Greater London Council (Vauxhall Cross Improvement) Act 1968

CHAPTER xxv

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ELIZABETH II



1968 CHAPTER xxv

An Act to empower the Greater London Council to execute street and other works and to acquire lands, to confer further powers on the Greater London Council; and for other purposes. [26th July 1968]

WHEREAS—

(1) The London County Council were empowered by the London County Council (Improvements) Act 1962 to execute street and other works at Vauxhall Cross in the London borough of Lambeth and to acquire lands for the purposes thereof: 1962 c. xlix.

(2) It is expedient that the powers of the Greater London Council (hereinafter referred to as " the Council ") with respect to the construction of the said works should be abandoned as provided in this Act and that in substitution therefor the Council should be empowered to execute the works described in Part III of this Act, and to acquire for that purpose the lands described or referred to in Part II of this Act:

(3) It is expedient that the other provisions contained in this Act should be enacted:

(4) The purposes of this Act cannot be effected without authority of Parliament:

(5) Estimates have been prepared of the cost of carrying the works to be executed by the Council under Part III of Act and of the acquisition by the Council of lands in connectio therewith as provided for in Part II of this Act, and such estima amount to one million two hundred and fifty thousand pou and two million six hundred thousand pounds respectively:

(6) Plans and sections showing the lines or situations levels of the works by this Act authorised and also showing lands which may be acquired or used compulsorily by the Coun for the purposes or under the powers of this Act, and also book of reference to the said plans containing the names of th owners and lessees or reputed owners and lessees and of th occupiers of the said lands and describing the same, were du deposited in the office of the Clerk of the Parliaments and in Private Bill Office of the House of Commons and with the cle to the Council, which plans, sections and book of reference ar in this Act referred to respectively as the deposited plans, deposited sections and the deposited book of reference:

(7) In relation to the promotion of the Bill for this Act Council have complied with the requirements of section 25 the Local Government Act 1933: 1933 c. 51.

May it therefore please your Majesty that it may be enacted and be it enacted, by the Queen's most Excellent Majesty and with the advice and consent of the Lords Spiritual an Temporal, and Commons, in this present Parliament assembl and by the authority of the same, as follows, that is to say:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Greater London Coun (Vauxhall Cross Improvement) Act 1968.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Works.
Part IV.—Miscellaneous.
Part V.—Supplemental.

PART I —*cont.*

Interpretation.

3.—(1) In this Act except as otherwise expressly provided or unless the context otherwise requires—

"the Act of 1950" means the Public Utilities Street Works Act 1950; 1950 c. 39.

"the Act of 1961" means the Land Compensation Act 1961; 1961 c. 33.

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

"the Council" means the Greater London Council;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"the improvements" means the works authorised by Part III (Works) of this Act or any of them or any part thereof respectively;

"land" or "lands" includes land covered with water and any interest in land, and any easement or right in, to or over land;

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

"the Minister" means the Minister of Transport;

"the port authority" means the Port of London Authority;

"reserved area" means any area for the time being set apart in or adjacent to the improvements for dividing lines of traffic or for separating footway and carriageway or, where no part of the improvements has been laid out as footway, for separating the carriageway from the adjoining lands;

"the river Thames" includes the bed, banks and foreshore thereof within the port authority's jurisdiction;

"street" means a street within the meaning of the Highways Act 1959; 1959 c. 25.

"the tribunal" means the Lands Tribunal.

(2) Where in this Act (except in section 20 (Deviation from lines and levels) of this Act) any distance or length is stated in any description of works or powers, the reference to that distance or length shall be construed as if the words "or thereabouts" were inserted after such distance or length.

PART I —*cont.*

(3) Any reference in this Act to an 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.

(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.

Application of Part I of Act of 1965.

4.—(1) Part I of the Act of 1965 (except section 4, subsection (3) of section 24 and section 27 thereof and paragraph 3 (3) of Schedule 3 thereto), 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.

1946 c. 49.

1845 c. 18.

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

PART II

LANDS

Power to acquire lands.

5.—(1) Subject to the provisions of this Act, the Council may enter upon, take and use any of the lands delineated on the deposited plans and described in the deposited book of reference for the purposes of or in connection with the improvements or for securing the improvement and development of, and providing space for the erection of houses and buildings on, lands adjoining or near to the improvements, and for the purposes of recoupment, reinstatement or exchange, and for other purposes of this Act or for any of the aforesaid purposes.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to, and to authorise, the purchase by the Council by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by the Council for the purposes of, or in connection with, the improvements.

(3) The powers of the Council for the compulsory purchase of lands under this section shall not be exercised after the 31st December, 1974.

PART II —*cont.*

) The Council shall not under the powers of this section enter n, take or use the lands delineated on the deposited plans and ribed in the deposited book of reference and referred to in Schedule to this Act or any part of those lands.

—(1) If the deposited plans or the deposited book of reference inaccurate in their description of any land, or in their state- t or description of the ownership or occupation of any land, Council, after giving not less than ten days' notice to the ier, lessee and occupier of the land in question, may apply metropolitan stipendiary magistrate having jurisdiction in the e where the land is situated for the correction thereof. Correction of errors in deposited plans and deposited book of reference.

2) If on any such application it appears to the magistrate t the misstatement or wrong description arose from mistake, magistrate shall certify the fact accordingly and shall in his ificate state in what respect any matter is misstated or wrongly ribed.

3) The certificate shall be deposited in the office of the Clerk he Parliaments, and a copy thereof in the Private Bill Office he House of Commons and with the clerk to the Council with every town clerk of a borough with whom a copy of deposited plans, or of so much thereof as includes the land which the certificate relates, has been deposited in accordance h the Standing Orders of the Houses of Parliament, or who the custody of any such copy so deposited; and thereupon deposited plans and the deposited book of reference shall deemed to be corrected according to the certificate, and hall be lawful for the Council to take the land and execute the provements in accordance with the certificate.

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

—(1) The Council may, instead of acquiring any land which they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights in, to or over the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the improvements or for the purpose of obtaining access to the improvements or for the purpose of doing any other thing necessary in connection with the improvements. Power to acquire easements only.

2) Accordingly the Council may give notice to treat in respect ny such easement or right describing the nature thereof; and provisions of the Act of 1965 shall apply in relation to the uisition of such easements and rights as if they were lands hin the meaning of that Act.

PART II —*cont.*

(3) Where the Council have acquired an easement or rig... only in, to or over any land under this section—

(*a*) they shall not be required or, except by agreement during the execution of the improvements, entitled fence off or sever that land from the adjoining land;

(*b*) the owner or occupier of the land for the time be... shall, subject to the easement or right, have the sa... right to use the land as if this section had not b... enacted.

(4) If in his particulars of claim the owner of any land respect of which notice to treat for an easement or right is gi... under this section requires the Council to acquire the land, Council shall not be entitled under this section to acquire easement or right unless the tribunal determines that the easem... or right can be granted without material detriment to the la... or, in the case of a park or garden belonging to a house, with... seriously affecting the amenity or convenience of the hou... and, if the tribunal does not so determine, the Council m... acquire the land compulsorily notwithstanding that the per... mentioned in subsection (3) of section 5 (Power to acquire lan... of this Act has expired, but not later than one year after th... determination of the tribunal:

Provided that nothing in this s bsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endor... with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

8.—(1) Any person empowered by the Act of 1965 to s... and convey or release lands may, if he thinks fit, subject to th... provisions of that Act, grant to the Council any easement c... right required for the purposes of this Act in, to or over the land... not being an easement or right of water in which some pers... other than the grantor has an interest.

