and

"the railway" means the railway between Pantyffynnon and Gwaun-cae-Gurwen.

(2) The Board and the council may enter into and carry into effect agreements—

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

(*b*) for the conversion of Glanamman crossing to a public footpath level crossing; and

(*c*) for defraying, or making contributions towards, the cost of constructing the new level crossing, of altering Glanamman crossing and of maintaining and renewing those crossings and 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) Subject to the provisions of this Act, and as from the opening for public use of the new level crossing—

(*a*) the Board may stop up and discontinue so much of the road at Glanamman crossing as lies within the boundaries of their property; and

(*b*) the specified enactments shall cease to apply to Glanamman crossing.

(5) The stopping up under this section of Glanamman crossing shall not affect the right of persons to use that crossing on foot and the Board shall provide and maintain wicket gates on both sides of the railway at that crossing.

Level crossings at Carnaby, Humberside.

16.—(1) In this section—

"Carnaby Station crossing" means the level crossing in the parish of Carnaby in the district of East Yorkshire, county of Humberside, known as Carnaby Station crossing (reference point TA 1490:6493) whereby Moor Lane is crossed by the railway;

"the council" means Humberside County Council;

PART II —*cont.*

"the new level crossing" means a new level crossing in the said parish of Carnaby whereby the road proposed to be constructed by the council connecting Carnaby industrial estate with the A.166 road will cross the railway at reference point TA 1486:6491 or in the vicinity thereof; and

"the railway" means the railway between Bridlington and Nafferton stations.

(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*) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and 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) As from the completion and opening for public use of the new level crossing—

(*a*) the Board may stop up and discontinue so much of the road at Carnaby Station crossing as lies within the boundaries of their property; and

(*b*) upon the stopping up of Carnaby Station level crossing the specified enactments shall cease to apply to that crossing.

New level crossing at Dunston, Gateshead.

17.—(1) In this section—

"the council" means Gateshead Borough Council;

"the new level crossing" means a new level crossing in the metropolitan borough of Gateshead, county of Tyne and Wear, whereby a new road adjacent to Railway Street and Railway Terrace proposed to be constructed by the council will cross the Redheugh branch railway adjacent to Thomsons crossing; and

"Thomsons crossing" means the level crossing at Dunston in the said borough known as Thomsons level crossing (reference point NZ 2254:6273) whereby the public road connecting the shipbreaking yard of T. J. Thomson & Sons Limited with Railway Street is crossed by the said branch railway.

(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*) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and 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) As from the completion and opening for public use of the new level crossing—

(*a*) all rights of way over Thomsons crossing shall be extinguished; and

(*b*) the specified enactments shall cease to have effect in relation to Thomsons crossing.

PART II —*cont.*

New level crossing at Oswestry, Shropshire.

18.—(1) In this section—

"the council" means Shropshire County Council; and

"the new level crossing" means a new level crossing in the parish of Oswestry in the borough of Oswestry, county of Shropshire, whereby a new road between Oswald Road and land to the east of the railway between Gobowen and Nantmawr Quarry Sidings, proposed to be constructed in connection with the commercial development of that land, will cross that railway at reference point SJ 2940:2980 or in the vicinity thereof.

(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*) for defraying, or making contributions towards, the cost of constructing, maintaining and renewing the new level crossing and 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.

Long Green level crossing, Marks Tey, Essex.

19.—(1) In this section "Long Green crossing" means the level crossing in the parish of Marks Tey in the borough of Colchester, county of Essex, known as Long Green crossing (reference point TL 9060:2313) whereby Dobbies Lane is crossed by the railway between Kelvedon and Marks Tey stations.

(2) Subject to the provisions of this Act, the Board may stop up and discontinue so much of the road at Long Green crossing as lies within the boundaries of their property.

(3) Upon the stopping up of Long Green crossing the specified enactments shall cease to apply to that crossing and section 7 (As to Long Green level crossing, Marks Tey) of the British Railways Act 1980 shall cease to have effect. 1980 c. ix.

