

London Transport Act 1978

CHAPTER xv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Incorporation of general Acts.

PART II

WORKS

4. Power to make works.
5. Abandonment of parts of Work No. 1 of Act of 1971 and Work No. 1 of (No. 2) Act of 1971.
6. Power to open surface of streets.
7. Temporary stoppage of streets.
8. General provisions as to mode of construction of Work No. 1.

Section

9. Power to deviate.
10. Use of sewers, etc., for removing water.
11. Incorporation of provisions of Acts of 1963 and 1965 relating to works.

PART III

LANDS

12. Power to acquire lands.
13. Power to acquire subsoil or new rights only in certain cases.
14. Subsoil or new rights only to be acquired under certain lands.
15. Application of Lands Clauses Acts to compulsory purchase of new rights.
16. Periods for compulsory purchase of lands and new rights.
17. Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands.

PART IV

PROTECTIVE PROVISIONS

18. Incorporation of protective provisions of Acts of 1963, 1965, 1969, (No. 2) 1971, 1975 and 1976.
19. For protection of British Railways Board.

PART V

MISCELLANEOUS

20. Extensions of time.
21. Powers to owners and lessees to give notice as to purchase of lands.
22. Modification of Town and Country Planning Act 1971.
23. Arbitration.
24. Costs of Act.

SCHEDULES:

Schedule 1—Lands in respect of which subsoil or new rights may be taken as provided by section 13 (Power to acquire subsoil or new rights only in certain cases) of this Act.

Schedule 2—Lands referred to in section 14 (Subsoil or new rights only to be acquired under certain lands) of this Act.

ELIZABETH II



1978 CHAPTER xv

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; to confer further powers on the Executive; and for other purposes.

[31st July 1978]

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 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 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:

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 1978.

Interpretation.

2.—(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 1963 " means the London Transport Act 1963; 1963 c. xxiv.

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

PART I —*cont.*

" 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 1971 " means the London Transport Act 1971; 1971 c. xl.
" the (No. 2) Act of 1971 " means the London Transport (No. 2) Act 1971; 1971 c. lxii.
" the Act of 1972 " means the London Transport Act 1972; 1972 c. xlii.
" the Act of 1975 " means the London Transport Act 1975; 1975 c. xxxi.
" the Act of 1976 " means the London Transport Act 1976; 1976 c. xxxvii.
" 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 plans;
" 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 11 (Incorporation of provisions of Acts of 1963 and 1965 relating to works), section 17 (Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands) and section 18 (Incorporation of protective provisions of Acts of 1963, 1965, 1969, (No. 2) 1971, 1975 and 1976) of this Act shall be construed as a reference to the Executive.

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

(4) 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.

(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.

3. 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.

PART I —*cont.*

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

(*c*) Part I (relating to construction of a railway) except sections 13, 18 and 19 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) Work No. 2 shall be deemed to be a railway 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 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. 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 London boroughs of Tower Hamlets and Southwark—

(Railway at Tower Hamlets and Southwark.)

Work No. 1 A railway (2,356 metres in length) (being a deviation of part of Work No. 1 authorised by the Act of 1971 and of Work No. 1 authorised by the (No. 2) Act of 1971) commencing in the London borough of Tower Hamlets by a junction with Work No. 1 authorised by the Act of 1971 beneath a point 100 metres north-west of the junction of Cartwright Street and Royal Mint Street and terminating in the London borough of Southwark by a junction with Work No. 1

PART II —*cont.*

authorised by the (No. 2) Act of 1971 beneath a point 90 metres north-east of the junction of Hothfield Place and Lower Road.

In the London borough of Newham—

(Interchange footbridge and ticket hall enlargement at West Ham station.)

Work No. 2 An interchange footbridge over Manor Road leading from the West Ham station of the Executive's District Line railway to, and connecting with, a proposed platform of the North Woolwich railway of the British Railways Board and an enlargement of the ticket hall at the said station.

Abandonment of parts of Work No. 1 of Act of 1971 and Work No. 1 of (No. 2) Act of 1971.

