London Docklands Railway Act 1984

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ELIZABETH II



1984 CHAPTER iv

An Act to empower the London Transport Executive to construct works and to acquire lands; to confer further powers on the Executive; and for other purposes.

[12th April 1984]

WHEREAS—

(1) By the Transport (London) Act 1969 the London Transport Executive (in this Act referred to as "the Executive") were established: 1969 c. 35.

(2) It is the general duty of the Executive under the said Act of 1969 to exercise and perform their functions, in accordance with principles from time to time laid down or approved by the Greater London Council, in such manner as, in conjunction with the British Railways Board and the National Bus Company, and with due regard to efficiency, economy and safety of operation, to provide or secure the provision of such public passenger transport services as best meet the needs for the time being of Greater London:

(3) Under the powers conferred by the Local Government, Planning and Land Act 1980 the London Docklands Development Corporation was established by the London Docklands Corporation (Area and Constitution) Order 1980 as the urban development corporation for London docklands for the purpose of securing the regeneration of its area and it is the view of the said corporation that the works authorised and the powers conferred by this Act will advance the securing of such regeneration:

1980 c. 65.

S.I. 1981/936.

(4) It is expedient that for the purposes aforesaid the Executive should be empowered to construct the works authorised by, and to acquire the lands referred to in, this Act:

(5) It is expedient that the other powers in this Act contained should be conferred upon the Executive and that the other provisions in this Act contained should be enacted:

(6) Plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Greater London Council, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

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

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the London Docklands Railway Act 1984.

Interpretation.

2.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and

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—*cont.*

expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings and—

"the Act of 1845" means the Railways Clauses Consolidation Act 1845; 1845 c. 20.

"the Act of 1863" means the Railways Clauses Act 1863; 1863 c. 92.

"the Act of 1963" means the London Transport Act 1963; 1963 c. xxiv.

"the Act of 1964" means the London Transport Act 1964; 1964 c. xxvi.

"the Act of 1965" means the London Transport Act 1965; 1965 c. xli.

"the Act of 1966" means the London Transport Act 1966; 1966 c. xxxiii.

"the Act of 1969" means the London Transport Act 1969; 1969 c. 1.

"the Act of 1976" means the London Transport Act 1976; 1976 c. xxxvii.

"the Act of 1978" means the London Transport Act 1978; 1978 c. xv.

"the Act of 1981" means the London Transport Act 1981; 1981 c. xxxii.

"the development corporation" means the London Docklands Development Corporation;

"the Executive" means the London Transport Executive;

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

"the railways board" means the British Railways Board;

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

(2) Any reference to the London Transport Board in any of the provisions incorporated with this Act under section 12 (Incorporation of provisions relating to works), section 17 (Incorporation of provisions relating to lands) and section 18 (Incorporation of protective provisions) of this Act shall be construed as a reference to the Executive.

(3) All distances, lengths and directions stated in any description of works, powers or lands shall be construed as if the words "or thereabouts" were inserted after each such distance, length and direction, and distances between points on a railway shall be taken to be measured along the railway.

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

Incorporation of general Acts.

3. The following Acts and Part of an Act, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and

PART I —*cont.*

form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

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

1845 c. 18.

(*b*) the Act of 1845, except sections 1, 7, 8, 9, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 94 and 95 thereof; and

(*c*) Part I (relating to construction of a railway), except sections 13, 18 and 19, of the Act of 1863:

Provided that—

(i) for the purposes of the provisions of the Act of 1845 and the Act of 1863, as incorporated with this Act, the expression "the company" where used in the said incorporated provisions means the Executive;

(ii) the provisions of sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Executive and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

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

1950 c. 39.

(B) by the provisions of section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act.

PART II

WORKS

Power to make works.

4.—(1) Subject to the provisions of this Act, the Executive may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In Greater London—

In the city of London—

(Footbridge at Minories.)

Work No. 2. A footbridge (60 metres in length) leading from the proposed terminal station at the western end of Work No. 3 across Minories to a point in Vine Street 3 metres south of the viaduct of the railways board.

In the city of London and the London borough of Tower Hamlets—

(Railway in City and Tower Hamlets.)

Work No. 3. A railway (2,180 metres in length) commencing in the city of London at a point 85 metres south-east of the junction of Minories and Goodmans Yard and terminating in the London

PART II —*cont.*

borough of Tower Hamlets at a point 40 metres east of Caroline Street.

In the London borough of Tower Hamlets—

(Railways at Tower Hamlets.)

Work No. 4. A railway (4,688 metres in length) commencing by a junction with the termination of Work No. 3 and terminating at a point 45 metres north-east of the junction of Ferry Street and Saunders Ness Road;

Work No. 4A. A railway (175 metres in length) commencing by a junction with Work No. 4 at a point 165 metres south of the southern end of Dolphin Lane and terminating by a junction with Work No. 4 at a point 194 metres south-east of the junction of West India Dock Road and Ming Street;

Work No. 4B. A railway (63 metres in length) commencing by a junction with Work No. 4A at a point 150 metres south-west of the southern end of Dolphin Lane and terminating by a junction with Work No. 4 at a point 264 metres south-east of the junction of West India Dock Road and Ming Street;

Work No. 4C. A railway (65 metres in length) commencing by a junction with Work No. 4 at a point 130 metres south of the southern end of Dolphin Lane and terminating by a junction with Work No. 4A at a point 295 metres south-east of the junction of West India Dock Road and Ming Street;

Work No. 5. A railway (730 metres in length) commencing by a junction with Work No. 4 at a point 73 metres south of the southern end of Dolphin Lane and terminating at a point 60 metres south-west of the junction of Prestons Road and Ditchburn Street;

Work No. 5A. A railway (51 metres in length) commencing by a junction with Work No. 5 at a point 57 metres south-east of the southern end of Dolphin Lane and terminating by a junction with Work No. 4 at a point 97 metres south-east of the southern end of Dolphin Lane.