(2) The provisions of the said Act with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesa...

Agreements with adjoining owners.

9.—(1) The Council may enter into and carry into eff... agreements with any person being the owner of, or interes... in, any land abutting on any portion either of the improvemen... or of land which may be acquired under this Act, with resp... to the sale by the Council to him of any land acquired by, o... any part of a street vested in, the Council under this Act and n... required for the improvements.

PART II —*cont.*

(2) The Council may accept as satisfaction of the whole or ...y part of the consideration for any such sale the grant by the ...urchaser of any land required by the Council for the purposes this Act or any easement or right so required.

Power to use subsoil of streets.

0. Subject to the provisions of this Act the Council may enter ...on, take, use and appropriate so much of the subsoil and ...der-surface of any public street within the limits of deviation ...hall be necessary for the purposes of the improvements without ...g required to purchase the same or any easement therein or ...reunder.

Extinction of private rights of way.

. All private rights of way over any land which may be ...uired compulsorily under section 5 (Power to acquire lands) this Act shall, as from the acquisition of the land, whether ...pulsorily or by agreement, be extinguished.

Compensation for extinction of private rights of way.

2. Any person who suffers loss by the extinguishment of any ...ate right of way under section 11 (Extinction of private rights way) or 15 (Power to make subsidiary works, etc.) of this Act ...ll be entitled to be paid by the Council compensation to be ...rmined in case of dispute under and in accordance with the ... of 1961.

Disregard of recent improvements and interests.

3. In determining any question of disputed compensation ...nder the Act of 1965 as applied by this Act, the tribunal shall take into account—

(*a*) any works executed, improvement or alteration made, or building erected, after the 5th December, 1967; or

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

...hich, in the opinion of the tribunal, was not reasonably necessary ...was executed, made, erected or created with a view to obtaining ...creasing the compensation.

PART III
WORKS

Power to execute works.

...—(1) Subject to the provisions of this Act, the Council may, ...the lines or situations shown on the deposited plans and within ...limits of deviation and according to the levels shown on the ...posited sections, execute the works described in subsection (2) this section.

(2) The works referred to in subsection (1) of this section are—

In the city of Westminster and the borough of Lambeth—

Work No. 1 A widening of Vauxhall Bridge on both sides commencing at a point above the river wall in the city of Westminster and terminating at a point above the river wall in the borough of Lambeth.

PART III —*cont.*

In the borough of Lambeth—

Work No. 3 A new street commencing by a junction w Vauxhall Bridge at a point above the river w 9 yards south of the centre of the bridge and termin ating at a point 20 yards north of the junction Wandsworth Road and Bondway;

Work No. 4 A new street commencing by a junction wi Vauxhall Bridge at a point above the river w 24 yards north of the centre of the bridge a terminating at a point 25 yards west of the junction of Albert Embankment and Bridgefoot;

Work No. 5 A widening of Albert Embankment on bo sides commencing at its junction with Bridgefoot a terminating at a point 43 yards north of its junction with Tinworth Street;

Work No. 6 A widening of Wandsworth Road on bo sides commencing at a point 50 yards south-wes its junction with Parry Street and terminating at termination of Work No. 4;

Work No. 7 A widening of Bondway on both si commencing at its junction with Parry Street an terminating at the termination of Work No. 3;

Work No. 8 A widening of South Lambeth Road o both sides commencing at a point 112 yards sou west of its junction with Lawn Lane and terminati at its junction with Vauxhall Grove;

Work No. 9 A variation of South Lambeth Place con sisting of a widening of the carriageway by the incorporation in such carriageway of part of the footways of the said street beneath the bridge carryin the railway of the British Railways Board over Sou Lambeth Place commencing at its junction wit South Lambeth Road and terminating at the termina tion of Work No. 4;

Work No. 10 A variation of Kennington Lane consis of a widening of the carriageway by the incorporatio in such carriageway of the footways of the said str beneath the bridge carrying the railway of the Brit Railways Board over Kennington Lane commencin its junction with Wandsworth Road and terminat at its junction with South Lambeth Road;

PART III —*cont.*

Work No. 11 A widening of South Lambeth Road on the east side commencing at a point 50 yards south-west of its junction with Harleyford Road and terminating at that junction;

Work No. 16 A new street for pedestrian use only beneath the railway viaduct of the British Railways Board commencing by a junction with the footway on the east side of Wandsworth Road at a point 25 yards south of the centre of Kennington Lane and terminating by a junction with the footway on the west side of South Lambeth Road at a point 27 yards south of the centre of Kennington Lane;

Work No. 17 A new street for pedestrian use only beneath the railway viaduct of the British Railways Board commencing by a junction with the footway on the east side of Albert Embankment at a point 16 yards north of the centre of Kennington Lane and terminating by a junction with the footway on the west side of Goding Street at a point 16 yards north of the centre of Kennington Lane.

(3) Where in any case the improvements involve the construc-
of a bridge the Council shall erect a good and sufficient fence
each side of such bridge.

(4) In executing the works authorised by this section and in
dition to and not in derogation of any of the powers conferred
his Act, but subject to the provisions of this Act the Council
exercise any of the powers conferred upon any authority by
III (Creation of Highways) and Part V (Improvement of
hways) of the Highways Act 1959, and for the avoidance of 1959 c. 25.
bt the Council may similarly exercise the powers conferred
n them by any other enactment relating to highways.

—(1) Subject to the provisions of this Act, and within Power to make subsidiary works, etc.
limits of deviation, the Council, in connection with or for
purposes of this Act and as part of the improvements (in
ition to the works described or referred to in any other
ision of this Act), may execute or do any of the following
s or things, that is to say:—

(*a*) make and maintain all such approaches, footbridges, subways, roundabouts, flyovers, underpasses, overpasses, lifts, stairs, escalators, ramps, passages, gantries, means of ingress or egress, shafts, stagings, buildings, mechanical and other apparatus and appliances, plant and machinery as may be necessary or convenient;

PART III —*cont.*

(*b*) make junctions and communications (including provision of steps and ramps) with any existing proposed street intersected or interfered with by contiguous to the improvements, and divert or wi... or alter the line or alter the level of any existing str... for the purposes of the improvements;

(*c*) construct and provide carriageways, footways, reser... areas, vaults, cellars, arches, sewers, drains, sunken ornamental gardens and other works and convenienc...

(*d*) stop up and appropriate the site and soil of any part... a street which they may consider unnecessary to ret... or to throw into the improvements;

(*e*) raise, sink or otherwise alter the position of any of th... steps, areas, cellars, cellar-flaps, pavement ligh... gratings, boundary walls, railings, fencings, windo... sewers, drains, watercourses, pipes, spouts or wi... belonging to any house or building and remove all... other obstructions so as to cause in so doing as li... delay and inconvenience to the inhabitants as th... circumstances of the case will admit, and the Counc... shall make compensation to any person who suffer... damage by any such alterations, such compensation... be determined in case of dispute by the tribunal;

(*f*) any works for the protection or improvement of any... adjoining land or buildings;

(*g*) any works and do anything necessary for the... strengthening and supporting of any walls of adjoini... buildings;

(*h*) construct any embankments or retaining walls for... supporting the improvements.

(2) The Council may, on any lands abutting on the impro... ments and outside the limits of deviation, execute or do, by... agreement with the owners and occupiers of the said lands, an... of the works or things referred to in paragaphs (*e*), (*f*) and (*g*)... of subsection (1) of this section and any works necessary... convenient for the purpose of providing or facilitating acc... to or from the said lands or for preserving the amenities ther...

