British Transport Commission Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 **Ch. xxxiv**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of general Acts.

PART II

WORKS

5. Power to make works.
6. As to dimensions of bridges.
7. Further works and powers.
8. As to certain level-crossings.
9. As to level-crossing at Castleford.
10. Incorporation of provisions of Acts of 1949 and 1950 relating to works.

PART III

LANDS

11. Power to acquire lands.
12. Acquisition of part only of certain properties.
13. Disregard of recent improvements and interests.
14. Extinction of private rights of way.
15. Power to acquire easements only in certain cases.
16. Period for compulsory purchase of lands.
17. Power to use certain lands.
18. Incorporation of provisions of Act of 1949 relating to lands.

PART IV

NOTTINGHAM CANAL

Section
19. Definitions for Part IV.
20. Confirmation of scheduled agreement.
21. Transfer of section of Nottingham Canal.
22. Outgoings and receipts in respect of transferred section of canal.
23. Actions etc. not to abate.
24. Books etc. to be admitted as evidence.
25. Agreements etc. to be binding upon corporation.
26. Power to corporation to deal with transferred section of canal.
27. Application of existing statutory provisions.
28. As to canal bridges.
29. Transferred section of canal and certain works which may be constructed by corporation not to be sewers unless expressly dedicated.

PART V

PROTECTIVE PROVISIONS

30. Incorporation of protective provisions of Act of 1949.
31. For protection of Postmaster-General.
32. For protection of Essex County Council and certain other local authorities in Essex.
33. For protection of London County Council.
34. For further protection of London County Council.
35. For protection of Essex Rivers Catchment Board.
36. For protection of River Roding Catchment Board.
37. For protection of Bucks County Council.
38. For protection of Bexley Corporation.
39. For protection of gas water and electricity undertakers.
40. For further protection of electricity boards.
41. Ecclesiastical property.

PART VI

MISCELLANEOUS

42. Closing to passengers of Scotsgap Junction and Ewesley stations.
43. Power to sell shares in Dundalk Newry and Greenore Railway Company.
44. Extensions of time.
45. Powers to owners and lessees to give notice as to purchase of land.

Section

46. Saving for town and country planning.
47. Arbitration.
48. Costs of Act.

SCHEDULES:

First Schedule—The level-crossings referred to in section 8 (As to certain level-crossings) of this Act—

Part I.
Part II.
Part III.
Part IV.
Part V.

Second Schedule—Lands referred to in section 11 (Power to acquire lands) of this Act.

Third Schedule—Describing properties whereof portions only may be taken compulsorily.

Fourth Schedule—The bridges and level-crossings referred to in section 14 (Extinction of private rights of way) of this Act—

Part I.
Part II.

Fifth Schedule—Lands referred to in section 17 (Power to use certain lands) of this Act.

Sixth Schedule—Agreement with Nottingham Corporation and Trent River Board.

Seventh Schedule—Lands the period for the compulsory purchase of which is extended by this Act to 31st December 1955.

CHAPTER xxxiv

An Act to empower the British Transport Commission to construct works and to acquire lands to provide for the transfer of part of the Nottingham Canal to the corporation of Nottingham and to confer powers on the corporation in regard thereto to extend the time for the completion of a railway and the compulsory purchase of certain lands to confer further powers on the Commission and for other purposes.

[1st August 1952.]

WHEREAS by the Transport Act 1947 (in this Act referred to as "the Act of 1947") the British Transport Commission (in this Act referred to as "the Commission") were established:

And whereas it is the duty of the Commission (inter alia) so to exercise their powers under the Act of 1947 as to provide or secure or promote the provision of an efficient adequate economical and properly integrated system of public inland transport and port facilities within Great Britain for passengers and goods and for that purpose to take such steps as they consider necessary for extending and improving the transport and port facilities within Great Britain in such manner as to provide most efficiently and conveniently for the needs of the public agriculture commerce and industry:

And whereas it is expedient that the Commission should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas it is expedient to transfer to the lord mayor aldermen and citizens of the city of Nottingham and county of the same city a portion of the Nottingham Canal vested in the Commission by the Act of 1947 to confer upon the said lord

mayor aldermen and citizens the powers in this Act contained in relation to the said portion of canal and to amend in the manner hereinafter appearing the enactments relating thereto:

And whereas it is expedient that the periods now limited for the completion of a certain railway and the compulsory purchase of certain lands should be extended as provided by this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Commission and that the other provisions in this Act contained should be enacted:

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act and plans of the lands authorised to be acquired 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 with the clerks of the county councils of the several counties and the town clerks of the county boroughs 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:

And whereas 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 and collective titles.

1.—(1) This Act may be cited as the British Transport Commission Act 1952.

(2) The British Transport Commission Acts 1947 to 1951 and this Act may be cited together as the British Transport Commission Acts 1947 to 1952.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Works.
Part III.—Lands.
Part IV.—Nottingham Canal.
Part V.—Protective provisions.
Part VI.—Miscellaneous.

PART I —*cont.*

3.—(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— Interpretation.

" the Act of 1949 " means the British Transport Commission Act 1949 ;

" the Act of 1950 " means the British Transport Commission Act 1950 ;

" the Commission " means the British Transport Commission and any reference to the Commission in relation to any functions of the Commission which are for the time being delegated to an executive in pursuance of section 5 of the Act of 1947 shall be construed as a reference to that executive ;

" enactment " includes any public general local or private Act and any order or other instrument having the force of an Act ;

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

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

" the new works " means the works described in section 5 (Power to make works) of this Act ;

" the tribunal " means the Lands Tribunal ;

" the works " means the works authorised by Part II (Works) of this Act and includes the new works.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

(3) All distances and lengths stated in any description of works powers or lands shall be read and have effect as if the words " or thereabouts " were inserted after each such distance and length.

4. The following Acts and Parts of Acts 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 Incorporation of general Acts.

PART I —*cont.*

special Act for the purposes of the said incorporated enactments:—

The Lands Clauses Acts except sections 127 to 133 of the Lands Clauses Consolidation Act 1845;

The Railways Clauses Consolidation Act 1845 except sections 7 8 9 19 20 22 and 23 thereof;

Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Railways Clauses Act 1863:

Provided that for the purposes of this Act the expression "the railway" where used in the incorporated provisions of the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 means the new works and the expression "the company" where used in the said provisions means the Commission:

Provided also that the provisions of sections 18 and 21 of the Railways Clauses Consolidation Act 1845 as incorporated with this Act shall not extend to regulate the relations between the Commission and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

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

(*b*) by the provisions of section 39 (For protection of gas water and electricity undertakers) of this Act.

PART II

WORKS

Power to make works.

5. Subject to the provisions of this Act the Commission may in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain the new works hereinafter described with all necessary works and conveniences connected therewith:—

In the county borough of East Ham—

(Bridge reconstruction at East Ham.)

Work No. 1 A reconstruction of the bridges carrying the railways from South Tottenham and East Ham to Barking over Stevenage Road:

In the county borough of East Ham and in the county of Essex—

(Bridge over river Roding.)

Work No. 2 A bridge over the river Roding partly in the county borough of East Ham and partly in the borough of Barking in the county of Essex on the north side of the existing bridges carrying the railways from South Tottenham and East Ham to Barking over the said river:

In the county of Essex—

PART II —*cont.*

Work No. 3 A lengthening of the bridge in the borough of Barking carrying Queens Road over the railways from South Tottenham and East Ham to Barking ; (Bridge lengthening at Barking.)

Work No. 4 A diversion partly in the urban district of Brentwood and partly in the urban district of Thurrock of the road leading from Brentwood to Tilbury commencing at a point 322 yards north of the bridge carrying the railway between Upminster and Pitsea over the said road and terminating at a point 353 yards south of the said bridge : (Road diversion at West Horndon.)

In the County of Kent—

Work No. 6 A lengthening of the bridge in the borough of Bexley carrying Pickford Lane over the railway between Welling and Bexleyheath and an alteration of the levels of Pickford Lane and Avenue Road : (Bridge lengthening at Bexleyheath.)

In the county of London—

Work No. 7 A widening on both sides thereof of the viaduct in the metropolitan borough of Lewisham on west side of the bridge carrying the railway between Lewisham and Blackheath over Lewisham Road ; (Widening of viaduct at Lewisham.)

Work No. 8 A widening on both sides thereof of the bridge in the metropolitan borough of Lewisham carrying the railway between Lewisham and Ladywell over Loampit Vale ; (Bridge widening at Lewisham.)

Work No. 9 A widening on both sides thereof of the bridge in the metropolitan borough of Woolwich carrying the railway between Eltham (Well Hall) and Eltham Park over Well Hall Road. (Bridge widening at Eltham.)

6. In constructing Work No. 1 authorised by this Act the Commission shall not be required to make the reconstructed bridges over Stevenage Road of a height greater than the height of the existing bridges over the said road. As to dimensions of bridges.

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

In the county of Buckingham—

In the parish of Woburn Sands in the rural district of Newport Pagnell—

They may stop up and discontinue so much of the road between Newport Pagnell and Woburn and numbered on the deposited plans 1 in the parish of Woburn

PART II —*cont.*

Sands as is situate within the line marked "Portion of road to be stopped up" on the deposited plans:

In the county of Chester—

In the urban district of Northwich—

They may stop up and discontinue so much of the footpath leading from Moss Road to Castle Street as lies between the points marked "A" and "B" on the deposited plans and may substitute therefor a footbridge in the position shown on the deposited plans:

In the county of Essex—

In the borough of Barking—

(*a*) They may stop up and discontinue so much of the road known as Victoria Road and numbered on the deposited plans 4 in the borough of Barking as is situate within the line marked "Portion of road to be stopped up and appropriated" on the deposited plans;

(*b*) They may stop up and discontinue the portion of the footpath leading from Victoria Road to Harts Lane between the points marked "A" and "B" on the deposited plans and may substitute therefor a new footpath to be carried over the railways from South Tottenham and East Ham to Barking by means of a footbridge on the east side of the existing footbridge in the position shown on the deposited plans;

(*c*) They may stop up and discontinue so much of the road known as Loxford Road and numbered on the deposited plans 23 in the borough of Barking as is situate within the line marked "Portion of road to be stopped up and appropriated" on the deposited plans;

(*d*) They may stop up and discontinue so much of the road known as North Street and of the footpath leading from the northern end of the said road to Queens Road (which said road and footpath are numbered on the deposited plans 28 29 and 30 in the borough of Barking) as is situate within the line marked "Portion of road and footpath to be stopped up and appropriated" on the deposited plans and may substitute therefor a new footpath between the points marked "C" and "D" on the deposited plans;

(*e*) They may stop up and discontinue so much of the footpath which connects Loxford Road with North Street and is carried over the railways from South Tottenham and East Ham to Barking by means of a footbridge as is situated between the points marked "E" and "F" on the deposited plans and may substitute therefor a new footpath to be carried over the said railways by

PART II —*cont.*

means of a footbridge on the east side of the existing footbridge in the postion shown on the deposited plans ;

(*f*) They may stop up and discontinue so much of the road known as Kings Road and numbered on the deposited plans 9 in the borough of Barking as is situate within the line marked "Portion of road to be stopped up and appropriated" on the deposited plans ;

(*g*) They may make and maintain two additional lines of railway across and on the level of Ripple Road at the level-crossing where the said road is crossed on the level by the railway between Barking and Tilbury ;

(*h*) They may stop up and discontinue the footpath which connects Harrow Road and Kennedy Road and is carried over the railway between Barking and Tilbury by means of a footbridge between the points marked "N" "O" "P" and "Q" on the deposited plans and may substitute therefor a new footpath to be carried over the said railway by means of a footbridge on the west side of the existing footbridge in the position shown on the deposited plans:

In the urban district of Brentwood—

Notwithstanding anything in any deed covenant contract or undertaking with reference to the headway of the accommodation bridge under the railway between Upminster and Pitsea connecting the fields or enclosures numbered 1766 in the parish of Brentwood and 52 in the parish of Thurrock on the 1/2500 ordnance map Essex sheet LXXX.11 (revised edition of 1940) they may in altering and reconstructing the said railway over and near to the said bridge substitute for the said bridge a new accommodation bridge connecting the same fields or enclosures with a clear headway above the existing surface level of the ground of not less than 8 feet 6 inches:

In the city and county borough of Exeter—

They may stop up and discontinue so much of the footpath formerly leading from Mount Pleasant Road along the northern boundary of the Commission's Exmouth Junction depot to Beacon Lane as is situate on the land of the Commission and is still open for public use:

In the county of Leicester—

In the parish of Bittesby in the rural district of Lutterworth—

They may stop up and discontinue so much of the road between Weedon and Atherstone and numbered on the

PART II —*cont.*

deposited plans 1 in the parish of Bittesby as is situate within the line marked "Portion of road to be stopped up" on the deposited plans:

In the county borough of Southampton—

They may stop up and discontinue so much of the footpath which is carried over the railway between Eastleigh and Southampton by means of a footbridge at the south end of Exmouth Street as is situate upon the land of the Commission:

In the county of Surrey—

In the parish of East Clandon in the rural district of Guildford—

They may divert the portion of the footpath leading from the road between Ripley and Clandon to Ripley Lane between the points marked "A" and "B" on the deposited plans and may stop up and discontinue so much of the said footpath as will be rendered unnecessary by the new portion of footpath shown on the deposited plans:

In the county boroughs of Wallasey and Birkenhead—

They may stop up and discontinue the portion of the footpath leading from Breck Road to Bidston station between the points marked "A" "B" "C" and "D" on the deposited plans and may substitute therefor a new footpath between the points marked "A" "E" and "D" to be carried over the railway between Wallasey and Birkenhead by means of a footbridge in the position shown on the deposited plans.