(2) For the purposes of Works Nos. 3 and 4 the Executive may erect and maintain a pier for the support of a bridge or viaduct upon each of so much of Leman Street, Cornwall Street and Branch Road in the London borough of Tower Hamlets as lies within the limits of deviation.

(3) For the purpose of providing access to Work No. 4 the Executive may make and maintain a permanent staircase upon the footways of each of so much of the streets known as Newell

PART II —*cont.*

Street and Trinidad Street in the London borough of Tower Hamlets as lies within the limits of deviation.

Power to deviate.

5. In the execution of the works, the Executive may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections—

(*a*) in respect of so much of Work No. 4 as lies between Millwall Cut and the eastern end of the footbridge between Tiller Road and East Ferry Road to any extent upwards or downwards not exceeding 5 metres; and

(*b*) in respect of the remainder of Work No. 4 and Works Nos. 2, 3, 4A, 4B, 4C, 5 and 5A to any extent upwards or downwards not exceeding 3 metres.

Power to open surface of streets.

6. Subject to the provisions of this Act, the Executive may for the purposes of constructing Works Nos. 3 and 4 enter upon, open, break up and interfere with so much of the surface of the streets in the London borough of Tower Hamlets specified in column (1) of Schedule 1 to this Act for the purposes mentioned in column (2) of that schedule as lies within the limits of deviation.

Temporary stoppage of streets.

7.—(1) The Executive may, during and for the purposes of the execution of Works Nos. 2, 3 and 4, temporarily stop up and interfere with so much of any of the streets in the city of London and in the London borough of Tower Hamlets specified in Schedule 2 to this Act as lies within the limits of deviation and may for any reasonable time divert the traffic therefrom and prevent all persons, other than those bona fide going to or from any land or building abutting on any part of a street so stopped up and interfered with, from passing along and using the same.

(2) The Executive shall provide reasonable access for foot passengers bona fide going to or from any such land or building.

Use of viaduct constructed under Commercial Railway Act 1836, etc.

1836 c. cxxiii.

8.—(1) In this section—

"the Act of 1836" means an Act of 6 & 7 Will. 4 c. cxxiii (1836) intituled "An Act for making a Railway from the Minories to Blackwall, with Branches, to be called 'The Commercial Railway' ";

"the viaduct" means so much of the viaduct which formerly carried the branch railway of the railways board from Stepney East to Poplar Dock authorised by the Act of 1836 as is within the limits of deviation of Work No. 4, together with all works and conveniences

forming part of or connected with the viaduct, and includes the land on which the viaduct is situated. PART II —*cont.*

(2) All the obligations of the railways board under the Act of 1836 relating to the viaduct and any other obligations of the railways board of any kind relating thereto shall be transferred to the Executive to the exclusion of the railways board by virtue of this Act on the date upon which the Executive enter upon the viaduct under the powers of this Act.

(3) Upon the date that the Executive first enter upon the lands of the railways board delineated on the deposited plans and thereon numbered 143 and 144 in the London borough of Tower Hamlets or any part thereof under the powers of this Act all the obligations of the railways board, whether statutory or otherwise, relating to such lands in respect of which entry shall have been made shall be transferred to the Executive to the exclusion of the railways board by virtue of this Act.

Height of bridges over certain highways.

9. Notwithstanding anything in section 49 of the Act of 1845, the Executive may—

(*a*) in constructing Work No. 3 over the highways known as Mill Yard and Golding Street and Work No. 4 over the highway known as Ratcliffe Cross Street make and maintain bridges carrying those works over such highways at a height which is not greater than the height of the bridges adjacent thereto belonging to the railways board;

(*b*) in constructing, maintaining and renewing Work No. 4 reconstruct, renew or alter any existing bridges (other than those over East Ferry Road and Manchester Road) so that such bridges have no greater height above the highway and no greater width between abutments than they had on 26th November 1982, being the date of the deposit of the Bill for this Act.

Agreements with British Railways Board.

10.—(1) In this section "the specified works" means so much of Works Nos. 3 and 4 as consists of lines of railway to be laid on the viaducts which carry the railway of the railways board between Shoeburyness and their Fenchurch Street station, together with all necessary works and conveniences connected therewith.

(2) Any work of alteration or adaptation of property of the railways board which may be necessary in order to construct the specified works and thereafter the use, maintenance, repair and renewal of such property and of the specified works shall be carried out and regulated by the Executive or the railways board, or jointly by both of them, in accordance with such terms

PART II —*cont.*

and conditions as may be agreed in writing between the Executive and the railways board.

(3) (*a*) Any agreement made under this section may relate to the whole or part of the said viaducts and may contain such incidental, consequential or supplementary provisions as may be so agreed, including (but without prejudice to the generality of the foregoing) provisions—

(i) with respect to the defraying of, or the making of contributions towards, the cost of such works of alteration or adaptation or the costs of such maintenance, repair and renewal as are referred to in subsection (2) of this section by the Executive or by the railways board or by the Executive and the railways board jointly; and

(ii) for the exercise by the railways board, or by the Executive, or by the railways board and the Executive jointly, of all or any of the powers and rights of the railways board or the Executive (as the case may be) in respect of any part of the specified works or the said viaducts under any enactment or contract.

(*b*) The exercise by the Executive or by the railways board, or by the Executive and the railways board jointly, of any powers and rights under any enactment or contract pursuant to any such agreement as is authorised by paragraph (*a*) of this subsection shall be subject to all statutory and contractual provisions relating thereto as would apply if such powers and rights were exercised by the Executive or the railways board (as the case may be) alone, and accordingly such provisions shall, with any necessary modifications, apply to the exercise of such powers and rights by the Executive or by the railways board, or by the Executive and the railways board jointly, as the case may be.

Plans, etc., to be approved by Secretary of State.

