Epping Forest (Waterworks Corner) Act 1968

CHAPTER iii

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ELIZABETH II



1968 CHAPTER iii

An Act to empower the Conservators of Epping Forest to grant to the Minister of Transport lands for road purposes and to acquire lands in exchange; and for other purposes. [10th April 1968]

WHEREAS—

(1) The open waste lands of Epping Forest are vested in the Corporation of London as the Conservators of Epping Forest and, under the provisions of the Epping Forest Act 1878, the Conservators are required to keep the forest unenclosed and unbuilt on as an open space for the recreation and enjoyment of the public: 1878 c. ccxiii.

(2) It is expedient to authorise the Conservators to grant to the Minister of Transport certain lands, or rights in such lands, forming part of the open waste lands of Epping Forest for the purpose of road improvements upon condition that certain other lands are made available for addition to the forest so as to link, with other parts of the forest, lands severed from the forest by such road improvements:

(3) The objects of this Act cannot be attained without the authority of Parliament:

(4) A plan showing the lands which may be acquired or used compulsorily under the powers of this Act together with a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, with the clerk of the Greater London Council and with the town clerk of the London borough of Waltham Forest and such plan and book of reference are respectively referred to in this Act as the deposited plan and book of reference:

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, that is to say :—

Short title.

1. This Act may be cited as the Epping Forest (Waterworks Corner) Act 1968.

Application of Part I of Compulsory Purchase Act 1965.

1965 c. 56.

1946 c. 49.

2.—(1) Part I of the Compulsory Purchase Act 1965 (except section 4, section 21, section 24 (5), section 27 and paragraph 3 (3) of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

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

1845 c. 18.

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

Interpretation.

3.—(1) In this Act unless the context otherwise requires—

"city" means the City of London;

"Conservators" means the mayor and commonalty and citizens of the city acting as the Conservators of Epping Forest;

"enactment" includes an enactment in this Act or in any general or local Act and any order, byelaw, regulation, rule, scheme or other instrument made under any Act for the time being in force;

"interest" where used in relation to land, means any estate or interest in that land capable of subsisting as a legal estate;

"Minister" means the Minister of Transport.

(2) Except where the context otherwise requires, any reference this Act to any enactment shall be construed as a reference to t enactment as applied, extended, amended or varied by, or virtue of, any subsequent enactment including this Act.

Grant of lands for use for road works.

. (1) The Conservators shall grant to the Minister all such ghts and interests as he may require for the purpose of the nstruction of road improvements and associated works, including commodation works, in the lands delineated on the deposited n and thereon shown within the limit of land to be used for ad works.

(2) Upon the acquisition under this section of all rights and erests referred to in subsection (1) of this section the said ds shall for all purposes cease to form part of the open waste ds of Epping Forest and to be subject to the regulation and nagement of the Conservators and all common or commonable other rights in, upon or over the said lands shall by virtue this Act be extinguished.

For protection of certain statutory undertakers.

. For the protection of the Metropolitan Water Board and London Electricity Board (each of which are in this section led "the board") the following provisions shall, unless otherse agreed in writing between the Minister and the board oncerned, apply and have effect:—

(1) In this section—

"apparatus" means—

(*a*) mains, pipes, valves, hydrants, stopcocks or other apparatus belonging to or maintained by the Metropolitan Water Board; or

(*b*) electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to, or maintained by, the London Electricity Board; 1882 c. 56.

and includes any works constructed for the lodging therein of apparatus;

"board" means the Metropolitan Water Board and the London Electricity Board or either of them and

in relation to any apparatus means the board to whic the apparatus belongs or by which the apparatus maintained;

" position " includes depth:

(2) Notwithstanding anything in section 4 (Grant of lan for use for road works) of this Act or shown on the deposited plan the Minister shall not acquire compul sorily under the said section 4 any rights or interests i respect of any apparatus, but if there is any apparatu in any land in which the Minister acquires rights interests under the said section the board shall, if reason ably required by the Minister—

(i) remove or alter the position of the apparatu or

(ii) alter the apparatus;

under and in accordance with the following provision of this section or, at the option of the board as therein provided, abandon the apparatus:

(3) If the Minister requires the removal or alteration of th position or the alteration of any apparatus and gives it the board written notice of such requirement, the boar unless within fourteen days after the receipt of tha notice they shall have given a counter-notice to th Minister of their intention to abandon the apparatu shall proceed with all due diligence to remove or alt the position of or to alter the apparatus and to provid construct or lay down such alternative apparatus (if any as may be adequate to enable the board to fulfil the statutory functions; and if the board do not complet the removal or alteration of the position or the alterati of the apparatus within such period as may be reasonab specified in the notice served upon the board, the boar shall be deemed to have abandoned the apparatus:

(4) The Minister shall afford to the board, without paymen all such facilities for access to any apparatus, and to all or any lands for the time being belonging to the Minist as may be reasonably necessary to enable the board to comply with their obligations under paragraph (3) of this section:

(5) The Minister shall repay to the board the reasonab costs incurred by them in, or in connection with, th removal or alteration of the position of, or the alterati of, any apparatus or the provision and construction o laying down of alternative apparatus under this sectio less the value of any apparatus so removed (such valu to be calculated after removal:

Provided that—

(*a*) if the board provide and construct or lay down alternative apparatus of a better type or of a greater capacity than the apparatus for which the alternative apparatus is substituted, they shall bear such proportion of the costs of providing and constructing or laying down such alternative apparatus as represents the amount by which such costs exceed the costs which would have occurred if the type or capacity of the alternative apparatus had been the same as those of the apparatus for which the alternative apparatus is substituted; and

(*b*) if the board provide and construct or lay down alternative apparatus in substitution for existing apparatus constructed or laid more than seven and one half years earlier so as to confer upon the board any financial benefit by deferment of the time for renewal of such existing apparatus in the ordinary course, the costs to be paid under this paragraph shall be reduced by the amount which represents that benefit:

(6) If any apparatus is abandoned or deemed to be abandoned under the foregoing provisions of this section, the Minister shall repay to the board the reasonable costs incurred by the board in, or in connection with, cutting off from any other apparatus the apparatus so abandoned or rendered derelict or redundant:

(7) Any difference which may arise between the Minister and the board under this section (other than a difference as to the meaning or construction of this section) shall be referred to, and determined by, an arbitrator to be agreed upon between the parties or, in default of agreement, to be appointed on the application of either party, after notice in writing to the other of them, by the President of the Institution of Civil Engineers.

Power to acquire lands.

6.—(1) Notwithstanding anything in any other enactment but subject to the provisions of this Act, the Conservators may acquire compulsorily for addition to the open waste lands of Epping Forest the lands delineated on the deposited plan and thereon shown within the limit of land to be acquired.

(2) The powers of the Conservators for the compulsory acquisition of lands under this section shall not be exercised after 31st December, 1970.

(3) Subject to the provisions of section 7 (Lands held f... allotments) of this Act, upon the acquisition of any lands und... this section the lands so acquired shall for all purposes be add... to, and form part of, the open waste lands of Epping Forest and be subject accordingly to the regulation and management of the Conservators, and shall be subject to the same common commonable and other rights as are attached to the lands refer... to in section 4 (Grant of lands for use for road works) of th... Act.

(4) The acquisition of lands by the Conservators under t... provisions of this section shall be deemed to have been accept... by all persons interested as full compensation for the extinguis... ment, under section 4 (Grant of lands for use for road works)... this Act, of common or commonable or other rights in, upon ... over the lands shown on the deposited plan within the limit... land to be used for road works.

Lands held for allotments.

7.—(1) In this section—

"allotment lands" means so much of the lands show... coloured yellow on the signed map, being lands formi... part of the lands referred to in subsection (1) of section... (Power to acquire lands) of this Act, as are acquired ... the Conservators under that section;

"signed map" means the map of which copies have bee... signed in quadruplicate by The Right Honourable t... Lord Grenfell, the Chairman of the Committee of th... House of Lords to which the Bill for this Act was... referred, one of which has been deposited in the offic... of the Clerk of the Parliaments in the House of Lords... one in the Private Bill Office of the House of Commons... one in the office of the town clerk of the City of Londo... and one in the office of the superintendent of th... Conservators of Epping Forest;

"trustees" means the Walthamstow Almshouse and Gener... Charities Trustees.