(2) No consent shall be required under section 12 (Stopping up roads and footpaths without providing substitute) of the Act of 1950 as incorporated with this Act in respect of the stopping up of the portions of road in the parishes of Woburn Sands and Bittesby the portions of Victoria Road and Loxford Road in the borough of Barking or the portion of the footpath in the city and county borough of Exeter authorised by this section.

(3) Upon the stopping up of the portion of footpath in the urban district of Northwich authorised by this section so much of the site of the said portion of footpath as is not situated on land of the Commission shall vest by virtue of this Act in the owners for the time being of the lands abutting on either side thereof.

As to certain level-crossings.

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

(*a*) all rights of way over the level-crossing referred to in Part I of the First Schedule to this Act; and

PART II —*cont.*

(*b*) all rights of way over the level-crossings referred to in Part II of the said schedule other than a right of way for all persons to use those level-crossings on foot ;

shall subject to the provisions of this section be extinguished and the provisions of the Highway (Railway Crossings) Act 1839 of section 9 of the Railway Regulations Act 1842 of section 47 of the Railways Clauses Consolidation Act 1845 and of sections 5 6 and 7 of the Railways Clauses Act 1863 and any other provisions to the same or similar effect incorporated with or contained in any enactment relating to any of the level-crossings referred to in Parts I and II of the said schedule shall cease to apply to those level-crossings.

(2) Notwithstanding anything in section 6 of the Railways Clauses Act 1863 as incorporated with the Great Eastern Railway Act 1882 the Commission shall not be required to maintain a lodge at the level-crossing referred to in Part III of the said schedule.

(3) The Commission shall provide and maintain for the convenience of persons on foot wicket-gates on both sides of the railway at each of the level-crossings referred to in Part II of the said schedule.

(4) The level-crossings referred to in Part IV of the said schedule shall be deemed for all purposes to be works provided by the Commission at the date of the passing of this Act pursuant to section 68 of the Railways Clauses Consolidation Act 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway at each of the said level-crossings respectively (that is to say) for the purpose of making good any interruptions caused by such railway to the use of the lands through which the same has been made as if the making of such railway had been authorised by this Act.

(5) The enactments referred to in the first and second columns of Part V of the said schedule are hereby repealed to the extent specified in the third column of the said Part V.

As to level-crossing at Castleford.

9. Notwithstanding anything in section 6 (Power to cross road in parish of Featherstone on the level) of the North Eastern Railway Act 1889 the Commission shall not be required to provide a bridge for foot-passengers at the level-crossing referred to in the said section and the said level-crossing may be used by foot-passengers.

Incorporation of provisions of Acts of 1949 and 1950 relating to works.

10. The following provisions of the undermentioned Acts are incorporated with and form part of this Part of this Act:—

The Act of 1949—

Section 6 (Power to deviate) ;

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

PART II —*cont.*

Section 16 (Power to make agreements with road authorities);

Section 17 (Underpinning of houses near works);

Section 18 (Power to make trial borings):

The Act of 1950—

Section 12 (Stopping up roads and footpaths without providing substitute);

Section 13 (Stopping up roads and footpaths in case of diversion);

Section 14 (Provision as to repair of roads and footpaths);

Section 15 (Use of sewers for removing water).

PART III

LANDS

Power to acquire lands.

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

(2) Without prejudice to the generality of the powers conferred upon the Commission by subsection (1) of this section the Commission may subject to the provisions of this Act enter upon take and use for the purposes specified in the third column of the Second Schedule to this Act all or any of the lands referred to in the first and second columns of the said schedule.

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

(4) The Commission shall not under the powers of this section enter upon take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered—

42 in the borough of Barking;

1 and 2 in the urban district of Chislehurst and Sidcup;

2 in the urban district of Esher; and

1 in the urban district of Eston;

or any part of those lands.

PART III —*cont.*

Acquisition of part only of certain properties.

12.—(1) Whereas in the construction of the works or otherwise in the exercise by the Commission of the powers of this Act it may happen that portions only of the properties whereof the whole or part is described in the Third Schedule to this Act will be sufficient for the purposes of the Commission and that such portions or some other portions less than the whole can be severed from the remainder of the said properties respectively without material detriment thereto Therefore the following provisions shall have effect:—

(*a*) The owner of and persons interested in any of the said properties whereof a portion only is required for the purposes of the Commission or each or any of them are or is hereinafter in this section included in the term " the owner " ;

(*b*) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner fails to notify the Commission in writing that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Commission such portion only without the Commission being obliged or compellable to purchase the whole the Commission paying for the portion so taken and making compensation for any loss sustained by the owner by severance or otherwise ;

(*c*) If within such twenty-one days the owner alleges by notice in writing to the Commission that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion that may be acquired compulsorily under this Act) can be so severed ;

(*d*) If the tribunal determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Commission the portion which the tribunal shall have determined to be so severable without the Commission being obliged or compellable to purchase the whole the Commission paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal ;

PART III —*cont.*

(*e*) If the tribunal determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section or such part (if any) of the said costs charges and expenses as it thinks fit shall be borne and paid by the owner ;

(*f*) If the tribunal determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it determines that any other portion can be so severed) the Commission may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice ;

(*g*) If the tribunal determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Commission in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal thinks fit having regard to the circumstances of the case and its final determination.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that the said properties or any of them or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice to treat served under this Act in respect of any portion of the said properties.

Disregard of recent improvements and interests.

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

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

PART III —*cont.*

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

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

Extinction of private rights of way.

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

(2) All such private rights of way (if any) as may exist over the lands of the Commission—

(*a*) over the level-crossings referred to in Part I of the Fourth Schedule to this Act; and

(*b*) through and under the bridges referred to in Part II of the said schedule;

shall as from the passing of this Act be extinguished.

(3) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Commission compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

Power to acquire easements only in certain cases.

15. Notwithstanding anything in this Act the Commission may acquire such easements or rights as they may require for the purpose of constructing maintaining renewing and using the works in under or over any railway tramway tramroad river canal navigation watercourse aqueduct drain dyke or sewer without being obliged or compellable to acquire any greater interest in under or over the same respectively and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts.

Period for compulsory purchase of lands.

16. The powers of the Commission for the compulsory purchase of the lands which they are authorised to acquire by section 11 (Power to acquire lands) of this Act shall cease on the thirty-first day of December one thousand nine hundred and fifty-five.

Power to use certain lands.

17.—(1) The Commission may hold use and appropriate for the purposes specified in the second column of the Fifth Schedule to this Act the lands referred to in the first column of the said schedule being lands which the Commission have already acquired.

PART III —*cont.*

(2) The said lands are more particularly shown coloured red on the plan which has been signed in triplicate by Rhys Hopkin Morris the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords one copy in the Private Bill Office of the House of Commons and one copy at the principal office of the Commission.

(3) Copies of or extracts from the said plan deposited at the principal office of the Commission and purporting to be certified on behalf of the Commission to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the said plan.

(4) Nothing in this section shall prejudice or affect the powers of the Commission with respect to the use of lands under any enactment from time to time relating to the Commission.

Incorporation of provisions of Act of 1949 relating to lands.

18. The following provisions of the Act of 1949 are incorporated with and form part of this Part of this Act:—

Section 23 (Correction of errors in deposited plans and book of reference);

Section 25 (Power to expedite entry);

Section 26 (Power to enter for survey or valuation);

Section 30 (Grant of easements by persons under disability);

Section 32 (As to private street expenses in certain cases);

Section 33 (As to cellars under streets not referenced).

PART IV

NOTTINGHAM CANAL

Definitions for Part IV.

19. In this Part of this Act—

"the corporation" means the lord mayor aldermen and citizens of the city of Nottingham and county of the same city;

"the vesting day" means the first day of November one thousand nine hundred and fifty-two;

"the signed plan" means the plan signed in quadruplicate by Rhys Hopkin Morris the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords one copy in the Private Bill Office of the House of Commons one copy at the principal office of the Commission and one copy at the office of the town clerk of the city of Nottingham;

PART IV —*cont.*

"the transferred section of canal" means that part of the canal known as the Nottingham Canal (authorised to be constructed by the Act 32 Geo. 3. c. 100) which lies between the boundary of the city of Nottingham at Balloon Houses and the junction of the said canal with the Beeston Cut in the said city and includes all the lands belonging to the Commission immediately before the vesting day and forming the site of or held in connection with such part of the said canal which part and lands are shown on the signed plan and thereon coloured pink together with the Radford maintenance depot and all locks towing-paths culverts bridges fences embankments and other works and conveniences situate on the said lands or belonging to or held by the Commission in connection therewith immediately before the vesting day but not including the lands coloured green on the signed plan;

"the scheduled agreement" means the agreement dated the twenty-third day of November one thousand nine hundred and fifty-one and made between the Commission of the first part the corporation of the second part and the Trent River Board of the third part a copy of which is set forth in the Sixth Schedule to this Act.

Confirmation of scheduled agreement.

20. The scheduled agreement is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may from time to time be agreed between such parties.

Transfer of section of Nottingham Canal.

21.—(1) On the vesting day the transferred section of canal shall by virtue of this Act and without any further assurance be transferred to and become vested in the corporation without any payment or other consideration and freed and discharged (except as in this Act otherwise expressly provided) from all mortgages charges and liens and from all debts liabilities and financial obligations of the Commission subsisting on that day.

(2) Subject to the provisions of this Act the corporation shall on and after the vesting day be entitled to the benefit of and to exercise all rights powers and privileges and be subject to all obligations of the Commission in relation to the transferred section of canal subsisting immediately before that day.

Outgoings and receipts in respect of transferred section of canal.

22.—(1) The Commission shall pay and discharge all debts liabilities and outgoings which shall have become payable by them before or accrued due from them up to the vesting day in respect of the transferred section of canal and shall be entitled to all rents and other sums of money which shall have become payable to them before or accrued due to them up to the vesting day in respect of the transferred section of canal.

PART IV —*cont.*

(2) The corporation shall pay and discharge all debts liabilities and outgoings and be entitled to all rents and other sums of money which shall become payable or accrue due on or after the vesting day in respect of the transferred section of canal.

(3) For the purpose of giving effect to the foregoing provisions of this section any such debts liabilities outgoings rents and sums of money shall when necessary be apportioned between the Commission and the corporation by agreement or failing agreement by an accountant to be agreed between the parties or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institute of Chartered Accountants in England and Wales.

(4) All rents and other like sums of money which on the vesting day are due or payable or accruing due to the Commission in connection with the transferred section of canal shall notwithstanding anything in this Act or the transfer to the corporation of the transferred section of canal pursuant to this Act continue to be due or payable or accruing due and may be collected and recovered—

(*a*) by the Commission if the same shall have become payable before the vesting day ; and

(*b*) by the corporation if the same shall become payable on or after that day.

Actions etc. not to abate.

23. If on the vesting day any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by against or in favour of the Commission in respect of the transferred section of canal the same shall not abate or be discontinued or in any wise be prejudicially affected by reason of anything in this Act and may be continued prosecuted or enforced by against or in favour of the Commission as if this Act had not been passed.

