CHAPTER xliv

An Act to empower the British Transport Commission to construct works and to acquire lands and the Liverpool Corporation to defray the cost of certain works to authorise the closing for navigation of portions of certain inland waterways to repeal and amend certain enactments relating to Holyhead Harbour to authorise the Commission to guarantee loans to certain pilotage authorities to make provision in respect of certain charges in connection with the undertaking of the Fishguard and Rosslare Railways and Harbours Company to extend the time for the compulsory purchase of certain lands to confer further powers on the Commission and for other purposes.

[29th July 1959.]

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

And whereas it is the general duty of the Commission under the Transport Act 1947 as amended by the Transport Act 1953 (inter alia) to provide railway services for Great Britain to provide or secure the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area and to provide in such places and to such extent as may appear to the Commission to be expedient facilities for traffic on inland waterways and port facilities due regard being had to efficiency economy and safety of operation and to the needs of the public and of 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 the construction of the works in the urban district of Ffestiniog authorised by this Act will provide an alternative railway route from other parts of the country to the nuclear power station to be constructed at Trawsfynydd and it is expedient that the lord mayor aldermen and citizens of the city of Liverpool should be authorised to defray the whole or any part of the cost of the construction of such works:

And whereas the Commission are the owners of the waterways known respectively as the Birmingham Canal and the Kensington Canal:

And whereas there has not for some time past been any traffic on the portions of the said respective waterways in this Act mentioned and it is expedient that the Commission should be relieved of their obligations to maintain the same for navigation:

And whereas the Commission are the port and harbour authority for Holyhead Harbour including the outer harbour which was originally constructed as a harbour of refuge and is not adapted for commercial use:

And whereas the importation at Holyhead of crude oil petroleum and petroleum products in bulk is under consideration by important industrial interests:

And whereas the said outer harbour is capable of accommodating very large tankers at any state of the tide but there are no facilities thereat for berthing or discharging such vessels and the same is very little used for commercial or any other purposes:

And whereas it is expedient that the Commission should be authorised to provide such facilities at the said outer harbour and to improve and develop the same as a port for the accommodation of large tankers and the shipping and unshipping from such vessels of crude oil petroleum and petroleum products:

And whereas it is expedient that the enactments relating to Holyhead Harbour should be amended and that additional powers should be conferred on the Commission in relation to the said harbour as in this Act provided:

And whereas the docks of the Commission at Port Talbot and Swansea are within the pilotage districts of Port Talbot and Swansea respectively and the provision of efficient pilotage services in the said districts is essential to the operation of the said docks:

And whereas the Port Talbot Pilotage Authority and the Swansea Pilotage Authority require to replace their existing pilot cutters but are unable to finance the purchase of new vessels without guarantees for the repayment of the necessary loans:

And whereas it is expedient that the Commission should be authorised to give guarantees for the benefit of the said pilotage authorities for the purposes aforesaid:

And whereas under an agreement which was scheduled to and confirmed by the Fishguard and Rosslare Railways and Harbours Act 1899 the harbour and railway at Fishguard of the Fishguard and Rosslare Railways and Harbours Company and the vessels of the said company plying between Fishguard and Rosslare are worked managed and maintained by the Commission but doubts have arisen as to the application of the Transport Act 1947 and of charges schemes thereunder to the charges made in connection with the said harbour and railway and it is expedient that such doubts should be removed and also that the charges for carriage by the said vessels should be deemed to be charges of the Commission:

And whereas it is expedient that the period now limited for 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 or used by this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerks of the county councils of the several counties and the town clerks of the several 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 1959.

PART I —*cont.*

(2) The British Transport Commission Acts 1947 to 1958 and this Act may be cited together as the British Transport Commission Acts 1947 to 1959.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Works.
Part III.—Docks and inland waterways.
Part IV.—Holyhead Harbour.
Part V.—Lands.
Part VI.—Protective provisions.
Part VII.—Miscellaneous.

Interpretation.

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—

" the Act of 1845 " means the Railways Clauses Consolidation Act 1845;

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

" the Act of 1863 " means the Railways Clauses Act 1863;

" the Act of 1947 " means the Transport Act 1947;

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

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

" the Act of 1952 " means the British Transport Commission Act 1952;

" the Act of 1954 " means the British Transport Commission Act 1954;

" the Act of 1956 " means the British Transport Commission Act 1956;

" the Act of 1957 " means the British Transport Commission Act 1957;

" 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;

PART I —*cont.*

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

" the jetties " means Works Nos. 28 29 30 and 31;

" the Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 the Lands Tribunal Act 1949 the Town and Country Planning Acts 1947 to 1959 and this Act;

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

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

" the slipway " means Work No. 27;

" the tribunal " means the Lands Tribunal;

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

(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 construed as if the words " or thereabouts " were inserted after each such distance and length and distances between points on a railway road river or waterway or between points on the breakwater at Holyhead shall be taken to be measured along the railway road river waterway or breakwater as the case may be.

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

Incorporation of general Acts.

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

(*a*) the Lands Clauses Acts except sections 127 to 133 of the Lands Clauses Consolidation Act 1845;

(*b*) the Act of 1845 except sections 7 8 9 19 20 22 23 110 111 and 143 thereof and Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Act of 1863:

PART I —*cont.*

Provided that—

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

(A) the expression "the company" where used in the said incorporated provisions means the Commission;

(B) Works Nos. 2 3 12 13 16 17 19 20 21 22 23 24 and the lines of railway authorised by section 15 (Further works and powers) of this Act shall be deemed to be railways authorised by the special Act;

(ii) for the purposes of sections 16 and 30 to 44 of the Act of 1845 as incorporated with this Act Works Nos. 8 9 10 11 14 15 25 26 33 and 34 shall be deemed to be railways authorised by the special Act;

(iii) the provisions of sections 18 and 21 of the Act of 1845 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 the Act of 1952 as incorporated with this Act;

(*c*) the Act of 1847 except sections 7 8 9 11 12 13 22 25 26 49 50 79 80 84 to 90 and 95 thereof:

Provided that the provisions of sections 16 to 19 of the Act of 1847 shall not be in force except and to such extent as the Minister may require.

PART II

WORKS

Power to make works.

5.—(1) 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 works hereinafter described with all necessary works and conveniences connected therewith:—

In the county of Kent—

(Bridge widening at Walmer.)

Work No. 2 A widening on both sides thereof of the bridge in the borough of Deal carrying the railway between Martin Mill and Walmer over Station Road:

PART II —*cont.*

In the county of Surrey—

Work No. 3 A widening (one thousand two hundred and forty-two yards in length) wholly in the borough of Reigate of the railway between Earlswood and Nutfield and Merstham commencing at a point ninety-nine yards south-west of the bridge carrying the said railway over Station Road and terminating at a point three hundred and seventy-four yards north-east of the bridge carrying the said railway over Wiggie Lane: (Widening of railway at Redhill.)

In the county of Southampton and in the county borough of Southampton—

Work No. 4 A railway (six hundred and eighty-eight yards in length) partly in the parish of Eling in the New Forest rural district and partly in the county borough of Southampton being a deviation of the Southampton and Dorchester railway commencing by a junction with the said railway at a point two hundred and twenty-eight yards west of the western abutment of the viaduct carrying the said railway over the river Test and the Redbridge Channel and terminating by a junction with the said railway at a point two hundred and thirteen yards east of the eastern abutment of the said viaduct: (Railway at Redbridge.)

In the North Riding of the county of York—

Work No. 6 A railway (nine hundred and eighty yards in length) wholly in the parish of Seamer in the rural district of Scarborough commencing by a junction with the York and Scarborough railway on the north-east side of the level crossing whereby Pasture Lane is crossed by the said railway and terminating by a junction with the Hull and Scarborough railway at a point two hundred and fifteen yards south-east of the more north-westerly of the two level crossings whereby Meads Lane is crossed by the last-mentioned railway: (Railway at Seamer.)

In the county of Durham—

Work No. 7 A railway (one mile one thousand four hundred and ninety-three yards in length) in the rural district of Chester-le-Street being a deviation of the York and Newcastle railway commencing in the parish of Lamesley by a junction with the said railway at a point five hundred yards north-west of the bridge carrying Smithy Lane over the said railway and terminating in the parish of Birtley by a junction with the said railway at a point one hundred and fifty-two (Railway at Lamesley.)

PART II —*cont.*

yards north-west of the bridge carrying the road from High Urpeth to Birtley over the said railway;

(Bridge reconstruction at Lamesley.)

Work No. 8 A diversion of Smithy Lane in the said parish of Lamesley and a reconstruction and lengthening of the bridge carrying that lane over the York and Newcastle railway;

(Roads at Lamesley.)

Work No. 9 A road in the said parish of Lamesley commencing by a junction with the road from Lamesley to Birtley at a point five hundred and sixty yards west of the bridge carrying the York and Newcastle railway thereover and terminating by a junction with that road at a point six hundred and thirty yards east of the said bridge;

Work No. 10 A road in the said parish of Lamesley commencing by a junction with Work No. 9 six hundred and thirty-seven yards from its commencement and terminating by a junction with Moormill Lane and by a junction with Greenford Lane at a point four hundred yards north of its junction with Featherbed Lane;

(Diversion of river Team.)

Work No. 11 A diversion (one thousand one hundred and five yards in length) of the river Team in the said parishes of Lamesley and Birtley between a point two hundred and seventy-five yards south-east of the commencement of Work No. 9 and a point one hundred and seventy-seven yards west of the bridge carrying Featherbed Lane over the said river:

In the West Riding of the county of York and in the county borough of Dewsbury—

(Bridges over river Calder.)

Work No. 12 Two bridges over the river Calder partly in the county borough of Dewsbury and partly in the borough of Ossett and situate on the south-west side of and near to the bridge carrying the Manchester and Normanton railway over the said river;

Work No. 13 A bridge over the river Calder partly in the county borough of Dewsbury and partly in the borough of Ossett and situate three hundred yards downstream from the bridge carrying the Manchester and Normanton railway over the said river;

(Diversion of river Calder.)

Work No. 14 A diversion (one thousand one hundred and ninety-five yards in length) of the river Calder partly in the county borough of Dewsbury partly in

PART II —*cont.*

the borough of Ossett and partly in the urban district of Horbury between points respectively four hundred and ten and one thousand seven hundred and twenty yards downstream from the bridge carrying the Manchester and Normanton railway over the said river:

In the West Riding of the county of York—

Work No. 15 A diversion of Storrs Hill Road partly in the borough of Ossett and partly in the urban district of Horbury and a reconstruction in the said urban district of the bridge carrying that road over the Manchester and Normanton railway; (Road diversion and bridge reconstruction at Horbury.)

Work No. 16 A conversion into open cutting of a part of the western tunnel of the Woolley Tunnels of the railway between Barnsley and Wakefield in the parishes of West Bretton Woolley and Crigglestone in the rural district of Wakefield; (Opening of Woolley Tunnels.)

Work No. 17 A conversion into open cutting of a part of the eastern tunnel of the Woolley Tunnels of the railway between Barnsley and Wakefield in the said parishes of West Bretton Woolley and Crigglestone:

In the county of Essex—

Work No. 18 A railway (one thousand three hundred and sixty-nine yards in length) wholly in the borough of Colchester commencing by a junction with the railway between Colchester and Ipswich at a point thirty yards west of the bridge carrying the said railway over the footpath from Cowdray Avenue to High Woods and terminating by a junction with the railway between Colchester and Clacton at a point twenty-eight yards south of the level crossing whereby the said railway crosses the footpath which connects Cowdray Avenue with Ipswich Road; (Railway at Colchester.)

Work No. 19 A widening on the north side thereof of the bridge in the said borough carrying the railway between Colchester and Ipswich over North Station Road: (Bridge widening at Colchester.)

In the county of London—

In the metropolitan borough of Islington—

Work No. 20 An alteration in level (No. 1) of the railway between King's Cross and Finsbury Park (one thousand one hundred and forty-eight yards in length) commencing at a point two hundred and thirteen yards south-west of the bridge carrying (Alterations in level of railways at Finsbury Park.)

PART II —*cont.*

the said railway over Hornsey Road and terminating at a point nine hundred and forty-five yards north-east of the said bridge;

Work No. 21 An alteration in level (No. 2) of the up Canonbury line of the railway between Broad Street and Finsbury Park (nine hundred and forty-two yards in length) commencing at a point three hundred and ninety-two yards north of the north face of the Canonbury Tunnel and terminating at a point sixty-three yards north of the quarter-mile post on the said line;

Work No. 22 An alteration in level (No. 3) of Railway No. 2 authorised by the London and North Eastern Railway Act 1924 (five hundred and sixty-four yards in length) commencing at a point seven hundred and sixty yards north of the north face of the Canonbury Tunnel and terminating at a point sixty-nine yards north of the quarter-mile post on the said line;

Work No. 23 An alteration in level (No. 4) of the down Canonbury line of the railway between Broad Street and Finsbury Park (three hundred and forty yards in length) commencing at a point four hundred and eighty-nine yards north of the north face of the Canonbury Tunnel and terminating at a point forty-three yards south-east of the bridge carrying the railway between King's Cross and Finsbury Park over the said first-mentioned railway:

In the metropolitan borough of St. Pancras—

(Opening of Gas Works Tunnels.)

Work No. 24 A conversion into open cutting of a part of the Gas Works Tunnels of the railway between King's Cross and Finsbury Park (eighty-two yards in length) commencing at the south face of the existing tunnels and terminating at a point eighty-two yards north thereof;

(Bridge at King's Cross.)

Work No. 25 A bridge to carry Goods Way over the railway between King's Cross and Finsbury Park;

(Aqueduct at King's Cross.)

Work No. 26 A realignment of a portion of the Regents Canal (one hundred and eighteen yards in length) commencing at the western end of the King's Cross canal basin and terminating at a point two yards west of the York Way canal bridge with an aqueduct to carry the said realigned portion of canal over the railway between King's Cross and Finsbury Park:

PART II —*cont.*

In the county of Isle of Wight—

(Slipway at Fishbourne.)

Work No. 27 A slipway in the borough of Ryde situate in Wootton Creek and an approach thereto from the eastern side of the said creek extending from a point on the existing slipway of the Commission two hundred and ten yards north-west of Fishbourne Road for a distance of one hundred yards in a north-easterly direction:

In the county of Anglesey—

(Jetties at Holyhead.)

Partly in the urban district of Holyhead and partly on the foreshore and bed of the sea adjacent thereto—

Work No. 28 A jetty commencing in the said urban district at a point on the inner side of the breakwater at Holyhead one thousand seven hundred and forty-three yards from the lighthouse at the seaward extremity thereof and extending into Holyhead Harbour in a southerly direction for a distance of forty-four yards and there terminating with arms extending into the said harbour at right angles to the said jetty at its termination for a distance of sixty yards on either side thereof;

Work No. 29 A jetty commencing in the said urban district at a point on the inner side of the said breakwater one thousand two hundred and sixty yards from the said lighthouse and extending into the said harbour in a southerly direction for a distance of forty-four yards and there terminating with arms extending into the said harbour at right angles to the said jetty at its termination for a distance of sixty yards on either side thereof;

Work No. 30 A jetty commencing in the said urban district at a point on the inner side of the said breakwater six hundred and fifty yards from the said lighthouse and extending into the said harbour in a south-easterly direction for a distance of fifty-three yards and there terminating with arms extending into the said harbour at right angles to the said jetty at its termination for a distance of sixty yards on either side thereof;

Work No. 31 A jetty commencing in the said urban district at a point on the inner side of the said breakwater two hundred and thirty-three yards from the said lighthouse and extending into the said harbour in a south-easterly direction for a distance of ninety

PART II —*cont.*

yards and there terminating with arms extending into the said harbour at right angles to the said jetty at its termination for a distance of sixty yards on either side thereof:

In the county of Merioneth—

In the urban district of Ffestiniog—

(Railway at Blaenau-Ffestiniog.)

Work No. 32 A railway (three hundred and sixty-two yards in length) commencing at Blaenau-Ffestiniog North Station by a junction with the railway between Llandudno Junction and Blaenau-Ffestiniog and terminating by a junction with the railway between Bala and Blaenau-Ffestiniog at a point one hundred and ten yards east of the bridge carrying Dorvil Road over the Festiniog railway;

(Roads at Blaenau-Ffestiniog.)

Work No. 33 A road commencing by a junction with North Western Road at a point two hundred and thirty yards south-east of the junction of that road with Glan-y-Pwll Road and terminating by a junction with the trunk road (A.496) from Bettws-y-Coed to Ffestiniog at the place where the premises known as " Rock Terrace " abut upon that road;

Work No. 34 A road commencing by a junction with Work No. 33 one hundred and twenty yards south-east from its commencement and terminating at the junction of Towyn Road with Benar Road.

(2) Subject to the provisions of this Act and within the limits of deviation the Commission may in carrying out Works Nos. 8 9 10 15 25 33 and 34 make junctions with and may alter the line or level of any street or way interfered with by or contiguous to the said works and may alter and interfere with any steps walls gateways railings passages pipes and pavements and may execute any works for the protection of any adjoining land or building.

As to dimensions etc. of bridges.

6.—(1) Notwithstanding anything in the Act of 1845 as incorporated with this Act the Commission may—

(*a*) construct Work No. 2 with the same height as the existing bridge carrying the railway between Martin Mill and Walmer over Station Road;

(*b*) construct the bridge for carrying Work No. 3 over Wiggie Lane with the same height as the existing bridge carrying the railway between Earlswood and Nutfield and Merstham over Wiggie Lane;

(*c*) construct the approaches to the bridges comprised in Works Nos. 33 and 34 with the respective gradients shown on the deposited sections.

