London Transport Act 1974

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ELIZABETH II



1974 CHAPTER xvii

An Act to empower the London Transport Executive to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands and the completion of certain works; to confer further powers on the Executive; and for other purposes.

[17th July 1974]

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

And whereas 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:

And whereas it is expedient that the Executive should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

And whereas it is expedient that the periods now limited for the compulsory purchase of certain lands and the completion of certain works should be extended as provided by this Act:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Executive and that the other provisions in this Act contained should be enacted:

And whereas a plan and sections showing the lines or situations and levels of the works to be constructed under the powers of this Act, and a plan of the lands authorised to be acquired or used by this Act, and a book of reference to such plan 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 clerk of the Greater London Council, which plan, sections and book of reference are respectively referred to in this Act as the deposited plan, the deposited sections and the deposited book of reference:

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

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the London Transport Act 1974.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Protective provisions.

Part V.—Miscellaneous.

PART I —*cont.*

Interpretation.

3.—(1) In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings and—

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

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

" the Act of 1947 " means the London Passenger Transport Act 1947; 1947 c. xlvii.

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

" 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 1968 " means the London Transport Act 1968; 1968 c. xviii.

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

" the (No. 2) Act of 1971 " means the London Transport (No. 2) Act 1971; 1971 c. lxii.

" the Act of 1973 " means the London Transport Act 1973; 1973 c. xi.

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

" the Executive " means the London Transport Executive;

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

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

(2) Any reference to the Board in any of the provisions incorporated with this Act under section 7 (Incorporation of provisions of Acts of 1963, 1965 and 1969 relating to works), section 11 (Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands) and section 12 (Incorporation of protective provisions of Acts of 1963, 1965, 1969 and 1973) of this Act shall be construed as a reference to the Executive.

PART I —*cont.*

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

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

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

Incorporation of general Acts.

4. The following Acts and Parts of Acts, so far as the same are applicable for the purposes and are not inconsistent with or varied by the provisions of this Act, are incorporated with and form part of this Act, and this Act shall be deemed to be the special Act for the purposes of the said incorporated enactments:—

(*a*) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845; **1845 c. 18.**

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

(*c*) Part I (relating to construction of a railway) and Part II (relating to extension of time) 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—

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

(B) Works Nos. 1 and 1A shall be deemed to be railways authorised by the special Act;

(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 Act of 1950; or

(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.

5. Subject to the provisions of this Act, the Executive may, in the lines or situations shown on the deposited plan 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:—

(Passenger subways at Holborn Station).

In Greater London—

In the London borough of Camden—

Work No. 1 A passenger subway 61 metres in length commencing by a junction with the eastbound station tunnel of the Executive's Piccadilly Line railway beneath a point 15 metres south of the junction of Southampton Row with High Holborn and terminating by a junction with the eastbound station tunnel of the Executive's Central Line railway beneath a point 25 metres east of the junction of Southampton Row with High Holborn.

Work No. 1A A passenger subway 74 metres in length commencing by a junction with the existing escalator subway leading to the Executive's Piccadilly Line railway beneath a point in Little Turnstile 30 metres north-east of its junction with Gate Street and terminating by a junction with the eastbound station tunnel of the Executive's Central Line railway beneath a point 40 metres west of the junction of Dane Street with High Holborn.

Use of sewers, etc., for removing water.

6.—(1) The Executive may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain of the water authority or any local authority in or through whose area the works may be constructed or pass, and for that purpose may lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation:

Provided that—

(*a*) the Executive shall not discharge any water into any sewer or drain vested in or under the control of the water authority or any local authority except with the consent of the water authority or local authority and subject to such terms and conditions as the water authority or local authority may reasonably impose; and

PART II —*cont.*

(*b*) the Executive shall not make any opening into any such sewer or drain save in accordance with plans reasonably approved by, and under the superintendence (if given) of, the water authority or local authority in whom the sewer or drain shall be vested.

(2) (*a*) Notwithstanding anything in subsection (7) of section 11 of the Rivers (Prevention of Pollution) Act 1951, the discharge of any water under the powers of this section into any stream as defined in subsection (1) of the said section 11 shall be subject to the provisions of section 2 of that Act.

1951 c. 64.

(*b*) In the exercise of their powers under this section the Executive shall not damage or interfere with the bed of any watercourse forming part of the main river of the water authority or the banks thereof within the meaning of section 81 of the Land Drainage Act 1930 or forming part of a metropolitan watercourse as defined in paragraph 15 (1) of Schedule 14 to the London Government Act 1963.

1930 c. 44.

1963 c. 33.

(3) The Executive shall take all such steps as may reasonably be required to secure that any water discharged by them under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or oil or matter in suspension.

(4) Any difference arising between the Executive and the water authority or any local authority (as the case may be) under this section shall be settled by arbitration.

(5) In this section the expression "local authority" means the Greater London Council or a London borough council and the expression "the water authority" means the Thames Water Authority.

Incorporation of provisions of Acts of 1963, 1965 and 1969 relating to works.