Books etc. to be admitted as evidence.

24. All books and documents which if this Act had not been passed would have been evidence for or against the Commission in respect of any matter relating to the transferred section of canal shall on and after the vesting day be admitted in evidence in respect of the same or the like matter for or against the corporation and any such books and documents in the possession of the Commission shall be included in the transfer except where they concern or relate to any property of the Commission not included in the transfer :

Provided that in the case of such excepted books and documents the corporation shall be allowed to have access thereto at all reasonable times and to make copies thereof and the same

PART IV —*cont.*

covenants shall be implied by the Commission in relation to deeds and documents of title comprised therein as would be implied in a conveyance by an acknowledgment of the right of production and to delivery of copies and an undertaking for safe custody.

Agreements etc. to be binding upon corporation.

25. All agreements contracts leases conveyances deeds of grant of rights or easements and other instruments legally made entered into or granted by or with the Commission or the predecessors in title of the Commission and in force on the vesting day and relating to or in so far as they relate to the transferred section of canal (other than the scheduled agreement) shall on and after the vesting day be as binding and of as full force and effect in every respect in so far as aforesaid against or in favour of the corporation and be enforceable as fully and effectually as if instead of the Commission or the predecessors in title of the Commission (as the case may be) the corporation had been a party thereto.

Power to corporation to deal with transferred section of canal.

26.—(1) The transferred section of canal shall be deemed after the vesting day to have been acquired and to be held by the corporation for all or any of the purposes specified in section 13 of the Nottingham Corporation Act 1923.

(2) Subject to the provisions of this Act and of the scheduled agreement and without prejudice to the generality of the foregoing provisions of this section the corporation may after the vesting day execute and do all or any of the following matters and things:—

(*a*) they may fill up raise or lower the bed of any part of the transferred section of canal and remove alter or interfere with the reservoirs feeders towing-paths lands banks bridges locks weirs lay-byes wharves warehouses culverts drains and other buildings works and conveniences forming part of the transferred section of canal and may extinguish any rights of way whatsoever over or along such towing-paths lands banks or bridges;

(*b*) they may construct or erect and maintain upon any part of the transferred section of canal such fences walls embankments and other structures erections and works as they may think fit for severing that part from any adjoining lands or from any locks and basins forming part of the transferred section of canal.

(3) Any person who suffers loss by the extinguishment of any private right of way under this section shall be entitled to be paid by the corporation compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

PART IV —*cont.*

Application of existing statutory provisions.

27.—(1) So much of subsection (9) of section 29 (As to Nottingham Canal) of the London and North Eastern Railway Act 1937 as requires the London and North Eastern Railway Company at all times to keep and maintain the western portion of canal (as defined in the said section 29) and the works and conveniences connected therewith (including any reservoirs) in such condition that the use of the said western portion of canal as an efficient part of the land drainage system of so much of the Trent River Board area as immediately before the passing of the said Act of 1937 formed the river Trent catchment area shall not be impaired and that (subject to unavoidable cause or accident or unusual drought) the depth of the water shall not be reduced below two feet shall on and from the vesting day cease to have effect in relation to the transferred section of canal.

(2) Except as provided in the foregoing subsection the corporation shall be and remain under all statutory obligations to which the Commission are subject in relation to the transferred section of canal immediately before the vesting day save in so far as those obligations are inconsistent with the provisions of this Act or of the scheduled agreement.

As to canal bridges.

28.—(1) In the case of every bridge carrying a highway over the transferred section of canal there shall vest in the corporation on the vesting day the bridge structure and the sites of the abutments and approaches thereto together with the carriageways and footways thereon and the corporation shall thenceforth be responsible at their own expense for the repair maintenance and renewal of the same and the Commission shall on and from the vesting day be released from all liability in respect thereof:

Provided that this subsection shall not impose upon the corporation any greater obligations or liabilities than those to which they are or may be subject as a highway authority.

(2) Subject to the provisions of the scheduled agreement the corporation may at any time after the vesting day re-align or otherwise deal with any such bridge as aforesaid and may if they think fit substitute therefor a solid embankment with a public road (in the case of a public road bridge) or a public footpath (in the case of a public footbridge) of such width and upon such line as the corporation may require in substitution for the highway over such bridge:

Provided that until such time as such alternative means of drainage as are referred to in clause 7 of the scheduled agreement shall have been completed the powers of this subsection shall not be exercised in relation to any bridge over the transferred section of canal between Derby Road and the Beeston Cut except in accordance with plans sections and particulars to be previously submitted to and approved by the Trent River Board but such

approval shall not be unreasonably withheld and any difference between the said board and the corporation as to whether such approval is or is not unreasonably withheld shall be referred to arbitration in accordance with the provisions of clause 9 of the scheduled agreement.

PART IV —*cont.*

Transferred section of canal and certain works which may be constructed by corporation not to be sewers unless expressly dedicated.

29. No provision contained in this Part of this Act or in the scheduled agreement nor anything which may be done or omitted to be done by the corporation in pursuance of any such provision shall constitute or shall be construed as constituting—

(*a*) the whole or any part of the transferred section of canal; or

(*b*) any culvert pipe or other work which may be constructed by the corporation for the purpose of carrying away any surface water flowing or draining into the transferred section of canal;

a sewer within the meaning of the Public Health Act 1936 but the same shall be and shall remain a stream as defined in the Rivers (Prevention of Pollution) Act 1951 unless the whole or such part of the transferred section of canal or the culvert pipe or other work as aforesaid has first been expressly dedicated by the corporation for the purpose of a sewer.

PART V

PROTECTIVE PROVISIONS

Incorporation of protective provisions of Act of 1949.

30. The following provisions of the Act of 1949 are incorporated with and form part of this Part of this Act:—

Section 40 (Crown rights);

Section 43 (As to works within Metropolitan Police District).

For protection of Postmaster-General.

31.—(1) Where any road or length or portion of a road is stopped up in pursuance of the power to make work No. 4 (Road diversion at West Horndon) conferred by section 5 (Power to make works) of this Act or the power to stop up roads or portions of roads conferred by section 7 (Further works and powers) of this Act the following provisions shall unless otherwise agreed in writing between the Commission and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such road or length or portion of a road at the time of such stopping up:—

(*a*) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping

PART V —*cont.*

up of the road or length or portion of the road so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Commission of his intention to remove the line or that part thereof as the case may be ;

(*b*) The Postmaster-General may by notice to the Commission in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;

(*c*) The Postmaster-General shall be entitled to recover from the Commission the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require ;

(*d*) Where under paragraph (*b*) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Commission and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any length or portion of any road has been stopped up the Commission shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) Any electrical works or apparatus erected laid down maintained worked and used in pursuance of subsection (2) of section 11 (Power to acquire lands) of this Act shall be so erected laid down maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(4) In this section the expression " telegraphic line " has the same meaning as in the Telegraph Act 1878.

PART V —*cont.*

For protection of Essex County Council and certain other local authorities in Essex.

32. For the protection of the council of the administrative county of Essex (in this section referred to as " the council ") the following provisions shall unless otherwise agreed in writing between the Commission and the council apply and have effect:—

(1) In this section—

" Work No. 3 " means Work No. 3 authorised by this Act and includes any work or convenience connected therewith;

" the new bridge " means the bridge partly in the urban district of Brentwood and partly in the urban district of Thurrock in the county of Essex carrying the road from Brentwood to Tilbury over the railway between Upminster and Pitsea and forming part of Work No. 4 authorised by this Act and includes the approaches thereto between the points marked A and B on the deposited plans;

" authorised work " means the new bridge the carriageway or Work No. 3;

" the carriageway " means the carriageway over the new bridge;

" the date of completion " means the date upon which the construction of the new bridge and the carriageway is completed;

" the embankments " means the embankments forming the approaches to the new bridge and " embankment " means either of the said embankments;

" construct " includes reconstruct or alter and " construction " shall be construed accordingly;

" plans " includes sections and all necessary particulars:

(2) The new bridge shall be constructed by the Commission so that—

(*a*) the overall width (measured between the parapets) is not less than thirty-five feet; and

(*b*) the width of the carriageway is not less than twenty-two feet:

(3) Not less than twenty-eight days before commencing to construct an authorised work the Commission shall submit to the council plans thereof for their reasonable approval:

Provided that nothing in this paragraph shall entitle the council to require the construction of a footpath on either side of the carriageway:

PART V —*cont.*

(4) If the council do not within twenty-eight days after the receipt by them of any plans under the provisions of the last foregoing paragraph signify to the Commission in writing their approval or disapproval they shall be deemed to have approved the same:

(5) The Commission shall not construct an authorised work otherwise than in accordance with such plans as may be so approved by the council or if such approval be refused as may be settled by arbitration and the authorised work shall be constructed to the reasonable satisfaction of the council:

(6) The Commission shall at all reasonable times during the construction of an authorised work afford to the surveyor of the council and his duly authorised representatives access to such work for the purpose of inspection:

(7) As from the date of completion—

(*a*) the structure of the bridge the embankments on which the approaches are constructed and any fencing on either side of the approaches shall be maintained by the Commission;

(*b*) the surface of the carriageway the verges thereof and the surface of any footpaths which may thereafter be constructed by the council upon such verges shall be vested in and maintained by the council who shall subject to the provisions of paragraphs (11) (12) and (13) of this section have all such rights in relation to the subsoil and under-surface thereof as are necessary for the performance of their functions as the highway authority:

Provided that the council shall not be liable for the maintenance of the carriageway for a period of twelve months after the date of completion or such further period as under the terms of his contract with the Commission the contractor responsible for the construction of the carriageway is liable for its maintenance:

(8) The Commission shall not alter disturb or in any way interfere with any sewer drain or other property or work of the council or under their control or repairable by them or the access thereto without the consent of the council which may be given subject to such reasonable terms and conditions as the council may require but shall not be unreasonably withheld and any alteration diversion replacement or reconstruction of any such

sewer drain or other property or work that may be necessary shall be made by the council or the Commission as the council think fit and any costs or expenses reasonably incurred by the council in so doing shall be repaid to the council by the Commission:

(9) In carrying out an authorised work the Commission shall not cause any unnecessary interference with the movement of traffic on any highway and shall not occupy the surface of any highway except at such time and to such extent and in accordance with such conditions as may be agreed between the Commission and the council or in default of agreement settled by arbitration:

(10) Upon the completion and opening for public use of the new bridge and the carriageway the Commission shall forthwith stop up and discontinue subject to the provisions of section 13 (Stopping up roads and footpaths in case of diversion) of the Act of 1950 as incorporated with this Act so much of the existing road from Brentwood to Tilbury as may be rendered unnecessary by the construction of the new bridge and the carriageway:

(11) Not less than twenty-one days before commencing to carry out any work in connection with any part of the carriageway which is carried by either embankment or in connection with the drainage of the carriageway (being in either case a work which will be at a greater depth than two feet below the surface of the carriageway) the council shall submit to the Commission plans thereof for their reasonable approval:

(12) If the Commission do not within twenty-one days after the receipt by them of any plans under the provisions of the last foregoing paragraph signify to the council their approval or disapproval thereof they shall be deemed to have approved the same:

(13) The council shall not construct any work in respect of which plans have been submitted as aforesaid except in accordance with the plans as so approved by the Commission or as may be settled by arbitration:

(14) (*a*) The Commission shall pay to the council—

(i) for a period of seven years such an amount as may be agreed annually between the council and the Commission or in default of agreement as may be settled by arbitration as representing the amount (if any) by which the cost of maintaining the carriageway exceeds the cost of maintaining the adjoining

PART V —*cont.*

lengths of the carriageway of the road between Brentwood and Tilbury;

For the purpose of arriving at the amount of the said excess cost of maintenance separate calculations shall be made in respect of the urban districts of Brentwood and Thurrock being the two urban districts within which the carriageway is situated and the cost during the preceding twelve months of maintaining so much of the carriageway as is within the urban district in respect of which the calculation is being made shall be compared with the cost during the same period of maintaining an equal length of the carriageway of the said road which abuts upon the portion of the carriageway which is within that urban district;

(ii) any cost incurred by the council in making good damage to the carriageway caused by the natural consolidation of the embankment or by the subsidence or other failure of the embankment on which the approaches to the new bridge are constructed or in consequence of any act or default on the part of the Commission;

(*b*) The annual payments to be made under sub-paragraph (*a*) (i) of this paragraph shall be due on the first and six following anniversaries of the date on which liability for the maintenance of the carriageway passes to the council under the proviso to sub-paragraph (*b*) of paragraph (7) of this section and shall be paid within two months after having been agreed or settled by arbitration as aforesaid:

(15) Paragraphs (3) (4) (5) (6) and (8) of this section so far as they relate to Work No. 3 shall be read and have effect as if the expression "the council" meant the mayor aldermen and burgesses of the borough of Barking:

(16) As from the date on which either the urban district council of Brentwood or the urban district council of Thurrock are entitled under section 32 of the Local Government Act 1929 to exercise the right of maintaining and repairing the portion of the carriageway which is within the district of that council the provisions of this section so far as they relate to the new bridge and the carriageway shall extend and apply to that council in relation to so much of the new bridge and the carriageway as is within their district as if they were referred to therein instead of the council.