PART II —*cont.*

(2) The Commission shall erect a good and sufficient fence of at least four feet high on each side of the new or reconstructed bridges and lengthenings of bridges comprised in Works Nos. 8 10 12 13 15 25 33 and 34.

Period for completion of certain works.

7. If Works Nos. 4 6 7 18 and 32 are not completed within the period expiring on the thirty-first day of December nineteen hundred and sixty-five or if Works Nos. 28 29 30 and 31 are not completed within the period expiring on the thirty-first day of December nineteen hundred and seventy-four then on the expiration of those periods respectively the powers by this Act granted to the Commission for making and completing the said works respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

As to removal of Redbridge Viaduct.

8.—(1) As soon as reasonably practicable after the completion of Work No. 4 the Commission shall take down and remove to the satisfaction of the Minister the existing viaduct carrying the Southampton and Dorchester railway over the river Test and the Redbridge Channel including such of the foundations abutments and timber protective works in the said river and channel as he may direct and shall ensure as far as practicable that such taking down and removal shall not unnecessarily obstruct the navigable waterways of the said river and channel or otherwise interfere with or impede navigation.

(2) The provisions of section 60 (Lights on works during construction) of this Act shall apply to the taking down and removal of the said viaduct as if the said viaduct were part of the works to which that section applies and as if such taking down and removal were referred to in the said section 60 in addition to the construction alteration or extension of such works.

As to slipway at Fishbourne.

9.—(1) For the purposes of the application to the slipway of the provisions of the Act of 1847 as incorporated with this Act—

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

(*b*) the word " vessel " where so used has the meaning assigned to it by section 27 (Interpretation of Part IV) of this Act;

(*c*) the provisions of section 33 of the Act of 1847 shall not apply to the slipway;

PART II —*cont.*

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

(*e*) the power of the Commission to make byelaws under section 83 of the Act of 1847 shall be deemed to include power to make such byelaws as they shall think fit—

(i) for the management control and regulation of the slipway and of goods wares merchandise and vehicles using or passing over or frequenting or resorting to the slipway;

(ii) for regulating the conduct of persons using or being upon the slipway.

(2) (*a*) The limits (in this section referred to as " the prescribed limits ") within which the powers of the master of the slipway may be exercised under and subject to the provisions of the Act of 1847 shall comprise the slipway and the bed shores and waters of Wootton Creek below the high-water mark of ordinary spring tides within the limit of deviation in respect of the slipway together with so much of the channel of Wootton Creek as adjoins and is co-extensive with that limit on the northern side thereof.

(*b*) The said powers shall not be exercised so as to affect vessels navigating the channel of Wootton Creek unless such vessels shall obstruct or endanger the access to the slipway.

(3) The provisions of section 32 (Subsidiary harbour works) of this Act shall apply and have effect with respect to the slipway as if for the references therein to the harbour and the harbour works there were substituted references to the slipway and as if for references to the harbour limits there were substituted references to the limit of deviation in respect of the slipway.

(4) The provisions of section 33 (Powers with respect to disposal of wrecks) and of section 34 (Protection of Crown interests in wrecks) of this Act shall apply and have effect in relation to the slipway and the waters of Wootton Creek and the approaches thereto in like manner as they apply in relation to the harbour and approaches referred to in that section:

Provided that for the purposes of this subsection the reference in subsection (4) of the said section 33 to the office of the harbour master shall be read and construed as a reference to the office of the master of the slipway.

(5) The provisions of subsections (2) to (9) of section 37 (As to byelaws) of this Act shall apply and have effect with respect to the slipway as if for the references therein to the harbour and

PART II —*cont.*

the office of the harbour master there were substituted references to the slipway and the office of the master of the slipway respectively.

(6) The powers of the Commission under section 45 (Power to company to acquire lands) of the Southern Railway Act 1924 to deepen dredge scour cleanse alter and improve the bed shores and channel of Wootton Creek for the purpose of improving the access to certain lands in the parish of Binstead may also be exercised for the purpose of improving the access to the slipway and shall extend to the bed of the sea in or near to any approach to the said creek and be deemed always to have so extended.

(7) (*a*) No person other than the Commission shall construct alter or extend any works or lay down any moorings within the prescribed limits without the previous consent in writing of the Commission (which consent shall not be unreasonably withheld) and where any person has constructed altered or extended any works or laid down any moorings without such consent or has failed to comply with any condition subject to which any such consent has been given the Commission may serve a notice on that person requiring him within such period as may be specified in the notice to remove the works or to make such alterations therein as may be so specified or to remove the moorings (as the case may be) or they may themselves remove or alter the works or remove the moorings and they shall be entitled to recover the expense thereof from the person by whom the works were constructed altered or extended or the moorings were laid down.

(*b*) Any question whether such consent is unreasonably withheld shall be determined by the Minister.

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

As to roads at Blaenau-Ffestiniog.

10.—(1) When Work No. 33 has been completed to the satisfaction of the county council of the administrative county of Merioneth or in case of difference between the said council and the Commission the Minister has certified in accordance with section 13 (Stopping up roads and footpaths in case of diversion) of the Act of 1950 as incorporated with this Act that the road comprised in Work No. 33 has been completed to his satisfaction and is open for public use the said road and all works and conveniences connected therewith (except the structure of the bridges for carrying Work No. 33 over Work No. 32 and over the Duffws Junction Railway) shall vest in and be maintained by the said council and shall be a county road.

PART II —*cont.*

(2) When Work No. 34 has been completed to the satisfaction of the urban district council of Ffestiniog or in case of difference between the said council and the Commission the Minister has certified in accordance with section 13 (Stopping up roads and footpaths in case of diversion) of the Act of 1950 as incorporated with this Act that the road comprised in Work No. 34 has been completed to his satisfaction and is open for public use the said road and all works and conveniences connected therewith (except the structure of any bridge for carrying the said road which structure shall unless otherwise agreed be maintained by and at the expense of the Commission) shall vest in and be maintained by the said council.

(3) The provisions of section 7 (Repair of roads where level not permanently altered) of the Act of 1949 and of section 14 (Provision as to repair of roads and footpaths) of the Act of 1950 as incorporated with this Act shall not apply to the roads comprised in Works Nos. 33 and 34.

Agreements with Liverpool Corporation as to Works Nos. 32 33 and 34.

11.—(1) The Commission and the lord mayor aldermen and citizens of the city of Liverpool (in this section referred to as " the corporation ") may enter into and carry into effect agreements with regard to the defraying by the corporation of the whole or any part of the cost of the construction of Works Nos. 32 33 and 34 and of the acquisition of lands or easements therefor and of effecting any other purposes incidental thereto or connected with any proposal of the Commission to provide a connection between their two railways in the urban district of Ffestiniog.

(2) The Liverpool Corporation Act 1957 shall have effect as if the provision by the corporation of any moneys payable by them under any agreement entered into under this section were included in Purpose No. 1 referred to in Part V (Finance) of that Act.

Power to lay electric cables at Sevenoaks.

12.—(1) Subject to the provisions of this Act the Commission may construct place or lay down and maintain alter renew repair inspect test use and work in or under the lands numbered on the deposited plans 1 to 14 in the urban district of Sevenoaks and 1 to 6 in the parish of Sevenoaks Weald in the rural district of Sevenoaks and situate within the line marked " Limit of land in which electric cables may be laid and maintained " on those plans electric cables mains apparatus and other works in connection therewith and they may from time to time change the position thereof or remove the same.

(2) The Commission may for the purposes of this section enter upon break up and otherwise interfere with so much of any street or road as is situate within the line referred to in subsection (1) of this section and the provisions of the Public Utilities Street Works Act 1950 shall apply to any works executed

PART II —*cont.*

by the Commission in any such street or road as if such works were "undertakers' works" the works of "operating undertakers" or "apparatus of 'owning undertakers'" (as the case may be) and were not being executed held or used for the purposes of a railway undertaking.

(3) Any inspection chamber street box draw-through pit or similar structure constructed altered or renewed under the powers of this section shall be furnished with a suitable manhole cover which when fitted shall not project at any point above the surface of the ground.

(4) All cables mains works or apparatus constructed placed laid down altered or renewed under the powers of this section shall be so constructed placed laid down altered or renewed that (except as aforesaid) no part thereof shall be level with or project above the surface of the ground.

(5) The works authorised by this section shall be so executed by the Commission as not to stop and (so far as may be reasonably practicable) as not to impede or interfere with the traffic on any street or road or along any footpath and where such works are executed otherwise than in a street or road the Commission shall after completion of the work restore the surface of the ground to its former state and condition as far as it may be reasonably practicable for them so to do.

(6) Any regulations made or having effect as if they had been made under section 60 of the Electricity Act 1947 for securing that the public is so far as practicable protected from any personal injury fire or other dangers and for the time being in force in the said urban district or parish shall extend and apply to any electric cables and wires placed or laid under the provisions of this section as if the Commission were the undertakers or an electricity board (as the case may be) and as if this Act were the special Act.

Power to provide radio telephone system etc.

13.—(1) The Commission may in connection with their railways and ancillary services provide and operate point-to-point micro-wave radio multiplex telephony telegraphy computor and industrial television systems and very high frequency and ultra high frequency radio base stations at York and Newcastle-upon-Tyne and between those places and they may for that purpose erect maintain and use and from time to time alter or extend the buildings and structures referred to in this section and all necessary works apparatus and conveniences required in connection therewith or with the operation maintenance and use of any telecommunication system for the time being provided by the Commission under the powers of this section.

PART II —*cont.*

(2) The buildings and structures referred to in this section are—

(*a*) In the city and county borough of York—

on the principal railway offices of the Commission in Station Road a tower not exceeding one hundred and forty-two feet in height;

(*b*) In the North Riding of the county of York—

on the land numbered on the deposited plans 1 in the parish of Kirby Knowle in the rural district of Thirsk a tower not exceeding one hundred and sixty feet in height and a repeater station;

(*c*) In the county borough of Darlington—

on the Commission's Bank Top passenger station a tower not exceeding one hundred and twenty-five feet in height;

(*d*) In the county of Durham—

on the land numbered on the deposited plans 1 in the parish of Ferryhill in the rural district of Sedgefield a tower not exceeding one hundred and sixty feet in height and a repeater station;

(*e*) In the city and county borough of Newcastle-upon-Tyne—

on the Commission's Central Station a tower not exceeding one hundred and ninety-one feet in height.

(3) For the purpose of computing the height of any of the towers authorised by this section the same shall be measured from ground level and shall include the height of any aerials supported by such tower.

(4) Notwithstanding anything in this section the Commission shall not—

(*a*) establish or use any station for wireless telegraphy as defined by section 19 of the Wireless Telegraphy Act 1949 or instal or use any apparatus for wireless telegraphy as so defined except under the authority of and in accordance with a licence in that behalf granted by the Postmaster-General pursuant to that Act and otherwise in accordance with the provisions of that Act;

(*b*) use any station apparatus or system of communication provided under the powers of this section in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

As to bridge widening at Ford Houses.

14. Notwithstanding anything in the Act of 1956 or shown on the plans and sections deposited in connection with the Bill for that Act the Commission may construct Work No. 15 authorised

by that Act with the same span as that of the existing bridge carrying the railway between Bushbury and Four Ashes over Brinsford Lane.

Further works and powers.

15.—(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 and maintain the works described in this section with all necessary works and conveniences connected therewith and may exercise the powers hereinafter mentioned:—

(*a*) In the county borough of Dewsbury—

they may stop up and discontinue so much of the bridle path from the north-east side of the Aire and Calder Navigation to Healey Road and Low Mill Road in the borough of Ossett as lies between the points marked "E" and "F" on the deposited plans and may substitute therefor between the said points a new bridle path in the position shown on the deposited plans;

(*b*) In the city and county borough of Lincoln—

they may stop up and discontinue—

(i) so much of Canwick Road as is situate within the line marked "Portion of road to be stopped up" on the deposited plans;

(ii) the footpath which crosses the railways between Lincoln St. Marks and Grimsby and between Lincoln Central and Boston and Sleaford by means of a footbridge between the points marked "A" and "B" on the deposited plans;

(*c*) In the city and county borough of Oxford—

they may stop up and discontinue so much of the road known as Sandy Lane (or Long Lane) as lies between a point eight yards east of the centre of the bridge carrying the said road over the railway between Morris Cowley and Littlemore and a point seventy-four yards west of the centre of the said bridge;

(*d*) In the county borough of Rotherham—

they may stop up and discontinue the footpath crossing the railway between Sheffield and Rotherham at Holmes station by means of a footbridge between the points marked "A" and "B" on the deposited plans and may substitute therefor a new footpath

PART II —*cont.*

and footbridge between the points marked "C" "D" "E" "F" "G" and "H" on the deposited plans;

(*e*) In the city and county borough of Sheffield—

they may make and maintain not more than two lines of railway across and on the level of Kettlebridge Road in the position shown on the deposited plans;

(*f*) In the county borough of Sunderland—

they may stop up and discontinue so much of Old Pallion Road as is situate within the line marked "Limit of roadway to be stopped up" on the deposited plans;

(*g*) In the county of Buckingham—

In the parish of Ludgershall in the rural district of Aylesbury—

they may stop up and discontinue so much of the footpath between Ludgershall and the south end of Piddington as is carried over the railway north-west of Brill and Ludgershall station by a footbridge and may substitute therefor a footpath level crossing across the said railway;

(*h*) In the county of Caernarvon—

In the parish of Llandwrog in the rural district of Gwyrfai—

they may make and maintain an additional line of railway across and on the level of the road from Llandwrog to Cilgwyn in the position shown on the deposited plans at the place where the said road is crossed on the level by the railway at Groeslon station;

(*i*) In the county of Durham—

In the parish of Lamesley in the rural district of Chester-le-Street—

they may stop up and discontinue—

(A) so much of the road from Lamesley to Birtley (including the roads deviating therefrom numbered 21 and 28 respectively on the deposited plans) as lies between the points marked "A" and "B" on the deposited plans;

(B) so much of Featherbed Lane and Longshank Lane as lies between the points marked "C" and "D" on the deposited plans;

PART II —*cont.*

(*j*) In the county of East Suffolk—

In the parish of Trimley St. Martin in the rural district of Deben—

they may stop up and discontinue so much of the road known as Grimston Lane which is crossed by the railway between Trimley and Orwell at the level crossing known as Grimston Lane Crossing as lies within the boundaries of their property;

(*k*) In the county of Hertford—

In the urban district of Ware—

they may stop up and discontinue so much of the footpath leading from London Road to the approach road to Ware station as lies within the boundaries of their property;

(*l*) In the county of Kent—

(i) In the urban district of Ashford—

they may stop up and discontinue so much of the footpath leading from Crowbridge Road to Willesborough and crossing the railway on the level between Ashford and Westenhanger as lies between the points marked "A" and "B" on the deposited plans and may substitute therefor between the said points a new footpath and footbridge in the position shown on the deposited plans;

(ii) In the parish of Capel-le-Ferne in the rural district of Dover—

they may stop up and discontinue so much of the footpaths on the lands numbered 2 and 3 on the deposited plans and leading from Capel-le-Ferne to the beach and from Dover Road to the beach respectively as lie between the points marked "A" and "B" and "E" and "F" on the deposited plans and may substitute therefor between those points in the positions shown on the deposited plans new footpaths to be carried over the railway between Folkestone Junction and Dover by means of a footbridge between the points marked "C" and "D" on the deposited plans;

(iii) In the parish of Hollingbourn in the rural district of Hollingbourn—

they may stop up and discontinue so much of the footpath leading from the road between Greenway Court and Maidstone to Greenway Forstal as lies between the points marked "A" and "B" on the

PART II —*cont.*

deposited plans and may substitute therefor a new footpath between the points marked "C" and "B" on the deposited plans;

(iv) In the parish of Stanford in the rural district of Elham—

they may stop up and discontinue so much of the footpath leading from Barrowhill to Stone Street as lies between the points marked "A" and "D" on the deposited plans and may substitute therefor a new footpath between the points marked "A" "B" "C" and "D" on the deposited plans;

(*m*) In the county of Lancaster—

In the urban district of Kirkby—

they may stop up and discontinue so much of the footpath leading from Waddicar to Kirkby and crossing the railway between Fazakerley and Kirkby on the level as lies within the boundaries of their property between the points marked "A" and "B" on the deposited plans and may substitute therefor a new footpath between the points marked "A" and "C" on the deposited plans;

(*n*) In the county of London—

In the metropolitan borough of Hackney—

they may stop up and discontinue so much of the footpath between Park Road and Downs Road as lies between the points marked "A" and "B" on the deposited plans and may substitute therefor a new footpath between the points marked "C" and "B" on the deposited plans;

(*o*) In the county of Merioneth—

In the urban district of Ffestiniog—

(i) they may stop up and discontinue so much of North Western Road as lies between the commencement of Work No. 33 and the south-east side of that part of that work which lies to the north of the bridge to be constructed to carry such work over Work No. 32;

(ii) they may stop up and discontinue so much of the footpaths from North Western Road to Towyn Road as are situate within the limits of deviation of Works Nos. 33 and 34;

(iii) they may stop up and discontinue so much of Dorvil Road as is carried over the Festiniog railway by a bridge and may substitute therefor a footbridge over the said railway and over Work No. 32 in the position shown on the deposited plans;

PART II —*cont.*

(*p*) In the county of Middlesex—

In the borough of Twickenham—

they may stop up and discontinue within the boundaries of their property the road connecting Somerset Road and Linden Grove which crosses the railway between Strawberry Hill and Teddington by the level crossing known as Somerset Road Crossing and may substitute therefor a new footpath and footbridge between the points marked "A" "B" "C" "D" "E" and "F" on the deposited plans;

(*q*) In the county of Northumberland—

In the urban district of Longbenton—

they may stop up and discontinue within the boundaries of their property so much of the road known as Station Road as crosses the railway between Forest Hall and Heaton on the level at Forest Hall station;

(*r*) In the county of Nottingham—

In the urban district of West Bridgford—

they may stop up and discontinue the road on the bridge over the railway between Edwalton and Nottingham situate eight hundred and ninety-six yards south-east of the bridge carrying the said railway over the road from Nottingham to Edwalton;

(*s*) In the county of Salop—

In the borough of Ludlow—

they may stop up and discontinue so much of the road known as Rock Lane which is crossed by the railway between Ludlow and Woofferton at the level crossing known as Rock Lane Crossing as lies within the boundaries of their property;

(*t*) In the West Riding of the county of York—

(i) In the borough of Ossett—

they may stop up and discontinue so much of the footpaths from Healey Road to Storrs Hill Road and to Ossett as lie between the points marked "A" and "B" and "C" and "D" respectively on the deposited plans and may substitute therefor a new footpath between the points marked "A" and "B" on the deposited plans;

PART II —*cont.*

(ii) In the borough of Ossett and in the urban district of Horbury—

they may stop up and discontinue so much of the footpath from Low Mill Road to and along the north-east side of the river Calder as lies between the points marked "H" and "J" on the deposited plans;

(*u*) In the county of West Sussex—

In the urban district of Crawley—

they may stop up and discontinue between the boundary fences of their property the footpath level crossing known as Malthouse Crossing situate on the railway between Three Bridges and Crawley;

(*v*) In the county of Wilts—

In the parish of Stratton St. Margaret in the rural district of Highworth—

they may stop up and discontinue so much of the road known as Kingsdown Lane as crosses the railway between Stratton and Stanton by means of a bridge and may substitute therefor a level crossing for use by all persons as a bridleway or on foot.