(4) The stopping up under this section of Long Green crossing shall not affect the right of persons to use that crossing on foot and the Board shall provide and maintain wicket gates or stiles on both sides of the railway at that crossing.

Vange Wharf level crossing, Basildon, Essex.

20.—(1) In this section "Vange Wharf crossing" means the level crossing in the parish of Vange in the district of Basildon, county of Essex, known as Vange Wharf crossing (reference point TQ 7260:8713) whereby the private road connecting Vange Marshes with the A.13 road is crossed by the railway between Pitsea and Stanford-le-Hope stations.

(2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the Board shall not be required to provide and maintain vehicular gates at Vange Wharf crossing.

(3) If the vehicular gates at Vange Wharf crossing are removed, 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 Vange Wharf crossing such barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

PART II —*cont.*

Seacroft Station level crossing, Seacroft, Lincolnshire.

21.—(1) In this section "Seacroft Station crossing" means the level crossing partly in the parish of Croft and partly in the parish of Skegness in the district of East Lindsey, county of Lincolnshire, known as Seacroft Station crossing (reference point TF 5473:6199) whereby the private road connecting Croft Grange Farm with the A.52 road is crossed by the railway between Havenhouse and Skegness stations.

(2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the Board shall not be required to provide and maintain vehicular gates at Seacroft Station crossing.

(3) If the vehicular gates at Seacroft Station crossing are removed, 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 lifting barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

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

Whitebridge Lane level crossing, Stone, Staffordshire.

22.—(1) In this section "Whitebridge Lane crossing" means the level crossing in the parish of Stone in the borough of Stafford, county of Staffordshire, known as Whitebridge Lane level crossing (reference point SJ 8945:3483) whereby Whitebridge Lane is crossed by the railway between Stone and Barlaston stations.

(2) Subject to the provisions of this Act, the Board may stop up and discontinue so much of the road at Whitebridge Lane crossing as lies within the boundaries of their property.

(3) Upon the stopping up of Whitebridge Lane crossing the specified enactments shall cease to apply to that crossing.

(4) The stopping up under this section of Whitebridge Lane crossing shall not affect the right of persons to use that crossing on foot and the Board shall provide and maintain wicket gates or stiles on both sides of the railway at that crossing.

Fowler Bridge Road level crossing, Arksey, Doncaster.

23.—(1) In this section "Fowler Bridge Road crossing" means the accommodation level crossing at Arksey, in the metropolitan borough of Doncaster, county of South Yorkshire, known as Fowler Bridge Road crossing (also known as Bentley Lane crossing) (reference point SE 5728:0525) whereby Fowler Bridge Road is crossed by the railway between Doncaster and York.

(2) Subject to the provisions of this Act the Board may stop up and discontinue so much of the road at Fowler Bridge Road crossing as lies within the boundaries of their property.

(3) The stopping up under this section of Fowler Bridge Road crossing shall not affect the right of persons to use that crossing on foot and the Board shall provide and maintain wicket gates or stiles on both sides of the railway at that crossing.

(4) Subsection (6) of section 7 (As to certain level crossings) of the British Railways Act 1972 shall cease to have effect.

1972 c. xxxv.

PART II —*cont.*

Wilstrop level crossing, Wilstrop, Yorkshire.

24.—(1) In this section—

"obligation" means any obligation of the Board under any deed, conveyance, covenant, agreement or other instrument to employ proper persons to open and shut the gates of Wilstrop crossing, to cause those gates to be opened and shut or to maintain a cottage or lodge at that crossing; and

"Wilstrop crossing" means the accommodation level crossing in the parish of Tockwith with Wilstrop in the borough of Harrogate, county of North Yorkshire, known as Wilstrop crossing (reference point SE 4890:5548) whereby the private portion of the road connecting Wilstrop Grange Farm, Wilstrop Hall and Wilstrop Lodge with the A.59 road is crossed by the railway between Poppleton and Hammerton stations.

(2) As from the passing of this Act the Board shall be relieved from any obligation in respect of Wilstrop crossing.

(3) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the Board shall not be required to provide and maintain vehicular gates at Wilstrop crossing.