Power to make subsidiary river works.

16. Subject to the provisions of this Act the Council may... connection with or for the purposes of Work No. 1 from time... time make, provide and maintain in, on, under or over any... the lands delineated on the deposited plans and described in th...

PART III —*cont.*

posited book of reference all necessary or convenient bridges, itments, booms, pontoons, dolphins, buoys, moorings, beacons, ders. tanks, pumps, conduits, pipes, wires, mains, cables, rails, nals, conveyors, cranes, lifts, hoists, weighbridges, stairs, ges, platforms, landing places, approaches, buildings, sheds, ices, roads, walls, fences, gates, equipment, machinery and ppliances and any other works.

Power to dredge.

17. Subject to the provisions of this Act the Council may, for purposes of the improvements, dredge or deepen the river ames within the limits of deviation and may for such purposes r or interfere with the river Thames:

Provided that no materials raised under the provisions of this tion shall be deposited in any place below the level of the hest tide otherwise than in such a position and subject to such strictions and regulations as may be fixed by the Board of Trade.

Power to construct bridges, etc., and to execute temporary works on railways.

18. Subject to the provisions of this Act, the Council may, for the purposes of or in connection with the improvements and within the limits of deviation, construct and execute all such dges, arches, piers, viaducts, embankments, aprons, tunnels, utments, wing walls and other works as they may deem cessary or expedient for carrying the improvements over or der any railway, any stream or watercourse (whether tidal or) or any land, and may for the purpose of and during the execution of the improvements over or under any railway erect, ce or execute and maintain upon, over or under such railway such temporary structures, erections, works, apparatus and liances as may be necessary or convenient and as will not ent the safe use of such railway or interfere to any greater nt than is reasonably necessary with the traffic thereon.

Carriageway, footway and other works.

9.—(1) Subject to the provisions of this Act, the Council y cause such parts of the improvements to be laid out for riageway and such parts thereof for footway and such parts eof for reserved area as they may think proper.

1893 c. ccii.

(2) The provisions of the London County Council (Subways) 1893, and all byelaws for the time being in force thereunder, all extend and apply to any subway for the accommodation mains, pipes or wires constructed by the Council under the ers of this Act as well during as after the construction thereof if any such subway had been included in the expression bway" in the said Act of 1893, and for the purposes of the plication of the said Act of 1893 to any such subway the tropolitan Water Board and the London Hydraulic Power mpany shall be deemed to be water companies.

PART III —*cont.*

Deviation from lines and levels.

20. In executing the improvements the Council may devi laterally from the lines or situations thereof to any extent wi the limits of deviation and vertically from the levels the defined on the deposited sections to any extent not exceedi 10 feet upwards or 10 feet downwards or to such further ext as may be found necessary or convenient and as may be sanctio by the Minister:

Provided that nothing in this section shall authorise the Cou to reduce at any point the width of or the headroom under spans of Vauxhall Bridge.

Power to pump water and use sewers for removing water. 1963 c. 38.

21. Subject to the provisions of the Water Resources Act 1 the Council may pump any water found by them in t execution of the improvements and may use for the discharge any such water any available stream or watercourse or any se or drain, and for that purpose may, within the limits of deviatio lay down, take up and alter conduits, pipes and other works an make any convenient connections with any such stream, wa course, sewer or drain.

Sewers, etc., to be removed, or filled up.

22. Subject to the provisions of this Act, the Council m cause to be removed or filled up all such sewers, drains or wa courses or parts thereof as shall be in or near the streets to interfered with for the purposes of the improvements and as sh become unnecessary.

Power to stop up street, etc.

23. Subject to the provisions of this Act, the Council m for the purposes of and in connection with the improveme stop up the whole or such part or parts as they may from tim time think fit of Marble Hall Lane in the borough of Lambe

Provided that the Council shall not stop up the street or part of the street under the powers of this section unless they ar possession of all buildings and lands (other than lands formin part of any street) on both sides of the street or part of the str (as the case may be) to be stopped up, or unless, in the cas buildings or lands abutting on and having access to the str which or part of which (as the case may be) is to be stopped up the Council have maintained or provided reasonable acc thereto or therefrom, except so far as the owners, lessees an occupiers of such buildings and lands may otherwise agree.

Vesting of site of street stopped up.

24. On the stopping up (otherwise than temporarily) of t street or any part of the street under the powers of the last fo going section of this Act all rights of way over the same and oth rights in respect thereof shall be extinguished and the site and s thereof shall vest in the Council so far as such site and soil sh not be already vested in the Council, subject to the paymen compensation, if any, by the Council to any person in respect

PART III —*cont.*

value, if any, of his interest in the site and soil of any part of the et vested in the Council by virtue of this section, such com- isation to be determined in case of dispute under and in ordance with the provisions of the Act of 1961, but in assessing n compensation no regard shall be had to any enhancement the value of any interest in such part due to such stopping up.

Power to stop up ways temporarily.

5.—(1) Subject to the provisions of this Act, the Council may the purposes of and during the execution of the improvements p up, open, break up, interfere with, alter or divert temporarily or any part of the carriageway or footway of any street or of subway within the limits of deviation and may execute and do necessary works and things for or in connection with such pping up, opening, breaking up, interference, alteration or ersion, and for keeping such carriageway or footway open for ffic, and may remove or alter any drinking-troughs, lamp- ts, street refuges, lavatories, posts and other erections upon lands so affected.

(2) The Council shall provide reasonable access for all persons na fide going to or returning from any premises in any street of ich the carriageway or footway is stopped up, opened, broken interfered with, altered or diverted under the powers of this tion.

Prohibition of persons, vehicles, etc., on reserved area.

6. Where the Council lay out as a reserved area any part he improvements or any land adjacent thereto and, being isfied that it is expedient in the interests of public safety, dicate by notices conspicuously placed on such reserved area n proximity thereto or by the erection of fences that the by pedestrians, horses, livestock and vehicles or any of them such reserved area or any part thereof is prohibited, any rson who shall wilfully walk or otherwise proceed or lead, or drive any horse or livestock or vehicle on, over or across such reserved area or part thereof in contravention of the ms of any such notice or in disregard of any such fence, shall guilty of an offence and liable on summary conviction to a not exceeding twenty pounds.

Power to prevent access to or from improvements.

7.—(1) For the purpose of facilitating the movement of icular traffic along, or the safety of the public on, the route ny of the improvements, the Council may from time to time in the vicinity of the junction of any street with the improve- t erect and maintain or remove (i) barriers for the prevention, ibition or limitation of access by vehicular or pedestrian ffic to or from such route from or to any such street; (ii) notices ohibiting or limiting such access.

PART III —*cont.*

(2) The powers conferred on the Council by this section s..... include power to light any such barriers, to pave, grass or oth... wise cover such barriers or any part of them, to erect pilla... walls, rails or fences on, around or across such barriers or... part of them, and to plant trees, shrubs and other vegeta... either for ornament or in the interests of safety.

(3) Any person removing or interfering with any barri... erected or removing, defacing or failing to comply with any not... erected pursuant to subsection (1) of this section shall be lia... on summary conviction to a fine not exceeding twenty pound...

Prohibiting interference with Work No. 1.

28. Notwithstanding anything in any other Act to the contr... it shall not be lawful after the completion of any part of Wor... No. 1 for any person to enter upon, break up or interfere w... such part of the said Work for the purpose of laying do... any main, pipe, wire or other apparatus or executing any w... whatsoever therein, thereon, thereover or thereunder except wit... the consent of the Council in writing and in accordance with su... terms and conditions as the Council may determine.