(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 a portion of the road known as Sandy Lane (or Long Lane) in the city and county borough of Oxford authorised by this section but such stopping up shall not take place until a new road between Blackbird Leys and Cowley Airfield together with a spur road from the last-mentioned road to Sandy Lane have been constructed and opened for public use.

(3) Notwithstanding anything in section 6 of the Act of 1863 as incorporated with this Act the Commission shall not be required to maintain a lodge at the level crossing in the city and county borough of Sheffield referred to in this section.

(4) 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 a portion of Old Pallion Road in the county borough of Sunderland authorised by this section but the Commission shall not under the powers of the said section 12 appropriate the site of the said portion of road except in so far as the same is bounded on both sides thereof by lands of the Commission.

(5) (*a*) The stopping up under this section of the level crossing known as Grimston Lane Crossing in the parish of Trimley

PART II —*cont.*

St. Martin shall not take place until a new road between Grimston Lane and Thorpe Lane in the said parish has been constructed and opened for public use.

(*b*) The stopping up under this section of the said level crossing shall not affect the right of persons on foot to use the same and the Commission shall maintain for the convenience of such persons wicket gates or stiles on both sides of the railway at the said level crossing.

(6) The stopping up under this section of part of Station Road in the urban district of Longbenton shall not take place until a new road bridge and approaches between Station Road on the north side of the railway between Forest Hall and Heaton and Forest Hall and Benton on the south side of the said railway have been constructed and opened for public use.

As to certain level crossings.

16.—(1) As from the passing of this Act all rights of way over the level crossings referred to in Part I of the First Schedule to this Act other than a right of way for all persons to use those level crossings as a bridleway or on foot shall be extinguished and the Commission shall provide and maintain on both sides of the railway at each of the said level crossings gates for the convenience of persons on horseback or leading horses and persons on foot.

(2) As from the passing of this Act all rights of way over the level crossings referred to in Parts II and III of the said schedule other than a right of way for all persons to use those level crossings on foot shall be extinguished and the Commission shall provide and maintain on both sides of the railway at each of the said level crossings wicket gates or stiles for the convenience of persons on foot.

(3) The provisions of the Highway (Railway Crossings) Act 1839 of section 9 of the Railway Regulation Act 1842 of section 47 of the Act of 1845 and of sections 5 6 and 7 of the Act of 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 the said schedule shall cease to apply to those level crossings.

(4) The level crossings referred to in Parts I and III of the said schedule (including the gates thereof other than the gates provided in pursuance of subsections (1) and (2) of this section) shall be deemed for all purposes to be works provided by the Commission at the passing of this Act pursuant to section 68 of the Act of 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

PART II —*cont.*

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) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the level crossings referred to in the said schedule 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.

As to level crossing at Keadby Jetty.

17.—(1) In this section—

"the council" means the county council of the administrative county of Lincoln (Parts of Lindsey);

"the railway" means the railway between Keadby Junction and Keadby Jetty;

"the original crossing" means the level crossing in the parish of Keadby with Althorpe in the rural district of the Isle of Axholme whereby the railway was authorised to cross the public road (B.1392) from Trent Bridge to Amcotts on the level together with so much of the southern approach to such crossing as is situate on land of the Commission;

"the diverted road" means any public road constructed by the council in substitution for the said public road (B.1392) or any part thereof so as to cross the railway on the level.

(2) The Commission and the council may enter into and carry into effect agreements for the construction of a level crossing for carrying the railway across the diverted road on the level.

(3) The railway may be carried with not more than two lines of rails across and on the level of the diverted road and the provisions of the Act of 1845 and of Part I (relating to construction of a railway) of the Act of 1863 with reference to the crossing of roads on the level shall apply with respect to any level crossing constructed under the powers of this section:

Provided that—

(*a*) the Commission shall not be required to erect or maintain a lodge at the level crossing;

(*b*) the Commission may with the consent in writing of the Minister (which consent the Minister may amend or revoke) and subject to such requirements as the Minister may from time to time lay down instead of gates instal at or near the level crossing and shall thereafter maintain such good and sufficient lifting barriers and other works

and appliances in connection therewith as shall in the opinion of the Minister be necessary for the protection and safety of the public. PART II —*cont.*

(4) Upon the completion and opening for public use of the level crossing for carrying the railway on the level across the diverted road the Commission may stop up and discontinue the original crossing and thereupon all rights of way over and along the original crossing shall be extinguished.

(5) The Commission and the council may enter into and carry into effect agreements with reference to the defraying or making of contributions towards the cost of constructing maintaining and renewing any level crossing constructed under the powers of this section and with regard to any other matters relating thereto.

(6) Any expenses incurred by the council for the purposes of this section shall be deemed to be expenses incurred by them in the exercise of their powers as a highway authority.

As to level crossing at Welwyn.

18.—(1) In this section—

"the corporation" means the Welwyn Garden City Development Corporation;

"the council" means the Welwyn Garden City Urban District Council;

"the railway" means the railway between Welwyn Garden City and Hertford;

"the existing crossing" means the level crossing in the urban district of Welwyn Garden City known as Attimore Hall Crossing whereby the railway crosses the road from Attimore Hall to Ludwick;

"the diverted road" means any public road constructed by the corporation or the council in substitution for the road from Attimore Hall to Ludwick so as to cross the railway.

(2) The corporation and the council or either of them and the Commission may enter into and carry into effect agreements for the construction of a level crossing for carrying the railway across the diverted road on the level.

(3) The railway may be carried with not more than two lines of rails across and on the level of the diverted road and the provisions of the Act of 1845 and of Part I (relating to construction of a railway) of the Act of 1863 with reference to the crossing of roads on the level shall apply with respect to any level crossing constructed under the powers of this section:

Provided that the Commission shall not be required to erect or maintain a lodge at the level crossing.

PART II —*cont.*

(4) Upon the completion and opening for public use of the level crossing for carrying the railway on the level across the diverted road the Commission may stop up and discontinue the existing crossing and thereupon all rights of way over and along the existing crossing shall be extinguished.

(5) The corporation and the council or either of them and the Commission may enter into and carry into effect agreements with reference to the defraying or making of contributions towards the cost of constructing maintaining and renewing any level crossing constructed under the powers of this section and with regard to any other matters relating thereto.

(6) Any expenses incurred by the council for the purposes of this section shall be deemed to be expenses incurred by them in the exercise of their powers as a highway authority.

Incorporation of provisions of Acts of 1949 1950 and 1957 relating to works.

19. 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);

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):

The Act of 1957—

Section 17 (Use of sewers etc. for removing water).

PART III

DOCKS AND INLAND WATERWAYS

Amendment of section 27 of Act of 1956.

20. Subsection (3) of section 27 (Driving offences on dock roads) of the Act of 1956 shall have effect as if the provisions of the Road Traffic Act 1930 enumerated in that subsection and the provisions of that Act referred to in the proviso to the said subsection included section 7 (Provisions as to disqualifications and suspensions) of the said Act of 1930.

PART III —*cont.*

Amendment of section 22 of Act of 1957.

21. Section 22 (As to harbour charges) of the Act of 1957 shall have effect as if the words " Notwithstanding anything in the Act of 1947 or the Transport Act 1953 " were inserted at the beginning of subsection (1).

Closing for navigation of certain waterways.

22.—(1) In this Part of this Act the expression " the waterways " means those portions of the waterways named in the first column of the Second Schedule to this Act which are described in the second column of the said schedule which waterways were authorised by the enactments specified in the third column of the said schedule.

(2) As from the passing of this Act—

(*a*) all rights of navigation along on or over the waterways and all rights of user by barges or other boats of the waterways shall cease and be extinguished; and

(*b*) the Commission shall cease to be under any obligation (whether statutory or otherwise) to keep the waterways open for navigation or to maintain the same in a navigable condition or to preserve the supplies of water thereto for the purposes of navigation or to supply the waterways with water for those purposes;

but save as aforesaid nothing in this Act shall be deemed to prejudice or affect any existing rights powers or obligations in respect of the waterways.

(3) Any person who suffers loss by the extinguishment of any private 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.

(4) (*a*) The Commission on the one hand and any local authority highway authority statutory water undertaker or river board on the other hand may enter into and carry into effect agreements with respect to the maintenance of the waterways or any part thereof or any works connected therewith and belonging to or maintainable by the Commission or for the transfer to and vesting in any such contracting party of any of the waterways or any part thereof or of any such works as aforesaid and any such agreement may provide for the transfer to any such contracting party of all or any of the powers and obligations of the Commission in respect of the waterways or works transferred and vested as aforesaid.

(*b*) A statutory water undertaker shall not exercise any of the powers of this subsection for the purposes of its water undertaking except with the consent of the Minister of Housing and Local Government.

(*c*) A transfer to or vesting in a river board in pursuance of an agreement made under this section of any part of any of the

PART III —*cont.*

waterways or of any of the powers and obligations of the Commission in respect thereof shall not take effect until the Minister of Agriculture Fisheries and Food has in accordance with the provisions of section 6 of the River Boards Act 1948 varied the map as approved by him under that section so as to constitute such part of the waterways a part of the main river referred to in that section.

(*d*) In this subsection—

"statutory water undertaker" means any company local authority board committee or other persons supplying water under an enactment;

"local authority" means the council of the county county borough metropolitan borough or county district in which any part of the waterways is situate.

Prevention of nuisance.

23. The waterways shall be deemed to be a watercourse for the purposes of section 259 of the Public Health Act 1936 and of section 82 of the Public Health (London) Act 1936 and the county council of the administrative county within which any part of the waterways is situate may in addition to a local authority as defined in section 1 of the Public Health Act 1936 enforce the provisions of Part III of that Act where they apply by virtue of this section.

Application of section 33 of Town and Country Planning Act 1947.

24.—(1) For the purposes of section 33 of the Town and Country Planning Act 1947 each of the waterways shall be deemed to be a vacant site provided that this section shall cease to apply to any part of the waterways the use of which is changed after the passing of this Act pursuant to planning permission in that behalf granted under Part III of the said Act.

(2) For the purposes of the said section 33 as extended to the waterways by this section the council of a metropolitan borough or county district in whose borough or district any part of the waterways is situate shall in addition to the local planning authority be entitled to enforce the provisions of the said section 33 as so extended.

As to Lifford Reservoir.

25.—(1) In this section—

"the reservoir" means the reservoir and the works connected therewith required by the Act 31 Geo. 3 c. 59 to be constructed on the estate of William Williams Hewett by the company of proprietors of the Worcester and Birmingham Canal Navigation as now vested in the Commission and situate in the city of Birmingham which reservoir and works are now known as "Lifford Reservoir" and are delineated on the deposited plans and thereon numbered 1 in the said city;

"the corporation" means the lord mayor aldermen and citizens of the city of Birmingham.

PART III —*cont.*

(2) (*a*) As from the passing of this Act all rights of fishery or other use of the waters of the reservoir (whether statutory or otherwise but save and except such water fishing sporting and other rights in and over the reservoir as the corporation may possess) shall cease and be extinguished and the Commission shall cease to be under any obligation to convey water from the reservoir into the river Rea in the manner prescribed by section 10 of the Act 31 Geo. 3 c. 59 or otherwise.

(*b*) Any person who suffers loss by the extinguishment of any private right under this subsection 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.

(3) The Commission and the corporation may enter into and carry into effect agreements for the transfer to and vesting in the corporation of the reservoir or any part thereof upon such terms as to payment by or to the Commission or otherwise as may be agreed and at any time after the date of any such transfer and vesting the corporation may abandon and discontinue the use of the reservoir and remove the water therefrom or from any part or parts thereof.

(4) Nothing in this section shall be deemed to authorise any person other than the corporation or the Commission to restrict impede divert or otherwise interfere with the passage of water to the reservoir.

Commission may require canal basins to be kept watertight etc.

26.—(1) In this section—

"inland waterway" means any canal or inland navigation belonging to or under the control of the Commission including all docks basins and navigable and other cuts or branches forming part of any such canal or inland navigation;

"canal basin" means any basin dock cut canal arm or branch canal of any description not belonging to or under the control of the Commission but communicating either directly or indirectly with an inland waterway and includes where the context admits any works connected with such basin dock cut arm or branch canal;

"watertight" in relation to a canal basin means in such a condition as not to permit any material loss or leakage of water through such canal basin from the inland waterway with which it communicates;

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

"plans" includes sections specifications and particulars.

(2) (*a*) Whenever in the opinion of the engineer any canal basin is not watertight or is in danger of ceasing to be watertight the Commission may by notice in writing given to the owner or

PART III —*cont.*

occupier of the canal basin or (if such owner or occupier cannot after reasonable inquiry be found) left upon or affixed to the canal basin require such owner or occupier to make the canal basin watertight to the satisfaction of the engineer within such reasonable time as may be specified in the notice.

(*b*) In any case where the owner or occupier of a canal basin does not comply with such a notice as aforesaid the Commission—

(i) may enter upon the canal basin and to such extent as may be necessary for the purpose upon any adjoining land of such owner or occupier and may execute thereon and therein all such works as may be necessary to make the canal basin watertight; and

(ii) may recover the expenses reasonably incurred by them in so doing from such owner or occupier either summarily as a civil debt where the amount does not exceed twenty pounds or as a debt in any court of competent jurisdiction:

Provided that any dispute or difference arising between the Commission and any such owner or occupier as to the necessity of any works executed by the Commission under the powers of this subsection or as to the amount of any expenses incurred by the Commission in executing such works shall be settled by arbitration.

(*c*) The powers conferred on the Commission by this subsection shall be in addition to and not in derogation of any other powers exercisable by them for preventing the loss or leakage of water from any inland waterway.

(3) (*a*) It shall be the duty of any person filling in any canal basin to execute in connection therewith all such works (in this subsection referred to as "the works") as may be necessary—

(i) for damming off the canal basin and the site thereof from the inland waterway with which the canal basin communicates in such a manner as effectively to prevent so far as reasonably practicable any future loss or leakage of water from such inland waterway through or into the canal basin or the site thereof;

(ii) for continuing the towpath of such inland waterway (if situated on the same side of the inland waterway as the canal basin) over and across the site of the canal basin on the same line and level (as nearly as may be) as the existing towpath on either side of the canal basin and for removing any bridge previously carrying such towpath over the entrance to the canal basin; and

(iii) for fencing off such new portion of towpath from the remainder of the site of the canal basin.

PART III —*cont.*

(*b*) Any person intending to fill in a canal basin shall not less than twenty-eight days before commencing to do so submit plans of the works to the Commission for their approval.

(*c*) If the Commission do not within twenty-eight days after the submission to them of such plans express their approval or disapproval thereof they shall be deemed to have approved thereof.

(*d*) If within the said period of twenty-eight days the Commission shall signify their disapproval of such plans and the Commission and the person by whom the plans have been submitted fail to agree with regard thereto the difference shall be referred to arbitration and the works shall not be commenced until the plans thereof have either been approved by the Commission or settled by arbitration.

(*e*) The works shall not be carried out otherwise than in accordance with the plans as so approved or settled by arbitration and shall be carried out under the superintendence (if given) and to the satisfaction of the engineer.

(*f*) The works referred to in sub-paragraph (i) of paragraph (*a*) of this subsection shall be completed to the satisfaction of the engineer before any part of the canal basin is filled in.