(4) If the vehicular gates at Wilstrop crossing are removed, 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 Wilstrop crossing such lifting barriers, lights, traffic signs and automatic or other devices and appliances as may be approved by the Secretary of State.

(5) If lifting barriers are provided at or near Wilstrop crossing under subsection (4) above, section 75 of the Act of 1845 shall have effect in its application to that crossing as if for the words "shut and fasten any gate" there were substituted the words "lower and lock any lifting barrier".

(6) 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 from any obligation and any dispute arising in relation to the compensation shall be referred to and determined by the tribunal.

Provisions supplementary to level crossings.

1980 c. 66.

25.—(1) Any expenses incurred under any of the following sections of this Act by a council, as there defined, shall be deemed to be expenses incurred by them in exercise of their powers as a highway authority under the Highways Act 1980:—

Section 15 (Level crossings at Glanamman, Dyfed);
Section 16 (Level crossings at Carnaby, Humberside);
Section 17 (New level crossing at Dunston, Gateshead); and
Section 18 (New level crossing at Oswestry, Shropshire).

1972 c. 20.

1984 c. 27.

(2) For the purposes of section 22 of the Road Traffic Act 1972 (drivers to comply with traffic directions) and section 64 of the Road Traffic Regulation Act 1984 (traffic signs) the portions of roads crossed by railways at the level crossings referred to in the following sections of this Act shall be deemed to be roads within the meaning of those Acts:—

Section 20 (Vange Wharf level crossing, Basildon, Essex);
Section 21 (Seacroft Station level crossing, Seacroft, Lincolnshire); and
Section 24 (Wilstrop level crossing, Wilstrop, Yorkshire).

PART II —*cont.*

(3) Nothing in the said sections 20, 21 and 24 of this Act shall impose on a highway authority any liability in respect of a traffic sign provided at or near the level crossings referred to in those sections.

Compensation.

26.—(1) Any person who suffers loss by the extinguishment, under the sections of this Act referred to in subsection (2) (*a*) below, of such private rights of way, if any, as may exist over any of the level crossings referred to in subsection (2) (*b*) below shall be entitled to be paid by the Board compensation, to be determined in case of dispute by the tribunal.

(2) (*a*) The sections of this Act referred to in subsection (1) above are—

Section 15 (Level crossings at Glanamman, Dyfed);
Section 16 (Level crossings at Carnaby, Humberside);
Section 17 (New level crossing at Dunston, Gateshead);
Section 19 (Long Green level crossing, Marks Tey, Essex);
Section 22 (Whitebridge Lane level crossing, Stone, Staffordshire); and
Section 23 (Fowler Bridge Road level crossing, Arksey, Doncaster).

(*b*) The level crossings referred to in subsection (1) above, and defined in the said sections 15 to 17, 19, 22 and 23 of this Act, are—

Glanamman crossing;
Carnaby Station crossing;
Thomsons crossing;
Long Green crossing;
Whitebridge Lane crossing; and
Fowler Bridge Road crossing.

PART III

WORKS, ETC., AT BLYTH

Interpretation of Part III.

27. In this Part of this Act—

"the corporation" means the British Coal Corporation;

"the existing railway" means so much of the mineral railway of the corporation at Blyth in the borough of Blyth Valley, county of Northumberland, known as the Isabella branch railway, as lies between a point 77 metres south-east of the Newsham Road level crossing whereby the existing railway crosses Wharton Street and a point 6 metres east of the bridge carrying Hospital Road over the existing railway but excluding the site and structure of that bridge and of the other bridges over the existing railway;

"the level crossing" means any accommodation level crossing which the Board may provide under section 68 of the Act of 1845 in the construction of Work No. 8 at Blyth; and

"the relevant date" means the date of the passing of this Act or the date on which the Board acquire the land comprising the site of the existing railway, whichever is the later.

Transfer of rights and obligations in Isabella branch railway.

28.—(1) As from the relevant date—

(*a*) all the rights and obligations of the corporation in respect of the existing railway shall be transferred to, and become, the rights and obligations of the Board; and

(*b*) the existing railway shall for all purposes form part of the undertaking of the Board.