Improvements to form public streets and as to vesting and repair thereof.

29.—(1) When any of the improvements is completed a cer... cate thereof shall be issued under the seal of the Council, and a... duly authenticated copy of such certificate shall in all proceedi... and for all purposes be admissible and received as evidence th... such certificate has been duly made and that the improvem... to which such certificate relates has been completed, and from... date of such certificate so much of the improvement to which su... certificate relates as has been laid out as carriageway, reser... area or footway shall, subject to the provisions of this Act, fo... part of or constitute the street and may, subject as aforesaid, ... used by the public accordingly and shall be maintained by t... highway authority.

(2) In this section the expression " highway authority " me... the Council, the council of a London borough or the Minis... as the case may be.

Abandonment of works. 1962 c. xlix.

30. The Council shall abandon the construction of Wor... Nos. 30 to 46 (inclusive) authorised by the London Coun... Council (Improvements) Act 1962.

PART IV
MISCELLANEOUS

Vesting and disposal of materials.

31.—(1) There shall by virtue of this Act be vested in th... Council—

(*a*) all materials and apparatus in, under, upon or over an... lands acquired by them under the powers of this Act;

PART IV —*cont.*

(*b*) all lamp-posts, paving, metalling and other materials in, under, upon or over any street stopped up, altered or diverted under the powers of this Act; and

(*c*) all materials obtained in the alteration of or interference with any street, sewer or drain in connection with the improvements;

the Council may appropriate and use or sell or dispose of same or any of them:

rovided that as regards any matter or thing referred to in section where a person, not being a borough council or a on from whom the Council has acquired any interest in any of said lands, within six months from the date of the vesting as resaid, proves to the reasonable satisfaction of the Council immediately before the vesting as aforesaid he was the er thereof, he shall be entitled to resume ownership thereof shall comply in such manner and within such period as may be specified with any direction of the Council concerning removal of the said matter or thing and if he fails so to comply Council may appropriate and use or sell or dispose of the matter or thing in like manner as if they were the owners reof.

(2) In this section the expression "borough council" means mayor, aldermen and councillors of a London borough.

Application of Act of 1950.

32. The provisions of Part II of, and the Fourth Schedule to, Act of 1950 shall apply in relation to the carrying out of the provements and any works or conveniences authorised by ction 15 (Power to make subsidiary works, etc.) or section 18 (Power to construct bridges, etc., and to execute temporary works on railways) of this Act as if the improvements and the said works conveniences were works executed for road purposes within the meaning of section 21 (1) (*a*) of the Act of 1950 and were of the kind referred to in that section and as if any undertakers' apparatus affected thereby were in a street:

rovided that for the purposes of such application the provisions he Act of 1950 shall have effect—

(*a*) so as to impose on the Council an obligation before commencing any of the improvements or any of the said works or conveniences to give notice to the undertakers concerned under paragraph 2 of the Fourth Schedule to the Act of 1950 together with plans, sections and particulars of the improvements, works or conveniences to be commenced; and

PART IV *—cont.*

(*b*) as if the words in parentheses in paragraph 3 of the schedule relating to a road alteration were omitted from that paragraph.

Crown rights.

33. 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 herein contained authorises the Council to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(*b*) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

Saving rights of Duchy of Cornwall.

34. In particular and without prejudice to the generality of concerning the applicability of statutes to the Duchy of Cornwall nothing contained in this Act shall extend to authorise the Council to take, enter upon or interfere with any land (including land covered with water) or water or take away or affect any rights, powers, privileges or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under section 39 (Proviso for exercise of powers when the Duchy of Cornwall is vested in the Crown) of the Duchy of Cornwall Management Act 1863, to exercise all or any of the said rights, powers, privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said duchy or as the case may be the consent of the said duke testified in writing under the seal of the Duchy of Cornwall first had and obtained.

1863 c. 49.

For protection of Postmaster General.

35.—(1) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used in pursuance of the powers conferred by section 16 (Power to make subsidiary river works) of this Act shall be so constructed, erected, and laid down 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.

PART IV —*cont.*

(2) Where, in pursuance of the powers conferred by section 23 ...wer to stop up street, etc.) of this Act or of subsection (1) (*b*) ...*d*) of section 15 (Power to make subsidiary works, etc.) of this ... any street or part of a street is stopped up or diverted the ...llowing provisions of this subsection shall, unless otherwise ...ed in writing between the Council and the Postmaster General, ...e effect in relation to so much of any telegraphic line belonging ...or used by, the Postmaster General as is under, in, upon, over, ...ng or across any land which by reason of the stopping up or ...version ceases to be a street (in this subsection referred to as ...he affected line"), that is to say:—

...ns ...ns ...ned

(*a*) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion of the street, or part of the street, so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (3) of this section unless, before the expiration of that period, the Postmaster General has given notice to the Council of his intention to remove the affected line or that part thereof (as the case may be):

...and

(*b*) The Postmaster General may by notice in that behalf to the Council abandon the affected line, or any part thereof, and shall be deemed, as respects the affected 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 Council the expense of providing in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require:

...ns

(*d*) Where under paragraph (*b*) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Council and the provisions of the Telegraph Acts 1863 to 1962 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

...) As soon as practicable after the whole or part of a street ... been stopped up or diverted in pursuance of the powers ...red to in subsection (2) of this section the Council shall send ...he Postmaster General a notice informing him of the stopping ...r diversion.

PART IV —*cont.*

(4) The temporary stopping up or diversion of the whole any part of the carriageway or footway of any street, or part street, or of any subway, under the powers of section 25 (Po to stop up ways temporarily) of this Act shall not prejudic affect any right of the Postmaster General—

(*a*) to place, maintain, inspect, repair, renew or remove telegraphic line belonging to, or used by him under upon, over, along or across that carriageway, foot or subway, or part thereof, as the case may be; or

(*b*) for the purpose of such placing, maintenance, inspecti repair, renewal or removal, to enter upon, break op or carry out works in that carriageway, footway subway, or part thereof, as the case may be.

(5) Notwithstanding any prohibition or restriction on the of a road or street or part of a road or street imposed under powers conferred on the Council by section 25 (Power to sto up ways temporarily), section 26 (Prohibition of persons, vehicle etc., on reserved area) or section 27 (Power to prevent access to from improvements) of this Act the Postmaster General ma all times after prior notification to the Council (except in case emergency) enter upon the said road or street or any part ther with any necessary vehicles for the purpose (*a*) of maintain inspecting, repairing, renewing or removing any telegraphic lin belonging to or used by him or (*b*) of placing a telegraphic lin and the Council shall at all times afford to him such entry for an of the aforesaid purposes.

(6) Nothing in section 28 (Prohibiting interference wi Work No. 1) of this Act shall alter, prejudice or affect the righ and powers of the Postmaster General under the provisions of th Telegraph Acts 1863 to 1962.

(7) (*a*) The Council shall in the widening of Vauxhall Brid described in Work No. 1 provide therein for the telegraphic lin of the Postmaster General accommodation as specified in pa graph (*b*) of this subsection and shall also provide such expan chambers as the Postmaster General may reasonably require an a means whereby the Postmaster General may have access to such telegraphic lines after the same have been laid witho breaking up or interfering with the surface of the road and footw of Vauxhall Bridge.

(*b*) The accommodation to be provided in Vauxhall Bridge pursuance of the foregoing paragraph of this subsection shall for thirty-eight ducts having an external diameter of not more th 5 inches each.