11. The Executive shall in connection with the works from time to time submit for the approval of the Secretary of State plans, sections and other details of their proposals with respect to—

(*a*) permanent way, bridges and viaducts, platforms, stairs, lifts, escalators and other communications;

(*b*) rolling stock;

(*c*) lighting;

(*d*) signalling; and

(*e*) the power required for traction, with particular reference to the use of overhead contact wires or conductor rail systems;

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—*cont.*

and any rolling stock and work included in the said proposals shall be constructed and maintained only in accordance with plans, sections and other details as approved by the Secretary of State.

Incorporation of provisions relating to works.

12. The following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 10 (Provisions as to use of electrical power);

Section 15 (Power to make trial holes):

The Act of 1965—

Section 10 (Underpinning of houses near works) except the provisos to paragraphs (4) and (6) thereof:

The Act of 1978—

Section 10 (Use of sewers, etc., for removing water):

Provided that—

(i) for the purposes of this Act references in the said section 10 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as references to Works Nos. 3, 4, 4A, 4B, 4C, 5 and 5A;

(ii) the Executive shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 10 of the Act of 1965, as so incorporated, as not to obstruct or render materially less convenient the access to any telegraphic line belonging to, or used by, British Telecommunications.

PART III

LANDS

Power to acquire lands.

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

(2) The Executive shall not under the powers of this Act acquire compulsorily any interest of the development corporation in the lands delineated on the deposited plans and therein numbered 145, 146, 149 and 150 in the London borough of Tower Hamlets.

(3) The Executive shall not under the powers of this Act acquire compulsorily any interest of the railways board in land which lies to the west of Branch Road in the London borough of Tower Hamlets.

PART III —*cont.*

Temporary possession of land.

14.—(1) This section applies to the land delineated on the deposited plans and thereon numbered 4 in the London borough of Tower Hamlets in respect of which the Executive are not empowered by section 13 (Power to acquire lands) of this Act to acquire compulsorily any interest of the railways board, such land being referred to in this section as "the said land".

(2) The Executive may for the purpose of constructing part of Work No. 3 enter upon and take possession temporarily of the said land after giving to the railways board and the lessees and occupiers of the said land not less than three months' previous notice in writing and may remove any structures thereon:

Provided that the Executive shall not—

(*a*) be entitled to occupy the said land for longer than is required for the construction of so much of Work No. 3 as is to be constructed upon the said land; or

(*b*) be required to purchase the said land.

(3) Before relinquishing possession of the said land the Executive shall remove all plant and temporary works constructed by them thereon and, unless agreed with the railways board, shall restore the surface of the said land to the reasonable satisfaction of the railways board.

(4) The Executive shall compensate the railways board for any loss or damage which may result to them by reason of the exercise of the powers of this section in relation to the said land:

Provided that this subsection shall not entitle the railways board to recover any loss caused by—

(*a*) their being unable to develop the said land; or

(*b*) the deferment of any such development.

(5) Nothing in this section shall relieve the Executive from liability to compensate the railways board under section 6 or section 43 of the Act of 1845 or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under subsection (4) of this section.

Power to acquire new rights.

15.—(1) In this section "the Acts" means the Lands Clauses Acts and references to the purchase by the Executive of new rights are references to the purchase of rights to be created in favour of the Executive.

(2) The Executive may, for the purposes of constructing, maintaining, protecting, renewing and using the works, purchase compulsorily such new rights as they may require over

PART III —*cont.*

any of the lands which may be acquired under section 13 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

(3) The Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights under subsection (2) of this section as they apply to the compulsory purchase of land so that, in appropriate contexts, references in the Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

(4) Without prejudice to the generality of subsection (3) of this section, in relation to the purchase of rights in pursuance of subsection (2) of this section—

(*a*) the Lands Clauses Consolidation Act 1845 shall have effect with the modifications specified in Schedule 1 (except paragraph 4) to the Act of 1976; 1845 c. 18.

(*b*) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

(5) The powers of this section shall not apply to any land of the railways board.

Period for compulsory purchase of lands and new rights.

16. The powers of the Executive for the compulsory purchase of the lands and new rights which they are authorised by this Act to acquire shall cease on 31st December 1989.

Incorporation of provisions relating to lands.

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

The Act of 1963—

Section 21 (Power to enter for survey or valuation):

The Act of 1964—

Section 12 (Acquisition of part only of certain properties);

Section 14 (Extinction of private rights of way):

The Act of 1965—

Section 13 (Correction of errors in deposited plans and book of reference):

The Act of 1966—

Section 14 (Power to expedite entry):

The Act of 1969—

Section 14 (Disregard of recent improvements and interests):

Provided that the provisions of the said section 21 of the Act of 1963, as so incorporated, shall have effect as if after the word "acquire" there were inserted the words "or use".

PART IV
PROTECTIVE PROVISIONS

Incorporation of protective provisions.

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

The Act of 1963—

Section 42 (For protection of gas, water and electricity undertakers):

The Act of 1969—

Section 18 (Crown rights):

The Act of 1976—

Section 13 (For protection of sewers of Thames Water Authority):

The Act of 1981—

Section 17 (For protection of British Telecommunications):

Provided that—

(i) the provisions of the said section 18 of the Act of 1969, as so incorporated, shall have effect as if proviso (*b*) of subsection (5) of that section were omitted;

(ii) the provisions of the said section 13 of the Act of 1976, as so incorporated, shall have effect as if—

(*a*) for the reference in paragraph (8) thereof to section 7 (Incorporation of provisions of Acts of 1963, 1965, 1969 and 1974 relating to works) of the Act of 1976 there were substituted a reference to section 12 (Incorporation of provisions relating to works) of this Act; and

(*b*) in the definition of "the specified works" in paragraph (1) for the reference to the works authorised by the Act of 1976 there were substituted a reference to Works Nos. 2, 3, 4, 4A, 4B, 4C, 5 and 5A;

(iii) the provisions of the said section 17 of the Act of 1981, as so incorporated, shall have effect as if paragraph (2) of that section were omitted, and as if for the references to Work No. 2 of the Act of 1981 there were substituted references to Works Nos. 2, 3, 4, 4A, 4B, 4C, 5 and 5A.