PART III — *cont.*

(2) As regards the rights and obligations transferred by subsection (1) (*a*) above, a proposal by the Board to carry fare-paying passengers shall be regarded as a proposal to open a railway for the public conveyance of passengers for the purpose of section 41 of the Road and Rail Traffic Act 1933. 1933 c. 53.

Power to make work at Blyth.

29. The Board may in the line and situation shown on the deposited plans and within the limit of deviation and according to the levels shown on the deposited sections, make and maintain the following work with all necessary works and conveniences connected therewith:—

In the borough of Blyth Valley, county of Northumberland—

(Railway at Blyth).

Work No. 8 A railway (920 metres in length) at Blyth, commencing by a junction with the existing railway at a point 6 metres east of the bridge carrying Hospital Road over the existing railway and terminating at a point 87 metres south-east of the junction of Willow Avenue and Crawford Street.

Diversion of footpath at Blyth.

30. The Board may stop up and discontinue so much of the footpath at Blyth between Plessey Road and Wharton Street as lies between points "A" and "B" and may make and maintain in substitution therefor a new footpath between points "A" and "C" in the position shown on the deposited plans.

Accommodation level crossing on Work No. 8. 1972 c. 20. 1984 c. 27.

31.—(1) For the purpose of the application of section 22 of the Road Traffic Act 1972 and section 64 of the Road Traffic Regulation Act 1984 to a traffic sign provided under subsection (3) below the private road comprised in the level crossing shall be deemed to be a road within the meaning of those Acts.

(2) Notwithstanding the provisions of sections 68 and 75 of the Act of 1845 or any other enactment, the Board shall not be required to provide or maintain gates at the level crossing.

(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 level crossing such barriers, lights, traffic signs and automatic or other devices and appliances 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 under subsection (3) above.

Application of provisions of this Act.

32. The provisions of sections 12 (Temporary stoppage of roads, bridleways and footpaths) and 13 (Use of sewers, etc., for removing water) of this Act shall apply to the works authorised by this Part of this Act.

PART IV

LAND

Purchase of land.

33.—(1) Subject to the provisions of this Act, the Board may purchase compulsorily and use such of the land delineated on the deposited plans and described in the deposited book of reference as they require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.

(2) (*a*) Without prejudice to the generality of subsection (1) above, the Board may purchase compulsorily and use for the purposes specified in column (3) of Schedule 1 to this Act all or any of the land referred to in columns (1) and (2) of that schedule.

PART IV —*cont.*

(*b*) The power to purchase land conferred by paragraph (*a*) above shall not extend to any part of the site and structure of the bridges over the lands numbered in the deposited plans 10, 12, 14 and 16 in the borough of Blyth Valley.

(3) The Board may enter upon, use and appropriate so much of the subsoil and undersurface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of subsection (1) above without being required to purchase the same or any easement or other right therein or thereunder or to make any payment therefor.

Purchase of rights over land.

34.—(1) In this section references to the purchase by the Board of new rights are references to the purchase of rights to be created in favour of the Board.

(2) Subject to the provisions of this Act, the Board may for the purpose of constructing, maintaining, altering, renewing and using the works, or for the purpose of obtaining access to the works or for the purpose of doing any other thing necessary in connection with the works, purchase compulsorily such new rights as they require over any of the land delineated on the deposited plans and described in the deposited book of reference instead of purchasing that land under section 33 (Purchase of land) of this Act.

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

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

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

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

Purchase of rights over land at Blackhall and Branksome.

35.—(1) Section 34 (Purchase of rights over land) of this Act shall have effect for enabling the Board to purchase such further new rights as they require under this section.

(2) In this section—

"the relevant works" means the works to be constructed at Blackhall on the land in the parish of Monk Hesleden referred to in Schedule 1 to this Act; and

"the substation" means the Board's electricity substation at Branksome to be enlarged on the land in the borough of Poole referred to in the said Schedule 1.