(*g*) In the event of any canal basin being filled in without the provisions of this subsection having been complied with or of any failure by any person filling in a canal basin to complete the works in accordance with the provisions of this subsection within a reasonable time after the filling in of the canal basin the Commission—

(i) may enter upon the canal basin and to such extent as may be necessary for the purpose upon any adjoining land of any person by whom or on whose behalf or with whose permission the canal basin is being or has been filled in and may carry out or complete the works (as the case may require); and

(ii) may recover the expenses incurred by them in so doing from any such person as aforesaid either summarily as a civil debt where the amount does not exceed twenty pounds or as a debt in any court of competent jurisdiction.

(*h*) Any new portion of towpath constructed under the provisions of this section on the site of a former canal basin and the site of such new towpath and the fence for separating the same from the remainder of the said site shall when completed vest in the Commission and be deemed for all purposes to form part of the inland waterway with which the former canal basin communicated.

(*i*) The provisions of this subsection shall apply (so far as the same are applicable and are capable of having effect) with

PART III —*cont.*

respect to the filling in by any person of any part of a canal basin and the expression "canal basin" where used in this subsection shall be construed accordingly.

(4) For the avoidance of doubt it is hereby declared that so much of the Glamorganshire Canal as is situate between the embankments constructed pursuant to paragraph (2) of section 54 (For the further protection of Great Western Railway Company) of the Cardiff Corporation Act 1943 is not a canal basin for the purposes of this section.

(5) This section shall not extend to Scotland.

PART IV

HOLYHEAD HARBOUR

Interpretation of Part IV.

27. In this Part of this Act—

"the harbour" means the harbour at Holyhead;

"the harbour limits" means the limits of the harbour as defined by section 28 (Harbour limits) of this Act;

"the harbour works" means and includes the breakwater at Holyhead and all piers wharves jetties quays roads buildings works and conveniences connected with the harbour and now or hereafter constructed or acquired by or vested in the Commission together with any lands from time to time belonging to or leased by the Commission and held or used by them for any purpose in connection with the harbour;

"seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the water;

"the signed map" means the map signed in sextuplicate by Sir Gordon Touche the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which 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 office of the clerk of the urban district council of Holyhead one copy at the Ministry of Transport and Civil Aviation one copy at the principal office of the Admiralty and one copy at the principal office of the Commission;

"vessel" means any ship boat raft or craft of every class or description howsoever navigated or propelled and includes—

(*a*) for the purposes of section 33 (Powers with respect to disposal of wrecks) of this Act an aircraft of any description (whether designed to manoeuvre on the water or not); and

(*b*) in all other cases a seaplane on the surface of the water.

Harbour limits.

28.—(1) The harbour limits shall comprise—

(*a*) the harbour works; and

(*b*) the area below high-water mark of ordinary spring tides bounded by the limits described in the Third Schedule to this Act and shown on the signed map;

and in relation to the harbour the harbour limits shall be the prescribed limits for the purposes of the Act of 1847 as incorporated with this Act.

(2) In case of any discrepancy between the limits described in the said schedule and the limits shown on the signed map the limits shown on the signed map shall be deemed to be correct and shall prevail.

(3) Within the harbour limits the Commission shall be the port and harbour authority for the harbour and may exercise all such powers in relation thereto as are conferred on them by this Act and the Act of 1847 as incorporated therewith.

Local lighthouse authority.

29. The Commission shall within the harbour limits be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Application of Act of 1847.

30.—(1) As from the passing of this Act the provisions of the Act of 1847 as incorporated with this Act shall (subject to the following provisions of this section) extend and apply to the harbour and every part thereof.

(2) For the purposes of such application—

(*a*) the expression "the harbour dock or pier" where used in the said incorporated provisions means the harbour and the harbour works and includes the jetties;

(*b*) the word "vessel" where so used has the meaning assigned to it in this Part of this Act:

Provided that nothing in this Act or in the provisions of the Act of 1847 as incorporated with this Act shall require or authorise the harbour master or other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration of the structure or equipment of a seaplane;

(*c*) the provisions of section 23 of the Act of 1847 shall have effect as if the proviso to that section were omitted;

(*d*) the provisions of sections 30 and 33 of the Act of 1847 shall not apply with respect to the jetties;

(*e*) section 52 of the Act of 1847 shall extend to empower the harbour master to give directions prohibiting the mooring of vessels in any particular part or parts of the harbour;

PART IV —*cont.*

(*f*) section 53 of the Act of 1847 shall not be construed to require the harbour master to serve a notice in writing of his directions upon the master of a vessel but such directions may be given verbally or otherwise communicated to such master but a notice which is not in writing shall not be deemed to be sufficient unless in the opinion of the court before whom any case may be heard it was not reasonably practicable to serve a written notice on the master of the vessel.

(3) Nothing in this Act or in the provisions of the Act of 1847 as incorporated with this Act shall be deemed in any way to prejudice or affect the provisions of subsections (1) to (4) of section 85 (Provision as to public quay in Holyhead Old Harbour) of the London and North Western Railway (New Lines and Additional Powers) Act 1876 or the right of the Commission under subsection (6) of that section to have the sole and exclusive occupation use and enjoyment of the portion of the harbour referred to in the said subsection (6) the provisions whereof are hereby confirmed and shall continue to be of full force and effect.

Power to dredge harbour and approaches.

31. The Commission may from time to time deepen dredge scour cleanse alter and improve the bed and foreshore of the harbour and the bed of the sea in or near to any approach to the harbour and blast any rock within the harbour and any rock in the sea in or near to any approach to the harbour and any materials taken up or collected in the course of any such operations shall be the property of the Commission and may be used sold removed deposited or otherwise disposed of as the Commission may think fit:

Provided that no such materials shall be deposited below high-water mark of ordinary spring tides except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Minister.

Subsidiary harbour works.

32.—(1) Subject to the provisions of this Act the Commission may within the harbour limits—

(*a*) construct or place and maintain all such piers wharves jetties quays roads buildings works and conveniences subsidiary or ancillary to the harbour works or any of them and all such appliances machinery and apparatus as they may from time to time deem necessary or convenient for any purpose of or in connection with the harbour or the accommodation of vessels and traffic thereat;

(*b*) maintain and from time to time alter reconstruct renew extend and improve the harbour and the harbour works or any of them.

(2) The Commission may for the purpose of carrying out any works authorised by subsection (1) of this section temporarily

PART IV —*cont.*

or permanently alter remove or otherwise interfere with any drains sewers telegraphic telephonic electric gas water and other pipes lines wires works and apparatus within the harbour limits.

(3) (*a*) Not less than twenty-eight days before executing any works under subsections (1) or (2) of this section affecting any drains sewers or pipes belonging to a local authority the Commission shall submit to the local authority sufficient plans sections and particulars of the proposed works for their reasonable approval.

(*b*) If the local authority do not within twenty-eight days after the submission to them of such plans express their approval or disapproval thereof they shall be deemed to have approved thereof.

(*c*) If within the said period of twenty-eight days the local authority shall signify their disapproval of such plans and the Commission and the local authority fail to agree with regard thereto the difference shall be referred to arbitration and the works shall not be commenced until the plans thereof have either been approved by the local authority or settled by arbitration.

(*d*) The works shall not be carried out otherwise than in accordance with such plans sections and particulars as so approved or settled by arbitration.

(*e*) The Commission shall give reasonable notice to the local authority of the time at which such works are intended to be executed and all such works shall be executed to the reasonable satisfaction of the local authority.

(*f*) Any dispute or difference which may arise between the Commission and the local authority under this subsection shall be settled by arbitration.

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

(*b*) The amount of any such compensation shall in case of dispute be determined under and in accordance with the Lands Clauses Acts.

Powers with respect to disposal of wrecks.

33.—(1) In their application to the Commission sections 530 and 532 of the Merchant Shipping Act 1894 (which confer powers on the Commission with respect to and with respect to anything in or on any vessel sunk stranded or abandoned in such manner as to be an obstruction or danger to navigation in the harbour or in or near any approach thereto) shall have effect in relation to the harbour and the approaches thereto—

(*a*) subject to the provisions of the next following section; and

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

PART IV —*cont.*

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

(3) Except in a case which is in the opinion of the Commission a case of emergency subsection (2) of this section shall not apply in relation to any vessel unless before exercising in relation to that vessel any of the powers conferred on them by the said section 530 other than the power of lighting and buoying the Commission have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so and if before the notice expires the Commission receive from the owner counter-notice in writing that he desires to dispose of the vessel himself and no direction is served in respect of the vessel under paragraph (*b*) of subsection (2) of the next following section he shall be at liberty to do so and the Commission shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Commission.

(4) Notice under the last foregoing subsection to the owner of any vessel may be served by the Commission either by delivering it to him or by sending it to him by post in a registered letter addressed to him at his last known place of business or abode in the United Kingdom or if the owner or any such place of business or abode is not known to the Commission or is not in the United Kingdom by displaying the notice at the office of the harbour master for the period of its duration.

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

(6) The powers conferred on the Commission by this section shall be in addition to and not in derogation of any other powers exercisable by them for or with respect to the removal of wrecks within the harbour limits.

(7) Except in a case which is in the opinion of the Commission a case of emergency the Commission shall before raising removing

PART IV —*cont.*

or destroying under the powers conferred upon them by the said section 530 any vessel sunk stranded or abandoned in the harbour or in or near any approach thereto and within a distance of one hundred and fifty yards of any submarine cable placed or maintained by the Postmaster-General in or across the bed or foreshore of the harbour or the bed of the sea give to the Postmaster-General in writing as long notice as is practicable of their intention to do so.

Protection of Crown interests in wrecks.

34.—(1) Without prejudice to section 741 of the Merchant Shipping Act 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty) as modified by any Order in Council made under section 80 of the Merchant Shipping Act 1906 the powers conferred on the Commission by sections 530 and 532 of the said Act of 1894 with respect to and with respect to anything in or on any vessel sunk stranded or abandoned in such manner as to be an obstruction or danger to navigation in the harbour or in or near any approach thereto shall not be exercisable—

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

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

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

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

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

(*a*) except with the consent of the Admiralty and the Minister before the expiration of a period of fourteen days from the giving of the notice; or

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

PART IV —*cont.*

and where in any such case as aforesaid the Commission proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (*a*) of this subsection or after a direction has been served on them as aforesaid they shall not in the exercise of those powers use any explosives and if before the expiration of the period aforesaid such a direction as aforesaid is served on them shall not be entitled to exercise the power of sale conferred by the said section 530 or the power conferred by subsection (2) of the last foregoing section:

Provided that—

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

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

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

Agreements as to construction of jetties.

35. The Commission may enter into and carry out agreements with any other authority body company or person as to the construction by either party to the agreement of the jetties or any of them and the Commission may by any such agreement confer upon such other authority body company or person all or any of the powers of the Commission in connection with the construction of the jetties or any of them to which the agreement relates.

PART IV —*cont.*

Power to lease jetties etc. for oil shipment in bulk.

36.—(1) The Commission may so far as they are not otherwise empowered so to do lease or grant the use or occupation of or any easement or other right or interest in or over—

(*a*) the jetties or any of them for the purpose of shipping or unshipping thereat oil or petroleum (whether crude or refined) or products of oil or petroleum or liquids of any other description in bulk; and

(*b*) any other part of the harbour works for the purpose of constructing erecting laying down operating maintaining and renewing therein or thereon any pipelines buildings plant equipment or machinery for or in connection with the shipping unshipping handling storage or conveyance of any petroleum or petroleum products shipped or unshipped as aforesaid;

to any authority body company or person subject to the provisions of any enactment or agreement affecting the same in the hands of the Commission and operating for the protection or benefit of other persons but otherwise in such manner for such period and for such consideration and on such terms and conditions as may be agreed between the Commission and such authority body company or person.

(2) As from the commencement of any lease made under the provisions of subsection (1) of this section the lessee during the continuance of and to the extent provided in such lease shall have and may exercise all or any of the powers conferred upon the Commission by any enactment including this Act (including any power of the Commission to collect and retain any rates dues or charges which they are for the time being authorised to demand and take) in relation to the subject-matter of such lease and shall be subject to all the liabilities and obligations to which the Commission are subject in relation thereto.

(3) Any rates dues and charges in respect of which the power to levy is transferred by the Commission to some other authority company body or person by a lease made under the powers of this section shall for the purposes of the Act of 1947 and of any charges scheme in respect of port facilities under Part V of the said Act be deemed to be charges which the Commission are for the time being authorised to demand and take in pursuance of such charges scheme as if the said power to levy had not been so transferred.

(4) The provisions of this section as to any lease made thereunder or as to the lessee under any such lease shall apply to any assignment of such lease or to the assignee thereof respectively.

PART IV —*cont.*

As to byelaws.

37.—(1) The power of the Commission to make byelaws under section 83 of the Act of 1847 as incorporated with this Act shall be deemed to include power to make such byelaws as they shall think fit for all or any of the following purposes:—

(*a*) for the management control and regulation of the harbour and of goods wares merchandise and vehicles using or passing over or frequenting or resorting to the harbour;

(*b*) for regulating the conduct of persons using or being upon the harbour works;

(*c*) for prescribing the safety precautions to be observed by persons on vessels within the harbour limits or using or being upon the harbour works including (without prejudice to the generality of the foregoing) the control or prohibition of smoking the lighting of fires and the use or exposure of naked lights by such persons;

(*d*) for regulating or prohibiting the entry of any vessel or person not engaged or concerned in the shipping unshipping handling storage or conveyance (by pipeline or otherwise) of oil or petroleum of any description or any oil or petroleum product or any other inflammable liquid or substance into or upon any part of the harbour or the harbour works allocated or set apart by the Commission for those purposes or any of them or into or upon any part of the harbour works leased to or occupied by any other authority body company or person for those purposes or any of them under the provisions of section 36 (Power to lease jetties etc. for oil shipment in bulk) of this Act:

Provided that any byelaws made by the Commission under the said section 83 with respect to the harbour shall be so framed that the ingress passage through or egress of all vessels to or from the public quay referred to in section 85 (Provision as to Public Quay in Holyhead Old Harbour) of the London and North Western Railway (New Lines and Additional Powers) Act 1876 shall not be interrupted or impeded by the Commission.

(2) Any byelaws made by the Commission under the said section 83 with respect to the harbour may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding five pounds for each offence and in the case of a continuing offence a further fine not exceeding forty shillings for each day on which the offence is continued after conviction thereof.

(3) No byelaws made by the Commission under the said section 83 with respect to the harbour shall come into operation until they have been confirmed by the Minister.

PART IV —*cont.*

(4) At least twenty-eight days before application for confirmation of any such byelaws is made the Commission shall give notice in the London Gazette and in one or more local newspapers circulating in the area to which the byelaws will apply of their intention to apply for confirmation and of the place at which and the time during which a copy of the byelaws will be open for public inspection and any person affected by any of the byelaws shall be entitled to make representations thereon to the Minister within a period not being less than twenty-eight days to be specified in the said notice.

(5) For at least twenty-eight days before application for confirmation of any such byelaws is made a copy of the byelaws shall be kept at the office of the harbour master and shall at all reasonable hours be open to public inspection without payment.

(6) The Commission shall supply a copy of any such byelaws to any person who shall apply for a copy thereof on payment of such sum not exceeding one shilling for every one hundred words contained in the copy as the Commission shall determine.

(7) The Minister may confirm with or without modification or may refuse to confirm any of the byelaws submitted under this section for confirmation and as regards any byelaws so confirmed may fix the date on which the byelaws shall come into operation and if no date shall be fixed the byelaws shall come into operation at the expiration of twenty-eight days from the date of the confirmation.

(8) A copy of the byelaws when confirmed shall be printed and deposited at the office of the harbour master and shall at all reasonable hours be open to public inspection without payment and the Commission shall supply a copy of any such byelaws to any person who shall apply for a copy thereof on payment of such sum not exceeding one shilling for every one hundred words contained in the copy as the Commission shall determine.

(9) Such byelaws when so confirmed shall be sufficient to justify all persons acting in pursuance thereof and the production of a printed copy thereof upon which is endorsed a certificate purporting to be signed by the secretary of the Commission or some person authorised by the Commission to act in his stead in that behalf stating—

(*a*) that the byelaws were made by the Commission;

(*b*) that the copy is a true copy of the byelaws;

(*c*) that on a specified date the byelaws were confirmed by the Minister; and

(*d*) the date when the byelaws come into operation;

shall be prima facie evidence of the facts stated in the certificate.

PART IV —*cont.*

Harbour master may prevent sailing of vessels.

38. The harbour master may prevent the removal or sailing from within the harbour limits of any vessel until evidence has been produced to him of the payment to the collector of any rates payable in respect of the vessel or of the goods imported or exported therein.

Recovery of rates in respect of vessels.

39. In addition to the remedy given by section 44 of the Act of 1847 as incorporated with this Act and whether the demand which may be made under that section has been made or not the Commission may recover any rates to which that section applies as a debt in any court of competent jurisdiction.

Recovery of penalties.

40.—(1) All penalties and forfeitures recoverable under the provisions of the Act of 1847 as incorporated with this Act or under any byelaw made in pursuance of section 83 of the said Act as so incorporated may be recovered in a summary manner.

(2) Any costs or expenses recoverable as aforesaid may be recovered summarily as civil debts where the amount recoverable does not exceed twenty pounds.

As to jurisdiction of justices.