Notice of interference with roads.

19.—(1) Before breaking up or otherwise interfering with any road to which the public has access in connection with the construction of the works, the Executive shall (except in case of emergency) give 14 days' notice in writing to the chief officer of

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police and make such arrangements with him as may be reasonably necessary so as to cause as little interference with the traffic in such road during the construction of such works as may be reasonably practicable.

(2) The Executive shall not exercise the powers of section 6 (Power to open surface of streets) or section 7 (Temporary stoppage of streets) of this Act unless they have given not less than 21 days' previous notice in writing of their intention so to do to—

(*a*) the traffic commissioners for the Metropolitan Traffic Area; and

(*b*) the operator over the road of a local service as defined in the Public Passenger Vehicles Act 1981; 1981 c. 14.

except in case of emergency when such notice as is practicable shall be given.

For protection of British Railways Board.

20. For the protection of the railways board the following provisions shall, unless otherwise agreed in accordance with the provisions of section 10 (Agreements with British Railways Board) of this Act or otherwise agreed in writing between the Executive and the railways board for the purposes of this section, apply and have effect:—

(1) In this section—

"construction" includes reconstruction and for the purposes of paragraphs (12) and (14) of this section includes maintenance and repair of the specified works;

"the engineer" means an engineer to be appointed by the railways board;

"plans" includes sections, drawings, particulars and schedules of construction;

"railway property" means any railway of the railways board, and any works connected therewith for the maintenance or operation of which the railways board are responsible when the relevant specified works are begun and includes any lands held or used by the railways board for the purposes of such railway or works;

"the specified works" means so much of the works as may be situated upon, across, under, over or within 15 metres of railway property or may in any way affect railway property:

(2) (*a*) In the exercise of the powers of section 14 (Temporary possession of land) of this Act and of the powers of the Act of 1845, as applied by section 3 (Incorporation of general Acts) of this Act, with

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respect to the temporary occupation of lands near the railway of the railways board during the construction of the works, the Executive shall ensure access to and egress from Stepney East station for pedestrians when the station is open and shall use their best endeavours to ensure access at all times to that station and any other railway property for the railways board and their agents, contractors and employees (with or without vehicles, plant, machinery and materials);

(*b*) In the exercise of the powers of section 7 (Temporary stoppage of streets) of this Act the Executive shall at all times use their best endeavours to ensure such access and egress as is provided for in sub-paragraph (*a*) of this paragraph:

(3) The exercise by the Executive against the railways board of the powers of—

(*a*) section 15 of the Act of 1963, as applied by section 12 (Incorporation of provisions relating to works) of this Act; and

(*b*) section 21 of the Act of 1963, as applied by section 17 (Incorporation of provisions relating to lands) of this Act;

shall be confined to lands which the Executive are empowered to acquire compulsorily under section 13 (Power to acquire lands) of this Act:

(4) Upon the acquisition by the Executive of the viaduct referred to in section 8 (Use of viaduct constructed under Commercial Railway Act 1836, etc.) of this Act there shall be excepted and reserved to the railways board their power cable situate on part of the said viaduct and a right to maintain, repair, relocate and renew the said cable and to have access to the said viaduct for such purposes with or without their agents, contractors and employees (and with or without plant, machinery and materials):

1836 c. cxxiii.

Provided that, if the Executive construct Works Nos. 3 and 4, the railways board shall not (except in case of emergency) be entitled to have access to the said cable at any time when such access would interfere with the operation of the said works and shall not be entitled to relocate the same at any time or in any place where the said cable or the maintenance thereof would interfere with the maintenance or operation of the said works:

(5) The Executive shall, before commencing the construction of the specified works, furnish to the railways board such proper and sufficient plans thereof as may

reasonably be required for the reasonable approval of the engineer and shall not commence the specified works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that, if within 28 days after such plans have been furnished to the railways board the engineer shall not have notified his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the plans as submitted:

(6) If within 28 days after such plans have been furnished to the railways board the railways board give notice to the Executive that the railways board desire themselves to construct any part of the specified works, which in the opinion of the engineer will or may affect the stability of railway property and the safe operation of the railways of the railways board, then, if the Executive desire such part of the specified works to be constructed, the railways board shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Executive in accordance with the plans approved or deemed to be approved or settled as aforesaid:

(7) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the construction of the specified works to ensure the stability of railway property and the safe operation of the railways of the railways board, and such protective works as may be reasonably necessary for those purposes shall be constructed by the railways board with all reasonable dispatch, and the Executive shall not commence the construction of the specified works until the engineer shall have notified the Executive that the protective works have been completed:

(8) The Executive shall give to the engineer not less than 28 days' notice of their intention to commence the construction of any of the specified works and also, except in emergency (when they shall give such notice as may be reasonably practicable), of their intention to carry out any works for the repair or maintenance of the specified works in so far as such works of repair or maintenance affect or interfere with railway property:

(9) The construction of the specified works shall, when commenced, be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and

PART IV
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under the supervision (if given), and to the reasonable satisfaction, of the engineer, and in such manner as to cause as little damage to railway property as may be and as little inteference as may be with the conduct of traffic on the railways of the railways board and the use by passengers of railway property and, if any damage to railway property or any such interference shall be caused by the carrying out of the specified works, the Executive shall, notwithstanding any such approval as aforesaid, make good such damage and shall pay to the railways board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Executive with respect to any damage, cost, expense or loss which is attributable to the act, neglect or default of the railways board or their servants, contractors or agents:

(10) The Executive shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to the specified works or the method of construction thereof:

(11) During the construction of any works by the railways board under this section the railways board shall at all times afford reasonable facilities to the Executive and their agents for access to those works, and shall supply the Executive with such information as they may reasonably require with regard to such works or the method of construction thereof:

(12) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the specified works, or during a period of 12 months after the completion thereof, in consequence of the construction of the specified works, such alterations and additions may be carried out by the railways board and, if the railways board give to the Executive reasonable notice of their intention to carry out such alterations or additions, the Executive shall pay to the railways board the reasonable cost thereof including, in respect of permanent alterations and additions, a capitalised sum representing any increase in the costs which may be expected to be reasonably incurred by the railways board in maintaining, working and, when necessary, renewing any such alterations or additions:

PART IV —*cont.*

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 shall be set off against any sum payable by the Executive to the railways board under this section:

(13) The Executive shall repay to the railways board all costs, charges and expenses reasonably incurred by the railways board—

(*a*) in constructing any part of the specified works on behalf of the Executive as provided by paragraph (6) of this section or in constructing any protective works under the provisions of paragraph (7) of this section, including, in respect of any permanent protective works, a capitalised sum representing the costs which may be expected to be reasonably incurred by the railways board in maintaining and renewing such works;

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

(*c*) in respect of any special traffic working resulting from any speed restrictions which may, in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of the specified works, or from the substitution or diversion of services which may be reasonably necessary for the same reason;

(*d*) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of the specified works;

(*e*) in respect of the supervision by the engineer of the construction of the specified works.

(14) The Executive shall be responsible for, and make good to the railways board, all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the railways board—

(*a*) by reason of the construction of the specified works or the failure thereof; or

PART IV —*cont.*

(*b*) by reason of any act or omission of the Executive, or of any person in their employ, or of their contractors or others whilst engaged upon the construction of the specified works;

and the Executive shall indemnify the railways board from and against all claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission as aforesaid, and the fact that any act or thing may have been done in accordance with plans approved by the engineer, or in accordance with any requirement of the engineer, or under his supervision, shall not (if it was not attributable to the act, neglect or default of the railways board, or of any person in their employ, or of their contractors or agents) excuse the Executive from any liability under the provisions of this section:

Provided that the railways board shall give to the Executive reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Executive:

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

For protection of Peak Litho Limited.

21. For the protection of Peak Litho Limited (in this section referred to as "the company") the following provisions shall, unless otherwise agreed in writing between the Executive and the company, apply and have effect:—

(1) In this section "the protected premises" means the premises at Norway Place, Commercial Road in the London borough of Tower Hamlets occupied by the company:

(2) Before commencing the making of any part of Work No. 4 within a distance of 100 metres of any part of the protected premises, the Executive shall give to the company not less than one year's notice of their intention so to commence and, in the event of the company within that period transferring the business carried on by the company at the protected premises to reasonably equivalent premises with reasonably equivalent facilities, equipment and machinery, the Executive shall pay compensation to the company for the cost of the reinstatement so effected:

(3) (*a*) Within one month of giving notice under paragraph (2) of this section the Executive shall pay

PART IV —*cont.*

£320,000 to a bank to be held in the joint names of the company and the Executive, the bank to be nominated in the event of disagreement by the President of the Institute of Chartered Accountants in England and Wales, and, when the bank is notified in writing by the company and the Executive jointly that they agree or, if notified in writing that they do not, are reasonably satisfied (subject to the provisions of sub-paragraph (*b*) hereof) that the company has reinstated its business in accordance with the said paragraph (2), the money so held (together with any accrued interest) shall be applied by the bank in defraying (in whole or in part) the cost of the reinstatement, with (as the case may be) any deficiency being made good by the Executive to the company or any balance being repaid by the bank to the Executive;

(*b*) If the bank is required to be reasonably satisfied under sub-paragraph (*a*) hereof, it shall act on the advice of a chartered surveyor to be appointed in the event of disagreement by the President of the Royal Institution of Chartered Surveyors:

(4) Upon the payment of compensation under paragraph (2) of this section the protected premises and any facilities, equipment and machinery therein shall vest in the Executive on the same terms and to the same extent as they had been vested in the company immediately prior to such vesting:

(5) Nothing in paragraph (2) of this section shall preclude the payment of compensation by the Executive to the company under any other enactment or rule of law but compensation shall not be paid in respect of the same loss or damage both under this section and that enactment or rule of law:

(6) Unless otherwise provided in this section any difference arising between the Executive and the company under this section shall in the case of a difference relating to compensation be referred to and settled by the Lands Tribunal and in any other case (other than a difference as to the meaning or construction of this section) by arbitration.

For protection of Port of London Authority and dock users.

22. For the protection of the Port of London Authority and dock users the following provisions shall, unless otherwise agreed in writing between the Executive and the said authority, apply and have effect:—

(1) In this section—

"the dock" means such parts of the India and

PART IV
—*cont.*

Millwall Docks (excluding the Millwall Cut) as are within the jurisdiction of the port authority;

"dock work" means any work in, on, over or under the waters or lands of the dock, constructed or carried out by the Executive under the powers of this Act;

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

(2) (*a*) Before commencing any dock work the Executive shall submit to the port authority plans, sections and particulars of the work for their approval (which approval shall not be unreasonably withheld but may be given subject to reasonable conditions for protecting the navigation of the dock and dock users);

(*b*) If the port authority do not within 28 days of the submission to them of any plans, sections or particulars under this paragraph give notice to the Executive of their approval or disapproval, they shall be deemed to have approved them:

(3) (*a*) A dock work when commenced shall be completed as soon as practicable, and the Executive shall upon completion of any part of any permanent dock work remove as soon as practicable any temporary works and materials for temporary works constructed or placed in, on, over or under the dock in connection with that part of the work;

(*b*) A dock work shall be constructed and maintained and, in the case of temporary works, removed to the reasonable satisfaction of the chief engineer of the port authority; and in the construction, maintenance and removal of a dock work traffic in the dock shall not be interfered with more than may be reasonably necessary:

(4) The Executive shall allow the port authority's representatives to inspect and survey a dock work and other works constructed under the powers of this Act on lands immediately adjacent to the dock and shall give reasonable facilities for that purpose:

(5) Except so far as may be unavoidable in the construction of the dock work the Executive shall not, without the consent of the port authority under the hand of their secretary, deposit in or allow to fall or be washed into the dock any gravel, soil or other material:

(6) (*a*) Any pile stump or other obstruction which becomes exposed in consequence of a dock work shall be removed from the dock by the Executive or, if it is not reasonably practicable to remove it, shall be cut

off at such level below the bed of the dock as the port authority may direct;

(*b*) If the Executive fail to remove from the dock any such pile stump or other obstruction within 28 days after receipt of written notice from the port authority requiring the removal, the port authority may carry out the removal and recover their costs from the Executive:

(7) If—

(*a*) any dock work is abandoned or out of repair and is either wholly or partially in the dock below the authorised impounded level (that is to say, 0·739 metres above the level of Trinity High Water) or is in such other position that it is or is likely to become a danger to or interference with navigation in the dock; and

(*b*) the port authority by written notice require the Executive either to repair the work or (if the Executive 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

(*c*) the Executive fail to comply with the notice within 28 days after 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 costs from the Executive:

(8) If in the opinion of the port authority it becomes necessary in the interests of dock users or for the safety of navigation—

(*a*) to dredge or remove any accumulation of mud or silt; or

(*b*) to obtain and deposit material on the bed of the dock to make good any scouring, disturbance or collapse of the dock walls or bed of the dock;

caused by any dock work, the Executive shall pay the costs so incurred:

(9) The Executive shall provide at every dock work or afford reasonable facilities thereat for the port authority to provide navigational lights, signals or other apparatus for the benefit, control and direction of navigation as the port authority may deem necessary by reason of the construction and use of that work, and the Executive shall repay to the port authority in connection therewith or in connection with any surveillance, co-ordination and regulation of

PART IV —*cont.*

dock traffic which becomes reasonably necessary by reason of the closing or prospective closing by the Executive of the dock or any part thereof to navigation:

(10) If the bridge constructed to carry Work No. 4 over the Millwall Cut is a bridge capable of being opened or lifted and such opening and lifting is under the control of the Executive, section 15 of the Act of 1863 shall apply to the said bridge:

(11) If in executing or doing in, on, under or over the dock any works or things authorised by or under the provisions of this Act the Executive close the dock or any part thereof to navigation and if the port authority incurs any costs, damages, losses or expenses as a result of any such closing, the Executive shall be liable to compensate the port authority therefor:

(12) On completion of the construction of Work No. 4, the Executive 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. 4 where it passes over the dock:

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

(14) The port authority shall not be liable in the absence of negligence for any damage to a dock work resulting from the carrying out by them in the execution of their statutory powers and duties of any operations in the dock or any works for its improvement or maintenance:

(15) Except as 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:

(16) Any difference arising between the Executive and the port authority under this section (other than a difference as to the meaning or construction of this section and other than subsection (15)) shall be referred to and settled by arbitration.

PART IV —*cont.*

For protection of Tower Hamlets Council.

23. For the protection of the council of the London borough of Tower Hamlets (in this section referred to as "the council") the following provisions shall, unless otherwise agreed in writing between the Executive and the council, apply and have effect:—

(1) In this section—

"the borough" means the London borough of Tower Hamlets;

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

"plans" includes sections, particulars and design details;

"specified works" means Works Nos. 3, 4, 4A, 4B, 4C, 5 and 5A:

(2) Before commencing to construct any part of the specified works the Executive shall consult the council about—

(*a*) the programme for the construction of those works so as to secure, so far as may be reasonably practicable, that the duration of any disturbance occasioned by, or in connection with, such construction shall be reduced to a minimum;

(*b*) the lands in the borough to be occupied and used by the Executive or their contractors as temporary working sites for the purpose of such construction, the period for which and the manner in which each site shall be used and the steps to be taken by the Executive in order to mitigate injury to amenity:

(3) Without prejudice to anything in the Town and Country Planning Act 1971 the Executive shall consult the council as to the routes in the borough proposed to be used by vehicles, machinery and plant, passing to or from any works under construction and of the proposed manner and method of disposing of any soil or waste material resulting from the carrying out of any operation in connection with the works; and such soil or waste material shall not be disposed of by the Executive or their contractors in the borough in any manner as shall be objected to in writing by the council:

1971 c. 78.

(4) (*a*) Before commencing to construct any part of the specified works which will involve interference with a highway the Executive shall consult the council as to the time when such part shall be commenced, as to the extent of the surface of the highway which it may be

PART IV
—*cont.*

reasonably necessary for the Executive to occupy in the construction of such part, as to the conditions under which such part shall be constructed so as not to cause so far as possible inconvenience to the public and to ensure the safety of the public, and such part shall not be constructed and the surface of the highway shall not be occupied by the Executive except at the time, to the extent and in accordance with such reasonable conditions as may be agreed between the Executive and the council or, in default of agreement, settled by arbitration;

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

Provided that the reinstatement of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the council as soon as practicable after the completion of the temporary reinstatement and the reasonable costs incurred by the council in so doing shall be repaid by the Executive to the council:

(5) The Executive shall not exercise the powers of section 6 (Power to open surface of streets) or section 7 (Temporary stoppage of streets) of this Act with respect to any highway unless they have given to the council not less than 21 days' notice in writing of their intention so to do, except in case of emergency when such notice as is practicable shall be given:

(6) The Executive shall not, except with the consent of the council, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway (except on so much thereof as is for the time being temporarily stopped up under the powers of this Act) so as to obstruct the use of such highway by any person or, except with the like consent, deposit any soil, subsoil or materials on any highway except within a hoarding:

(7) All reasonable costs, charges and expenses incurred by the council in removing any soil or other waste materials deposited on any highway in contravention of this section shall be a debt due to the council and shall be paid by the Executive to the council:

(8) The Executive shall not remove any soil or material from any highway except such as must be excavated in the carrying out of the specified works:

(9) The Executive shall not deposit or cause to be deposited any soil or other waste materials emanating

PART IV
—*cont.*

from any works on any land in the borough not occupied by the Executive's contractors other than with the owner's consent and in accordance with any conditions attached by the council as to the manner in which such soil or other waste materials are to be disposed:

(10) It shall not be lawful for the Executive to place any hoardings on any part of the highway except for such period as may be necessary and then only in such manner as may be reasonably necessary and the provisions of the Highways Act 1980 relating to hoardings shall apply to any hoarding erected on any part of any highway and for the purposes of the application of section 172 of the said Act of 1980 any such hoarding shall be deemed to have been erected in compliance with subsection (1) of that section: 1980 c. 66.