PART V —*cont.*

For protection of London County Council.

33. For the protection of the London County Council the following provisions shall unless otherwise agreed in writing between the Commission and the said council apply and have effect:—

(1) In making any of the works in the county of London the Commission shall not deviate vertically downwards from the levels shown on the deposited sections or encroach upon or obstruct any part of Loampit Vale or Well Hall Road:

(2) The Commission shall so far as is reasonably practicable make and maintain the works in the said county so as to prevent the dripping of water from the works on any part of a street:

(3) If in the exercise of powers existing at the passing of this Act the London County Council widen alter or reconstruct Loampit Vale or Well Hall Road where the same are crossed by the new works any additional expense which the said council may reasonably incur by reason of the existence of the new works in or across Loampit Vale or Well Hall Road shall be paid by the Commission to the council:

(4) The Commission shall not under the powers of this Act acquire any part of the lands numbered on the deposited plans 1 2 and 3 in the borough of Dagenham which is situate northwards of the line marked in red on the plan signed by Michael Hugh Barrie Gilmour on behalf of the Commission and by James Gordon Barr on behalf of the London County Council.

For further protection of London County Council.

34. The following provisions of the Act of 1950 are incorporated with and form part of this Part of this Act:—

Section 33 (For protection of sewers of London County Council);

Section 34 (For further protection of certain sewers);

Section 35 (Inspection of works by London County Council):

Provided that the said section 34 as so incorporated shall apply and have effect as if for the reference in that section to the sewers respectively known as the Duffield sewer and the Southern high-level sewer No. 1 there were substituted a reference to the sewers respectively known as the Ravensbourne and Lee Green sewer and the Deptford to Lee Bridge sewer.

For protection of Essex Rivers Catchment Board.

35. For the protection of the Essex Rivers Catchment Board as the catchment board for the Essex rivers catchment area and as the drainage board for the Ripple internal drainage district the following provisions shall unless otherwise agreed in

PART V —*cont.*

writing between the Commission and the catchment board apply and have effect:—

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

"authorised works" means any works executed by the Commission on the lands numbered on the deposited plans 58 to 69 in the borough of Barking and 1 to 7 in the borough of Dagenham which may affect any watercourse;

"banks" has the meaning assigned to that expression by the Land Drainage Act 1930;

"catchment board" means the Essex Rivers Catchment Board;

"railway" means the railway between Barking and Tilbury;

"signed plan" means the plan signed for the purposes of identification by Michael Hugh Barrie Gilmour on behalf of the Commission and by Walter John Searles Bew on behalf of the catchment board;

"watercourse" includes any main river within the meaning of the Land Drainage Act 1930 and any other river and any stream ditch drain cut culvert dyke sluice sewer or passage through which water flows and the banks thereof under the jurisdiction of the catchment board:

(2) The Commission shall if they acquire the lands numbered on the deposited plans 58 to 69 in the borough of Barking divert the watercourse known as the Moggs Farm Sewer along the northern boundary of the lands numbered 58 59 and 60 on the deposited plans and thence in a southerly direction along a line to be agreed or in default of agreement settled by arbitration to a point on the said existing sewer in the lands numbered 68 on the deposited plans The said diverted watercourse shall be carried under the railway and any new works to be constructed by the Commission on the said lands by means of a culvert but elsewhere shall be constructed as an open watercourse and the said watercourse including such culvert shall be constructed of such dimensions at such levels and in such manner as may be reasonably approved by the catchment board:

(3) The watercourse known as the Ship and Shovel Sewer shall be carried by the Commission under any new works constructed by the Commission on the lands numbered on the deposited plans 65 66 and 67 in the borough of Barking or on the lands belonging to the

PART V —*cont.*

Commission north of the railway or on the lands in the borough of Barking firstly described in the Fifth Schedule to this Act through which the said sewer passes by means of culverts having a diameter of forty-two inches at such levels and in such manner as may be reasonably approved by the catchment board and the Commission shall if at any time it shall be reasonably necessary so to do in order to provide adequate drainage facilities on being required by the catchment board enlarge or alter such culverts and the existing culvert by which the said watercourse is carried under lands belonging to the Commission:

(4) The culverts and the diverted open watercourse referred to in paragraphs (2) and (3) of this section and any enlargement or alteration thereof shall be constructed and maintained by and at the expense of the Commission and to the reasonable satisfaction of the catchment board:

(5) In the event of the catchment board desiring to divert the watercourse known as the Gores Brook the Commission shall upon being requested in writing by the catchment board so to do—

(*a*) grant to the catchment board free of cost such facilities as they may reasonably require for making and maintaining a new channel for such diversion of the Gores Brook along and over such of the lands numbered on the deposited plans 3 to 6 in the borough of Dagenham as may be acquired by the Commission:

Provided that no portion of any such channel (except at the point of crossing the railway by the culvert mentioned in sub-paragraph (*b*) of this paragraph) shall be constructed nearer to the railway than the red lines shown upon the signed plan and subject as aforesaid such channel shall be constructed in such line or situation as may be agreed between the Commission and the catchment board or in default of agreement determined by arbitration; and

(*b*) construct and maintain at such point between the blue lines shown upon the signed plan and of such dimensions (not exceeding in the aggregate ten feet six inches clear waterway in width and six feet in internal height) and at such levels and in such manner as may be reasonably approved by the catchment board a new culvert for carrying such diversion of the Gores Brook under the railway and under any

PART V —*cont.*

new works adjoining the same which may be constructed by the Commission on the said lands:

Provided that—

(i) if the said new culvert is constructed by the Commission to meet the requirements of the catchment board of such dimensions as aforesaid but the catchment board do not divert the Gores Brook through the said new culvert within a period of four years from the date of the commencement of the contract which includes the culvert works the catchment board shall at the end of that period pay to the Commission the amount by which the cost incurred by the Commission in constructing the said new culvert exceeds the cost which would have been incurred by the Commission in constructing two culverts each of a diameter of three feet in replacement of the existing culverts known as culverts Nos. 35 and 37 and situated on the western boundary of the borough of Dagenham and on the east side of Choates Manor Way respectively together with the cost of any additional channel work rendered necessary to connect up the watercourses now passing through the said culverts Nos. 35 and 37 with the said new culvert;

(ii) if the said new culvert is constructed by the Commission as aforesaid and the catchment board divert the Gores Brook through the said new culvert within the said period of four years but do not within that period agree to the closing of the culvert known as culvert No. 41 by which the Gores Brook is carried under the railway at Dagenham Dock goods yard the catchment board shall at the end of the said period of four years pay to the Commission the amount by which the cost incurred by the Commission in constructing such new culvert exceeds the cost which would have been incurred by the Commission in constructing two culverts each of a diameter of three feet in replacement of the said existing culverts known as culverts Nos. 35 and 37;

(iii) the Commission shall be entitled at any time after the Gores Brook has been diverted through the said new culvert to close the said culverts Nos. 35 and 37 and to reduce the clear opening of the said culvert No. 41 (until such

time as the catchment board agree to the said culvert being closed) to a diameter of two feet over an aggregate length of 100 feet:

(6) Nothing in this Act shall extinguish or affect the rights of the catchment board in respect of the watercourse under the bridge referred to in paragraph (i) of Part II of the Fourth Schedule to this Act or authorise the Commission to reduce the waterway through such bridge:

(7) The Commission shall to the reasonable satisfaction of the catchment board make good any interference with any watercourse or drainage work within the Ripple internal drainage district the drainage of which is or is likely to be affected by reason of the works and operations of the Commission under the powers of this Act or provide other adequate means of drainage to the reasonable satisfaction of the catchment board:

(8) The provisions of section 51 (Pipes to be laid under railway for supplying fresh water) and section 52 (Additional openings to be made if necessary) of the London Tilbury and Southend Railway Extension Act 1852 shall extend and apply to works carried out by the Commission under this Act affecting any watercourse in the same manner as they apply to the existing works of the Commission:

(9) In the execution maintenance and user of any authorised work the Commission shall take all reasonable precautions to prevent interference with the flow of water in into through or out of any works of the catchment board or with the efficiency of any such works and to prevent the deposit from any work of the Commission of any solid matter in any watercourse:

(10) (*a*) Before commencing to execute so much of any authorised work as might affect any watercourse the Commission shall submit to the catchment board particulars plans sections and working drawings for their reasonable approval If the catchment board shall not within twenty-eight days after the receipt by them of any such particulars plans sections and working drawings signify to the Commission in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(*b*) Such portion of any such authorised work shall not be executed otherwise than in accordance with such particulars plans sections and working drawings as may be approved by the catchment board or if such

PART V —*cont.*

approval be withheld as may be settled by arbitration and shall be constructed to the reasonable satisfaction of the catchment board and under the superintendence of their engineer if the engineer elects to superintend after receiving reasonable previous notice of the date when the work is to be commenced:

(11) The Commission shall at all reasonable times during the construction repairing or renewing of any authorised work afford to the engineer of the catchment board and his duly authorised representatives access to the authorised work for the purpose of inspection:

(12) The construction or repair of any authorised work so far as it affects a watercourse shall be completed with all reasonable dispatch:

(13) The Commission shall at all times keep the catchment board indemnified against all damages losses costs and expenses which they may sustain or be liable for or reasonably and properly incur by reason or in consequence of any injury or damage which may be caused or may result to any watercourse apparatus or bridge or any obstruction which may be caused or result in any watercourse by or in consequence of or in connection with the execution of any authorised work:

(14) Any difference arising between the Commission and the catchment board under this section (save as to the construction thereof) shall be settled by arbitration.

For protection of River Roding Catchment Board.