(3) The Board may, in addition to such new rights as they may purchase under the said section 34 of this Act, purchase compulsorily such new rights as they require—

(*a*) over the land numbered on the deposited plans 1 to 4 in the parish of Monk Hesleden for the provision of a means of access for the purpose of providing the relevant works;

(*b*) over the land numbered on the deposited plans 1 and 2 in the borough of Poole for the provision of a means of access for the purpose of enlarging the substation; and

(*c*) over any of the lands referred to in paragraphs (*a*) and (*b*) above for the purpose of the alteration, maintenance and use of the relevant works or of the substation, as the case may be, and of the other lands or works of the Board in the vicinity thereof.

(4) For the purpose of subsection (3) (*a*) above, the Board may form and lay out means of access to the said land numbered 1 to 4 in the parish of Monk Hesleden from Coast Road (A.1086) at point "A".

Temporary possession or use of lands at Elswick and Werrington.

36.—(1) In this section—

"the Elswick land" means the land numbered on the deposited plans 2 to 5 in the city of Newcastle upon Tyne situate within the lines marked "Limit of temporary working site" on the deposited plans;

"the specified lands" means the Elswick land or the Werrington lands, as the case may be;

"the specified works" means Work No. 1 or 6, as the case may be; and

"the Werrington lands" means the lands numbered on the deposited plans 2 and 4 in the city of Peterborough and 1 in the parish of Bretton situate within the lines marked "Limit of land to be used for temporary access" on the deposited plans.

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

(*a*) (i) enter upon and take possession temporarily of the Elswick land;

(ii) remove any structures and vegetation on the Elswick land; and

(iii) construct on the Elswick land such temporary works or structures as may be required by the Board; and

(*b*) (i) use the Werrington lands for the purpose of obtaining access to and from the site of Work No. 6;

(ii) remove any structures and vegetation on the Werrington lands; and

(iii) form and lay out means of temporary access to so much of the Werrington lands as comprises the lands numbered on the deposited plans 2 and 4 in the city of Peterborough at point "G" and to so much of the Werrington lands as comprises the land numbered on the deposited plans 1 in the parish of Bretton from Stirling Way at point "H".

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

(*a*) The Board shall not be empowered to purchase compulsorily or be required to purchase any part of the specified lands:

(*b*) The Board shall not, without the agreement of the owners and occupiers of the specified lands, remain in possession of any part thereof after a period of one year from the completion of the specified works:

(*c*) Before giving up possession of the specified lands, the Board shall, unless otherwise agreed by the owners and occupiers of the Elswick land, remove all temporary works or structures and restore the specified lands to the reasonable satisfaction of the owners and occupiers thereof:

PART IV —*cont.*

(*d*) The Board shall compensate the owners and occupiers of the specified lands for any loss or damage which may result to them by reason of the exercise of the powers of subsection (2) above:

(*e*) Nothing in this section shall relieve the Board from liability to compensate under section 6 or 43 of the Act of 1845 or section 10 (2) of the Act of 1965, as incorporated with or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (*d*) above:

(*f*) Any dispute as to a person's entitlement to compensation under paragraph (*d*) above or as the amount thereof shall be determined by the tribunal.

Set-off for enhancement in value of retained land.

37.—(1) In this section "relevant land" means any land or any subsoil or undersurface of, or new rights over, any land purchased by the Board for the purposes of the works.

(2) In assessing the compensation payable to any person on the purchase by the Board from him of any relevant land, the tribunal shall—

(*a*) have regard to the extent to which the land or the remaining contiguous lands belonging to the same person may be benefited by any of the works; and

(*b*) set off against the value of the relevant land any increase in value of the remaining contiguous lands belonging to the same person which will accrue to him by reason of the construction of any of the works.

1961 c. 33.

(3) The Land Compensation Act 1961 shall have effect subject to the provisions of this section.

Time for purchase of land and rights over land.

38. The powers of the Board for the compulsory purchase of land and rights over land under this Act shall cease on 31st December 1992.

PART V

INCORPORATED WORKS AND LANDS PROVISIONS

Incorporation of works provisions.

39. The following works provisions of the (No. 2) Act of 1981 are, with necessary modifications, incorporated with Parts II (Works, etc.) and III (Works, etc., at Blyth) 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); and

Section 15 (Underpinning of buildings near works).