(2) For so long as the allotment lands as defined in subsection (... of this section, or, if those lands are reduced in extent in accordance with the provisions of subsection (3) of this section, the allotme... lands as so reduced, are required for allotments:—

(*a*) the Conservators shall, notwithstanding the addition of the lands to the open waste lands of Epping For... under subsection (3) of section 6 (Power to acquire land... of this Act, make the allotment lands, or the allotme... lands as so reduced (as the case may be), available f... allotments in accordance with the provisions of su... section (4) of this section;

(*b*) the common or commonable and other rights referred to in subsection (3) of the said section 6 shall not be exercisable over the allotment lands or the allotment lands as so reduced (as the case may be); and

(*c*) the allotment lands, or the allotment lands as so reduced (as the case may be), may be fenced and set apart from the other open waste lands of Epping Forest.

(3) (*a*) For the purposes of this section the allotment lands, any part thereof, shall be treated as required for allotments unless for a continuous period of three years they are not cultivated allotments for the growing of horticultural produce.

(*b*) If at any time not less than one acre in extent of the allotment lands (excluding made up access ways and such strips of land as may be reasonably required for access to allotments) is not required for allotments, the area of the allotment lands to be made available for allotments under this section shall be reduced by that extent.

(4) (*a*) Upon the acquisition of the allotment lands the Conservators shall set apart those lands from the other open waste lands of Epping Forest and shall hold the allotment lands for the beneficial use of, and possession by, the trustees for the purpose of making the lands available for allotments in accordance with the provisions of this section, subject to such conditions, as shall be agreed between the Minister, the Conservators and the trustees, or, in default of agreement, as shall be determined by arbitration hereinafter provided.

(*b*) The conditions so agreed or determined shall include conditions whereby—

(i) if, in accordance with subsection (3) of this section, the area of the allotment lands to be made available for allotments is reduced to any extent mentioned in paragraph (*b*) of that subsection, the trustees shall give up possession of a part of the allotment lands of equivalent extent, clear of allotments and contiguous to the open waste lands of Epping Forest; and

(ii) if, in accordance with subsection (3) of this section, the whole of the allotment lands, or any remaining part of the allotment lands as reduced as aforesaid, is not required for allotments, the trustees shall give up possession of the whole or that part (as the case may be) of the allotment lands clear of allotments.

(5) As soon as may be after the acquisition of the allotment lands the Conservators shall at their own cost fence the northern boundary of the allotment lands, and (except as may be otherwise

agreed between the Conservators and the trustees), on the trustees giving up possession of any part of the allotment lands pursuant to the provisions of this section, shall fence the altered portion of the boundary of the land required for allotments from the open waste lands of Epping Forest, in such manner as shall be agreed between the Minister, the Conservators and the trustees, or in default of agreement, as shall be determined by arbitration in manner hereinafter provided.

(6) For so long as the allotment lands, or any part thereof, are held by the Conservators for the beneficial use of, and possession by, the trustees for the purposes mentioned in subsection (4) of this section, the trustees and the allotment holders shall be entitled to use such means of access across the open waste lands of Epping Forest as may be reasonably required for access to the allotment lands, or (as the case may be) that part, including access for such vehicles as may be reasonably required for the carrying of material or implements for horticulture.

(7) Any difference arising between the Conservators and the trustees under this section (other than a difference as to the meaning or construction thereof) shall be referred to, and determined by, an arbitrator to be agreed between the parties or, in default of agreement, to be appointed on the application of any party, after notice in writing to the other of them, by the President of the Royal Institution of Chartered Surveyors.

For protection of Walthamstow Almshouse and General Charities Trustees.

8. For the protection of the Walthamstow Almshouse and General Charities Trustees the following provisions shall, unless otherwise agreed in writing between the Minister, the Conservators and the trustees, apply and have effect:—

(1) In this section expressions to which meanings are assigned by subsection (1) of section 7 (Lands held for allotments) of this Act have the same respective meanings:

(2) If, in pursuance of section 6 (Power to acquire land) of this Act, the Conservators acquire all or part of the lands referred to in that section, they shall pay to the trustees—

(*a*) in respect of so much of the said lands as do not comprise allotment lands, compensation assessed in accordance with the provisions of subsection (4) of this section; and

(*b*) in respect of the allotment lands, the sum of ten shillings:

