CHAPTER xxiv

An Act to abandon certain works and to revive certain powers for the acquisition of lands authorised by the River Great Ouse (Flood Protection) Act 1949 and for other purposes. [14th July 1953.]

WHEREAS the Great Ouse River Board (hereinafter referred to as "the Board") were constituted by the Great Ouse River Board Constitution Order 1951 made by the Minister of Agriculture and Fisheries and the Minister of Local Government and Planning under the River Boards Act 1948 as the river board for the Great Ouse River Board Area defined by the Great Ouse River Board Area Order 1950:

And whereas the River Great Ouse Catchment Board were authorised by the River Great Ouse (Flood Protection) Act 1949 (hereinafter referred to as "the Act of 1949") to construct certain works in the administrative counties of Cambridge the Isle of Ely Norfolk and West Suffolk for the prevention of flooding and to acquire compulsorily lands in those counties for the purpose of the construction of those works and for other purposes:

And whereas the time limited by the Act of 1949 for the compulsory acquisition of lands thereunder has expired:

And whereas the unexpired powers of the Act of 1949 are by virtue of the River Boards Act 1948 now exercisable by the Board:

And whereas it has been found possible to reduce the number of works authorised by the Act of 1949 thereby effecting a saving in the total cost thereof and in the amount of the lands required therefor and accordingly it is expedient that the Board

should be authorised to abandon the construction of certain of those works:

And whereas it is expedient that the powers under the Act of 1949 for the compulsory acquisition of lands to the extent mentioned in this Act should be revived as by this Act provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas plans showing the lands powers for the compulsory acquisition or user of which are revived by this Act together with a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands have been deposited with the respective clerks of the county councils of the administrative counties of the Isle of Ely Norfolk and West Suffolk:

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 Great Ouse River Board (Revival of Powers &c.) Act 1953.

Interpretation.

2. In this Act unless the subject or context otherwise requires—

"the Act of 1949" means the River Great Ouse (Flood Protection) Act 1949;

"the Board" means the Great Ouse River Board;

"the Minister" means the Minister of Agriculture and Fisheries.

Abandonment of works.

3. The Board shall abandon the construction of the following works authorised by the Act of 1949:—

Works Nos. 2 5 5A 6 7 9 10 11 11A 30 31 39 40 41 and 42.

Revival of powers for compulsory acquisition of lands.

4.—(1) The powers of the Act of 1949 for the compulsory acquisition of lands except in so far as they relate to—

(*a*) lands acquired by the Board before the passing of this Act; or

(*b*) lands in the administrative county of Cambridge; or

(*c*) lands required for the construction of Works Nos. 2 5 5A 6 7 9 10 11 11A 30 31 39 40 41 or 42 which were authorised by the Act of 1949 and which are authorised by this Act to be abandoned; or

(*d*) so much of the lands required for the construction of Work No. 32 authorised by the Act of 1949 as is situate in the parish of Thetford in the administrative county of the Isle of Ely ;

are hereby revived and may be exercised by the Board as if the first day of October one thousand nine hundred and fifty-three had been referred to in subsection (3) of section 25 (Power to acquire lands) of the Act of 1949 instead of the first day of October one thousand nine hundred and forty-nine.

(2) The Minister may by order from time to time extend the period for the exercise of all or any of the powers for the compulsory acquisition of land revived by subsection (1) of this section :

Provided that no order made under this subsection shall authorise the exercise of any such powers after the first day of October one thousand nine hundred and sixty-one.

(3) An order made by the Minister under subsection (2) of this section shall be subject to special parliamentary procedure.

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

5.—(1) If any person being the owner or lessee of any land powers for the compulsory acquisition of which are revived by the last preceding section shall give notice in writing to the Board of his desire that as soon as may be such land or his interest therein shall be acquired then the Board shall within a period of six months after the receipt of that notice either—

(*a*) enter into an effective contract with such person for the acquisition by agreement of such land or part of such land or his interest in such land or part thereof ; or

(*b*) serve a notice to treat for the compulsory acquisition of such land or part of such land or of such person's interest in such land or part thereof ; or

(*c*) notify their intention not to proceed with the purchase of such land or of such person's interest therein ;

and if they fail to do so within the said period or if within the said period they notify their intention in accordance with the foregoing paragraph (*c*) the said powers so far as they authorise the compulsory purchase of the land or the interest in land (as the case may be) to which the notice given by the owner or lessee relates shall cease.