41. For all purposes of or in connection with the jurisdiction of the justices of the Second Petty Sessional Division of and in the county of Anglesey the harbour works shall be deemed to be wholly within the area of the said petty sessional division.

Repeal of certain enactments relating to Holyhead Harbour.

42. The enactments referred to in the first and second columns of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of the said schedule.

PART V

LANDS

Power to acquire lands.

43.—(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 Fifth 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.

Correction of errors in deposited plans and book of reference.

44.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land the Commission after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

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

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

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

Acquisition of part only of certain properties.

45.—(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 Sixth 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 hereafter 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

PART V —*cont.*

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;

(*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

PART V —*cont.*

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.

Power to enter for survey or valuation.

46. Any person acting on behalf of the Commission and duly authorised in writing in that behalf may at all reasonable times enter on any land that the Commission are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

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

Disregard of recent improvements and interests.

47. 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 nineteen hundred and fifty-eight; or

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

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

Extinction of private rights of way.

48.—(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) 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 right of way at Healey Mills.

49.—(1) Notwithstanding anything in this Act the Commission may acquire over and along the land numbered on the deposited plans 3 in the borough of Ossett or any part thereof the easement or right of way referred to in this section without being obliged or compellable to acquire any greater interest in the said land or part.

PART V —*cont.*

(2) The Commission may give notice to treat in respect of such easement or right 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 the said easement or right as if it were land within the meaning of those Acts.

(3) The easement or right referred to in this section is a right at all times for the officers servants agents or contractors of the Commission and any other persons duly authorised by the Commission in that behalf to pass over and along the said land or such part thereof as may be specified in the notice to treat to and from the lands numbered on the deposited plans 2 and 4 in the borough of Ossett with or without vehicles of any description for any purpose for or in connection with which the Commission are for the time being authorised or entitled to use the said lands numbered 2 and 4 on the deposited plans or any part thereof and also to construct or improve such roads and ways upon the said land numbered 3 on the deposited plans (or such part thereof as aforesaid) as they may consider requisite for the purposes of this section.

Power to acquire right of way in parish of Kirby Knowle.

50.—(1) Notwithstanding anything in this Act the Commission shall not acquire the lands respectively numbered on the deposited plans 2 3 and 4 in the parish of Kirby Knowle in the rural district of Thirsk but they may acquire over and along those lands the easement or right of way referred to in this section.

(2) The Commission may give notice to treat in respect of such easement or right 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 the said easement or right as if it were land within the meaning of those Acts.

(3) The easement or right referred to in this section is a right at all times for the officers servants agents or contractors of the Commission and any other persons duly authorised by the Commission in that behalf to pass over and along the said lands to and from the land numbered on the deposited plans 1 in the said parish with or without vehicles of any description for any purpose for or in connection with which the Commission are for the time being authorised or entitled to use the said land numbered 1 on the deposited plans and also to construct or improve such roads and ways upon the said lands numbered 2 3 and 4 on the deposited plans as they may consider requisite for the purposes of this section.

Power to acquire easements only in certain cases.

51.—(1) 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—

(*a*) any railway tramway tramroad river canal navigation watercourse aqueduct drain dyke or sewer; or

(*b*) any of the lands numbered on the deposited plans 1 to 4 7 9 and 13 in the urban district of Sevenoaks and 3 to 5 in the parish of Sevenoaks Weald;

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.

(2) In this section "the works" includes any works to be constructed by the Commission in under or over the property numbered on the deposited plans 41 in the parish of Lamesley in the rural district of Chester-le-Street for any of the purposes mentioned in relation to that property in the third column of the Fifth Schedule to this Act.

Period for compulsory purchase of lands and easements.

52. The powers of the Commission for the compulsory purchase of the lands and easements which they are authorised to acquire by section 43 (Power to acquire lands) section 49 (Power to acquire right of way at Healey Mills) and section 50 (Power to acquire right of way in parish of Kirby Knowle) of this Act shall cease on the thirty-first day of December nineteen hundred and sixty-two.

As to Hackney Downs.

53. The London County Council may sell to the Commission for the purposes specified in relation thereto in the third column of the Fifth Schedule to this Act and for any purposes connected therewith or incidental thereto the land numbered on the deposited plans 1 in the metropolitan borough of Hackney or any part thereof and the said council may receive the purchase money or compensation to be paid by the Commission to the said council in respect of such land and give the Commission a good and valid discharge therefor.

Incorporation of provisions of Act of 1949 relating to lands.

54.—(1) The following provisions of the Act of 1949 are incorporated with and form part of this Part of this Act:—

Section 25 (Power to expedite entry);

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

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

PART V —*cont.*

(2) The provisions of section 25 (Power to expedite entry) of the Act of 1949 shall extend and apply in respect of any easement or right that may be acquired compulsorily under this Act in like manner as those provisions apply to any land that may be so acquired.

PART VI

PROTECTIVE PROVISIONS

Incorporation of protective provisions of Acts of 1949 and 1952.

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

The Act of 1949—

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

The Act of 1952—

Section 39 (For protection of gas water and electricity undertakers).

For protection of Postmaster-General.

56.—(1) Any electrical works machinery or apparatus constructed erected laid maintained or used in pursuance of section 16 of the Act of 1845 (as incorporated with this Act) or in pursuance of section 13 (Power to provide radio telephone system etc.) section 32 (Subsidiary harbour works) or subsection (2) of section 43 (Power to acquire lands) of this Act shall be so constructed erected or laid and so maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(2) (*a*) The provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 (as amended by the Electricity Act 1947) and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electric cables wires mains apparatus or other works constructed placed or laid down under the provisions of section 12 (Power to lay electric cables at Sevenoaks) of this Act and reference in those provisions to an electricity board or the undertakers shall be construed as references to the Commission.

(*b*) Section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 as applied for the protection of the Postmaster-General and his telegraphic lines by paragraph (*a*) of this subsection shall apply to the execution of works pursuant to the said section 12 which will involve the placing of any works in or under any of the lands referred to in subsection (1) of the said section 12 within the line therein referred to not being a street or public bridge in like manner as it will apply by virtue of that paragraph to the execution of works which will involve the placing of works in or under any street or public bridge within that line.

PART VI —*cont.*

(3) Where any road or footpath or length or portion of a road or footpath is stopped up under the 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 footpath or length or portion of a road or footpath at the time of such stopping up:—

(*a*) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the road or footpath or length or portion of the road or footpath 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 (4) 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 reasonably 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 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(4) As soon as the whole or any length or portion of any road or footpath 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 (3) of this section shall commence to run from the date on which such notice is sent.

PART VI —*cont.*

(5) (*a*) In the exercise of the powers conferred by section 31 (Power to dredge harbour and approaches) of this Act the Commission shall not interfere with damage or injuriously affect any submarine cable placed or maintained by the Postmaster-General in or across the bed or foreshore of the harbour or the bed of the sea.

(*b*) Before commencing to deepen dredge scour cleanse alter or improve the bed or foreshore of the harbour or the bed of the sea or blast any rock under the powers of the said section 31 within a distance of one hundred and fifty yards of any such submarine cable in any case where blasting operations are involved or in any other case within a distance of fifty yards of any such cable the Commission shall give in writing to the Postmaster-General as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do.

(*c*) Any materials taken up or collected in pursuance of any operations authorised by the said section 31 shall not be laid down or deposited in any place or manner so as to cover any such submarine cable or impede in any way the inspection maintenance repair removal or renewal of any such cable.

(6) Nothing in section 32 (Subsidiary harbour works) of this Act shall authorise the Commission to alter remove or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

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

Crown rights.

57. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Commission to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or vested in or in the occupation of the Secretary of State for War without the consent in writing of the said commissioners or the said Secretary of State (as the case may require) first had and obtained for that purpose.

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

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

conditions and restrictions as the Minister may prescribe before any such work is begun.

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

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

Survey of works by Minister.

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

Lights on works during construction.

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

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

Permanent lights on works.

61.—(1) After completion of such part of any work authorised by this Act as shall be below high-water mark of ordinary spring tides the Commission shall exhibit and keep burning thereon every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

PART VI —*cont.*

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

Abatement of works abandoned or decayed.

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

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

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

Provision against danger to navigation.

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

(2) If the Commission fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a fine not exceeding ten pounds and in the case of a continuing offence to an additional fine not exceeding one pound

for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken. PART VI —*cont.*

For protection of Durham County Council.

64. For the protection of the county council of the administrative county of Durham (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—

"highway" means any highway vested in or repairable or maintained by the council;

"the new roads" means Works Nos. 8 9 and 10 and any bridge or extension of an existing bridge carrying any railway over any of the said works or any highway or any bridge or extension or lengthening of an existing bridge for carrying any of the said works or any highway over any railway;

"the new works" means the new roads and Work No. 7:

(2) The Commission shall construct Work No. 8 with a width between the fences of thirty feet a carriageway of twenty feet in width and with a verge on the northern side of the said carriageway of one foot six inches in width and a verge on the southern side thereof of eight feet six inches in width (including a paved footpath five feet in width):

(3) Work No. 9 shall be constructed with a width between the fences of fifty feet a carriageway of twenty-two feet in width on the straight and of twenty-five feet in width on the bend and with a verge on the eastern and northern sides of the said carriageway of fourteen feet in width (including an ash footpath six feet in width) and a verge on the western and southern sides thereof of fourteen feet on the straight and eleven feet on the bend:

Provided that where the said work is crossed by any bridge which carries any part of a railway over the said work such bridge shall be constructed in three spans giving a width of not less than thirty-four feet between the piers on the central span measured on the square with the road and such as will accommodate the carriageway and two verges each of four feet six inches in width in the central span and with a clear headway throughout of not less than sixteen feet six inches above the highest point of the carriageway and the carriageway beneath such bridge shall be twenty-five feet in width and in

PART VI —*cont.*

addition a level footpath of a width of six feet shall be provided in the northern span of such bridge or if the central span is of not less than forty feet between the piers measured on the square with the road in the central span:

(4) Work No. 10 shall be constructed with a width between the fences of forty feet a carriageway of twenty feet in width and with two verges each of ten feet in width (including an ash footpath six feet in width on the southern verge):

(5) Before commencing the construction of Work No. 8 or the carrying out of any work in connection therewith or in connection with Work No. 7 which involves interference with a highway the Commission shall submit to the council for their reasonable approval plans sections and particulars thereof and Work No. 8 shall not be constructed and such work shall not be carried out otherwise than in accordance with such plans sections and particulars as may be approved by the council as aforesaid or if such approval be refused as may be settled by arbitration and any part of the construction of Work No. 8 or any part of any work as aforesaid which may involve interference with a highway shall be carried out to the reasonable satisfaction of the council:

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

(6) The Commission shall at all times afford reasonable facilities to the council for access to Work No. 8 during the construction thereof and shall supply the council with all such information as they may reasonably require with regard thereto or the method of construction thereof:

(7) Before commencing to construct any part of Work No. 8 which will involve interference with a highway the Commission shall consult the council as to the time when such part shall be commenced and as to the extent of the surface of the highway that it may be reasonably necessary for the Commission to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public and such part shall not be

constructed and the surface of the highway shall not be occupied by the Commission except at the time to the extent and in accordance with conditions agreed between the Commission and the council or in default of agreement settled by arbitration:

(8) Before commencing the construction of Work No. 9 or Work No. 10 the Commission shall give to the council not less than twenty-eight days' notice in writing of their intention to do so and if within such period the council give notice in writing to the Commission that they intend to construct the said works the council shall construct and complete the same with all reasonable dispatch in accordance with plans sections and particulars approved by the Commission or determined by arbitration and the Commission shall repay to the council the expense reasonably incurred by them in so doing:

(9) Any bridge to be constructed for carrying Work No. 8 over a railway shall for the purposes of maintenance be deemed to be a bridge provided in accordance with section 46 of the Act of 1845 as if such railway were a railway authorised to be constructed by this Act:

Provided that the council shall from time to time repay to the Commission any additional expense incurred by the Commission in maintaining the road on such bridge and the immediate approaches by reason of such road being of a greater width than twenty-five feet:

(10) The Commission shall make compensation to the council for any subsidence of or damage to any highway or any property of the council or under their control or repairable by them which may be caused by or in consequence of any act or default of the Commission their contractors servants or agents in connection with the new works and whether such damage or subsidence shall happen during the construction of the new works or at any time within twelve months thereafter:

(11) 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 council or to provide works for the protection thereof such alteration lengthening or strengthening shall be carried out or such protective works shall be provided by the council and the Commission shall repay to the council any expense

PART VI —*cont.*

reasonably incurred by the council in carrying out or providing the same and any additional expense which the council may thereafter reasonably incur in maintaining such sewer or drain:

(12) The Commission shall make compensation to the council 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 in connection with the new works and whether such damage shall happen during the execution of the new works or at any time within twelve months thereafter:

(13) The Commission shall repay to the council any expense incurred by the council during the construction of the new works and any work in connection therewith and until the completion thereof in making and carrying 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 council be reasonably necessary to prevent danger or accident to persons and vehicles using the highway:

(14) The Commission shall keep open or provide a footpath for the use of the public between Moor Mill Farm and the road in the parish of Lamesley numbered 23 on the deposited plans during the construction of Works Nos. 9 and 11 and until they have provided to the reasonable satisfaction of the council a public footpath leading from Work No. 9 to the said farm terminating by a junction with the existing footpath to the said farm from Greenford Lane in the said parish of Lamesley and such footpath is open for public use:

(15) Any difference arising between the Commission and the council under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection of sewers of London County Council.

65. For the protection of the sewers of the London County Council (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) The Commission shall not commence any part of Works Nos. 20 21 22 and 23 which will or may pass over under or by the side of or so as to interfere with any sewer of the council (in this section referred to as " the

PART VI —*cont.*

said works ") until they shall have given to the council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with plans as described in paragraph (7) of this section (in this section referred to as " the said plans ") and until the council shall have signified their approval of the same (unless the council do not signify their approval disapproval or other directions within twenty-eight days after service of the said plans):

(2) The Commission shall comply with and conform to all reasonable orders directions and regulations of the council in the execution of the said works and shall provide protective works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to such sewer by reason of the said works and shall save harmless the council against all expenses to be occasioned thereby:

(3) All such protective works shall where so required by the council be done by or under the direction superintendence and control of the engineer or other officer of the council at the costs charges and expenses in all respects of the Commission and all costs charges and expenses to which the council may be put by reason of such works whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Commission on demand:

(4) When any such protective works or any works of defence connected therewith shall be completed by or at the costs charges and expenses of the Commission under the provisions of this section the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council as any sewers or works now or hereafter may be:

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

(6) It shall not be lawful for the Commission in the exercise of the powers of section 18 (Power to make trial borings) of the Act of 1949 as applied by Part II (Works) of this Act to make any trial boring so as to interfere with any sewer of the council:

PART VI —*cont.*

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

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

(9) The Commission shall be liable to make good all injury or damage caused by or resulting from the construction of the said works to any sewers drains or works vested in the council and the council shall from time to time have power to recover the amount thereof from the Commission in any court of competent jurisdiction:

(10) The approval by the council of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Commission from any liability or affect any claim for damages under this section or otherwise.

For further protection of certain sewers of London County Council.

66. For the further protection of the Northern High Level sewer and the Holloway Storm Relief sewer of the London County Council (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:—

If the Commission in the construction of Works Nos. 20 21 22 or 23 alter damage or in any way interfere with the existing sewers of the council known as the Northern High Level sewer and the Holloway Storm Relief sewer the Commission shall—

(*a*) from time to time pay to the council any additional cost to which the council may be put in the maintenance management or renewal of any new altered or substituted sewer which may be necessary in consequence of the construction of Works Nos. 20 21 22 or 23; and

PART VI —*cont.*

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

Inspection of works by London County Council.

67. It shall be lawful for the engineer or other officer of the London County Council duly appointed for the purpose by the said engineer from time to time to enter upon and inspect any works of the Commission constructed under the powers of this Act under or in the neighbourhood of any street or road or part of a street or road in or under which there are or may be any sewers or works of the said council and any works which under the provisions of this Act are required to be constructed in accordance with plans drawings sections and specifications approved by the said council.

For protection of Merioneth County Council.

68. For the protection of the county council of the administrative county of Merioneth (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—

"highway" means any highway vested in or repairable or maintained by the council;

"Work No. 33" includes all works and conveniences connected therewith:

(2) Before commencing the construction of Work No. 33 or the carrying out of any work in connection therewith which involves interference with a highway the Commission shall submit to the council for their reasonable approval plans sections and particulars thereof including the provision of steps near the North Western Hotel to connect with Work No. 33 and Work No. 33 shall not be constructed and such work shall not be carried out otherwise than in accordance with such plans sections and particulars as may be approved by the council as aforesaid or if such approval be refused as may be settled by arbitration and any part of the construction of Work No. 33 or any part of any work as aforesaid which may involve interference with a highway shall be carried out to the reasonable satisfaction of the council:

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

PART VI —*cont.*

(3) The Commission shall at all times afford reasonable facilities to the council for access to Work No. 33 during the construction thereof and shall supply the council with all such information as they may reasonably require with regard thereto or the method of construction thereof:

(4) (*a*) Before commencing to construct any part of Work No. 33 which will involve interference with a highway the Commission shall consult the council as to the time when such part shall be commenced and as to the extent of the surface of the highway that it may be reasonably necessary for the Commission to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public and such part shall not be constructed and the surface of the highway shall not be occupied by the Commission except at the time to the extent and in accordance with conditions agreed between the Commission and the council or in default of agreement settled by arbitration;

(*b*) Any such highway shall be reinstated by the Commission in a manner reasonably approved by the council and to their reasonable satisfaction:

(5) The Commission shall make compensation to the council for any subsidence of or damage to any highway or any property of the council or under their control or repairable by them 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 or subsidence shall happen during the construction of the new works or at any time thereafter:

(6) 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 council or to provide works for the protection thereof such alteration lengthening or strengthening shall be carried out or such protective works shall be provided by the Commission in a manner reasonably approved by the council or if the council prefer shall be carried out or provided by them and the Commission shall repay to the council any expense reasonably incurred by the council in carrying out or providing the same and any additional expense which the council may thereafter reasonably incur in maintaining such sewer or drain:

PART VI —*cont.*

(7) The Commission shall make compensation to the council 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 in connection with the works and whether such damage shall happen during the execution of the works referred to in this section or at any time within twelve months thereafter:

(8) The Commission shall during the construction of Work No. 33 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 council be reasonably necessary to prevent danger or accident to persons and vehicles using the highway:

(9) Notwithstanding anything in section 10 (As to roads at Blaenau-Ffestiniog) of this Act Work No. 33 shall when completed be maintained and repaired by and at the expense of the Commission for a period of one year from the completion and opening thereof for public use:

(10) Any difference arising between the Commission and the council under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection of Reigate Corporation.