(11) The Executive shall not alter, disturb, or in any way interfere with any sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work belonging to or under the jurisdiction or control of the council on or under any highway or repairable by them or the access thereto without the consent of the council and any alteration, diversion, replacement or reconstruction of any such sanitary convenience, refuge, sewer, drain, lamp column, traffic sign, bollard, bin for refuse or road materials or apparatus connected therewith or any property or work as aforesaid which may be necessary shall be made by the council or the Executive as the council shall think fit and any costs, charges and expenses reasonably incurred by the council in so doing shall be repaid to the council by the Executive:

(12) Where soil or other waste materials are deposited by the Executive or their contractors in connection with the works in contravention of this section, the council may recover from the Executive any expenses reasonably incurred by them in removing, and reinstating the site of, any such soil or waste materials:

(13) If under the powers of this Act the Executive acquire, use, occupy or take possession of any lands within the borough and thereby prevent any adjacent land from being brought into effective use, the Executive shall landscape the lands or do such other works as may be reasonably necessary to create an attractive environment and to prevent such lands from remaining derelict or falling into dereliction, any such

PART IV —*cont.*

landscaping or other works to be carried out to the reasonable satisfaction of the council:

Provided that—

(i) any such works shall not be carried out against the express wishes of the owner of such adjacent land; and

(ii) the Executive's obligation under this paragraph is conditional upon the council contributing a reasonable sum (to be agreed by the council and the Executive in advance of such works being carried out) to the cost of the performance by the Executive of the obligation imposed by this paragraph:

(14) Where the limits of deviation as shown on the deposited plans are so drawn as to include part only of a building, the Executive shall use their best endeavours to prevent so far as possible the building falling into dereliction because of its being partly included within the said limits of deviation:

(15) The Executive shall not construct any works on or over land within 5 metres of the north wall of any existing building on the Quayside Industrial Estate in the borough, except works which are essential for the construction of those parts of the specified works which are adjacent to the west wall of Shed No. 35 on the said estate:

(16) If under the powers of this Act the Executive acquire any part of the Quayside Industrial Estate which has been allocated for the parking of vehicles in connection with the facilities provided on that estate, the Executive shall provide sufficient alternative parking facilities adjacent to the estate in substitution therefor and, if the construction of the works renders the use of any land so allocated for the parking of vehicles impossible, the Executive shall provide alternative parking facilities adjacent to the estate in substitution therefor:

(17) During the construction of Work No. 4, the Executive shall ensure that unimpeded access to Millwall Park for the public and maintenance vehicles and machinery is preserved and at all times keep open two arches of the existing viaduct which crosses the park and on completion of the works provide permanent access no less convenient or commodious and reinstate the land in Millwall Park adjoining the railway or do any necessary landscaping works to the

PART IV —*cont.*

reasonable satisfaction of the council so as to preserve the amenity of the existing open space:

(18) The Executive shall consult the council with regard to the measures to be taken for preventing the works from being unsightly and with regard to the laying of turf, the sowing of grass seed and the planting of trees, bushes and plants in places where any of such measures are appropriate:

(19) (*a*) The Executive shall carefully preserve and remove all objects of geological or antiquarian interest discovered by them in the execution of the specified works and, subject to the rights of the Crown and except so far as the same may be proved to be the property of any other person, any such objects shall be deposited with the council, as the property of the council;

(*b*) The Executive shall afford to the council reasonable facilities to inspect any objects so discovered in the construction of the specified works:

(20) Within three months after the completion of any of the specified works or such longer period as the council may agree the Executive shall remove or to the reasonable satisfaction of the council demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of, or in connection with the construction of, any of those works and shall remove all surplus materials, plant, machinery and appliances provided or approved in connection therewith and shall so far as is reasonably practicable to the like satisfaction make good the surface of the ground on which any temporary buildings and structures or any surplus materials, plant, machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of or in connection with that work:

(21) As soon as reasonably practicable after the completion of any part of the specified works, the Executive shall furnish the council with a plan and sections showing the position and level of such part of the works as constructed:

(22) The Executive shall keep the council indemnified against all actions, costs, claims and demands whatsoever brought or made against the council by any person in respect of loss or damage caused by, or in consequence of, the construction of any of the specified works and the fact that any act or thing may have been done in accordance with any requirement of the council or under their supervision shall not (if it

PART IV —*cont.*

was done without negligence on the part of the council) excuse the Executive from liability under the provisions of this section:

Provided that—

(i) the council shall give to the Executive reasonable notice of any claim or demand as aforesaid, and no settlement or compromise thereof shall be made without the prior consent of the Executive; and

(ii) nothing in this paragraph shall impose any obligation on the Executive in respect of so much of any loss or damage as is attributable to any act or neglect of the council, their servants or agents:

(23) Wherever in this section provision is made for the consent or approval of the council, such consent or approval shall be given in writing and may be signed by the chief executive of the council and shall be subject to such reasonable terms and conditions as the council may require, but shall not be unreasonably withheld:

(24) Any difference arising between the Executive and the council under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration.

PART V

MISCELLANEOUS

Additional fares.

24.—(1) In this section—

"additional fare" means an additional fare payable by virtue of subsection (3) of this section;

"excess distance" means a distance travelled by a person beyond that for which he has paid his fare;

"the prescribed figure" means ten or such other figure not being greater than ten as the Secretary of State may by order appoint;

"the railway" means all the works with the exception of Work No. 2.

(2) The provisions of this section apply to the railway.