36.—For the protection of the River Roding Catchment Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Commission and the board apply and have effect:—

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

(*a*) the expressions "banks" and "watercourse" have the meanings respectively assigned to those expressions by the Land Drainage Act 1930; and

(*b*) "the main river" means the main river of the board as for the time being shown upon the map of the river Roding catchment area in force under section 5 of the said Act of 1930 or upon any map approved or varied in accordance with the provisions of section 6 of the River Boards Act 1948:

(2) Not less than twenty-eight days before commencing—

(*a*) to construct the bridge (Work No. 2) authorised by this Act; or

PART V —*cont.*

(*b*) to erect any building or structure or to execute any other work in under or over any lands acquired by them under this Act so as in any way to affect or interfere with the main river or the banks thereof;

the Commission shall submit plans sections and particulars of the said bridge or of the proposed building structure or work (as the case may be) to the board for their reasonable approval:

Provided that—

(i) if the board do not within twenty-eight days after the receipt of any such plans sections and particulars signify to the Commission their approval or disapproval thereof they shall be deemed to have approved thereof; and

(ii) if within such last-mentioned period the board shall have expressed their disapproval of such plans sections and particulars a difference shall be deemed to have arisen between them and the Commission which (unless previously settled by agreement) shall be determined by arbitration:

(3) (*a*) The said bridge and so much of any such building structure or work as may affect or interfere with the main river or the banks thereof shall not be constructed erected or executed except in strict accordance with such plans sections and particulars as may be approved by the board or settled by arbitration as aforesaid and shall be constructed erected or executed to the reasonable satisfaction of the board and under the superintendence of their engineer if the engineer elects to attend after receiving reasonable notice of the date and time on and at which the bridge building structure or work is to be commenced;

(*b*) The Commission shall at all reasonable times afford to the engineer of the board and his duly authorised representatives access to such bridge building structure or work or part thereof as aforesaid for the purpose of inspection:

(4) If by reason of the construction repair or maintenance of the said bridge or of the failure thereof or of the maintenance thereof the channel or banks of the main river shall at any time be injured or damaged such injury or damage shall forthwith be made good by the Commission to the reasonable satisfaction of the engineer of the board and if the Commission fail so to do the board may make good the same and recover the reasonable cost thereof from the Commission:

PART V —*cont.*

(5) (*a*) Where any lands acquired by the Commission under this Act abut upon or are intersected by the main river the board and their officers servants workmen contractors and agents shall be entitled at all times to have access to the main river and to pass and repass along the banks thereof and use such banks for that purpose and for the exercise and discharge of their functions;

(*b*) The Commission shall from time to time give to the board and their officers servants workmen contractors and agents such facilities as may be reasonably necessary for the purposes of this paragraph:

(6) In the event of the Commission acquiring—

(*a*) the lands in the borough of Barking in the county of Essex numbered 4 in that borough on the deposited plans; or

(*b*) the lands in the said borough numbered 53 to 56 in that borough on the deposited plans;

the Commission shall upon being so requested in writing by the board grant to the board all such facilities in on or over the said lands as the board may reasonably require for carrying out the diversion of the Loxford Water from Loxford Road to the river Roding on the north-east side of the East Ham to Barking railway or for any diversion of the main river D.3 respectively:

Provided that—

(i) no works shall be carried out by the board on the said lands otherwise than in accordance with plans sections and particulars previously submitted by the board to the Commission for their reasonable approval or in default of such approval determined by arbitration;

(ii) the provisions of paragraph (2) of this section shall apply mutatis mutandis with respect to the submission and approval or determination by arbitration of the plans sections and particulars referred to in the foregoing sub-paragraph (i) of this proviso;

(iii) the board shall not construct any permanent works or carry out any constructional works in connection with the diversion of the Loxford Water through the said lands numbered 4 in the borough of Barking at a distance of more than five feet southward from the northern limit of the said lands as shown on the deposited plans;

PART V—*cont.*

(iv) the board shall not carry out any diversion of the main river D.3 through the said lands numbered 53 to 56 in the borough of Barking otherwise than by means of an underground pipe or a built channel laid or built (as the case may be) along the northern limit of the said lands as shown on the deposited plans and no part of such pipe or channel or of any other permanent works in connection with such diversion shall be constructed on the said lands more than three feet to the south of the said limit nor shall any constructional works be carried out more than five feet to the south thereof:

(7) The Commission shall not stop up alter or divert any watercourse within the river Roding catchment area without the consent in writing of the board which consent shall not be unreasonably withheld and may be given subject to such conditions as the board may reasonably require:

(8) Any difference arising between the Commission and the board under this section shall be settled by arbitration.

For protection of Bucks County Council.

37. For the protection of the county council of the administrative county of Buckingham (in this section referred to as " the council ") the following provision shall unless otherwise agreed in writing between the Commission and the council apply and have effect:—

The Commission shall not acquire under the powers of this Act so much of the land situated in the parish of Datchet in the rural district of Eton in the county of Buckingham and numbered 1 on the deposited plans as is coloured pink on the plan signed in duplicate by Michael Hugh Barrie Gilmour on behalf of the Commission and by Guy Robert Crouch on behalf of the council or any interest in that land.

For protection of Bexley Corporation.

38. For the protection of the mayor aldermen and burgesses of the borough of Bexley (in this section referred to as " the corporation ") the following provisions shall unless otherwise agreed in writing between the Commission and the corporation apply and have effect:—

(1) Notwithstanding anything shown on the deposited plans and the deposited sections the lengthening of the bridge in the borough of Bexley carrying Pickford Lane over the railway between Welling and Bexleyheath (Work No. 6) (in this section referred to as " the lengthening " which expression shall where the context so admits

PART V —*cont.*

include the alteration of the levels of Pickford Lane and Avenue Road) shall not be executed so as to raise the level of Pickford Lane at any point higher than 170.14 feet above ordnance datum (Newlyn) as ascertained by reference to the ordnance bench mark cut in the western parapet wall of the existing bridge:

(2) Before commencing the construction of the lengthening the Commission shall submit to the corporation for their reasonable approval in respect of any matters with which the corporation are properly concerned the plans sections and particulars relating thereto and the lengthening shall not be constructed otherwise than in accordance with such plans sections and particulars as may be approved by the corporation as aforesaid or if such approval be refused as may be settled by arbitration and so much of the lengthening as will involve interference with a highway vested in or repairable by the corporation shall be constructed under the supervision (if given) and to the reasonable satisfaction of the corporation:

Provided that if within twenty-eight days after the submission to them of plans sections and particulars under this paragraph the corporation do not signify to the Commission their approval or disapproval thereof they shall be deemed to have approved thereof:

(3) If in consequence of the exercise of the powers of this Act it is reasonably necessary to alter the position of or to lengthen or to strengthen any sewer or drain (which expression shall in this section include all gulleys and manholes in connection therewith) vested in or repairable by the corporation or to provide works for the protection thereof such alteration lengthening strengthening or protection shall be carried out by the Commission in a manner reasonably approved by the corporation or if the corporation prefer shall be carried out by them and the Commission shall repay to the corporation any expense reasonably incurred by the corporation in carrying out the same and any additional expense which the corporation may thereafter reasonably incur in maintaining such sewer or drain:

(4) The Commission shall make compensation to the corporation for any damage to any such sewer or drain or interference with the free flow of the contents thereof which may be caused by or in consequence of any act or default of the Commission their contractors servants or agents and whether such damage shall happen during the execution of the works referred to in this section or at any time thereafter:

PART V —*cont.*

(5) The Commission in executing the lengthening or any works in connection therewith shall—

(*a*) at all times keep open some part of Pickford Lane and Avenue Road so that all pedestrians who may reasonably require to use those roads either with or without perambulators bicycles and the like may pass over the railway of the Commission ;

(*b*) not unreasonably interrupt the traffic passing along Pickford Lane Avenue Road station approach and Station Road or any of the said roads ; and

(*c*) make good all damage or injury whatsoever which shall happen or be caused to the said roads by reason or in consequence of the works referred to in this section :

(6) The Commission shall during the execution of the lengthening and any works in connection therewith and until the completion thereof make and carry into effect such arrangements for lighting and watching the same (including the provision and working of traffic signs or light signals or flag signals) as may in the opinion of the corporation be reasonably necessary to prevent danger or accident to persons and vehicles using Pickford Lane Avenue Road station approach and Station Road :

(7) Any difference arising between the Commission and the corporation under this section shall be settled by arbitration.

39. For the protection of the several undertakers referred to in this section the following provisions shall unless otherwise agreed in writing between the Commission and the undertakers concerned apply and have effect :— **For protection of gas water and electricity undertakers.**

(1) In this section—

" the undertakers " means any authority board company society or other person authorised by any enactment to carry on an undertaking for the supply of gas water or electricity within any area within which the Commission are by this Act authorised to acquire lands or execute works ;

" apparatus " means—

(*a*) in the case of electricity undertakers electric lines or works (as respectively defined in the Electricity (Supply) Acts 1882 to 1936) belonging to or lawfully laid or erected by such undertakers ; or

PART V —*cont.*

(*b*) in the case of gas or water undertakers any apparatus belonging to such undertakers or for the maintenance of which they are responsible ;

(not being in either case apparatus in respect of which the relations between the Commission and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes any structure for the lodging therein of apparatus ;

" adequate alternative apparatus " means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously ;

" in " in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under over or upon land :

(2) Notwithstanding anything in this Act or shown on the deposited plans the Commission shall not acquire any apparatus under the powers of this Act otherwise than by agreement :

(3) If the Commission in the exercise of the powers of this Act acquire any interest in any lands in which any apparatus is placed that apparatus shall not be removed under this section and any right of the undertakers to maintain repair renew or inspect that apparatus in those lands shall not be extinguished until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers :

(4) If the Commission for the purpose of executing any works in on or under any lands acquired held appropriated or used under this Act require the removal of any apparatus placed in those lands and shall give to the undertakers written notice of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed or if in consequence of the exercise of any of the powers of this Act the undertakers shall reasonably require to remove any apparatus the Commission shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Commission and

PART V —*cont.*

thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Commission and the Commission are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed the undertakers shall on receipt of a written notice to that effect from the Commission forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

(5) (*a*) Any alternative apparatus to be constructed in lands of the Commission in pursuance of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Commission or in default of agreement settled by arbitration;

(*b*) The undertakers shall after the alternative apparatus to be provided or constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in the immediately preceding paragraph proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Commission to be removed under the provisions of this section:

(6) Notwithstanding anything in the immediately preceding paragraph if the Commission give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Commission such work in lieu of being executed by the undertakers shall be executed by the Commission with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Commission to execute the actual placing installation bedding packing removal connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

PART V —*cont.*

(7) Where in accordance with the provisions of this section the Commission afford to the undertakers facilities and rights for the construction maintenance repair renewal and inspection in lands of the Commission of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Commission and the undertakers or in default of agreement determined by arbitration:

Provided that in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or along any railway of the Commission the arbitrator shall—

(*a*) give effect to all reasonable requirements of the Commission for ensuring the safety and efficient operation of the railway and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the Commission or the traffic on the railway; and

(*b*) so far as it may be reasonable and practicable to do so in the circumstances of the particular case give effect to the terms and conditions applicable to the apparatus (if any) constructed across or along the railway for which the alternative apparatus is to be substituted:

Provided also that if the facilities and rights to be afforded by the Commission in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the undertakers than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the arbitrator shall make such provision for the payment of compensation by the Commission to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(8) (*a*) Not less than twenty-eight days before commencing to execute any such works as are referred to in paragraph (4) of this section and are near to or will or may affect any apparatus the removal of which has not been required by the Commission under the said paragraph (4) the Commission shall submit to the undertakers a plan section and description of the works to be executed;

PART V —*cont.*

(*b*) Such works shall be executed only in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officer to watch and inspect the execution of such works:

Provided that if the undertakers within fourteen days after the submission to them of any such plan section and description shall in consequence of the works proposed by the Commission reasonably require the removal of any apparatus and give written notice to the Commission of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Commission under paragraph (4) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Commission from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of any such works a new plan section and description thereof in lieu of the plan section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan section and description;

(*c*) The Commission shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan section and description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(9) Where in consequence of this Act any part of any street road or footpath in which any apparatus is situate ceases to be part of a street road or footpath the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act but nothing in this paragraph shall prejudice or affect any right of the Commission or of the undertakers to require removal of such apparatus under this section or the power of the Commission to execute works in accordance with paragraph (8) of this section:

(10) The Commission shall pay to the undertakers the costs charges and expenses reasonably incurred by the undertakers in or in connection with the inspection removal

PART V —*cont.*

alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph (4) of this section less the value of any apparatus removed in pursuance of the provisions of this section (such value being calculated after removal) and shall also make compensation to the undertakers—

(*a*) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(*b*) for any other expenses loss damages penalty or costs incurred by the undertakers;

by reason or in consequence of the execution maintenance user or failure of any such works or otherwise by reason or in consequence of the exercise by the Commission of the powers of this Act:

(11) Where by reason or in consequence of the stopping up of any street road or footpath under the powers of this Act any apparatus belonging to the undertakers and laid or placed in such street road or footpath or elsewhere is rendered derelict or unnecessary the Commission shall pay to the undertakers the then value of such apparatus (which shall thereupon become the property of the Commission) and the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus 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 apparatus being so rendered derelict or unnecessary:

Provided that the Commission shall not under the provisions of this paragraph be required to pay to the undertakers the value of any apparatus rendered derelict or unnecessary if to the reasonable satisfaction of the undertakers other apparatus shall at the expense of the Commission have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict or unnecessary:

(12) Any difference arising between the Commission and the undertakers under this section shall be settled by arbitration:

(13) Nothing in this section shall be deemed to prejudice or affect the provisions of any enactment or agreement regulating the relations between the Commission and

the undertakers in respect of any apparatus laid or erected in land belonging to the Commission at the date of the passing of this Act. PART V —*cont.*

For further protection of electricity boards.