69. For the protection of the mayor aldermen and burgesses of the borough of Reigate (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) In this section—

" the bridge " means the bridge carrying the railway between Earlswood and Nutfield and Merstham over the highway;

" the extension " means so much of Work No. 3 as affects the bridge;

" the highway " means Wiggie Lane in the borough of Reigate:

(2) Before commencing the construction of the extension or the carrying out of any work in connection therewith which involves interference with the highway the Commission shall submit to the corporation for their reasonable approval in respect of any matters with which

PART VI —*cont.*

the corporation are properly concerned plans sections and particulars relating thereto and the extension shall not be constructed and such work shall not be carried out 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 any part of the construction of the extension or any part of any work as aforesaid which involves interference with the highway shall be carried out 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) The extension shall be constructed in such a manner as to prevent so far as may be reasonably practicable the dripping of water:

(4) (*a*) Before commencing to construct any part of the extension which will involve interference with the highway the Commission shall consult the corporation as to the time when such part shall be commenced and as to the extent of the surface of the highway that it may be reasonably necessary for the Commission to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and to ensure the safety of the public and such part shall not be constructed and the surface of the highway shall not be occupied by the Commission except at the time to the extent and in accordance with conditions agreed between the Commission and the corporation or in default of agreement settled by arbitration;

(*b*) The highway shall be reinstated by the Commission in a manner reasonably approved by the corporation and to their reasonable satisfaction:

(5) The Commission shall make compensation to the corporation for any subsidence of or damage to the highway or any property of the corporation or under their control or repairable by them 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 or subsidence shall happen during the construction of the extension or at any time thereafter:

PART VI —*cont.*

(6) The Commission shall during the construction of the extension and any work in connection therewith and until the completion thereof make and carry into effect such arrangements for lighting and watching the same as may in the opinion of the corporation be reasonably necessary to prevent danger or accident to persons and vehicles using the highway:

(7) Any difference arising between the Commission and the corporation under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection of National Coal Board.

70. For the protection of the National Coal 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 "the railway works" means Work No. 7 and the lines of railway and the works supporting the same to be constructed by the Commission for providing a railway depot and marshalling yard on the lands in the parishes of Birtley and Lamesley referred to in the Fifth Schedule to this Act:

(2) (*a*) In this paragraph "the mining code" means Part II of the Mines (Working Facilities and Support) Act 1923 and any agreement made or hereafter to be made between the Commission and the board modifying or replacing the same;

(*b*) For the support of the railway works the board shall leave unworked the coal within such area as shall be agreed between the Commission and the board or in default of agreement settled by arbitration but shall not be required otherwise to restrict their mineral workings for the support of the railway works or of Works Nos. 8 9 10 and 11;

(*c*) The mining code shall apply as if the coal in the said area had been specified as coal required to be left unworked in a counter-notice given by the Commission to the board in pursuance of the mining code on the date of the first conveyance to the Commission by the board of land required for the railway works:

Provided that—

(i) for the purpose only of calculating any compensation payable by the Commission to the board under the mining code the counter-notice shall be

PART VI —*cont.*

deemed to have specified as required to be left unworked such of the coal in the Harvey Tilley and Bottom Busty seams as would have been worked in the ordinary course of mining operations (account being taken of any uncertainty existing at the date of such calculation as to the extent to which such operations would have taken place) and no other coal in those or any other seams; and

(ii) such compensation shall be reduced to such extent as may be agreed between the Commission and the board or in default of agreement settled by arbitration having regard only to the time which would have elapsed between the date of the said conveyance and the date when the coal in the said area would have been worked in the ordinary course of mining operations if it had not been required to be left unworked in pursuance of the mining code;

(*d*) For the purposes of this paragraph section 87 (Arbitration) of this Act shall have effect as if for the reference therein to the President of the Institution of Civil Engineers there were substituted a reference to the President of the Institution of Mining Engineers:

(3) (*a*) The Commission shall not construct that part of the railway works which consists of bridges carrying the said works over the board's Bowes Colliery Railway except in accordance with plans and sections submitted to and approved by the board before the commencement of such construction but such approval shall not be unreasonably withheld;

(*b*) The Commission shall construct and maintain the said part of the railway works in such manner as to avoid any stoppage of or impediment to the passage of the traffic along the said colliery railway either during such construction or at any time thereafter:

(4) The Commission shall not construct Work No. 11 except in accordance with plans and sections submitted to and approved by the board before the commencement of such construction but such approval shall not be unreasonably withheld:

(5) (*a*) In this paragraph " the water supply system " means the board's reservoir on the land numbered on the deposited plans 45 in the parish of Lamesley and all buildings apparatus pipes and works used in connection

with the supply of water from Kibblesworth and Bewicke Main Collieries to Monkton Coke Works and Whitehill Washery;

(*b*) The Commission shall not in the exercise of any power conferred by this Act interfere with any part of the water supply system until they have provided at their own expense and to the reasonable satisfaction of the board such alternative facilities as are referred to in this paragraph;

(*c*) Such alternative facilities shall consist of such alternative buildings apparatus pipes and works (including if the Commission interfere with the reservoir mentioned in sub-paragraph (*a*) of this paragraph an alternative reservoir on a site to be provided by the board) as may be necessary to ensure an uninterrupted and undiminished supply of water from Kibblesworth and Bewicke Main Collieries to Monkton Coke Works and Whitehill Washery;

(*d*) The Commission shall not construct such alternative facilities except on sites and in accordance with plans sections and specifications approved by the board before the commencement of such construction but such approval shall not be unreasonably withheld;

(*e*) The Commission shall afford to the board and their representatives all reasonable opportunities for inspection of the progress of work during the construction of such alternative facilities;

(*f*) On the provision of such alternative facilities the Commission shall pay to the board such capital sum as shall be reasonable having regard to any increase in the cost of operating and maintaining such alternative facilities as compared with the corresponding cost in relation to the part of the water supply system replaced thereby including any increased cost represented by the rent payable in respect of easements or wayleaves:

(6) In the event of the board omitting to express their disapproval of any plans sections or specifications within twenty-eight days after the same shall have been submitted to them in pursuance of any provision of this section they shall be deemed to have approved the same:

(7) The approval by the board under this section of any plans sections or specifications shall not exonerate the Commission from any liability or affect any claim for damages:

PART VI —*cont.*

(8) Any difference arising between the Commission and the board under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection of Hampshire River Board.

71. For the protection of the Hampshire River 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) Before commencing so much of Work No. 4 as may be constructed on or over or in any way affect either the river Test or the Redbridge Channel (in this section referred to as " the authorised works ") the Commission shall submit to the board for their reasonable approval in respect of any matters with which the board are properly concerned sufficient plans sections and particulars relating thereto and if within twenty-eight days after the submission to them of such plans sections and particulars the board do not signify in writing to the Commission their approval or disapproval thereof they shall be deemed to have approved thereof:

(2) The authorised works shall not be constructed otherwise than in accordance with such plans sections and particulars as may be approved (or are deemed to be approved) by the board or if such approval be withheld as may be settled by arbitration:

(3) The Commission shall give not less than twenty-eight days' notice in writing to the board before commencing to construct the authorised works:

(4) Any difference arising between the Commission and the board under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection of Conservators of the River Thames.

72. For the protection of the Conservators of the River Thames (in this section referred to as " the conservators ") the following provisions shall notwithstanding anything in this Act have effect unless otherwise agreed in writing between the Commission and the conservators (that is to say):—

(1) In this section unless the context otherwise requires "watercourse" means a watercourse which is to be treated as and deemed to be the main river and parts thereof and is shown by a distinctive colour on the map of the river Thames (above Teddington Lock) catchment area prepared in pursuance of section 5 of the Land Drainage Act 1930 and for the time being in force:

PART VI —*cont.*

(2) Work No. 3 shall in so far as its construction or maintenance may affect or interfere directly or indirectly with any watercourse be constructed and maintained in accordance with plans to be approved by the conservators (whose approval shall not be unreasonably withheld) and in giving any such approval the conservators may attach thereto such reasonable terms and conditions as they think fit:

(3) Nothing in section 26 (Commission may require canal basins to be kept watertight etc.) of this Act shall authorise the Commission to require the execution of or the Commission or any other person to execute any works on or in any canal basin which is a watercourse except with the consent of the conservators (which shall not be unreasonably withheld) and in giving any such consent the conservators may attach thereto such reasonable terms and conditions as they think fit:

(4) Any question as to whether an approval required under paragraph (2) or a consent required under paragraph (3) of this section is or is not reasonably withheld or whether any terms or conditions attached to any such approval or consent are or are not reasonable shall be referred to arbitration.

For protection of Yorkshire Ouse River Board.

73. For the protection of the river board the following provisions shall unless otherwise agreed in writing between the Commission and the river board apply and have effect:—

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

"authorised work" means so much of Works Nos. 12 and 13 and 14 or any of them and of any works carried out by the Commission on lands within the river board area authorised by this Act to be acquired as may affect the existing river;

"banks" and "watercourse" have the meanings assigned to those expressions by the Land Drainage Act 1930;

"bridge works" means Works Nos. 12 and 13;

"diverted river" means the new channel of the river Calder comprised in Work No. 14;

"existing river" means the river Calder so far as the same is shown as main river on the map sealed by the Minister of Agriculture and Fisheries on the twenty-seventh day of October nineteen hundred and forty-nine under section 6 of the River Boards Act 1948;

PART VI —*cont.*

"the river board" means the Yorkshire Ouse River Board;

"the river board area" means the Yorkshire Ouse River Board area as for the time being defined:

(2) In the execution of the bridge works the Commission shall not diminish the width between the banks of the existing river except with the consent of the river board but such consent shall not be unreasonably withheld:

(3) Except with the consent of the river board which shall not be unreasonably withheld the Commission shall not construct maintain or repair the bridge works otherwise than—

(*a*) in such manner across the existing river as to allow the free passage of water (including flood water) under the bridge works; and

(*b*) in such manner as not to obstruct or interfere with the free flow of water (including flood water) in into or out of the existing river:

(4) (*a*) In the construction of Work No. 14 the Commission shall not fill in or stop up or interfere with any part of the existing river until the diverted river has been completed to the satisfaction of the river board or in case of difference between the Commission and the river board as may be determined by arbitration;

(*b*) Upon the completion of the diverted river in accordance with this paragraph the provisions of this section shall cease to apply to the existing river between the commencement and termination of the diverted river;

(*c*) The Commission shall maintain the diverted river for a period of three years after its completion to the satisfaction of the river board and thereafter the provisions of section 53 of the Act 9 Geo. 3 c. 71 shall apply to the banks of the diverted river as if they had been the banks referred to in the said section:

(5) (*a*) The Commission before commencing to execute any authorised work shall submit to the river board plans and sections and (when reasonably required by the river board) working drawings thereof for their reasonable approval;

(*b*) If the river board do not within one month after the submission to them of any such plans sections and

PART VI —*cont.*

drawings signify to the Commission in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(*c*) Any authorised work shall not be executed otherwise than in accordance with such plans and sections and drawings (if any) as may be approved by the river board or if the river board have signified their disapproval thereof as may be settled by arbitration and shall be executed to the reasonable satisfaction of the river board:

(6) The Commission shall at all reasonable times afford to the engineer to the river board or his duly authorised representative access to any authorised work during the construction maintenance or repair thereof for the purpose of inspection:

(7) The construction maintenance or repair of any authorised work shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion:

(8) If by reason or in consequence of the construction repair or maintenance of any authorised work or of the failure thereof or of the failure to maintain the same the channel or banks of the existing river or of any other watercourse shall at any time be injured or damaged such injury or damage shall be forthwith made good by the Commission to the reasonable satisfaction of the engineer to the river board and if the Commission fail so to do the river board may make good the same and recover from the Commission the costs and expenses reasonably incurred by them in so doing:

(9) Any difference arising between the Commission and the river board under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

For protection of Birtley Brick Company Limited.

74. The Commission shall not under the powers of this Act unless otherwise agreed in writing between the Commission and the Birtley Brick Company Limited (in this section referred to as " the company ") acquire any lands of the company except the lands coloured red on the plan signed in duplicate by Arthur Dean on behalf of the Commission and Herbert Kellett and John Tulley Gray on behalf of the company one copy of which has been deposited with the Commission and one with the company.

PART VI —*cont.*

For protection of Sunderland and South Shields Water Company.

75. For the protection of the Sunderland and South Shields Water Company (in this section referred to as " the company ") the following provisions shall unless otherwise agreed in writing between the Commission and the company apply and have effect:—

(1) In this section—

" constructing and maintaining " includes placing laying using inspecting cleansing repairing reconstructing replacing relaying and managing and " constructed and maintained " shall be construed accordingly;

" the company's proposals " means the proposals approved or deemed to be approved by the Commission or agreed or determined by arbitration under this section;

" the modified proposals " means the company's proposals with any modification approved or deemed to be approved by the Commission or agreed or determined by arbitration under this section and with any variations agreed under this section ;

" the Derwent Pipeline " means so much of Work No. 16 authorised by the Derwent Water Order 1957 as is to be constructed between the west bank of the river Team and the east boundary of the Team Colliery Wagonway and all such other works as the company are authorised to construct in connection therewith;

" the specified lands " means the lands in the parish of Lamesley numbered 2 and 6 on the deposited plans and so much of the lands numbered 1 in the said parish as lies between the said lands numbered 2 and 6 and within the limits of deviation:

(2) Within six months of the passing of this Act the Commission shall supply to the company plans sections and particulars of the works which the Commission propose to construct in on or under the specified lands:

(3) Within four months of the receipt of the plans sections and particulars supplied under paragraph (2) of this section the company shall submit to the Commission for their reasonable approval—

(*a*) proposals for constructing and maintaining the Derwent Pipeline without regard to the works to which the said plans sections and particulars relate; and

(*b*) any modification of the said proposals which in the opinion of the company are reasonably necessary in consequence of the said works:

PART VI —*cont.*

(4) Within one month from the submission of the proposals and modifications under paragraph (3) of this section the Commission may serve a notice in writing on the company of their disapproval thereof and of their requirements in relation thereto and if the Commission do not serve such a notice they shall be deemed to have approved such proposals and modifications:

Provided that reasonable variations of such modifications may be agreed from time to time between the company and the Commission:

(5) If the Commission serve a notice on the company under paragraph (4) of this section there shall be agreed between the Commission and the company within two months from the receipt of such notice or failing agreement determined by arbitration—

(*a*) proposals for constructing and maintaining the Derwent Pipeline without regard to the plans sections and particulars submitted by the Commission; and

(*b*) modifications of such proposals consequent upon such plans sections and particulars and reasonable variations of such modifications may be agreed from time to time between the company and the Commission:

(6) (*a*) The Commission may serve on the company a notice in writing requiring the company to obtain the necessary easements and rights and to construct the Derwent Pipeline in accordance with the modified proposals and paragraphs (7) and (8) of this section shall have effect upon the service of such notice;

(*b*) If after two years from the passing of this Act the Commission have not served a notice in accordance with sub-paragraph (*a*) of this paragraph the company may serve a notice on the Commission of their intention to construct the Derwent Pipeline in accordance with the company's proposals and if within two months from the service of such notice the Commission do not serve a notice in accordance with sub-paragraph (*a*) of this paragraph the company may obtain the necessary rights and easements and proceed with constructing and maintaining the Derwent Pipeline in accordance with the company's proposals and paragraphs (7) and (8) of this section shall cease to have effect:

(7) Where the Commission own or acquire any of the specified lands the Commission shall with all reasonable dispatch grant to the company for such consideration as may be agreed or failing agreement determined by the tribunal all such easements and rights over or in

PART VI —*cont.*

the specified lands as the company may reasonably require for the purposes of constructing and maintaining the Derwent Pipeline in accordance with the modified proposals and in accordance with the provisions of this section:

(8) The company shall use their best endeavours to obtain all such other easements and rights as they may require for the purpose of constructing and maintaining the Derwent Pipeline in accordance with the modified proposals and upon acquiring the same shall proceed with all reasonable dispatch to construct that part of the Derwent Pipeline within the specified lands in accordance with the modified proposals but subject to the provisions of paragraphs (9) and (10) of this section:

(9) The Derwent Pipeline within the specified lands shall be constructed and maintained so far as the same may be situate under or in any way affect any railway or other works then existing of the Commission under the superintendence (if given) and to the reasonable satisfaction of an engineer to be appointed by the Commission:

(10) If the Commission give notice in writing to the company that they desire themselves to execute any part of the work of constructing the Derwent Pipeline within the specified lands or of any subsequent replacement or renewal of the same (other than the actual laying replacement or renewal of the line or lines of pipes comprised therein) then if it is reasonably necessary that the Commission should so execute it such part of the work in lieu of being executed by the company shall be executed by the Commission in accordance with the company's proposals or the modified proposals (as the case may be) and with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the company and the company shall repay to the Commission all expenses reasonably incurred by the Commission in connection therewith:

(11) The Commission shall pay to the company the expenses incurred by the company in preparing the modified proposals and any sum by which the expenses incurred by the company in constructing placing and laying the Derwent Pipeline in accordance with the modified proposals (including any sum payable by the company to the Commission in accordance with paragraph (10) of this section) and in obtaining easements and rights therefor have exceeded the expenses which would

have been incurred by the company in constructing placing and laying the Derwent Pipeline and obtaining easements and rights therefor in accordance with the company's proposals:

Provided that such payment shall be increased or reduced (as the case may be) by a capital sum representing the amount by which the annual cost of maintaining (which in this paragraph includes using inspecting cleansing repairing reconstructing replacing relaying and managing) the Derwent Pipeline constructed in accordance with the modified proposals exceeds or is exceeded by the annual cost which would have been incurred in maintaining the Derwent Pipeline in accordance with the company's proposals:

(12) Before the Commission commence to construct any works in on or under the specified lands they shall submit to the company plans sections and particulars of any such works:

Provided that the Commission shall not be required to submit plans sections and particulars of proposed works previously indicated by the Commission to the company under paragraph (2) of this section:

(13) The Commission shall also make compensation to the company—

(i) for any damage caused to the Derwent Pipeline; and

(ii) for any other expenses loss damages penalty or costs incurred by the Company;

by reason or in consequence of the construction maintenance user or failure of any works authorised by this Act or by reason or in consequence of the exercise by the Commission of the powers of this Act:

(14) Except where otherwise provided any difference arising between the Commission and the company under this section shall be settled by arbitration.