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

The Act of 1963—

Section 15 (Power to make trial holes).

The Act of 1965—

Section 10 (Underpinning of houses near works).

The Act of 1969—

Section 6 (Power to deviate).

PART III

LANDS

Power to acquire lands.

8.—(1) Subject to the provisions of this Act, the Executive may enter upon, take and use such of the lands delineated on the deposited plan 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) Subject to the provisions of this Act, the Executive may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plan and described in the deposited book of reference as shall be necessary for the purposes mentioned in subsection (1) of this section without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

Subsoil or easements only to be acquired under certain lands.

9.—(1) In this section—

"the specified lands" means the lands referred to in the Schedule to this Act; and

"the level of the surface of the specified lands" means ground surface level or, in the case of a building on the specified lands, means the level of the surface of the ground adjoining the building or, in the case of a river, dock, canal, navigation, watercourse or other water area, means the level of the surface of the adjoining ground which is at all times above water level.

(2) (*a*) Notwithstanding the provisions of subsection (1) of section 8 (Power to acquire lands) of this Act, the Executive shall not acquire compulsorily under the powers of this Act any part of the specified lands, except as provided in paragraph (*b*) of this subsection.

(*b*) The Executive may, within the limits of lateral deviation prescribed by this Act in respect of Works Nos. 1 and 1A, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purpose of constructing, maintaining, protecting, renewing and using those works and any necessary works and conveniences connected therewith, or acquire such easements and rights in the subsoil and under-surface of the specified lands as they may require for the said purposes without in either case being obliged or compellable

PART III —*cont.*

to acquire any greater interest in, under or over the specified lands, and may give notice to treat in respect of such entry, taking and using and the acquisition of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts:

Provided that for the purposes of this section the subsoil and under-surface of the specified lands shall be deemed not to include any such subsoil or under-surface which is within 9 metres of the level of the surface of the specified lands.

Period for compulsory purchase of lands and easements.

10. The powers of the Executive for the compulsory purchase of the lands and easements which they are authorised by this Act to acquire shall cease on 31st December 1977.

Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands.

11. 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);

Section 26 (Grant of easements by persons under disability); and

Section 28 (As to cellars under streets not referenced).

The Act of 1964—

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 of Acts of 1963, 1965, 1969 and 1973.

12. 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 1965—

Section 25 (As to works within Metropolitan Police District); and

Section 27 (For protection of sewers of Greater London Council).

The Act of 1969—

Subsection (1) of section 18 (Crown rights).

The Act of 1973—

Section 13 (As to metropolitan roads and road traffic, etc.):

Provided that the provisions of the said section 27 of the Act of 1965, as so incorporated, shall have effect as if—

(*a*) for the reference to the said works in paragraph (2) thereof there were substituted a reference to the specified works;

(*b*) for the reference in paragraph (7) thereof to section 11 (Incorporation of provisions of Act of 1963 relating to works) there were substituted a reference to section 7 (Incorporation of provisions of Acts of 1963, 1965 and 1969 relating to works) of this Act;

(*c*) the expression "sewer" included any main used for the conveyance of sewage sludge or sewage effluent.

For protection of sewers of Thames Water Authority.

13. The provisions of section 27 (For protection of sewers of Greater London Council) of the Act of 1965 as incorporated with this Act shall also apply for the protection of the sewers of the Thames Water Authority subject to the modification that the said provisions as so incorporated, shall be construed as if the references therein to the council included references to the Thames Water Authority.

PART V

MISCELLANEOUS

Extensions of time.

14.—(1) The period now limited by the (No. 2) Act of 1971 for the compulsory purchase of lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1965 for the purposes of Works Nos. 3 and 4 authorised by Part II (Works) of the Act of 1965 is hereby extended until 31st December 1977.

(2) The period now limited by the Act of 1968 for the completion of Works Nos. 7, 7A and 7B authorised by Part II (Works) of the Act of 1947 is hereby extended until 31st December 1980.

(3) In this section the word " lands " includes any easements or rights in, under or over land authorised to be acquired by the Act of 1965.

Powers of police as to search and arrest.
1969 c. 35.
1949 c. xxix.

15. In its application to the Executive pursuant to the provisions of paragraph 1 (2) (*g*) of Schedule 3 to the Transport (London) Act 1969, subsection (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act 1949, as amended by section 24 (Powers of police as to search and arrest) of the Act of 1969, shall have effect as if the words " first day of January one thousand nine hundred and seventy-seven " were substituted for the words " first day of August one thousand nine hundred and seventy-four ".

Saving for Town and Country Planning Acts 1971 and 1972.
1971 c. 78.

16. Section 289 of the Town and Country Planning Act 1971 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1971 and 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Arbitration.

17. 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.

18. 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.

SCHEDULE

Section 9.

LANDS REFERRED TO IN SECTION 9 (SUBSOIL OR EASEMENTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORKS NOS. 1 AND 1A	
London borough of Camden ..	1, 3 to 5, 8 to 15.

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