40. Notwithstanding anything in section 14 (Extinction of private rights of way) of this Act the Eastern Electricity Board and the London Electricity Board may exercise the same rights of access as they or either of them had immediately before the passing of this Act to any apparatus as defined in section 39 (For protection of gas water and electricity undertakers) of this Act situate in the accommodation level-crossing by which the Barking and Tilbury Railway is crossed by the private road known as Choates Manor Way and numbered on the deposited plans 4 in the borough of Dagenham and may continue to exercise the same rights as they or either of them had immediately before the passing of this Act in relation to the said level-crossing under the Romford and District Electric Lighting Order 1913 as modified by the Public Utilities Street Works Act 1950 as long as any such apparatus is laid in the said level-crossing and road but nothing in this section shall prejudice or affect any right of the Commission to require the removal of apparatus under the said section 39.

Ecclesiastical property.

41.—(1) In so far as any land shown on the deposited plans or described in the deposited book of reference is ecclesiastical property any sums agreed upon or awarded for the purchase of such land or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land shall not be paid as directed by the Lands Clauses Acts but shall be paid to the church commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

(2) In this section the expression "ecclesiastical property" means land belonging to any ecclesiastical benefice or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church or being or forming part of a burial ground subject to such jurisdiction.

PART VI

MISCELLANEOUS

Closing to passengers of Scotsgap Junction and Ewesley stations.

42. Notwithstanding anything to the contrary in section XXXIV (Company to erect &c. a station at a certain place in the parish of Hartburn) of the Wansbeck Railway Act 1859 or in an indenture made the twenty-second day of January one thousand eight hundred and seventy between Charles William Orde of the one part and the Northumberland Central Railway

PART VI —*cont.*

Company of the other part the Commission shall not be required after the passing of this Act to maintain or keep open for passengers any station or stopping-place on the portions of railway referred to in the said section and in the said indenture respectively or to cause any passenger trains to stop at any such station.

Power to sell shares in Dundalk Newry and Greenore Railway Company.

43. Notwithstanding anything in the enactments referred to in this section the Commission shall have power to sell dispose of or transfer as they shall think fit any shares or stock held by them in the undertaking of the Dundalk Newry and Greenore Railway Company.

The enactments referred to in this section are—

(*a*) section 11 (Power to London and North Western Company to subscribe; and to apply funds for that purpose) of the Dundalk and Greenore Railway Act 1867;

(*b*) section 15 (Power to the London and North Western Railway Company to contribute) of the Dundalk Newry and Greenore Railway Act 1873;

(*c*) section 72 (Further subscription to Dundalk Company) of the London and North Western Railway (New Lines and Additional Powers) Act 1875;

(*d*) section 112 (Power to the company to contribute to Dundalk Company) of the London and North Western Railway (New Lines and Additional Powers) Act 1876;

(*e*) section 39 (Further subscription by company to undertaking of Dundalk Company) of the London and North Western Railway (Additional Powers) Act 1881.

Extensions of time.

44.—(1) The period now limited by the London and North Eastern Railway Act 1947 for the completion of the deviation railway in the west riding of the county of York described in and authorised by section 5 (Power to company to make railways) of the said Act is hereby extended until the thirty-first day of December one thousand nine hundred and fifty-seven.

(2) The period now limited by the Act of 1949 for the compulsory purchase of the lands referred to in the Seventh Schedule to this Act is hereby extended until the thirty-first day of December one thousand nine hundred and fifty-five.

(3) The powers for the completion of the said railway and for the compulsory purchase of the said lands shall cease on the said respective dates except in so far as any such powers shall by then have been exercised.

(4) In this section and in the said schedule the word "lands" includes any easements or rights in under or over land authorised to be acquired by the enactments referred to in the said schedule.

PART VI —*cont.*

Powers to owners and lessees to give notice as to purchase of land.

45.—(1) In this section—

"the enabling Act" means any of the enactments referred to in the Seventh Schedule to this Act;

"the land" means any land which is for the time being authorised to be acquired compulsorily by the enabling Act not being land referred to in subsection (4) of this section;

"lessee" means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under subsection (2) of this section.

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Commission of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Commission shall within a period of three months after the receipt of such notice—

(*a*) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(*b*) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Commission; or

(*c*) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice.

(3) Where notice is given under the last foregoing subsection by an owner or lessee of land specified in the notice then—

(*a*) if the Commission—

(i) fail to comply with that subsection; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (*b*) of that subsection; or

(iii) serve notice on him in compliance with paragraph (*c*) of that subsection;

the powers conferred by the enabling Act for the compulsory purchase of his interest in the land so specified shall cease;

(*b*) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat the powers conferred by the enabling Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

(4) This section shall not apply to land which the Commission are by the enabling Act authorised to acquire for the purposes of

PART VI —*cont.*

a work which is shown on the sections deposited in respect of the Bill for the enabling Act as intended to be constructed under the surface of such lands.

Saving for town and country planning.

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

Arbitration.

47. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) is to be referred to or settled by arbitration then unless otherwise provided such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such arbitration.

Costs of Act.

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

SCHEDULES

FIRST SCHEDULE

THE LEVEL-CROSSINGS REFERRED TO IN SECTION 8 (AS TO CERTAIN LEVEL-CROSSINGS) OF THIS ACT

PART I

In the county of Worcester—

In the parish of Hartlebury in the rural district of Droitwich—

The level-crossing known as Charlton crossing whereby the road leading from Charlton to Wilden is crossed by the railway between Hartlebury and Bewdley.

PART II

In the north riding of the county of York—

In the parish of Middleton in the rural district of Pickering—

The level-crossing known as Costa Beck crossing whereby Costa Lane is crossed by the railway between Sinnington and Pickering.

In the parish of Flaxton in the rural district of Flaxton—

The level-crossing known as Thornton Moor crossing whereby the road leading from Foston Rectory to Oak Busk Lane is crossed by the railway between York and Scarborough.

In the county of Norfolk—

In the parishes of Kettlestone and Fulmodeston in the rural district of Walsingham—

The level-crossing known as Holbrigg Lane crossing whereby the road leading from Kettlestone to Clipstone House Farm is crossed by the railway between Fakenham West and Thursford.

In the county of Oxford—

In the parish of Bourton in the rural district of Banbury—

The level-crossing known as Little Mill crossing whereby Mill Lane leading to Pewet Farm is crossed by the railway between Oxford and Birmingham.

In the county of Gloucester—

In the parish of Minchinhampton in the rural district of Stroud—

The level-crossing known as Hampton Lane crossing whereby the road leading from Chalford to Hyde is crossed by the railway between Swindon and Stroud.

PART III

In the county of Hertford—

In the urban district of Cheshunt—

The level-crossing whereby the road known as Park Lane leading from Waltham Cross to the Great Cambridge Road is crossed by the railway between Cheshunt and Churchbury.

1ST SCH. —*cont.*

PART IV

Parish	Level-crossing
Kettlestone and Fulmodeston	Holbrigg Lane.
Bourton	Little Mill.
Middleton	Costa Beck.
Flaxton	Thornton Moor.

PART V

Session and chapter	Short title	Extent of repeal
7 & 8 Vict. c. lxi.	York and North Midland (York and Scarborough) Railway Act 1844.	Section 140 so far as it relates to Thornton Moor level-crossing.
6 & 7 Wm. 4 c. lxxvii.	Cheltenham and Great Western Union Railway Act 1836.	Section 88 so far as it relates to Hampton Lane level-crossing.

SECOND SCHEDULE

LANDS REFERRED TO IN SECTION 11 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area	No. on deposited plans	Purposes for which the lands may be used
In the county of Buckingham— Parish of Datchet in the rural district of Eton.	1	To provide a sub-station for the supply of electricity to the Commission's railways.
In the county of Chester— Borough of Hyde	1 to 5 (inclusive)	To carry out alterations and improvements of the railway between Woodley and Godley.
In the county borough of East Ham.	1	To carry out alterations and improvements of the railway from South Tottenham to Barking.
In the county of Essex— Borough of Barking ...	4 to 11 (inclusive) 14 to 23 (inclusive) 28 29 30 35 36 37 48 50 51 52	To carry out alterations and improvements of the railways from South Tottenham and East Ham to Barking and between Barking and Tilbury.

2ND SCH. —*cont.*

Area	No. on deposited plans	Purposes for which the lands may be used
Borough of Barking ...	53 to 56 (inclusive) 58 to 69 (inclusive)	To provide a railway marshalling yard and in connection therewith to carry out alterations and improvements of the railway between Barking and Tilbury.
Borough of Barking ...	57	To provide land now belonging to the Commission with a means of access to and from Ripple Road.
Borough of Dagenham ...	1 to 7 (inclusive)	To provide a railway marshalling yard and in connection therewith to carry out alterations and improvements of the railway between Barking and Tilbury.
In the county of Kent— Parish of Stone in the rural district of Dartford.	1	To provide a sub-station for the supply of electricity to the Commission's railways.
In the county of London— Metropolitan borough of Camberwell.	1	To provide a sub-station for the supply of electricity to the Commission's railways.
In the county of Middlesex— Urban district of Feltham ...	1	To provide a sub-station for the supply of electricity to the Commission's railways.
In the county of Middlesex— Urban district of Sunbury-on-Thames.	1	To provide a sub-station for the supply of electricity to the Commission's railways.
In the county of Surrey— Borough of Beddington and Wallington.	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Borough of Epsom and Ewell	1 2	To provide a sub-station for the supply of electricity to the Commission's railways.
Borough of Epsom and Ewell	3	To provide a sub-station for the supply of electricity to the Commission's railways.
Borough of Guildford ...	1	To provide a sub-station for the supply of electricity to the Commission's railways.

2ND SCH. —*cont.*

Area	No. on deposited plans	Purposes for which the lands may be used
Borough of Malden and Coombe.	1 2 3	To provide a sub-station for the supply of electricity to the Commission's railways.
Borough of Malden and Coombe.	4 5 6	To provide a sub-station for the supply of electricity to the Commission's railways.
Borough of Wimbledon ...	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Urban district of Banstead	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Urban district of Esher ...	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Urban district of Esher ...	3	To provide a sub-station for the supply of electricity to the Commission's railways.
Urban district of Leatherhead	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Parish of East Clandon in the rural district of Guildford.	1	To provide a sub-station for the supply of electricity to the Commission's railways and to divert a footpath in manner provided by this Act.

THIRD SCHEDULE

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN COMPULSORILY

Area	No. on deposited plans
	WORK No. 2
Borough of Barking	2.
	WORK No. 6
Borough of Bexley	1 2 3 7.
	WORK No. 8
Metropolitan borough of Lewisham	12.
	ADDITIONAL LANDS
Borough of Barking	5 5a 6 8 10 11 14 16 19 20 21 22 30 35 36 37 50 52 53 54 56.
Urban district of Esher	1.
Borough of Malden and Coombe ...	4.

FOURTH SCHEDULE

THE BRIDGES AND LEVEL-CROSSINGS REFERRED TO IN SECTION 14 (EXTINCTION OF PRIVATE RIGHTS OF WAY) OF THIS ACT

PART I

In the county of Chester—

In the urban district of Northwich—

The accommodation level-crossing over the Winnington Branch railway connecting Queensgate Road with Cromwell Road.

In the county of Essex—

(*a*) In the borough of Barking—

The three accommodation level-crossings over the railway between Barking and Tilbury connecting the lands numbered on the deposited plans 63 and 68.

(*b*) In the borough of Dagenham—

(i) The accommodation level-crossing over the railway between Barking and Tilbury connecting the lands numbered on the deposited plans 2 and 6;

(ii) The accommodation level-crossing by which the said railway is crossed by the private road numbered on the deposited plans 4.

PART II

In the county of Essex—

In the urban district of Brentwood—

(i) The accommodation bridge under the railway between Upminster and Pitsea connecting the fields or enclosures numbered 1538 in the parish of Brentwood and 93 in the parish of Thurrock on the 1/2500 ordnance map Essex sheet LXXX.12 (revised edition of 1939).

(ii) The accommodation bridge under the said railway connecting the fields or enclosures numbered 1533 in the parish of Brentwood and 92 in the parish of Thurrock on the said ordnance map.