PART VII

MISCELLANEOUS

Power to guarantee loans to certain pilotage authorities.

76. The power of the Commission under paragraph (i) of subsection (2) of section 2 of the Act of 1947 to give guarantees for the benefit of the persons and bodies referred to in that paragraph shall be deemed to include power for the Commission to give guarantees for the benefit of the Port Talbot Pilotage Authority and the Swansea Pilotage Authority in connection with the purchase by those authorities respectively of new vessels to replace their existing pilot cutters.

PART VII —*cont.*

Amendment of section 54 of Act of 1949.

77. Subsection (3) of section 54 (Powers of police as to search and arrest) of the Act of 1949 as amended by section 39 (Amendment of section 54 of Act of 1949) of the Act of 1954 shall have effect as if the words "one thousand nine hundred and sixty-four" were substituted for the words "one thousand nine hundred and fifty-nine".

As to publication of penalties.

78. As from the passing of this Act the provisions of section 143 of the Act of 1845 and of section 135 of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with any enactment relating to the undertaking of the Commission or any part thereof shall cease to have effect.

As to harbour and railway charges at Fishguard etc.

79.—(1) In this section—

"the company" means the Fishguard and Rosslare Railways and Harbours Company;

"the agreement" means the agreement dated the twenty-seventh day of May eighteen hundred and ninety-eight made between the company of the first part the Great Western Railway Company of the second part and the Great Southern and Western Railway Company of the third part which was confirmed by section 59 (As to agreements between the company and two companies) of the Fishguard and Rosslare Railways and Harbours Act 1899;

"the Fishguard undertaking" means that part of the company's undertaking at Fishguard which is worked managed and maintained by the Commission in pursuance of the agreement.

(2) For the avoidance of doubt it is hereby declared that for the purposes of Part V of the Act of 1947 and of any charges scheme thereunder the Fishguard undertaking shall be deemed to be and always to have been part of the undertaking of the Commission and any services and facilities provided at or in connection with the Fishguard undertaking shall be deemed to be and always to have been provided by the Commission.

(3) For the purposes of subsection (6) of section 21 of the Transport Act 1953 any charges for carriage upon the service of vessels between Fishguard and Rosslare which is worked managed and maintained by the Commission in pursuance of the agreement shall be deemed to be charges of the Commission.

Release from obligations in respect of Tallington station

80.—(1) The Commission are hereby released from all obligations arising under the agreements and order of the court referred to in this section—

(*a*) to maintain a station as therein provided;

(*b*) to stop any train at such station;

PART VII —*cont.*

(*c*) to issue tickets at or to such station or to set aside any carriage or compartment in a train for the exclusive use of any person or persons.

(2) The agreements and order referred to in this section are—

(*a*) articles of agreement indented and made the sixteenth day of March eighteen hundred and forty-six between the several persons whose names were therein written and seals affixed being members of the board of provisional directors of a company intended to be called "the Direct Northern Railway Company" of the first part and the Right Honourable George Augustus Frederick Albemarle Earl of Lindsey of the second part;

(*b*) a memorandum of agreement made the fourteenth day of December eighteen hundred and fifty-four between the Right Honourable the Earl of Lindsey of the one part and the Great Northern Railway Company of the other part;

(*c*) the order made in the High Court of Chancery of England on the nineteenth day of December eighteen hundred and fifty-four in the cause between the Right Honourable George Augustus Frederick Albemarle Earl of Lindsey plaintiff and the Great Northern Railway Company defendants and the injunction awarded by the said order.

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

Release from obligations in respect of Easton Court station.

81.—(1) The Commission are hereby released from all obligations under section XXVII (Provision for the Easton Court Estate) of the Tenbury Railway Act 1859—

(*a*) to maintain a station as in that section provided;

(*b*) to stop any train at such station;

(*c*) to make arrangements for receiving transmitting or delivering messages or signals at or from such station.

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

As to archway at Ellesmere Port.

82. So much of section 8 (Power to carry Railway authorised by 22 & 23 Vict. c. lxxiv over a certain Road on the Level) of the Birkenhead Railway Act 1862 as requires the Commission to provide an archway under their railway adjacent to Ellesmere Port station level crossing is hereby repealed and all rights of way under the said archway are hereby extinguished.

PART VII —*cont.*

Repeals.

83. The enactments referred to in the first and second columns of the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of the said schedule.

Extensions of time.

84.—(1) The period now limited by the Act of 1956 for the compulsory purchase of the lands referred to in the Eighth Schedule to this Act is hereby extended until the thirty-first day of December nineteen hundred and sixty-two.

(2) 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.

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

85.—(1) In this section—

" the enabling Act " means the Act of 1956;

" 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

PART VII —*cont.*

(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 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.

86. 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.

87. 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.

Costs of Act.

88. 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

Section 16.

THE LEVEL CROSSINGS REFERRED TO IN SECTION 16 (AS TO CERTAIN LEVEL CROSSINGS) OF THIS ACT

PART I

In the county of Essex—

In the parish of Feering in the rural district of Braintree—

The level crossing known as Hill House Crossing whereby Hill House Lane is crossed by the Eastern Counties Railway between Kelvedon and Marks Tey stations.

In the urban district of Thurrock—

The level crossing known as Coal Road Crossing whereby Coal Road is crossed by the London Tilbury and Southend Extension Railway between Low Street and East Tilbury stations.

In the county of Lincoln (Parts of Lindsey)—

In the parish of Middle Rasen in the rural district of Caistor—

The level crossing known as Crossing No. 32 whereby Gatehouse Lane is crossed by the Great Grimsby and Sheffield Junction Railway between Market Rasen and Claxby and Usselby stations.

In the county of Northampton—

In the parishes of Little Houghton and Hackleton in the rural district of Northampton—

The level crossing known as Hackleton Mere Crossing whereby the road leading north-westwards from Brafield Stadium is crossed by the Bedford and Northampton Railway between Piddington and Northampton (Bridge Street) stations.

PART II

In the county of Essex—

In the parish of Littlebury in the rural district of Saffron Walden—

The level crossing known as Littlebury Crossing whereby the road from Howe Wood Road to Littlebury Green Road is crossed by the railway from London to Cambridge between Audley End and Great Chesterford stations.

In the county of Lancaster—

In the parish of Bickerstaffe in the rural district of West Lancashire—

The level crossing known as Holly Lane (or Holly Fold) Crossing whereby Holly Fold Lane is crossed by the East Lancashire Railway between Rainford Village and Skelmersdale Goods stations.

In the county of Lincoln (Parts of Lindsey)—

In the parish of Fiskerton in the rural district of Welton—

The level crossing known as Station Crossing whereby Five Mile House Road is crossed by the Boston Lincoln Gainsborough and Bawtry Branch Railway at Five Mile House station.

In the county of Norfolk—

In the parish of Stow Bardolph in the rural district of Downham—

The level crossing known as Gull Pit Drove Crossing whereby Gull Pit Drove is crossed by the Lynn and Ely Railway between Stow Bardolph and Downham stations.

In the West Riding of the county of York—

In the parish of Rossington in the rural district of Doncaster—

The level crossing known as Toad Holes Lane (or River Torne) Crossing whereby Toad Holes Lane is crossed by the Great Northern Railway between Rossington and Doncaster stations.

PART III

In the county of Durham—

In the urban district of Houghton-le-Spring—

The level crossing known as Newbottle Lane Crossing whereby Newbottle Lane is crossed by the Newcastle Leamside and Ferryhill Branch Railway between Fencehouses and Leamside stations.

In the county of Norfolk—

In the urban district of Wymondham—

The level crossing known as Park Lane Crossing whereby Park Lane is crossed by the Norwich and Brandon Railway between Wymondham and Spooner Row stations.

In the East Riding of the county of York—

In the parish of Barlby in the rural district of Derwent—

The level crossing known as Carr Lane Crossing whereby Carr Lane is crossed by the York and Doncaster Branch Railway between Selby and Riccall stations.

SECOND SCHEDULE

Section 22.

THE WATERWAYS REFERRED TO IN SECTION 22 (CLOSING FOR NAVIGATION OF CERTAIN WATERWAYS) OF THIS ACT

Name of waterway (1)	Portion to be closed for navigation (2)	Authorising Act (3)
Birmingham Canal (Wolverhampton Level)	Part of the Bloomfield to Deepfields Old Canal (430 yards in length) from its junction with the main canal at Bloomfield Junction in the urban district of Coseley to a point in the borough of Tipton 7 yards west of Bloomfield Bridge carrying the road from Dudley to Wednesbury over the said canal all in the county of Stafford	8 Geo. 3 c. xxxviii.

2ND SCH. —*cont.*

Name of waterway (1)	Portion to be closed for navigation (2)	Authorising Act (3)
Kensington Canal	The portion edged yellow on the plan signed in quadruplicate by the Earl Beauchamp the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which 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 principal office of the North Thames Gas Board such portion extending from the present termination of the canal at King's Road to a point near the entrance to the canal basin of the said board and being situate partly in the metropolitan borough of Chelsea and partly in the metropolitan borough of Fulham	5 Geo. 4 c. lxv.

Section 28.

THIRD SCHEDULE

THE LIMITS REFERRED TO IN SECTION 28 (HARBOUR LIMITS) OF THIS ACT

So much of Holyhead Bay and Harbour as is bounded—

(*a*) on the west and north by an imaginary line parallel to and one hundred yards to seaward of the seaward face of the masonry of the breakwater from the high-water mark of ordinary spring tides on the shore between the landward end of the breakwater and Ynys Wellt Point to the point where the said line meets an arc of an imaginary circle of radius five hundred yards with its centre at the northernmost point of the T-head of the breakwater and thence by the said arc in a northerly and then easterly direction to a point north (true) of the northernmost point of the said T-head and thence by an imaginary straight line running east (true) to the high-water mark of ordinary spring tides on the shore in Porth-Tywyn-mawr;

(*b*) on the east by the high-water mark of ordinary spring tides between the termination of the last-mentioned line and Tywyn-gwyn Point;

(*c*) on the south by an imaginary straight line running west (true) from Tywyn-gwyn Point to Penrhos Point near Gorsedd-y-penrhyn and by the high-water mark of ordinary spring tides along the shore and in the Old and Inner Harbours between Penrhos Point and the landward end of the breakwater.

FOURTH SCHEDULE

Section 42.

THE ENACTMENTS REPEALED BY SECTION 42 (REPEAL OF CERTAIN ENACTMENTS RELATING TO HOLYHEAD HARBOUR) OF THIS ACT

Session and chapter (1)	Title or short title (2)	Extent of repeal (3)
4 Geo. 4 c. 74	An Act for vesting in Commissioners the Bridges now building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead,and the Road from Dublin to Howth; and for the further improvement of the Road from London to Holyhead	Section XXXIII (For recovering Rates) Section XXXIV (Mode of ascertaining the Tonnage of Vessels) Section XXXV (Penalty on Persons obstructing Collector in measuring Ships, &c. 5£) Section XXXVI (Penalties on Persons eluding Payment of the Duties) So much of the following sections as relates to the harbour of Holyhead:— Section XXXVII (Appointment of Harbour Master and Officers) Section XXXVIII (Power of Harbour Masters) Section XXXIX (Gunpowder on board certain Ships to be landed) Section XL (Combustibles not to remain on the Quays or on the Decks of Vessels longer than 24 hours, and during that Time to be guarded) Section XLI (Not to discharge Cannon Guns or Firearms within the Harbours) Section XLV (Damage done to Quays &c. of the Harbours of Howth and Holyhead shall be made good by the Master of the Vessel) Section XLVI (Persons not to lay Timber in the Harbours) Section XLVII (Ballast, Rubbish &c. not to be thrown into the Harbours) Section XLVIII (Penalty on unloosing ships ropes &c. 10£) Section L (Power to make Byelaws)
17 & 18 Vict. c. xliv	An Act for regulating and maintaining the Harbours of Holyhead and for vesting them in the Admiralty	Section III (Certain Clauses of 10 & 11 Vict. c. 27 incorporated with this Act) Section IV (As to Clauses of 10 & 11 Vict. c. 27 incorporated) Section VI (Admiralty may appoint Harbour Master and other Officers for the Harbour of Refuge)

4TH SCH. —*cont.*

Session and chapter (1)	Title or short title (2)	Extent of repeal (3)
17 & 18 Vict. c. xliv *cont.*		In Section VII (Certain Sections of 4 Geo. IV c. 74 extended to the Harbour of Refuge) the references to the Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth and Fiftieth sections of the Act 4 Geo. IV c. 74. Section IX (Ships &c. laid by or neglected within the Harbours, to be removed at Expense of Owners, &c.)
36 & 37 Vict. c. ccxxv	London and North-Western Railway (Holyhead Old Harbour) Act 1873	So much of section 2 (Provisions of general Acts herein named incorporated) as provides for the incorporation of certain provisions of the Act of 1847
39 & 40 Vict. c. clxxx	London and North-Western Railway (New Lines and Additional Powers) Act 1876	In section 85 (Provision as to Public Quay in Holyhead Old Harbour) subsection (5)
45 & 46 Vict. c. cxxix	London and North-Western Railway Act 1882	Section 68 (Power to Company to appoint Harbour Master &c. for Holyhead Harbour)
1 Edw. 8 & 1 Geo. 6 c. xlix	London Midland and Scottish Railway Act 1937	So much of section 4 (Incorporation of general Acts) as provides for the incorporation of certain provisions of the Act of 1847

Section 43.

FIFTH SCHEDULE

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 43 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be used (3)
In the county of Buckingham— Urban district of Bletchley	1 to 6	To carry out alterations and improvements of the railway between Bletchley and Cambridge.
Urban district of Chesham	1	To improve railway siding accommodation.

5TH SCH. —*cont.*

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be used (3)
In the county of Durham—		
Parish of Birtley in the rural district of Chester-le-Street	1 to 6	To provide a railway depot and marshalling yard and to carry out alterations and improvements of the railway between York and Newcastle.
Parish of Ferryhill in the rural district of Sedgefield	1	To provide the tower and repeater station authorised by section 13 (Power to provide radio telephone system etc.) of this Act.
Parish of Lamesley in the rural district of Chester-le-Street	1 2 4 to 7 9 11 to 30 33 34 40 41 to 54 56	To provide a railway depot and marshalling yard and to carry out alterations and improvements of the railway between York and Newcastle.
Parish of Lamesley in the rural district of Chester-le-Street	26	To provide a means of access to and from the new road (Work No. 9).
In the county of Hertford—		
Urban district of Chorleywood	1 to 8	To widen a railway cutting between Rickmansworth and Chorleywood.
In the county of Kent—		
Parish of Bearsted in the rural district of Maidstone	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Parish of Hollingbourn in the rural district of Hollingbourn	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Parish of Snargate in the rural district of Romney Marsh	1 2	To provide two sub-stations for the supply of electricity to the Commission's railways.
Parish of Stanford in the rural district of Elham	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Parish of Westwell in the rural district of West Ashford	1	To provide a sub-station for the supply of electricity to the Commission's railways.
Parish of Wye in the rural district of East Ashford	1	To provide a sub-station for the supply of electricity to the Commission's railways.