(*c*) The accommodation to be provided by the Council und paragraph (*b*) of this subsection may be of such dimensions a may be agreed between the Postmaster General and the Counci

PART IV —*cont.*

d) The said accommodation, expansion chambers and means ccess shall be provided in accordance with plans, sections and iculars to be previously submitted to and reasonably approved the Postmaster General:

rovided that if within one month of the receipt of the said ..ls, sections and particulars the Postmaster General has not inated his disapproval thereof or made any requirement with ect thereto he shall be deemed to have approved the same.

) The additional cost (if any) reasonably incurred by the ncil in providing the said accommodation, expansion chambers means of access shall be repaid to the Council by the Post- ter General in a single payment or in such other manner as be agreed between the Council and the Postmaster General.

f) The Postmaster General shall before the Council complete execution of Work No. 1 lay down all such ducting and cable pports as may be required in the accommodation to be provided der this subsection for the purpose of the telegraphic lines of Postmaster General.

g) The work to be done by the Postmaster General under agraph (*f*) of this subsection shall be completed as soon as onably practicable after the receipt by the Postmaster General notice from the Council that the accommodation provided the said telegraphic lines is ready.

) The Postmaster General shall conform with the reasonable quirements of the Council as to the time or times at which and manner in which the Postmaster General is to carry out the rk under paragraph (*f*) of this subsection and the Council shall entitled to superintend such work. The costs reasonably curred by the Council in such superintendence shall be paid the Council by the Postmaster General.

(i) Any question which may arise between the Postmaster General and the Council under this subsection shall be determined by arbitration.

(8) In this section " telegraphic line " has the same meaning as in the Telegraph Act 1878. 1878 c. 76.

For protection of the port authority and users of the river Thames.

6. For the protection of the port authority and users of the Thames the following provisions shall, unless otherwise ed in writing between the Council and the port authority, ify and have effect:—

(1) In this and the next following section " river work " means any works constructed or work carried out in, on, over or under the river Thames by the Council under the powers of this Act:

PART IV —*cont.*

(2) The Council shall not under the powers of this acquire compulsorily any part of the river Thame they may, in accordance with the provisions of sectio (Power to acquire easements only) of this Act, acq compulsorily such easements and rights as they req for the purposes of any river work in, on, over or u so much of the river Thames as is within the limits o lands delineated on the deposited plans:

(3) (*a*) Before commencing any river work the Council s submit to the port authority plans, sections and ticulars of the river work for their approval (w approval shall not be unreasonably withheld but be given subject to reasonable conditions for protec the navigation of the river Thames and users of the Thames); and a river work which is so approved s be subject to section 76 (Works to be approved by Bo of Trade) of the Port of London Act 1968;

1968 c. xxxii.

(*b*) If the port authority do not within twenty-eight day the submission to them of any plans, sections or ticulars under this paragraph give notice to the Cou of their approval or disapproval thereof they shal deemed to have approved them:

(4) (*a*) A river work when commenced shall be comple as soon as practicable and the Council shall upon c pletion of any part of any permanent river work rem as soon as practicable any temporary works and mater for temporary works constructed or placed in, on, o or under the river Thames in connection with that of the river work;

(*b*) A river work shall be constructed and maintained in the case of temporary works removed to the reaso satisfaction of the chief engineer of the port autho and, in the construction, maintenance and removal river work, traffic on the river Thames shall no interfered with more than may be reasonably neces

(5) The Council shall allow the port authority's authori representatives to inspect and survey from time to ti river works and other works constructed under the po of this Act on lands immediately adjacent to the ri Thames and shall give reasonable facilities for th purpose:

(6) Except in cases of emergency and except for such a dental deposits as may be unavoidable in the construction of the works the Council shall not, without the consen of the port authority under the hand of their secretar

PART IV —*cont.*

(which shall not be unreasonably withheld), take from or deposit in or allow to fall into the river Thames any gravel, soil, silt or other material:

(7) (*a*) Any pile stump or other obstruction (other than any pile stump situate on the site of any permanent works) which becomes exposed in consequence of a river work shall be removed from the river Thames by the Council or, if it is not reasonably practicable to remove it, shall be cut off at such level below the bed of the river Thames as the port authority may reasonably direct;

(*b*) If the Council fail to remove from the river Thames any such pile stump or other obstruction within twenty-eight days after receipt of written notice from the port authority requiring the removal the port authority may carry out the removal and recover their expenses from the Council:

(8) If—

(i) any work constructed under the powers of this Act is abandoned or out of repair and is either wholly or partially in the river Thames below the level of mean high-water springs or is in such other position that it is or is likely to become a danger to or interfere with navigation or other public rights in the river Thames; and

(ii) the port authority by written notice require the Council either to repair the work or (if the Council no longer require the work) to abate and remove the work or any part of it and restore the site to its former condition; and

(iii) the Council fail to comply with the notice within twenty-eight days after the receipt of it;

the port authority may abate and remove the work or any part of it and restore the site to its former condition and may recover their expenses from the Council:

(9) The port authority may recover from the Council any expense which the port authority may reasonably incur—

(i) in dredging away any accumulation of mud or silt consequent upon the execution or maintenance of any river work;

(ii) in obtaining and depositing in the river Thames such material as is reasonably necessary in the opinion of the port authority to protect users of the river Thames and other works in the river Thames from

PART IV —*cont.*

the effects of scouring of the bed of the river Thames consequent upon the execution or maintenance of any river work;

(iii) in altering any existing mooring in any case which in the opinion of the port authority may be rendered necessary or desirable by reason of the execution of any river work:

(10) The compensation or consideration payable to the port authority by the Council in respect of any easement or right acquired by the Council under this Act and of any river work shall be assessed in accordance with the provisions of section 67 (Consideration for licence) of the Port of London Act 1968 and the port authority may recover from the Council the assessor's fees so incurred:

1968 c. xxxii.

(11) On completion of the construction of the works the Council shall supply to the port authority a plan on a scale of not less than 1 inch to 208.33 feet and sections and cross-sections on scales of not less than one-eighth of an inch to 1 foot showing the situation and levels of Work No. 1 where they pass over the river Thames and of every other permanent river work constructed under the powers of this Act:

(12) The owners and masters of vessels shall not be liable to make good any damage which may be caused to any temporary river work or plant placed by the Council in the river Thames under the powers of this Act except to the extent that any such damage arises from the wrongful act or default of such owners or masters or their servants or agents:

(13) Notwithstanding anything in the Port of London Act 1968 but subject to the provisions of section 61 (Protection in relation to dredging) of the Port of London Act 1968 the port authority shall not be liable in the absence of negligence for any damage to any river work of a temporary nature resulting from the dredging operations of the port authority or the carrying out by them in the execution of their statutory powers and duties of dredging operations in the river Thames or any works for the improvement or maintenance:

(14) Except as expressly provided by this Act, nothing in this Act shall prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the port authority or alter or diminish any power, authority or jurisdiction vested in the port authority at the commencement of this Act:

PART IV —*cont.*

(15) Nothing in this Act shall authorise the Council to discharge or allow to escape directly or indirectly into the river Thames any offensive or injurious matter in suspension or otherwise or shall affect the operation of any provision of the Port of London Act 1968 relating to pollution: 1968 c. xxxii.

Provided that this paragraph shall not apply in relation to the alteration or diversion of the outfall of any drain, sewer, channel or watercourse by the Council under the powers of this Act:

(16) Any difference arising between the Council and the port authority under this section (other than a difference as to the meaning or construction of this section) shall be determined by an arbitrator to be agreed between the parties or in default of agreement to be appointed by the Board of Trade on the application of either party (after notice in writing to the other).