FIFTH SCHEDULE

LANDS REFERRED TO IN SECTION 17 (POWER TO USE CERTAIN LANDS) OF THIS ACT

Description of lands	Purposes for which the lands may be used
In the county of Essex— Borough of Barking— Land comprising and on both sides of the railway between Barking and Tilbury extending from the bridge carrying the Barking by-pass over the said railway to the eastern boundary of the borough.	To provide a railway depot and marshalling yard and in connection therewith to carry out alterations and improvements of the railway between Barking and Tilbury and to provide the said land with a means of access to and from Ripple Road and one or more means of access to and from Renwick Road.
Borough of Dagenham— Land comprising and on both sides of the railway between Barking and Tilbury extending from the western boundary of the borough to Dagenham Dock station.	To provide a railway marshalling yard and in connection therewith to carry out alterations and improvements of the railway between Barking and Tilbury.

SIXTH SCHEDULE

AGREEMENT WITH NOTTINGHAM CORPORATION AND TRENT RIVER BOARD

AN AGREEMENT made this twenty-third day of November one thousand nine hundred and fifty-one between the BRITISH TRANSPORT COMMISSION (hereinafter called "the Commission") of the first part the LORD MAYOR ALDERMEN AND CITIZENS OF THE CITY OF NOTTINGHAM (hereinafter called "the Corporation") of the second part and the TRENT RIVER BOARD (hereinafter called "the Board") of the third part.

Whereas—

(*a*) By the Act 32 Geo. III Chapter 100 intituled "An Act for making and maintaining a navigable canal from the Cromford Canal in the county of Nottingham to or near the town of Nottingham and to the river Trent near Nottingham Trent Bridge and also certain collateral cuts therein described from the said intended canal" the Nottingham Canal Company was incorporated and authorised to make and maintain a canal with the collateral cuts therein described known as the Nottingham Canal and hereinafter called "the canal".

6TH SCH. —*cont.*

(*b*) Under and by virtue of divers Acts of Parliament and two several indentures of conveyance and lease made in pursuance of certain of the said Acts and under and by virtue of the North Eastern Eastern and East Scottish Group Amalgamation Scheme 1922 and the London and North Eastern Railway Absorption (No. 1) Scheme 1923 made under the Railways Act 1921 the undertaking of the Nottingham Canal Company became vested in the London and North Eastern Railway Company (hereinafter referred to as " the railway company ").

(*c*) By the London and North Eastern Railway Act 1937 (hereinafter referred to as " the Act of 1937 ") the railway company ceased to be under obligation to keep that part of the canal extending from the commencement of the canal in the urban district of Eastwood to the junction of the canal with the Beeston Cut in the parish of Lenton in the city of Nottingham (therein and hereinafter referred to as " the western portion of canal ") open for navigation or to keep or maintain the western portion of canal in a navigable condition but the railway company was required at all times to keep and maintain the western portion of canal and the works and conveniences connected therewith (including any reservoirs) in such condition that the use of the western portion of canal as an efficient part of the land drainage system of the river Trent catchment area should not be impaired and that (subject to unavoidable cause or accident or unusual drought) the depth of water should not be reduced below two feet and the railway company was to remain under all then existing statutory obligations except in so far as those obligations were inconsistent with the provisions of subsection (9) of section 29 of the Act of 1937.

(*d*) By the Transport Act 1947 the undertaking of the railway company of which the canal formed part was vested in the Commission and the Commission have agreed with the Corporation for the transfer to and vesting in the Corporation of a section of the canal comprised in the western portion of canal and the Board being the responsible authority for the general supervision over all matters relating to the drainage of land within the Trent River Board area (formerly known as the river Trent catchment area referred to in the said subsection (9)) agree to the vesting in the Corporation of the said section of the canal on the terms and conditions hereinafter mentioned.

Now therefore this agreement witnesseth and it is hereby agreed and declared by and between the parties hereto as follows:—

1. In this agreement—

" the vesting day " means the day appointed for such purpose by the Bill referred to in clause 2 of this agreement;

" the transferred section of canal " means that part of the canal which lies between the boundary of the city of Nottingham at Balloon Houses and the junction of the canal with the

6TH SCH. —*cont.*

Beeston Cut in the said city and includes all the lands belonging to the Commission immediately before the vesting day and forming the site of or held in connection with such part of the canal which part and lands are shown on the plan annexed hereto and thereon coloured pink together with the Radford maintenance depot and all locks towing-paths culverts bridges fences embankments and other works and conveniences situate on the said lands or belonging to or held by the Commission in connection therewith immediately before the vesting day but not including the lands coloured green on the said plan.

2. The Commission shall include in the next Bill promoted by them in Parliament and use their best endeavours to obtain the passing into law of a clause or clauses for effecting the following matters:—

(*a*) for transferring to and vesting in the Corporation without payment the whole of the interest of the Commission in the transferred section of canal together with all rights and obligations of the Commission in connection therewith;

(*b*) for conferring on each of the parties hereto all necessary powers for carrying into effect this agreement either as it stands or with such modifications only as shall be agreed to by all the parties hereto;

(*c*) for providing that the transferred section of canal shall be deemed to have been acquired and to be held by the Corporation for all or any of the purposes specified in section 13 of the Nottingham Corporation Act 1923 with power in particular and without prejudice to the generality of the foregoing but subject to the provisions of clause 7 hereof for the Corporation to fill in culvert or otherwise deal with the transferred section of canal or the site thereof for the purposes aforesaid;

(*d*) for repealing in relation to the transferred section of canal the obligation contained in subsection (9) of section 29 of the Act of 1937 which is now imposed upon the Commission as the successors to the railway company to keep and maintain the western portion of canal and the works and conveniences connected therewith (including any reservoirs) in such a condition that the use of the western portion of canal as an efficient part of the land drainage system of the river Trent catchment area (now the Trent River Board area) shall not be impaired and that (subject to unavoidable cause or accident or unusual drought) the depth of water shall not be reduced below two feet and also for providing in relation to the transferred section of canal that the Corporation shall in lieu of the Commission as successors as aforesaid remain under all existing statutory obligations except in so far as those obligations are inconsistent with the provisions of this agreement and the clause or clauses of the said Bill giving effect to this agreement;

(*e*) for providing that all contracts leases conveyances deeds of grant of rights or easements and other instruments legally made entered into or granted by or with the Commission or

6TH SCH. —*cont.*

the predecessors in title of the Commission and in force on the vesting day and relating to or in so far as they relate to the transferred section of canal (this present agreement excepted) shall on and after the vesting day be as binding and of as full force and effect in every respect in so far as aforesaid against or in favour of the Corporation and be enforceable as fully and effectually as if instead of the Commission or the predecessors in title of the Commission (as the case may be) the Corporation had been a party thereto;

(*f*) for providing in relation to any public road bridges and public footbridges vested in the Corporation as part of the transferred section of canal that such vesting shall include the sites of the abutments of such bridges and for providing in relation to such public road bridges and public footbridges that the Corporation shall be responsible at its own expense for the repair maintenance and renewal of the same and the approaches thereto being subject to no greater obligations than those to which it is or may become subject as highway authority but with power for the Corporation to remove widen improve re-align or otherwise deal with the said bridges including power to substitute either solid embankments or public roads or public footpaths of such widths as the Corporation may require in place of the public road bridges and public footbridges respectively Provided that provision shall be made in the said Bill for securing that until such time as such alternative means of drainage as are referred to in clause 7 hereof are completed the power referred to in this paragraph shall in relation to any bridge over the portion of the transferred section of canal lying between Derby Road and the junction of the canal with the Beeston Cut not be exercised except in accordance with plans sections and particulars to be previously approved by the Board but such approval shall not be unreasonably withheld and any difference between the Corporation and the Board as to whether such approval has or has not been unreasonably withheld shall be referred to arbitration in accordance with clause 9 hereof; and

(*g*) for providing that neither (i) the whole or any part of the transferred section of canal nor (ii) any culvert pipe or other work which may be constructed by the Corporation for the purpose of carrying away any surface water flowing or draining into the transferred section of canal shall by virtue of the provisions of the said Bill or of this agreement or by virtue of anything which may be done or omitted to be done by the Corporation in pursuance of any such provision be constituted or construed as constituting a sewer within the meaning of the Public Health Act 1936 or any statutory replacement re-enactment or modification thereof but the same shall be and shall remain a stream as defined in the Rivers (Prevention of Pollution) Act 1951 unless the whole or such part of the transferred section of canal or the culvert pipe or other work as aforesaid has first been expressly dedicated by the Corporation for the purpose of a sewer.

6TH SCH. —*cont.*

3. The Corporation shall not later than five years from the vesting day and at its own expense construct and at all times thereafter likewise maintain in a good and sufficient state of repair a dam to seal off the transferred section of canal from the canal to the west of the transferred section such dam to be constructed in accordance with plans to be previously agreed between the Commission the Corporation and the Board Provided that the said dam may be effected by the filling in with suitable material of that part of the transferred section of canal adjoining the boundary of the city at Balloon Houses.

4. The Commission shall not later than five years from the vesting day or on completion of the alternative means of drainage referred to in clause 7 hereof whichever is the earlier and in accordance with plans previously agreed between the Commission the Corporation and the Board at their own expense construct and at all times thereafter likewise maintain in a good and sufficient state of repair a dam to seal off the transferred section of canal at the junction of the canal with the Beeston Cut from the said Beeston Cut and the portion of the canal which is to remain vested in the Commission lying to the east of the transferred section and which is hereinafter referred to as "the retained portion of canal" Provided that the construction of the dam and the sealing off of the transferred section of canal shall be without prejudice to the Corporation's rights to continue to discharge water into the Beeston Cut and the retained portion of canal under the next succeeding clause.

5. Until the dam referred to in the last preceding clause is constructed by the Commission the Corporation may continue to discharge into the Beeston Cut and the retained portion of canal all surface water flowing or draining into the transferred section of canal in like manner and to the same extent as it has hitherto been the practice of the Commission to discharge such water Provided that such discharge shall not exceed 5,000 cubic feet per minute And provided also that following the construction of the said dam it shall be so arranged between the Commission and the Corporation that the Corporation may be permitted to continue to discharge surface water into the Beeston Cut and the retained portion of canal to an amount not exceeding 5,000 cubic feet per minute until such time as the drainage works referred to in clause 7 hereof are completed.

6. After the completion of the dam referred to in clause 4 hereof the Corporation shall take all practicable steps reasonably required by the Board first to ensure that the land drainage system of the Trent River Board area is not impaired as a result of the construction of the said dam by anything which may be done or omitted to be done by the Corporation for regulating controlling and disposing of the water flowing in and from the transferred section of canal and secondly to prevent surface water flowing or draining into the transferred section of canal in such a manner or to such an extent as to lead or be likely to lead to the flooding of lands within the said Trent River Board area from the transferred section of canal Provided that any difference between the Corporation and the Board as to whether or not an occasion has arisen entitling the Board to require the Corporation to take steps under this clause and if that occasion has arisen any difference

as to whether or not such steps as may be required are practicable and reasonable shall be referred to arbitration as provided in clause 9 hereof.

7. The Corporation may construct alternative means of drainage to carry away all surface water flowing or draining into the transferred section of canal in accordance with a scheme to be approved by the Commission and the Board which shall ensure that the land drainage system of the Trent River Board area is not impaired and that no surface water is discharged into the retained portion of canal Provided that before filling in that portion of the transferred section of canal lying between Derby Road and the junction of the canal with the Beeston Cut whether as part of such scheme as aforesaid or not the Corporation shall first obtain the consent of the Board but such consent shall not be unreasonably withheld and any difference between the Corporation and the Board as to whether such consent has or has not been unreasonably withheld shall be referred to arbitration in accordance with clause 9 hereof and provided also that if the Corporation shall so require in carrying out such a scheme as aforesaid to syphon by means of a culvert or culverts the said surface water and the waters of the river Leen under the Beeston Cut or the retained portion of canal the Commission shall without making any charges whatsoever to the Corporation therefor or for any matter connected therewith afford to the Corporation all reasonable facilities for the construction of such culvert or culverts in accordance with the said scheme and for the subsequent maintenance of the same by the Corporation and shall grant to the Corporation without payment an easement in fee simple for such purpose but the Commission shall not bear any part of the cost of constructing or maintaining the said culvert or culverts.

8. As from the date when the Corporation has ceased to discharge any surface water into the Beeston Cut and the retained portion of canal and the river Leen has ceased to discharge into the retained portion of canal the Commission shall if required by the Corporation cease to discharge or permit to be discharged any water or any liquid or solid matter into the stream known as the Tinker's Leen which is shown coloured blue on the said plan and shall abandon all use of the said Tinker's Leen.