5TH SCH. —*cont.*

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be used (3)
In the county of London— Metropolitan borough of Hackney	1	To construct an embankment to replace the viaduct carrying the railway between Hackney Downs and Rectory Road.
In the county of Merioneth— Urban district of Ffestiniog	6 9 14 to 20	Reinstatement of parties dispossessed.
In the county of Stafford— Parish of Brewood in the rural district of Cannock	1 to 4	To provide railway sidings for the purposes of a proposed railway depot.
In the North Riding of the county of York— Parish of Kirby Knowle in the rural district of Thirsk	1	To provide the tower and repeater station authorised by section 13 (Power to provide radio telephone system etc.) of this Act and an access road leading thereto.
In the West Riding of the county of York— Borough of Ossett	1 to 18	To provide a railway depot and marshalling yard and to carry out alterations and improvements of the railway between Manchester and Normanton.
Urban district of Horbury	1 to 7 13 14 18	To provide a railway depot and marshalling yard and to carry out alterations and improvements of the railway between Manchester and Normanton.
Urban district of Horbury ...	8	To provide land of the Commission with a means of access to and from Storrs Hill Road.
In the county borough of Dewsbury	1 2	To carry out alterations and improvements of the railway between Thornhill and Royston.
In the county borough of Dewsbury	3 to 6	To provide a railway depot and marshalling yard and to carry out alterations and improvements of the railway between Manchester and Normanton.

SIXTH SCHEDULE

Section 45.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN COMPULSORILY

Area (1)	No. on deposited plans (2)
WORK NO. 3	
Borough of Reigate	5 to 24 26 to 43 46 48 49
WORK NO. 7	
Parish of Lamesley	11 56
Parish of Birtley	5
WORK NO. 8	
Parish of Lamesley	11
WORKS NOS. 9 AND 10	
Parish of Lamesley	29
WORK NO. 11	
Parish of Lamesley	29 52 54
Parish of Birtley	2 3
WORKS NOS. 12 AND 13	
Borough of Ossett	2 3
WORK NO. 15	
Urban district of Horbury	11 13 15 to 17
WORKS NOS. 33 AND 34	
Urban district of Ffestiniog	10 13 to 19 25 to 31
ADDITIONAL LANDS AT LAMESLEY	
Parish of Lamesley	29 52 54
Parish of Birtley	2 3
ADDITIONAL LANDS AT HEALEY MILLS	
Borough of Ossett	2 3 6
Urban district of Horbury	13 14
ADDITIONAL LANDS AT BLETCHLEY	
Urban district of Bletchley	1 to 6
ADDITIONAL LAND AT CHESHAM	
Urban district of Chesham	1
ADDITIONAL LAND AT CHORLEYWOOD	
Urban district of Chorleywood ...	1 to 8

Section 83.

SEVENTH SCHEDULE

ENACTMENTS REFERRED TO IN SECTION 83 (REPEALS) OF THIS ACT

Session and chapter (1)	Short title (2)	Extent of repeal (3)
12 & 13 Vict. c. lxxxi	Manchester Sheffield and Lincolnshire Railway Act 1849	So much of section XCII (Regulating construction of bridge over the Trent for the main line) as requires the haling path and railing or balustrade therein mentioned to be supported and maintained by and at the expense of the Commission.
15 & 16 Vict. c. cxxvi	Monmouthshire Railway and Canal Act 1852	Section III (Existing railways to be adapted to locomotive engines).
23 Vict. c. lxxi	Sirhowy Railway Act 1860	Section LVIII (Passengers to be conveyed between Risca and Nine-mile Point).
23 & 24 Vict. c. lxxii	Tewkesbury and Malvern Railway Act 1860	So much of section XXXVI (Mode of construction of bridge over the River Severn) as requires the Commission to maintain the bridge for carrying the railway authorised by the Act over the River Severn with a drawbridge for the passage of vessels.
27 & 28 Vict. c. ccxliii	Great Northern Railway (Doncaster to Gainsborough) Act 1864	Section 9 (Company to make stations at Beckingham and Misterton).
55 & 56 Vict. c. ccxxxiv	Midland Railway Act 1892	Section 11 (As to stations at Lidgett and Elsecar Hill).

Section 84.

EIGHTH SCHEDULE

LANDS THE PERIOD FOR THE COMPULSORY PURCHASE OF WHICH IS EXTENDED BY THIS ACT TO 31ST DECEMBER 1962

1. The lands described in and authorised to be acquired by section 32 (Power to company to acquire lands) of the London Midland and Scottish Railway Act 1931 in the places hereinafter mentioned:—

In the counties of Hertford and Middlesex—

Partly in the parish of Elstree in the rural district of Barnet (now the rural district of Elstree) in the county of Hertford

(except the land in the said parish numbered 1 on the plans deposited in respect of the Bill for the said Act) and partly in the former parish of Edgware in the rural district of Hendon (now the borough of Hendon) in the county of Middlesex.

2. The lands described in and authorised to be acquired by section 13 (Power to company to acquire lands) of the London Midland and Scottish Railway Act 1934 in the parishes hereinafter mentioned:—

In the county of Essex—

In the parish of Dunton in the rural district of Billericay;

Partly in the said parish of Dunton (except the lands numbered 2 3 5 and 6 on the plans deposited in respect of the Bill for the said Act) and partly in the parish of Little Burstead in the rural district of Billericay (except the lands numbered 1 and 2 on the plans deposited in respect of the Bill for the said Act);

In the said parish of Little Burstead (except the lands numbered 4 5 and 6 on the plans deposited in respect of the Bill for the said Act);

In the parish of Lee Chapel in the rural district of Billericay (except the lands numbered 1 2 3 4 6 7 9 10 12 13 16 17 18 20 21 23 24 28 29 and 34 on the plans deposited in respect of the Bill for the said Act);

In the parish of Fobbing in the rural district of Orsett;

Partly in the said parish of Fobbing (except the land numbered 20 on the plans deposited in respect of the Bill for the said Act) and partly in the parish of Basildon in the rural district of Billericay (except the land numbered 1 on the plans deposited in respect of the Bill for the said Act);

In the said parish of Basildon (except the lands numbered 2 9 10 12 13 14 15 17 18 19 20 23 24 26 32 and 36 on the plans deposited in respect of the Bill for the said Act);

In the parish of Vange in the rural district of Billericay (except the lands numbered 1 2 4 5 and 6 on the plans deposited in respect of the Bill for the said Act);

In the parish of Pitsea in the rural district of Billericay (except the lands numbered 3 10 11 13 15 17 21 and 34 on the plans deposited in respect of the Bill for the said Act);

all of which parishes now form part of the urban district of Basildon.

3. The lands described in and authorised to be acquired by section 8 (Power to company to acquire lands) of the London Midland and Scottish Railway Act 1937 in the places and parishes hereinafter mentioned:—

In the county of Stafford—

In the parish of Branston in the rural district of Tutbury (except the lands numbered 1 and 11 on the plans deposited in respect of the Bill for the said Act);

8TH SCH. —*cont.*

In the county borough of Burton upon Trent;

In the county of Warwick—

In the parish of Berkswell in the rural district of Meriden (except the lands numbered 1 2 26 35 37 73 75 127 129 130 131 132 133 134 and 135 on the plans deposited in respect of the Bill for the said Act);

In the parish of Balsall in the rural district of Meriden;

In the parish of Hampton in Arden in the rural district of Meriden (except the lands numbered 2 4 5 6 11 16 17 25 26 27 28 30 31 32 33 34 and 36 on the plans deposited in respect of the Bill for the said Act);

In the parish of Bickenhill in the rural district of Meriden (except the lands numbered 1 3 5 7 10 13 28 63 65 68 75 76 and 77 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 1 3 25 27 28 30 56 57 58 59 60 61 62 63 64 65 and 68 on the plans deposited in respect of the Bill for the said Act).

4. The lands described in and authorised to be acquired by section 4 (Power to acquire lands) of the London Midland and Scottish Railway Act 1939 in the places hereinafter mentioned:—

In the county of Hertford—

In the parish of Wheathampstead in the rural district of St. Albans;

In the urban district of Harpenden (except the lands numbered 4 and 5 on the plans deposited in respect of the Bill for the said Act).

5. The lands in the borough of Twickenham in the county of Middlesex authorised to be acquired by the Southern Railway Act 1938 for the purposes of the new road in the said borough authorised by section 5 (Power to make works etc.) of the said Act.

6. The lands in the metropolitan borough of Holborn in the county of London described in and authorised to be acquired by paragraph (*b*) of subsection (2) of section 55 (Power to take lands) of the London Passenger Transport Act 1934.

7. The lands authorised to be acquired by section 18 (Power to take lands) of the London Passenger Transport Act 1947 for the purposes of Works Nos. 3 3A 3B 5 7 7A and 7B authorised by Part II (Works) of the said Act.

8. The lands authorised to be acquired by section 21 (Power to acquire lands) of the British Transport Commission Act 1953—

(*a*) for the purposes of Works Nos. 2 and 5 authorised by Part II (Works) of the said Act;

8TH SCH. —*cont.*

(*b*) in the places hereinafter mentioned—

In the county of Essex—

In the borough of Barking;

In the county of Derby—

In the parishes of Willington Findern and Twyford and Stenson in the rural district of Repton.

9. The lands authorised to be acquired by section 28 (Power to acquire lands) of the Act of 1956—

(*a*) for the purposes of Works Nos. 14 15 17 18 19 and 20 authorised by Part II (Works) of the said Act;

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

In the county of Essex—

In the borough of Walthamstow;

In the county of London—

In the metropolitan borough of Finsbury;

In the county of Stafford—

In the parish of Brewood in the rural district of Cannock.

Table of Statutes referred to in this Act other than those referred to in the Second Fourth and Seventh Schedules

Title or short title	Session and chapter
An Act for making and maintaining a Navigable Canal from, or from near to, the Town of Birmingham, in the County of Warwick, to communicate with the River Severn, near to the City of Worcester	31 Geo. 3 c. 59.
Highway (Railway Crossings) Act 1839 ...	2 & 3 Vict. c. 45.
Railway Regulation 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.
Railways Clauses Consolidation (Scotland) Act 1845	8 & 9 Vict. c. 33.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Tenbury Railway Act 1859	22 & 23 Vict. c. xvi.
Birkenhead Railway Act 1862	25 & 26 Vict. c. cxlviii.
Railways Clauses Act 1863	26 & 27 Vict. c. 92.
Telegraph Act 1869	32 & 33 Vict. c. 73.
London and North Western Railway (New Lines and Additional Powers) Act 1876	39 & 40 Vict. c. clxxx.

Title or short title	Session and chapter
Telegraph Act 1878	41 & 42 Vict. c. 76.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Electric Lighting (Clauses) Act 1899 ...	62 & 63 Vict. c. 19.
Fishguard and Rosslare Railways and Harbours Act 1899	62 & 63 Vict. c. clxxxvi.
Merchant Shipping Act 1906	6 Edw. 7 c. 48.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Mines (Working Facilities and Support) Act 1923	13 & 14 Geo. 5 c. 20.
London and North Eastern Railway Act 1924	14 & 15 Geo. 5 c. liii.
Southern Railway Act 1924	14 & 15 Geo. 5 c. lxvi.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
London Midland and Scottish Railway Act 1931	21 & 22 Geo. 5 c. xlix.
London Midland and Scottish Railway Act 1934	23 & 24 Geo. 5 c. xxxix.
London Passenger Transport Act 1934 ...	23 & 24 Geo. 5 c. xcvi.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Public Health (London) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 50.
London Midland and Scottish Railway Act 1937	1 Edw. 8 & 1 Geo. 6 c. xlix.
Southern Railway Act 1938	1 & 2 Geo. 6 c. lv.
London Midland and Scottish Railway Act 1939	2 & 3 Geo. 6 c. xxviii.
Cardiff Corporation Act 1943	6 & 7 Geo. 6 c. xvi.
Transport Act 1947	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Electricity Act 1947	10 & 11 Geo. 6 c. 54.
London Passenger Transport Act 1947 ...	10 & 11 Geo. 6 c. xlvii.
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.
Wireless Telegraphy Act 1949	12 13 & 14 Geo. 6 c. 54.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
British Transport Commission Act 1950 ...	14 Geo. 6 c. liii.
British Transport Commission Act 1952 ...	15 & 16 Geo. 6 & 1 Eliz. 2 c. xxxiv.
Transport Act 1953	1 & 2 Eliz. 2 c. 13.
British Transport Commission Act 1953...	1 & 2 Eliz. 2 c. xlii.
British Transport Commission Act 1954 ...	2 & 3 Eliz. 2 c. lv.
British Transport Commission Act 1956 ...	4 & 5 Eliz. 2 c. lxxiv.
British Transport Commission Act 1957 ...	5 & 6 Eliz. 2 c. xxxiii.
Liverpool Corporation Act 1957	5 & 6 Eliz. 2 c. xlii.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR JOHN ROUGHTON SIMPSON, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 4*s*. 6*d*. net
PRINTED IN GREAT BRITAIN

British Transport Commission Act, 1959

7 & 8 ELIZ. 2 Ch. xliv

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 etc. of bridges.
7. Period for completion of certain works.
8. As to removal of Redbridge Viaduct.
9. As to slipway at Fishbourne.
10. As to roads at Blaenau-Ffestiniog.
11. Agreements with Liverpool Corporation as to Works Nos. 32 33 and 34.
12. Power to lay electric cables at Sevenoaks.
13. Power to provide radio telephone system etc.
14. As to bridge widening at Ford Houses.
15. Further works and powers.
16. As to certain level crossings.
17. As to level crossing at Keadby Jetty.
18. As to level crossing at Welwyn.
19. Incorporation of provisions of Acts of 1949 1950 and 1957 relating to works.

PART III
DOCKS AND INLAND WATERWAYS

20. Amendment of section 27 of Act of 1956.
21. Amendment of section 22 of Act of 1957.

Section
22. Closing for navigation of certain waterways.
23. Prevention of nuisance.
24. Application of section 33 of Town and Country Planning Act 1947.
25. As to Lifford Reservoir.
26. Commission may require canal basins to be kept watertight etc.

PART IV

HOLYHEAD HARBOUR

27. Interpretation of Part IV.
28. Harbour limits.
29. Local lighthouse authority.
30. Application of Act of 1847.
31. Power to dredge harbour and approaches.
32. Subsidiary harbour works.
33. Powers with respect to disposal of wrecks.
34. Protection of Crown interests in wrecks.
35. Agreements as to construction of jetties.
36. Power to lease jetties etc. for oil shipment in bulk.
37. As to byelaws.
38. Harbour master may prevent sailing of vessels.
39. Recovery of rates in respect of vessels.
40. Recovery of penalties.
41. As to jurisdiction of justices.
42. Repeal of certain enactments relating to Holyhead Harbour.

PART V

LANDS

43. Power to acquire lands.
44. Correction of errors in deposited plans and book of reference.
45. Acquisition of part only of certain properties.
46. Power to enter for survey or valuation.
47. Disregard of recent improvements and interests.
48. Extinction of private rights of way.
49. Power to acquire right of way at Healey Mills.
50. Power to acquire right of way in parish of Kirby Knowle.
51. Power to acquire easements only in certain cases.
52. Period for compulsory purchase of lands and easements.
53. As to Hackney Downs.
54. Incorporation of provisions of Act of 1949 relating to lands.

PART VI

PROTECTIVE PROVISIONS

Section
55. Incorporation of protective provisions of Acts of 1949 and 1952.
56. For protection of Postmaster-General.
57. Crown rights.
58. Works below high-water mark to be subject to approval of Minister.
59. Survey of works by Minister.
60. Lights on works during construction.
61. Permanent lights on works.
62. Abatement of works abandoned or decayed.
63. Provision against danger to navigation.
64. For protection of Durham County Council.
65. For protection of sewers of London County Council.
66. For further protection of certain sewers of London County Council.
67. Inspection of works by London County Council.
68. For protection of Merioneth County Council.
69. For protection of Reigate Corporation.
70. For protection of National Coal Board.
71. For protection of Hampshire River Board.
72. For protection of Conservators of the River Thames.
73. For protection of Yorkshire Ouse River Board.
74. For protection of Birtley Brick Company Limited.
75. For protection of Sunderland and South Shields Water Company.

PART VII

MISCELLANEOUS

76. Power to guarantee loans to certain pilotage authorities.
77. Amendment of section 54 of Act of 1949.
78. As to publication of penalties.
79. As to harbour and railway charges at Fishguard etc.
80. Release from obligations in respect of Tallington station.
81. Release from obligations in respect of Easton Court station.
82. As to archway at Ellesmere Port.
83. Repeals.
84. Extensions of time.
85. Powers to owners and lessees to give notice as to purchase of land.
86. Saving for town and country planning.
87. Arbitration.
88. Costs of Act.

SCHEDULES:

First Schedule—The level crossings referred to in section 16 (As to certain level crossings) of this Act—
Part I.
Part II.
Part III.

Second Schedule—The waterways referred to in section 22 (Closing for navigation of certain waterways) of this Act.

Third Schedule—The limits referred to in section 28 (Harbour limits) of this Act.

Fourth Schedule—The enactments repealed by section 42 (Repeal of certain enactments relating to Holyhead Harbour) of this Act.

Fifth Schedule—Lands referred to in subsection (2) of section 43 (Power to acquire lands) of this Act.

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

Seventh Schedule—Enactments referred to in section 83 (Repeals) of this Act.

Eighth Schedule—Lands the period for the compulsory purchase of which is extended by this Act to 31st December 1962.