Incorporation of lands provisions.

40. The following lands provisions of the under-mentioned Acts are, with necessary modifications, incorporated with Part IV (Land) of this Act:—

The (No. 2) Act of 1981—

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

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

PART V —*cont.*

Section 25 (Cellars under streets not referenced):

The (No. 2) Act of 1984—

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

Section 22 (Disregard of recent improvements and interests).

PART VI

PROTECTIVE PROVISIONS

Incorporation of protective provisions.

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

The (No. 2) Act of 1981—

Section 32 (Notice of interference with roads); and

Section 33 (Crown rights):

The (No. 2) Act of 1984—

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

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

(*a*) for reference in paragraph (2) thereof to section 14 (Temporary stoppage of roads, bridleways and footpaths) of the (No. 2) Act of 1981, as incorporated by section 18 (Incorporation of works provisions) of the (No. 2) Act of 1984, there shall be substituted reference to section 12 (Temporary stoppage of roads, bridleways and footpaths) of this Act; and

(*b*) for reference in paragraph (4) thereof to section 16 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1981, as incorporated by the said section 18, there shall be substituted reference to section 13 (Use of sewers, etc., for removing water) of this Act.

For protection of Anglian Water Authority.

42. For the protection of the Anglian 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, unless the context otherwise requires—

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

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

"sewer" means a public sewer within the meaning of the Public Health Act 1936 vested in or under the jurisdiction or control of the authority and includes any subways, tunnels, 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. 6 or the works authorised by section 9 (Stopping up footpath and new footpath at Werrington) of this Act or any work (whether temporary or 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 or culverted watercourse; or

PART VI —*cont.*

(*c*) (wherever situated) impose any load directly upon any sewer or culverted watercourse;

and includes the construction, maintenance or renewal of any such works;

"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 and any control weir or other similar device:

1936 c. 49.

(2) The Board shall not commence any specified work until they shall have given to the authority 56 days' 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 subsection (7) below (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 56 days, 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 construction 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 sewer or watercourse 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 any 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 Board and 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:

(5) When any 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 authority as any sewer or watercourse 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 or watercourse 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 constructed and

PART VI —*cont.*

shall as far as reasonably practicable accurately describe the position of all sewers and watercourses 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 or watercourse:

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

(9) 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 any specified work to any sewers or watercourses and the authority shall have power to recover any expense so incurred by them from the Board:

(10) If, in the construction of any specified work, 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 sewer or watercourse, the Board shall—

(*a*) 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 or watercourse 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 new, altered or substituted sewer or watercourse (but under the supervision and control of the Board which shall be provided as soon as possible) and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

(11) It shall be lawful for an officer of the authority duly appointed for the purpose at any reasonable time and, if required by the Board, under their supervision to enter upon and inspect any specified work or any other work constructed under the powers of this section:

(12) 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:

(13) 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 the specified work as constructed and all new, altered or substituted works of the authority provided under this section:

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

For protection of Blyth Harbour Commission.

43. For the protection of the Blyth Harbour Commission (in this section referred to as "the commission") the following provisions shall apply and have effect:—

(1) Notwithstanding anything in this Act or shown on the deposited plans, the Board shall not purchase compulsorily any estate or interest in land vested in the commission but they may purchase such easements or other rights in land of the commission, in accordance

PART VI —*cont.*

with the provisions of section 34 (Purchase of rights over land) of this Act, as they may reasonably require for the purposes of Work No. 8:

(2) Any differences arising between the Board and the commission under this section shall be referred to and settled by arbitration.

PART VII

MISCELLANEOUS

Pension schemes.

44.—(1) In this section—

"the actuary" means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by the Board for the purposes of this section;

"the trustee company" means the British Rail Pension Trustee Company Limited; and

"the trust funds" means—

(*a*) the trust fund known as the North Eastern and Great Eastern Superannuation Societies and Pension Funds Joint Trust Account, constituted by a deed dated 7th November 1941 and made by the London and North Eastern Railway Company; and

(*b*) the trust fund known as the Great Eastern Railway New Pension Fund and New Pension (Supplemental) Fund Trust Account, constituted by another deed dated 7th November 1941 and made by the London and North Eastern Railway Company.