(3) On any occasion on which, in accordance with such conditions as are referred to in subsection (4) of the said section 7, the trustees give up possession of all or any

part of the allotment lands, the said lands or part thereof (as the case may be) shall cease to be held for the beneficial use of the trustees, and the Conservators shall pay to the trustees, in respect thereof, compensation assessed in accordance with the provisions of subsection (4) of this section as if, notwithstanding the provisions of subsection (2) of the said section 6, notice to treat had been served by the Conservators on the date on which the trustees give up possession of the said lands, or part thereof (as the case may be), instead of on the date on which any such notice shall have been served in pursuance of that section and as if the Conservators had entered on the said lands, or part thereof (as the case may be), on the said date on which the trustees so give up possession:

(4) Compensation under subsection (2) (*a*) and subsection (3) of this section shall be assessed in accordance with the enactments for the time being relating to the compensation payable in respect of the compulsory acquisition of land, but subject to the assumptions that, in the case of the assessment of compensation under subsection (2) (*a*) of this section, the whole of the allotment lands, and, in the case of the assessment of compensation under subsection (3) of this section, any part of the allotment lands which at the time in question continues to be held by the Conservators for the beneficial use of, and possession by, the trustees under the said section 7, including the part in respect of which the compensation is payable, has not been acquired by the Conservators for addition to the open waste lands of Epping Forest and is held by the trustees for all the purposes for which it was held by them before the passing of this Act and with an access way from Forest Road, sufficient for vehicles, reserved for the benefit of the allotment lands or all such purposes along the western boundary of so much of the lands referred to in the said section 6 as does not comprise allotment lands:

(5) Any difference arising between the Conservators and the trustees under this section shall be determined by the Lands Tribunal.

Correction of errors in deposited plan and book of reference.

(1) If the deposited plan or the deposited book of reference inaccurate in their description of any land, or in their statent or description of the ownership or occupation of any land, Conservators or the Minister, after giving not less than ten days' ice to the owner, lessee and occupier of the land in question, y apply to two justices having jurisdiction in the London ough of Waltham Forest 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 of the House of Commons, and with the clerk of the Greater London Council and the town clerk of the London borough of Waltham Forest and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Conservators, under section 6 (Power to acquire lands) of this Act, or the Minister under section 4 (Grant of lands for use for road works) of this Act (as the case may be), to acquire the land in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Costs of Act.

10. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, obtaining and passing of this Act shall be paid in the first instance by the Conservators.

Payments by Minister to Conservators.

11.—(1) The Minister shall reimburse the Conservators for all costs, charges and expenses reasonably incurred and properly paid by them under section 10 (Costs of Act) of this Act and, if within six months, or such longer period as the Minister may approve, from the grant to the Minister of all such rights and interests as are referred to in subsection (1) of section 4 (Grant of lands for use for road works) of this Act, the Conservators serve notice to treat, or enter into a contract, for the acquisition of the lands referred to in section 6 (Power to acquire lands) of this Act for addition to the open waste lands of Epping Forest, the Minister shall pay to the Conservators such a sum, or such sums from time to time, as shall reimburse them for all compensation and legal charges properly paid or incurred by them under that section and under section 8 (For protection of Walthamstow Almshouses and General Charities Trustees) of this Act and for all costs reasonably incurred under subsection (5) of section 7 (Lands held for allotments) of this Act, and the Conservators shall accept such payment, or the obligation to make such payments (as the case may be), together with the performance by the Minister of the specified obligations mentioned in subsection (3) of this section, as full compensation for the grant aforesaid.

(2) For the purposes of subsection (1) of this section it shall be taken that compensation or charges are properly paid or incurred by the Conservators, and that costs are reasonably incurred by them, if such compensation, charges or costs are paid or incurred with the approval of the Minister or, in the case of compensation and charges, in pursuance of a determination of the Lands Tribunal.

(3) The specified obligations referred to in subsection (1) of this section are obligations to carry out the following works or operations to the reasonable satisfaction of the Conservators, namely:—

(*a*) The restoration to the open waste lands of Epping Forest, by the removal of the surface of the paved areas of the carriageway and footways and the replacing with soil duly seeded, of the portion of the London North Circular Trunk Road to be stopped up in accordance with the London North Circular Trunk Road (Waterworks Corner Side Roads) Order 1966 made by the Minister under section 9 of the Highways Act 1959; and 1959 c. 25.

(*b*) The provision of suitable approaches to a subway and to a footbridge which the Minister is to construct as part of the road improvements referred to in the said subsection (1) of section 4 of this Act and to a footbridge which the Minister is to construct over Forest Road.

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