5.—(1) The Executive shall abandon the construction of so much of Work No. 1 authorised by the Act of 1971 and Work No. 1 authorised by the (No. 2) Act of 1971 as lies between the commencement and termination of Work No. 1 authorised by section 4 (Power to make works) of this Act (in this section referred to as "the abandoned railway") and is rendered unnecessary by the construction of Work No. 1 authorised by this Act.

(2) The abandonment under this section of the construction by the Executive of the abandoned railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Executive on such land for the purpose of surveying and taking levels or boring to ascertain the nature of the soil and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Executive to receive compensation for such temporary occupation or for any loss, damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Act of 1971 or the (No. 2) Act of 1971.

Power to open surface of streets.

6. Subject to the provisions of this Act, the Executive may, for the purpose of constructing the works hereinafter mentioned, enter upon, open, break up and interfere with so much of the surface of the following streets as is within the limits of deviation:—

Work No. 1—

In the London borough of Tower Hamlets—

East Smithfield;

Tench Street:

Work No. 2—

In the London Borough of Newham—

Manor Road.

PART II —*cont.*

Temporary stoppage of streets.

7.—(1) The Executive may, during and for the purpose of the execution of the works hereinafter mentioned, temporarily stop up and interfere with so much of any of the following streets as is 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, house or building abutting on any part of a street so stopped up and interfered with, from passing along and using the same:—

Work No. 1—

In the London borough of Tower Hamlets—

East Smithfield;

Tench Street:

Work No. 2—

In the London borough of Newham—

Manor Road.

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

General provisions as to mode of construction of Work No. 1.

8. The following provisions shall apply to the construction of Work No. 1:—

(1) Work No. 1 shall be constructed in two tunnels for separate up and down traffic except at cross-overs and junctions where it may be constructed in single tunnels of enlarged diameter:

(2) Work No. 1 shall be approached by means of stairs, inclines, subways, electric or other lifts or escalators:

(3) (*a*) The tunnels comprised in Work No. 1 (including those for the stations) shall be lined throughout with iron or other sufficient metal plates or with concrete or other suitable material;

(*b*) Every permanent shaft shall be constructed either by underpinning or by sinking and shall be lined with cast iron, brick, concrete or other equally suitable and durable material;

(*c*) The station tunnels of Work No. 1 shall not have an internal diameter exceeding 9 metres, the cross-over and junction tunnels shall not have an internal diameter exceeding 12 metres and the tunnels between the stations shall not (except at cross-overs and junctions or where necessary for adjustment at curves or for other constructional purposes) have an internal diameter exceeding 4·5 metres, and the internal diameter of the shafts shall not exceed 12 metres.

PART II —*cont.*

(*d*) Any space between the lining of the tunnels (including station, cross-over and junction tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure:

(4) If water is found to be present in the works on Work No. 1 in such quantity as to necessitate the employment of compressed air, the Executive shall immediately stop all excavating work at the point where the same is so found and the further driving of the tunnels at the working face at that point until the Executive shall have provided air-compressing machinery which will produce such a pressure of air as will prevent the inflow of any sand, water, gravel or soil, and such machinery shall be maintained in full working order and the work at such working face carried on under compressed air as long as may be necessary:

(5) Except in the case of unforeseen accident or for the purpose of removing rain-water or other trifling amounts of water, no use shall be made of pumping or of other like modes of removing water from the tunnels of Work No. 1 or from the shafts.

Power to deviate.

9.—(1) In the execution of any of the works shown on the deposited plans, the Executive may deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation.

(2) In the execution of Work No. 1 the Executive may deviate vertically from the levels shown on the deposited sections—

(*a*) to such extent downwards as may be found necessary or convenient; and

(*b*) to any extent upwards not exceeding 3 metres.

(3) In the execution of Work No. 2 the Executive may deviate vertically from the levels shown on the deposited sections to such extent upwards or downwards as may be found necessary or convenient, provided that the footbridge comprising part of Work No. 2 shall be constructed so as to leave a clear height of not less than 5·1 metres from the surface of the carriageway of Manor Road.

Use of sewers, etc., for removing water.

10.—(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

PART II —*cont.*

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

(*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.