(2) As soon as practicable after the passing of this Act the actuary shall issue to the Board and the trustee company a certificate of his opinion of the value of the assets and the amount of the liabilities of each of the trust funds.

(3) (*a*) Subject to subsection (4) below, as from the day upon which the actuary's certificate is received by the trustee company that company shall hold the property of the trust funds upon the trusts, and as part of the property, of the LNER (Old) Section of the Amalgamated Sections of the British Railways Superannuation Fund, and the rights and liabilities of the trust funds shall be the rights and liabilities of the said Superannuation Fund.

(*b*) As soon as may be after the actuary's certificate is delivered to the trustee company the company shall confirm to the Board that the property of the trust funds is held as provided by paragraph (*a*) above and thereupon the winding-up of the trust funds shall be effected by the preparation of their final accounts, the audit of those accounts by an auditor appointed by the Board and the approval of those accounts by the Board.

(4) If the value of the assets of the trust funds, as certified by the actuary, is less than a sum equal to 105 per cent. of the amount of the liabilities of those funds, as so certified, subsection (3) above shall not have effect and the trust funds shall continue in being accordingly.

Savings company.

45.—(1) In this section "the savings company" means the British Railways Savings Company Limited and the provisions of this section shall apply in respect of a woman's husband or widower as they apply in respect of a man's wife or widow.

1979 c. 37.

(2) Subject to the requirements of the Banking Act 1979, the savings company may continue to maintain a savings bank with or without branches

PART VII —*cont.*

at such places as it may think fit and may thereat receive monies by way of deposit at interest from—

(*a*) depositors in the savings company at the passing of this Act;

(*b*) persons employed by the Board or any subsidiary of the Board;

(*c*) persons who owing to incapacity arising from ill-health or on reaching retirement age have retired from service with the Board or any subsidiary of the Board or any predecessors of the Board;

(*d*) the wife or widow (during the period of her widowhood) and the children under 21 years of age of persons of any of the foregoing descriptions;

(*e*) (i) any persons who, on the transfer date for any transfer under sections 7, 8, 28 or 29 of the Transport Act 1968— 1968 c. 73.

(A) are depositors in the savings company; and

(B) apart from this paragraph would by reason of the transfer cease to be entitled as aforesaid; and

(ii) where any of those depositors is a man who dies leaving a widow, his widow during her widowhood; and

(*f*) any group, society or association the members of which consist, or mainly consist, of persons of any of the foregoing descriptions.

(3) Monies deposited with the savings company and the interest thereon—

(*a*) may be advanced to the Board and may be applied by them to the general purposes of their undertaking (being in every case purposes to which capital is properly applicable); or

(*b*) may be invested by the savings company in any manner in which trustees are for the time being authorised by law to invest trust monies.

(4) The savings company shall have power to make, and may from time to time amend, rules for the regulation of the savings company's business, which rules shall provide for—

(*a*) the management of the savings company's business;

(*b*) the payment in and the withdrawal of deposits, the rate of interest thereon and payment of such interest;

(*c*) the keeping and auditing of accounts;

(*d*) the publishing of accounts once a year on such date as may from time to time be determined by the savings company;

(*e*) supplying every depositor free of charge on demand with a copy of the rules and with the latest audited annual accounts and auditor's report (if any);

(*f*) the settlement of disputes between the savings company and any depositor or his representative; and

(*g*) the regulation of such other matters as may appear to the savings company to be appropriate.

(5) Infants and minors of the age of 15 years and upwards may execute all instruments and give all acquittances necessary to be executed or given under the rules but all instruments and acquittances relating to the deposits or claims of infants or minors under the age of 15 years shall be executed or made by their parents or guardians.

(6) If any depositor in any way becomes incapacitated to act and the savings company is satisfied as to the incapacity and as to the urgency of the case, the savings company may authorise the payment, if necessary for the maintenance

PART VII —*cont.*

of the depositor, of the balance standing to the credit of such depositor or any part thereof to any person or institution having care of the depositor and a receipt given by such person or on behalf of such institution shall be a sufficient discharge.