Marking of works in the river Thames.

.—(1) The Council shall at or near every river work exhibit lights, lay down such buoys and take such other steps for eventing danger to navigation as the port authority may from to time direct and in the case of injury to or destruction or ay of a river work or any part thereof, the Council shall mediately notify the port authority and apply to the port ority for directions about the means to be taken.

) If the Council fail to comply with any provision of this ion they shall be liable on summary conviction to a fine not eding one hundred pounds and on conviction on indictment fine.

For protection of British Railways Board.

. For the protection of the British Railways Board (in this ion referred to as "the board"), the following provisions , unless otherwise agreed in writing between the Council and board, apply and have effect:—

(1) In this section—

"railway property" means any lands or premises belonging to or occupied by the board shown on the deposited plans, and the railways of the board and works connected therewith belonging to the board or for the maintenance of which they are responsible;

"the works" means so much of the works authorised by Part III of this Act as may be situated upon, across, under or over or within 50 feet measured in any direction from railway property, and includes the construction of such works;

PART IV —*cont.*

" construction " includes reconstruction and for purposes of paragraphs (8), (9), (13) and (15) of section includes maintenance and repair on or railway property, but does not include maintenance repair of the surface of a highway;

" the engineer " means an engineer to be appointe by the board;

" plans " includes sections and particulars:

(2) The Council shall not under the powers of this (except as provided in this section or in accordance a requirement of the board under subsection (4) section 7 (Power to acquire easements only) of this acquire compulsorily any railway property, but may, in accordance with the said section 7, acquire su easements and rights in any railway property define on the deposited plans as they may reasonably requ for the purposes of the works, as if such property w land which the Council were authorised to acqui compulsorily under this Act:

(3) Paragraph (2) of this section shall not apply to so mu the lands of the board numbered on the depos plans 18, 36, 37, 41, 43, 45, 46 and 54 (forecourt) in London borough of Lambeth, as may be reasona required for the purposes of the works, and such la shall cease to be railway property for the purpose this section upon the service of a notice to treat for acquisition thereof under section 5 of this Act:

Provided that the Council shall at all times after acquisition by them of any land referred to in paragraph afford to the board such access thereover is reasonably required by the board for the purp of maintaining railway property:

(4) The Council shall, before commencing the works (oth than works of maintenance and repair), furnish to board proper and sufficient plans thereof for approval of the engineer, which approval shall not unreasonably withheld, and shall not commence works until plans thereof have been approved in wri by the engineer or settled by arbitration:

Provided that if, within twenty-eight days after s plans have been furnished to the board, the engineer not intimated his approval or disapproval thereof shall be deemed to have approved them:

PART IV —*cont.*

(5) If within twenty-eight days after such plans have been furnished to the board, the board give notice to the Council that, in consequence of the nature of the works, it is reasonably necessary that the board should themselves construct any part of the works then, if the Council desire such part of the works to be constructed, the board shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Council in accordance with the plans approved or deemed to be approved or settled as aforesaid (hereinafter in this section called " the approved plans "), and may recover the reasonable cost of so doing from the Council:

(6) Upon signifying his approval or disapproval of the said plans, the engineer may specify any temporary or permanent protective works which should be carried out before the commencement of the works to ensure the safety or stability of railway property or protect it from injury or to avoid delay or inconvenience to railway passengers or to traffic on the board's railways and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the reasonable cost of such protective works shall be paid by the Council and the Council shall not commence the construction of the works until the engineer has notified the Council that the protective works have been completed:

(7) (*a*) Except with the consent of the board the Council shall not, in the construction of the works, interfere with any railway station or station entrance or with any electricity substation or other railway work or with the means of access to any of such works until alternative facilities of the like nature have been provided at the cost of the Council and to the reasonable satisfaction of the board;

(*b*) On the completion of the construction of such alternative facilities as aforesaid (except where any alternative means of access provided are situate within the boundaries of the improvements), the same shall by virtue of this Act, without any payment or other consideration and without any further assurance, be transferred to and vest in the board;

(*c*) Subject to the provisions of sub-paragraph (*a*) of this paragraph, the Council may for the purposes of the works acquire, or take possession compulsorily of, the site of railway property in respect of which alternative facilities have been provided as aforesaid:

PART IV —*cont.*

Provided that if any benefit accrues to the board reason of the provision of any such alternative faciliti as aforesaid, being facilities afforded by means of ma pipes, cables, or other similar apparatus, there shall taken into account in assessing the amount of compe sation or purchase money to be paid by the Counci the board for the acquisition of the site of the rail property in respect of which the alternative facilities a provided the benefit so accruing:

(8) The Council shall give to the engineer twenty-eight da notice of their intention to commence the construction of any of the works, except in cases of emergency, when they shall give such notice as may be reasonabl practicable:

(9) The works (or so much thereof as shall be carried ou by the Council) shall when commenced be carried out with all reasonable dispatch in accordance with th approved plans and under the supervision (if given) an to the reasonable satisfaction of the engineer and in su manner as to cause as little damage as may be to railw property and as little interference as may be with th conduct of traffic on the railways of the board and th use by passengers of any railway property, and if an damage to such property or any such interference sh be caused by the works, the Council shall, notwithstandi any such approval as aforesaid, forthwith make go such damage and pay to the board the reasonable co and expenses to which they may be put and reasonable compensation for any loss which they may sustain b reason of any such damage or interference:

Provided that nothing in this paragraph shall impo any liability on the Council with respect to any damag costs, expenses or loss which is attributable to the ac neglect or default of the board, their servants or agent

(10) The Council shall at all times afford reasonable facilitie to the engineer for access to the works during their construction and shall supply him with all such inform tion as he may reasonably require with regard to th works or the method of construction thereof:

(11) The board shall at all times afford reasonable facilitie to the Council for access to any works carried out by th board under this section and shall supply the Coun with all such information as they may reasonably requi with regard to such works or the method of constructio thereof:

PART IV —*cont.*

(12) If any alterations or additions, either permanent or temporary, to railway property are reasonably necessary during the construction of the works or during a period of twelve months after the completion thereof in consequence of the construction of the works by the Council such alterations and additions may be effected by the board after notice has been given to the Council and the Council shall repay to the board the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing railway property in consequence of any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving may be set off against any sum payable by the Council to the board under this section:

(13) The Council shall repay to the board all costs, charges and expenses reasonably incurred by the board by reason of the works—

(*a*) in respect of the employment of any inspectors, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction of the works;

(*b*) in respect of any special traffic working resulting from any speed restriction which may in the opinion of the engineer require to be imposed and which may be due to the construction of the works or from the substitution or diversion of services; and

(*c*) in additional lighting of railway property in the vicinity of the works, being lighting made reasonably necessary during and by reason of the construction of the works:

(14) All temporary structures, erections, works, apparatus and appliances erected or placed by the Council under the powers of section 18 (Power to construct bridges, etc., and to execute temporary works on railways) of this Act upon, over or under any railway of the board shall as soon as reasonably practicable be removed by the Council to the reasonable satisfaction of the engineer and in such a way as to cause as little damage to railway property and as little interference with, or interruption to, the traffic on the railway of the board as may be and

PART IV —*cont.*

if any damage to railway property or such interfere... delay or interruption shall be caused by any such failu... to remove any such temporary structures, erection... works, apparatus or appliances the Council shall fo... with make good such damage and pay to the board reasonable costs and expenses to which they may be... and reasonable compensation for any loss which th... may sustain by reason of such damage, interfere... delay or interruption:

(15) The Council shall be responsible for and make go... to the board all costs, charges, damages and expen... not otherwise provided for in this section which may... occasioned to the board by reason of any act or omiss... of the Council or any persons in their employ or of the... contractors or others whilst engaged upon the constru... tion of the works and the Council shall effectu... indemnify and hold harmless the board from and again... all claims and demands arising out of or in connectio... with the construction of the works or any act or omis... as aforesaid and the fact that any work or thing m... have been done by the board on behalf of the Coun... or in accordance with any plan, section or particul... approved by the engineer or in accordance with an... requirement by the engineer or under his supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of the contractors or others whilst engaged upon the construction of the works) excuse the Council from an... liability under the provisions of this section:

Provided that the board shall give to the Coun... reasonable notice of any claim or demand as afore... and no settlement or compromise thereof shall be m... without prior consent of the Council:

(16) Any additional expense which the board shall reason... incur after giving one month's notice thereof to the Council in altering, reconstructing or maintaining railways of the board in pursuance of any pow... existing at the passing of this Act by reason of the existence of the works shall be repaid by the Coun... to the board:

(17) Notwithstanding anything in this Act the Council sh... not without the consent of the board which shall not unreasonably withheld deviate upwards from the lev... of the works as shown on the deposited sections in... lands numbered on the deposited plans 47 and 50... the London borough of Lambeth or downwards fro...

PART IV —*cont.*

those levels in the lands numbered on the deposited plans 37, 41, 43, 45, 46, 47, 50, 54 and 55 in the London borough of Lambeth:

(18) In the event of the Council acquiring under the powers of this Act any of the lands in the London borough of Lambeth delineated on the deposited plans (whether or not belonging to the board) and adjoining the viaduct and bridges carrying the railways of the board at Vauxhall—

(*a*) the Council and any successor in title to the Council to such land, and any person claiming through or under the Council or any such successor in title, shall not use or develop such land within a distance of 5 feet from the said viaduct and bridges or permit it to be used or developed in such a manner as to prevent the board obtaining such access to the said viaduct and bridges for the purpose of the maintenance and renewal thereof as the board may reasonably require; and

(*b*) save for the construction, laying, maintaining and repairing of a public footway no building, erection, structure or excavation shall be constructed, erected or made on or in any part of such lands or the subsoil thereof within a distance of 10 feet from the said viaduct or bridges or their foundations without the consent of the board, but such consent shall not be unreasonably withheld:

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

For protection of London Transport Board. 1964 c. xxviii.

39. The provisions of section 45 (For protection of London Transport Board) of the London County Council (General Powers) Act 1964 shall apply and have effect for the purposes of this Act as if those provisions were in terms re-enacted in this Act and as if in those provisions as so applied—

(*a*) the expression " the Council " had the meaning assigned thereto by section 3 (Interpretation) of this Act;

(*b*) the expression " the limits of deviation shown on the deposited plans " had the meaning assigned to the expression " the limits of deviation " in section 3 (Interpretation) of this Act;

(*c*) the references in paragraph (1) to " Part III of this Act ", in paragraph (2) to " section 11 of this Act " and in paragraph (14) to " section 22 of this Act " were construed as references to Part III, section 7 and section 18 respectively of this Act; and

PART IV —*cont.*

(*d*) in paragraph (2) after the words "carrying on undertaking of the board" there were inserted words "with the exception of the lands numbered on the deposited plans (excluding such part thereof is required by the board for their permanent rail works)" and before the words "such easements" th were inserted the words "so much of the subsoil an

For protection of certain statutory undertakers.

40. For the protection of the undertakers the following pr visions shall, unless otherwise agreed in writing between Council and the undertakers concerned, apply and have effect

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

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

"apparatus" means—

(*a*) electric lines or works (as respectively defin in the Electric Lighting Act, 1882) belonging to, maintained by, the Central Electricity Genera Board or the London Electricity Board;

1882 c. 56.

(*b*) mains, pipes, valves, stopcocks or oth works or apparatus belonging to, or maintained b the North Thames Gas Board or the South Easte Gas Board;

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

(*d*) hydraulic mains, pipes, valves or oth apparatus belonging to or maintained by London Hydraulic Power Company;

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

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

"position" includes depth;

"the undertakers" means—

the Central Electricity Generating Board;
the London Electricity Board;
the North Thames Gas Board;
the South Eastern Gas Board;
the Metropolitan Water Board; and
the London Hydraulic Power Company;

or any of them and in relation to any apparatu property means the undertakers to whom the appar

PART IV —*cont.*

or property belongs, or by whom the apparatus is maintained, and in relation to the supply of electricity, gas or water means the undertakers by whom the supply is provided;

"works" means the improvements and any other works or things done under the powers conferred by Part III of this Act:

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

(3) The following provisions of this paragraph shall, notwithstanding paragraph (i) of the proviso to subsection (2) of section 22 of the Act of 1950 (which prohibits the making of a requirement under that section with respect to the permanent removal of apparatus from a street or controlled land), apply where, in consequence of the execution of any works, any apparatus is required to be removed permanently from the land in which it is situated, that is to say:—

(*a*) If the Council in the exercise of the powers of this Act acquire any interest in any lands in which any such apparatus is placed, that apparatus shall not be removed from any land or street in which it is situated, nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land or street be extinguished, until any necessary adequate alternative apparatus has been provided and is in operation to the reasonable satisfaction of the undertakers;

(*b*) If the Council, for the purpose of or in connection with the construction of any of the works in any lands acquired under this Act, require the permanent removal of any apparatus from those lands, they shall give to the undertakers written notice of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus (if any) to be provided;

(*c*) If the Council require the undertakers to remove any apparatus permanently from any land or street, or if in consequence of the exercise of the powers of this Act the undertakers shall reasonably require the permanent removal of any apparatus, the Council shall if practicable afford to the undertakers the necessary facilities and rights for the laying down

PART IV —*cont.*

or erection in other lands of the Council of adequ... alternative apparatus and thereafter for the ma... tenance, repair, renewal and inspection of su... apparatus:

Provided that if the alternative apparatus or a... part thereof is to be laid down or erected elsewhe... than in other lands of the Council, and the Coun... are unable to afford such facilities and rights aforesaid in the lands in which the alternative apparat... or such part thereof is to be laid down or erect... the undertakers shall, on receipt of a written not... to that effect from the Council, forthwith use the... best endeavours to obtain the necessary facilities a... rights;

(*d*) Any alternative apparatus to be laid down erected in lands of the Council in pursuance of thi... paragraph shall be laid down or erected in su... manner and in such line and position as may b... agreed between the undertakers and the Council or... in default of agreement, settled by arbitration;

(*e*) The undertakers shall, after the line and position of any necessary alternative apparatus and manner in which the alternative apparatus shall be laid down or erected has been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in sub-paragraph (*c*) of this paragraph, proceed with all reasonable dispatch to lay down or erect and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Council to be removed under the provisions of this paragraph and in default the Council may remove the apparatus...

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

Provided that nothing in this sub-paragraph shall authorise the Council to execute the actual placing, erection, installation, bedding, packing, remov...