(3) On and after the appointed day if any person—

(*a*) travels or attempts to travel without paying the fare for his journey; or

(*b*) having paid the fare for his journey travels an excess distance without paying the fare for the excess distance;

PART V
—*cont.*

he shall, unless before being requested to do so he has tendered the fare for his journey or the fare for the excess distance (as the case may be), be liable to pay (within 21 days of the date of his journey) an additional fare of 50 pence, or (if it is a greater amount) the fare chargeable for his journey multiplied by the prescribed figure, or in the case of a person travelling an excess distance 50 pence or (if it is a greater amount) the fare for the excess distance multiplied by the prescribed figure as if the excess distance were a separate journey:

Provided that the Executive shall not seek to recover the amount of any additional fare from any person where the facts which would otherwise have given rise to a liability to pay such a fare are, so far as is relevant, the same as the facts which have given rise to a prosecution of that person in respect of an alleged offence under section 5 (3) of the Regulation of Railways Act 1889 and he has been acquitted.

1889 c. 57.

(4) In any proceedings for the recovery of the additional fare it shall be a defence for a person to show that he did not intend to avoid payment of his fare or the fare for the excess distance.

(5) For the purposes of subsection (3) of this section, a person shall be deemed to have tendered a fare if he presents it to a ticket inspector or otherwise indicates to such inspector his willingness immediately to pay his fare or, as the case may be, the fare for the excess distance.

(6) No person shall be liable under subsection (3) of this section to pay an additional fare unless at the material time a notice, warning persons that, if they fail to pay their fares, or if they exceed the journey for which they have paid the fare, they will be liable to pay an additional fare in accordance with that subsection, is posted in every carriage of the train so as to be readily seen by members of the public using the carriage.

(7) No proceedings shall be taken under section 5 of the Regulation of Railways Act 1889 against any person where the facts which would otherwise have given rise to a prosecution of that person are, so far as relevant, the same as the facts which have given rise to a liability to pay an additional fare and—

(*a*) the additional fare has been paid by him to the Executive within the period mentioned in subsection (3) of this section; or

(*b*) the amount of the additional fare is payable by him under a judgment of a county court.

(8) (*a*) In this section "the appointed day" means such day as may be fixed in accordance with paragraph (*b*) of this subsection by resolution of the Executive.

PART V —*cont.*

(*b*) The Executive shall publish in a newspaper circulating in the city of London and the London borough of Tower Hamlets notice—

(i) of the passing of any such resolution and of the day fixed thereby; and

(ii) of the general effect of the provisions for the purposes of which the day has been fixed;

and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(*c*) A photostatic or other reproduction certified by the secretary of the Executive or some other person authorised by the Executive for that purpose to be a true reproduction of a page or part of a page of any newspaper, being a page or part of a page bearing the date of its publication and containing the notice mentioned in paragraph (*b*) of this subsection, shall be evidence of the publication of the notice and of the date of publication.

Agreements with London Docklands Development Corporation.

25.—(1) For the purposes of enabling the works to be constructed, maintained and operated the Executive may enter into such agreement with the development corporation as the parties think fit and, without prejudice to the generality of the foregoing, such agreement may provide—

(*a*) for the use of the land of the development corporation for the purposes of constructing, maintaining and using the works and for the purchase or leasing of any such lands or the grant of easements and rights therein or thereover for such purposes; and

(*b*) for the development corporation to contribute to or pay all the expenditure incurred or to be incurred by the Executive in carrying out, maintaining and operating the works (including the acquisition of land), but no contribution or payment shall be made by the development corporation under any such agreement without the consent of the Secretary of State with the concurrence of the Treasury, as required by subsection (5) of section 136 of the Local Government, Planning and Land Act 1980.

1980 c. 65.

(2) No agreement under subsection (1) of this section shall enable the development corporation to dispose of any land (including any interest in or right over land) by way of gift, mortgage or charge.

Planning permission.

26.—(1) In this section "Class XII development" means development authorised by Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permit development authorised by private Act designating specifically both the nature of

S.I. 1977/289.

PART V
—*cont.*

the development thereby authorised and the land on which it may be carried out).

(2) Subject to the provisions of subsection (3) of this section, in its application to development authorised by this Act, the planning permission granted for Class XII development shall have effect as if the authority to develop given by this Act were limited to development begun by 31st December 1993.

(3) Subsection (2) of this section shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works authorised by this Act or the substitution of new works therefor.

Arbitration.

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

Costs of Act.

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

Section 6.

SCHEDULES

SCHEDULE 1

STREETS IN THE LONDON BOROUGH OF TOWER HAMLETS REFERRED TO IN SECTION 6 (POWER TO OPEN SURFACE OF STREETS) OF THIS ACT

Name of street (1)	Purposes for which powers required (2)
Work No. 3	
Leman Street	Central bridge pier in road
Cornwall Street	Viaduct pier in road
Work No. 4	
Branch Road	Central bridge pier in road
Newell Street	Station access staircase
Trinidad Street	Platform supports in pavement and station access staircase

Section 7.

SCHEDULE 2

STREETS REFERRED TO IN SECTION 7 (TEMPORARY STOPPAGE OF STREETS) OF THIS ACT

Work No. 2

In the city of London—

Vine Street
Minories

Work No. 3

In the London borough of Tower Hamlets—

Abel Buildings
Royal Mint Street
Leman Street
Mill Yard
Cable Street
Backchurch Lane
Christian Street
Golding Street
Cannon Street Road
Cornwall Street
Martha Road
Shadwell Place

SCH. 2
—*cont.*

Work No. 4

In the London borough of Tower Hamlets—

Ratcliffe Cross Street
Boulcott Street
Butcher Row
Ratcliffe Lane
Bekesbourne Street
Branch Road
Mill Place
Island Row
Newell Street
The Mitre
Three Colt Street
Bate Street
Gill Street
Grenade Street
Stocks Place
Rich Street
Salter Street
Trinidad Street
Limehouse Causeway
Garford Street
West India Dock Road
East Ferry Road
Douglas Place
Manchester Road

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