9. Any difference dispute or question between the parties hereto as to any matter referred to in the foregoing clauses or as to the rights and liabilities of the parties thereunder shall be determined by arbitration in accordance with the provisions of the Arbitration Act 1950 or any statutory modification or re-enactment thereof for the time being in force.

10. This agreement shall be scheduled to the said Bill and is subject to such alterations as may be made by Parliament therein but in the event of Parliament making any material alteration in this agreement or in the provisions of the said Bill relating thereto any party to this agreement may by written notice to the others given before the said Bill is reported by the committee in the second House rescind this agreement which shall then become void and the Commission shall

6TH SCH. —*cont.*

thereupon withdraw from the said Bill the provisions relating to this agreement and to the vesting of the transferred section of canal in the Corporation and to any matters incidental thereto.

In witness whereof the Commission the Corporation and the Board have caused their respective common seals to be hereunto affixed the day and year first before written.

The common seal of the BRITISH TRANSPORT COMMISSION was hereunto affixed in the presence of

RUSHOLME *Member.*

S. B. TAYLOR *Chief secretary.*

The common seal of the LORD MAYOR ALDERMEN and CITIZENS of the CITY of NOTTINGHAM was hereunto affixed in the presence of

G. H. WIGMAN *Lord Mayor.*

T. J. OWEN *Town clerk.*

The common seal of the TRENT RIVER BOARD was hereunto affixed in the presence of

W. A. MUDDELL *Chairman of the Board.*

JOHN HIRST *Clerk of the Board.*

SEVENTH SCHEDULE

LANDS THE PERIOD FOR THE COMPULSORY PURCHASE OF WHICH IS EXTENDED BY THIS ACT TO 31ST DECEMBER 1955

(1) The lands described in and authorised to be acquired by section 7 (Power to acquire lands) of the London Midland and Scottish Railway Act 1938 in the places and parishes hereinafter mentioned:—

In the county of Warwick—

In the borough of Rugby (except the lands numbered 9 10 and 11 on the plans deposited in respect of the Bill for the said Act);

In the parish of Long Lawford in the rural district of Rugby (except the lands numbered 8 9 and 15 on the plans deposited in respect of the Bill for the said Act);

In the parish of Church Lawford in the rural district of Rugby (except the land numbered 11 on the plans deposited in respect of the Bill for the said Act);

7TH SCH. —*cont.*

In the parish of Wolston in the rural district of Rugby (except the lands numbered 1 2 and 3 on the plans deposited in respect of the Bill for the said Act);

In the parish of Brandon and Bretford in the rural district of Rugby (except the lands numbered 8 to 38 (inclusive) on the plans deposited in respect of the Bill for the said Act):

In the city and county borough of Coventry (except the lands numbered 1 to 4 (inclusive) 20 66 and 67 on the plans deposited in respect of the Bill for the said Act):

In the city and county borough of Birmingham (except the lands numbered 7 on the plans deposited in respect of the Bill for the said Act).

(2) The lands authorised to be acquired by section 5 (Power to London company to make railways subways and works) of the London Electric Metropolitan District Central London and City and South London Railway Companies Act 1930 for the purposes of Subway No. 11 and Work No. 8 authorised by Part II (London company—railways subways works and lands) of the said Act.

(3) The lands authorised to be acquired by section 5 (Power to London company to make railways subway and works) of the London Electric Metropolitan District and Central London Railway Companies (Works) Act 1931 for the purposes of Railways Nos. 1 2 and 3 and Subway No. 1 authorised by Part II (London company—railways subway and lands) of the said Act except the lands numbered on the plans deposited in respect of the Bill for the said Act as follows:—

In the metropolitan borough of Southwark—
1 to 40 (inclusive) 50 60 to 70 (inclusive) 73 to 75 (inclusive) 87 and 90:

In the metropolitan borough of Camberwell—
240 to 243 (inclusive):

In the metropolitan borough of Lambeth—
1 to 3 (inclusive).

(4) The lands authorised to be acquired by section 35 (Power to take lands) of the London Passenger Transport Act 1935 for the purposes of the Works Nos. 1 9 10 11 19 and 20 authorised by Part III (Works) of the said Act except the lands numbered on the plans deposited in respect of the Bill for the said Act as follows:—

In the urban district of Rickmansworth—
19a 19b 19c 19e 19f 20 20a 21 22 23 24 26 28 29a and 31:

In the urban district of Ruislip–Northwood—
3 4 5 6 7 18 31 33 36 37 38 and 40:

In the urban district of Harrow—
So much of the lands numbered 1 as is situated to the east of the road numbered 46e on the said plans 3 4 5 6 8 10 11 12 13 14 16 17 19 20 21 22 27 27a 28 44a 44b 44c 44d 47 to 111 (inclusive):

7TH SCH. —*cont.*

In the urban district of Wembley (now the borough of Wembley)—
111.

(5) The lands in the city of Westminster in the county of London described in and authorised to be acquired by subsection (2) of section 24 (Power to take lands) of the London Passenger Transport Act 1938.

(6) The lands authorised to be acquired by section 23 (Power to take lands) of the London Passenger Transport Act 1939 for the purposes of Works Nos. 7 7A 7B and 12 authorised by Part III (Works) of the said Act.

(7) The lands in the city of Westminster in the county of London described in and authorised to be acquired by paragraph (*a*) of subsection (2) of section 23 (Power to take lands) of the London Passenger Transport Act 1939.

(8) The lands authorised to be acquired by section 22 (Power to acquire lands) of the Act of 1949—

(*a*) for the purposes of Works Nos. 1 2 3 4 and 5 authorised by Part II (Works) of the said Act except the lands numbered on the plans deposited in respect of the Bill for the said Act as follows:—

In the city and county borough of Nottingham—
14 15 and 16; and

(*b*) in the several places hereinafter mentioned:—

In the county of Middlesex—

In the urban district of Harrow;
In the urban district of Ruislip-Northwood;
In the urban district of Uxbridge (except the lands numbered 25 to 31 (inclusive) on the plans deposited in respect of the Bill for the said Act).

Table of Statutes referred to in this Act

Short title	Session and chapter
Highway (Railway Crossings) Act 1839	2 & 3 Vict. c. 45
Railway Regulations Act 1842	5 & 6 Vict. c. 55
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20
London Tilbury and Southend Railway Extension Act 1852	15 & 16 Vict. c. lxxxiv
Wansbeck Railway Act 1859	22 & 23 Vict. c. lxxxv
Railways Clauses Act 1863	26 & 27 Vict. c. 92
Dundalk and Greenore Railway Act 1867	30 & 31 Vict. c. clxxxiii
Dundalk Newry and Greenore Railway Act 1873	36 & 37 Vict. c. clxxiv
London and North Western Railway (New Lines and Additional Powers) Act 1875	38 & 39 Vict. c. clii
London and North Western Railway (New Lines and Additional Powers) Act 1876	39 & 40 Vict. c. clxxx
Telegraph Act 1878	41 & 42 Vict. c. 76
London and North Western Railway (Additional Powers) Act 1881	44 & 45 Vict. c. clvii

Short title	Session and chapter
Great Eastern Railway Act 1882	45 & 46 Vict. c. clxvi
North Eastern Railway Act 1889	52 & 53 Vict. c. lx
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57
Railways Act 1921	11 & 12 Geo. 5. c. 55
Nottingham Corporation Act 1923	13 & 14 Geo. 5. c. c
Local Government Act 1929	19 & 20 Geo. 5. c. 17
Land Drainage Act 1930	20 & 21 Geo. 5. c. 44
London Electric Metropolitan District Central London and City and South London Railway Companies Act 1930	20 & 21 Geo. 5. c. clxxxvii
London Electric Metropolitan District and Central London Railway Companies (Works) Act 1931	21 & 22 Geo. 5. c. cxii
London Passenger Transport Act 1935	25 & 26 Geo. 5. c. cx
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8. c. 49
London and North Eastern Railway Act 1937 ...	1 & 2 Geo. 6. c. liii
London Midland and Scottish Railway Act 1938	1 & 2 Geo. 6. c. xxvii
London Passenger Transport Act 1938	1 & 2 Geo. 6. c. xcii
London Passenger Transport Act 1939	2 & 3 Geo. 6. c. lxxxix
London and North Eastern Railway Act 1947 ...	10 & 11 Geo. 6. c. xlii
Transport Act 1947	10 & 11 Geo. 6. c. 49
Town and Country Planning Act 1947	10 & 11 Geo. 6. c. 51
River Boards Act 1948	11 & 12 Geo. 6. c. 32
British Transport Commission Act 1949 ...	12 & 13 Geo. 6. c. xxix
Lands Tribunal Act 1949	12 13 & 14 Geo. 6. c. 42
Arbitration Act 1950	14 Geo. 6. c. 27
Public Utilities Street Works Act 1950	14 Geo. 6. c. 39
British Transport Commission Act 1950 ...	14 Geo. 6. c. liii
Rivers (Prevention of Pollution) Act 1951 ...	14 & 15 Geo. 6. c. 64

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"Hurst reservoir" means the Hurst reservoir of the Commissioners (being the lands numbered 1 on the deposited plan) and all embankments catchwaters drains culverts watercourses conduits pipes lines apparatus valves shuttles and other works in connection therewith and all lands easements rights privileges and premises appertaining to the same respectively and belonging to or controlled by the commissioners;

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

"town clerk" means the town clerk of the borough and includes any person duly authorised to discharge temporarily the duties of that office;

"tribunal" means the Lands Tribunal;

"water undertaking" means the water undertaking of the Corporation as from time to time authorised.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

Transfer of Hurst reservoir to Corporation.

4. On the date of transfer the Hurst reservoir shall by virtue of this Act and without further assurance be transferred from the commissioners to and vested in the Corporation without any payment to the commissioners freed and discharged from all charges debts liabilities and encumbrances affecting the same but subject to the transfer to and redemption by the Corporation of the mortgages referred to in section 27 (Transfer and redemption of mortgages) of this Act in the manner provided by that section.

Power to Corporation to maintain etc. Hurst reservoir.

5. On and after the date of transfer the Corporation may maintain repair renew alter enlarge and extend the Hurst reservoir and shall in respect of that reservoir and the maintenance use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated therewith and the Hurst reservoir shall form part of and may be used and employed for all or any of the purposes of the water undertaking.

Power to make waterwork.

6. The Corporation may in the lines or situations shown on the deposited plan and according to the levels shown on the deposited sections make and maintain the work in the parish of Charlesworth in the rural district of Chapel-en-le-Frith in the

county of Derby hereinafter described together with all necessary works and conveniences connected therewith:—

A diversion of the stream known as Hurst Brook by means of a culvert or cut commencing by a junction with that brook at a point in the enclosure numbered 1218 on the 1/2500 ordnance map of Derbyshire sheet III 13 (edition of 1921) forty-three yards or thereabouts north-west of the confluence of the said brook and Span Clough and terminating by a junction with Hurst Brook at the point where the said brook crosses the boundary of the enclosures numbered 471 and 479 on the 1/2500 ordnance map of Derbyshire sheet III 9 (edition of 1921).

Diversion and stopping up of footpath.

7.—(1) The Corporation may divert so much of the footpath in the parish of Charlesworth delineated and numbered 3 on the deposited plan as may be situate on any lands acquired by the Corporation under the powers of this Act in the manner shown on the deposited plan and subject to the provisions of this section may stop up so much of the said footpath as is rendered unnecessary by the new portion of footpath so shown on the said plan:

Provided that the stopping up of so much of the said footpath as is rendered unnecessary by the new portion of footpath shall not take place until the new portion of footpath is completed to the satisfaction of the highway authority and is open for public use or in case of difference between the Corporation and the highway authority until two justices shall have certified that the new portion of footpath has been completed to their satisfaction and is open for public use.

(2) Before applying to the justices for their certificate the Corporation shall give to the highway authority seven days' notice in writing of their intention to apply therefor.

(3) As from the completion of the new portion of footpath to the satisfaction of the highway authority or as from the date of the said certificate (as the case may be) all rights of way over the portion of footpath to be stopped up shall be extinguished and the Corporation may appropriate and use for the purposes of the water undertaking the site of the portion of the footpath stopped up so far as the same is bounded on both sides by lands of the Corporation.

Waterwork to form part of water undertaking.

8. The waterwork authorised by this Act shall for all purposes be deemed part of the water undertaking.