(7) The deposits not exceeding £5,000 (or such greater sum as may from time to time be specified by an order made under the Administration of Estates (Small Payments) Act 1965 as the limit on the amount of property which is allowed to be disposed of on death without the necessity for probate or other proof of title) of a deceased depositor may be paid in England and Wales without letters of administration or probate of a will or in Scotland without confirmation to the person who appears to the savings company upon such evidence as it may deem satisfactory to be entitled by law to receive the same and such payment shall be an effective discharge to the savings company for any sum so paid.

1965 c. 32.

1981 c. 65.

(8) (*a*) Section 26 of the Trustee Savings Banks Act 1981 shall apply with respect to the settlement of disputes between the savings company and any depositor or other persons referred to in subsection (1) of that section and section 41 of that Act shall apply with respect to persons failing to account for money received from depositors in the savings company as if, for the purposes of both these sections, the savings company were a trustee savings bank and the directors of the savings company were the trustees thereof.

(*b*) For every award, order or determination made under the provisions of the said section 26, as applied by this section, there shall be paid such fee by such person and in such manner as is for the time being directed in relation to trustee savings banks by Treasury warrant made under section 49 of the Trustee Savings Banks Act 1981.

1966 c. xvii.
1968 c. 73.

(9) Section 32 of the British Railways Act 1966 and paragraph 11 of Schedule 16 to the Transport Act 1968 shall cease to have effect.

PART VIII

GENERAL

Planning permission.
S.I. 1977/289.

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

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

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

Repeals.

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

PART VIII —*cont.*

Arbitration.

48. Where under any provision of this Act any difference (other than a difference as to the meaning or construction of any such provision) is to be referred to or settled by arbitration, then such difference shall be referred to and settled by a single arbitrator or 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.

49. 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 33 (2).

SCHEDULE 1

LAND REFERRED TO IN SECTION 33 (2) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purpose for which land may be used (3)
In the county of Dorset— Borough of Poole	3 to 5	To enlarge the Board's electricity substation at Branksome which supplies electricity to their railways.
In the county of Durham— District of Easington— Parish of Monk Hesleden	5, 6	To strengthen the embankment at Blackhall carrying the railway between Seaham and Hartlepool.
City of Durham— Parish of Cassop- cum-Quarrington	1	To strengthen the embankment at Tursdale carrying the railway between Durham and Darlington.
Parish of Croxdale and Hett	1 to 3	
In the county of Northumberland— Borough of Blyth Valley	5 to 16	To facilitate the maintenance and use by the Board of the part of the Isabella branch railway referred to in Part III (Works, etc., at Blyth) of this Act.
In the county of North Yorkshire— District of Hambleton— Parish of Danby Wiske	1	To provide a turning-circle at Danby Wiske for road vehicles used in connection with the alteration, maintenance and use of the railway between Darlington and Northallerton.

SCHEDULE 2

Section 47.

REPEALS

PART I

REPEAL IN CONSEQUENCE OF SECTION 11 (5) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
48 & 49 Vict. c. lxxxviii.	London and North-western Railway Act 1885.	In paragraph (2) of section 21, the words "The Company shall" to the end.

PART II

REPEAL IN CONSEQUENCE OF SECTION 14 (3) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
1986 c. iii.	British Railways Act 1986.	Section 12.

PART III

REPEAL IN CONSEQUENCE OF SECTION 19 (3) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
1980 c. ix.	British Railways Act 1980.	Section 7.

PART IV

REPEAL IN CONSEQUENCE OF SECTION 23 (4) OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
1972 c. xxxv.	British Railways Act 1972.	Subsection (6) of section 7.

PART V

REPEALS IN CONSEQUENCE OF SECTION 45 OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
1966 c. xvii.	British Railways Act 1966.	Section 32.
1968 c. 73.	Transport Act 1968.	In Schedule 16, paragraph 11.

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British Railways Act 1987

CHAPTER xxix

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