(2) Where a notice to treat (whether relating to the whole or part of the land to which the notice given by the owner or lessee relates) is given in accordance with paragraph (*b*) of subsection (1) of this section then—

(*a*) if in pursuance of any statutory provision in that behalf the notice to treat is withdrawn the said powers so far as they authorise the compulsory purchase of such land or

(as the case may be) the interest therein of the person on whom the notice to treat was served shall cease;

(*b*) if part only or such person's interest in part only of such land is acquired in pursuance of the notice to treat the said powers so far as they authorise the compulsory purchase of the remainder or (as the case may be) such person's interest in the remainder of such land shall cease.

For protection of Eastern Gas Board.

6. For the protection of the Eastern Gas Board (in this section referred to as "the gas board") the following provisions shall unless otherwise agreed in writing between the Board and the gas board apply and have effect:—

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

"the Act of 1950" means the Public Utilities Street Works Act 1950;

"apparatus" means the mains pipes or other apparatus belonging to or maintained by the gas board and includes any structure constructed for the lodging therein of apparatus;

"in" in a context referring to apparatus includes under over across along or upon;

"position" includes depth;

"the works" means Works Nos. 27 36 and 38 authorised by section 4 (Power to Board to execute works) of the Act of 1949:

(2) In any case in which the Board are the operating undertakers within the meaning of section 26 of the Act of 1950 in respect of the construction of the works and the gas board are the owning undertakers within the meaning of that section in respect of apparatus the said section 26 shall be modified as follows:—

(*a*) the notice to be given under subsection (2) of the said section by the operating undertakers to the owning undertakers shall be accompanied by plans sections and particulars of the works;

(*b*) the said notice shall be given not less than fourteen days before the works are commenced;

(*c*) any question which may arise under the said section as modified by this section between the operating undertakers and the owning undertakers shall be determined by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of that section shall not apply:

(3) Any alteration of any apparatus which the Board propose to make pursuant to section 6 (Subsidiary powers) of the Act of 1949 shall notwithstanding the provisions of the said section 6 be executed by the gas board and the reasonable expenses incurred by the gas board in or in connection with the execution of any such alteration shall be repaid to the gas board by the Board:

Provided that when requested so to do by the Board the gas board shall commence the execution of any such alteration and shall complete the same with all reasonable dispatch and if the gas board do not commence the execution of any such alteration or complete the same with all reasonable dispatch the Board may after giving reasonable notice to the gas board themselves execute such alteration:

(4) Whenever by virtue of the provisions of section 10 (Diversion and stopping up of roads &c.) of the Act of 1949 any highway or any part of a highway in which any apparatus is situate is stopped up or diverted the gas board shall notwithstanding such stopping up or diversion continue to have the same powers and rights in respect of any apparatus remaining in the highway or part of highway so stopped up or diverted as if the same had remained a highway or may and if reasonably so required by the Board shall—

(i) remove the apparatus and relay or replace the same in the highway (if any) substituted for the highway or part of highway so stopped up or diverted or in such other position as may be agreed or determined by arbitration; or

(ii) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus:

(5) The Board shall repay to the gas board the reasonable expenses incurred by the gas board in or in connection with—

(*a*) the removal and relaying or replacing of any apparatus or the provision and laying or placing of any new apparatus under the provisions of subsection (4) of this section; and

(*b*) the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 shall so far as applicable extend and

apply to any payment to be made by the Board under paragraph (*a*) of this subsection as if the works therein mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in the said subsection (3) for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 6 (For protection of Eastern Gas Board) of the Great Ouse River Board (Revival of Powers &c.) Act 1953":

(6) Nothing contained in section 16 (Temporary stoppage of rivers roads &c.) of the Act of 1949 or done thereunder shall take away prejudice or affect any rights or powers of the gas board in or in relation to any apparatus in any road affected by the exercise of any of the powers of that section and notwithstanding anything therein contained the gas board their officers engineers and workmen shall be at liberty at all times to execute and do all such works and things in upon or under any such road as may be necessary for inspecting repairing maintaining renewing or removing any such apparatus:

(7) (*a*) Any difference which may arise between the Board and the gas board under this section shall be referred to and determined by an arbitrator to be agreed upon between the Board and the gas board or failing such agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration;

(*b*) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the gas board may be under in respect of any apparatus and may if he thinks fit require the Board to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used.

Costs of Act.

7. The costs charges and expenses preliminary to and of and incidental to the preparation of and application for and the obtaining or passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board.

Table of Statutes referred to in this Act

Short title	Session and chapter
River Boards Act 1948	11 & 12 Geo. 6 c. 32.
River Great Ouse (Flood Protection) Act 1949	12 13 & 14 Geo. 6 c. lx.
Arbitration Act 1950	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.

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