PART IV —*cont.*

connection or disconnection of any apparatus or any filling around such apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus;

(*g*) Where in accordance with the provisions of this paragraph the Council afford to the undertakers facilities and rights in lands of the Council for the laying down or erection, maintenance, repair, renewal and inspection of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Council and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(i) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be laid down or erected in or through any of the works the arbitrator shall—

(A) give effect to all reasonable requirements of the Council for ensuring the safety and efficient use of the works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with the works; and

(B) so far as it may be reasonable or practicable to do so in the circumstances of the particular case, give effect to the terms and conditions applicable to the apparatus (if any) constructed through the lands of the Council for which the alternative apparatus is to be substituted;

(ii) if the facilities and rights to be afforded by the Council in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the Council by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(4) Where any street or part thereof in which any apparatus is situated has been permanently stopped up or diverted by the Council under the powers of section 15 (Power

PART IV —*cont.*

to make subsidiary works, etc.) or section 23 (Power stop up street, etc.) of this Act the undertakers s... notwithstanding such stopping up or diversion, ... tinue to have the same powers and rights in respe... apparatus remaining in the land which by reaso... the stopping up or diversion has ceased to be a s... as they would have had if it had remained a street no such rights shall be extinguished by virtue of section... (Vesting of site of street stopped up) of this Act the undertakers may and, if reasonably so required the Council, shall—

(*a*) remove the apparatus and relay or repla... in such other position as the undertakers m... reasonably determine; or

(*b*) provide and lay or place in such other positio... as aforesaid other apparatus in place of the exis... apparatus:

(5) The Council shall repay to the undertakers the reason... expenses incurred by the undertakers in, or in connec... with—

(*a*) the removal, relaying, replacing, alteration protection of any apparatus and the provision, la... down, erection or placing of any new appar... rendered necessary by reason or in consequence of... construction of any of the works less the value of... apparatus removed in pursuance of the provisions of paragraph (3) of this section (such value be... calculated after removal);

(*b*) the cutting off of any apparatus from any othe... apparatus in pursuance of the provisions of the s... paragraph (3);

(*c*) any other work or thing rendered reasonably necessary in consequence of the operations referr... to in the foregoing sub-paragraphs (*a*) and (*b*); and

(*d*) the carrying out of such works as are referre... to in sub-paragraphs (*a*) and (*b*) of paragraph (4)... this section (whether or not the Council have requir... those works to be carried out) including expen... incurred in cutting off any apparatus from any oth... apparatus and in doing any work rendered neces... in consequence of carrying out the said works:

Provided that subsections (3) and (4) of section... of the Act of 1950 (which imposes limitations on und... takers' rights to payment) shall, so far as applicab... extend and apply to any payment to be made und... this paragraph as if the works in respect of which... payment is to be made were such undertakers' wor...

PART IV —*cont.*

as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act" there were substituted the words "agreed or settled by arbitration under section 40 (For protection of certain statutory undertakers) of the Greater London Council (Vauxhall Cross Improvement) Act 1968":

(6) Notwithstanding anything in section 21 (Power to pump water and use sewers for removing water) of this Act, no use shall be made by the Council in the construction of the works authorised by this Act of pumping or other like modes of removing water except where reasonably necessary or in the case of emergency or unforeseen accident or for the purpose of removing rainwater or other small amounts of water, and the provisions of section 26 of the Act of 1950 shall apply to, and in relation to, the laying down, taking up or altering of conduits, pipes or other works, under the said section 21 as if executed by the Council as operating undertakers within the meaning of the said section 26:

(7) Notwithstanding the temporary stopping up or diversion of any street under the powers of section 25 (Power to stop up ways temporarily) of this Act, the undertakers shall be at liberty to execute and do all such works and things in, upon or under any such street as may be reasonably necessary for inspecting, repairing, maintaining, renewing, replacing or removing any apparatus which at the time of the stopping up or diversion was in that street:

(8) Notwithstanding anything contained in section 26 (Prohibition of persons, vehicles, etc., on reserved area) of this Act, the undertakers, their officers, engineers, workmen and contractors shall be at liberty, at all times, to enter upon any reserved area for the purpose of placing, inspecting, repairing, maintaining, renewing or removing any apparatus situated in or adjoining the reserved area:

(9) The powers of section 27 (Power to prevent access to or from improvements) of this Act shall be so exercised as not to obstruct or render less convenient, so far as is reasonably practicable, the access to any apparatus:

(10) Notwithstanding anything contained in section 28 (Prohibiting interference with Work No. 1) of this Act, the undertakers may, at all times, enter upon Work No. 1 and execute and do all such works and things necessary

PART IV —*cont.*

for the purposes of inspecting, repairing, maintaining renewing or removing any apparatus situated in, on over Work No. 1:

(11) If by reason or in consequence of any of the work any subsidence resulting therefrom any damage to a apparatus (other than apparatus the repair of which not reasonably necessary in view of its intended remo or abandonment) or property of the undertaker any interruption in the supply of electricity, ga water shall be caused, the Council shall bear and the cost reasonably incurred by the undertaker making good such damage or restoring the supply shall—

(*a*) make reasonable compensation to the und takers for any loss sustained; and

(*b*) indemnify the undertakers against all clain demands, proceedings, costs, damages and expen which may be made or taken against or recov from or incurred by the undertakers;

by reason or in consequence of any such damag interruption:

Provided that—

(i) nothing in this paragraph shall impose liability on the Council with respect to any dam or interruption which may be attributable to the neglect or default of the undertakers or their c tractors or workmen;

(ii) the undertakers shall give to the Coun reasonable notice of any claim or demand as afore and no settlement or compromise thereof shall made without the prior consent in writing of Council:

(12) The expenses of all repairs or renewals of any appar which may be rendered necessary by reason or in con quence of the construction of the works or any subside resulting from the works shall be borne by the Coun and paid by them to the undertakers:

(13) The Council shall bear and pay any cost reason incurred by the undertakers in the reasonable emplo ment of watchmen and inspectors during the execu under the powers of this Act of any works which or may interfere with or affect any apparatus:

(14) (*a*) Any difference which may arise between the Cou and the undertakers under this section shall be ref to and determined by arbitration;

(*b*) In settling any difference under this section the arbitrator shall have regard to any duty or obligation the undertakers may be under in respect of any apparatus and may if he thinks fit require the Council 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. PART IV —*cont.*

PART V

SUPPLEMENTAL

Saving for town and country planning. 1962 c. 38.

1. The provisions of the Town and Country Planning Act 1962, and any restrictions or powers thereby imposed or conferred in relation to land, shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Notice to commissioner of police.

42.—(1) Before commencing the construction of any works forming part of the improvements so as to involve the temporary closing to vehicular traffic of any street either absolutely or to the extent of one-third or more of the width of the carriageway the Council shall give not less than twenty-one days' notice in writing to the commissioner of police of the metropolis of their intention to do and such notice shall specify the works to which the notice relates and the street which will be closed in the course of the execution of the works.

(2) The Council shall make such arrangements with the said commissioner as shall be reasonably necessary so as to cause as little interference with vehicular traffic as may be reasonably practicable during the execution of the works.

Arbitration.

43. Any question or difference which pursuant to this Act is to be settled by arbitration (other than a question or difference which the provisions of the Act of 1961 or the Act of 1965 apply) shall, except as otherwise provided by this Act, be referred to and determined by an arbitrator to be agreed upon between the parties to the difference or, failing such agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

SCHEDULE

Section 5.

LANDS REFERRED TO IN SUBSECTION (4) OF section 5 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area	No. on deposited plans
(1)	(2)
Borough of Lambeth ...	78, 79, 81 to 83 (inclusive), 85 to 99 (inclusive), 101 to 107 (inclusive), 109 to 118 (inclusive) and 126 to 158 (inclusive).

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