Provided that on the coming into force of section 31 of the Control of Pollution Act 1974 this paragraph shall cease to have effect and the said section 31 shall apply to, or to the consequence of, a discharge under the powers of this section into any relevant waters for the purposes of the said section 31 as if this section were excluded from the reference to any provision of a local Act mentioned in subsection (2) (*b*) (ii) of the said section 31.

1974 c. 40.

(*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 116 of the Land Drainage Act 1976 or forming part of a metropolitan watercourse within the meaning assigned to that expression by paragraph 1 of Schedule 5 to that Act.

1976 c. 70.

(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.

PART II —*cont.*

11. The following provisions of the undermentioned Acts are incorporated with, and form part of this Part of, this Act:— Incorporation of provisions of Acts of 1963 and 1965 relating to works.

The Act of 1963—

Section 9 (Plans, etc., to be approved by Minister before Work No. 1 commenced);

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

Section 11 (Compensation for damage by working); and

Section 15 (Power to make trial holes).

The Act of 1965—

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

Provided that for the purposes of this Act references in the said sections 9 and 10 of the Act of 1963, as so incorporated, to Work No. 1 authorised by that Act shall be construed as references to Work No. 1.

PART III

LANDS

12.—(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. Power to acquire lands.

(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 plans 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.

13.—(1) In this Part of this Act " new rights " in relation to any land means easements or other rights in, under or over such land, which are not in existence at the passing of this Act. Power to acquire subsoil or new rights only in certain cases.

PART III —*cont.*

(2) Notwithstanding anything in this Act, the Executive may, for the purposes of constructing, maintaining, protecting, renewing and using the works, enter upon, take and use so much of the subsoil and under-surface of or may acquire such new rights as they may require in, under or over—

(*a*) any railway, river, dock, canal, navigation, watercourse, aqueduct, drain, dyke or sewer; or

(*b*) any of the lands described in Schedule 1 to this Act;

without being obliged or compellable to acquire any greater interest in, under or over the same respectively and may give notice to treat in respect of such entry, taking and using.

(3) (*a*) If, in any case where the Executive enter upon, take and use the subsoil and under-surface of, or require a new right in or under, any of the lands described in the said schedule, they also require to take, use and pull down or open any cellar, vault, arch or other construction forming part of any such lands, they may enter upon, take and use such cellar, vault, arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar, vault, arch or other construction were lands within the meaning of those Acts.

(*b*) Section 12 (Acquisition of part only of certain properties) of the Act of 1964, as incorporated with this Act, shall apply in respect of the acquisition by the Executive under this subsection of any cellar, vault, arch or other construction as if the same were a part of land to which that section applies.

Subsoil or new rights only to be acquired under certain lands.

14.—(1) In this section—

"the specified lands" means the lands referred to in Schedule 2 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 12 (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 Work No. 1, enter upon, take and use so much of the subsoil and under-surface of the

PART III —*cont.*

specified lands as they may require for the purpose of constructing, maintaining, protecting, renewing and using Work No. 1 and any necessary works and conveniences connected therewith, or compulsorily purchase such new 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 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:

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.

Application of Lands Clauses Acts to compulsory purchase of new rights.

15.—(1) The Lands Clauses Acts, as incorporated with this Act, shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights under section 13 (Power to acquire subsoil or new rights only in certain cases) and section 14 (Subsoil or new rights only to be acquired under certain lands) of this Act as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those 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.

(2) Without prejudice to the generality of subsection (1) of this section, in relation to the purchase of new rights in pursuance of section 13 (Power to acquire subsoil or new rights only in certain cases) and section 14 (Subsoil or new rights only to be acquired under certain lands) of this Act—

(*a*) the Lands Clauses Consolidation Act 1845 shall, subject to the provisions of subsection (3) of this section, have effect with the modifications specified in Schedule 1 to the Act of 1976 and as if for the references in that schedule to the Act of 1976 there were substituted references to this Act; 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.

(3) Notwithstanding anything in this section, section 92 of the Lands Clauses Consolidation Act 1845 shall not apply to any compulsory acquisition or purchase by the Executive under section 13 (Power to acquire subsoil or new rights only in certain cases) or section 14 (Subsoil or new rights only to be acquired under certain lands) of this Act.

Periods for compulsory purchase of lands and new rights.

16.—(1) The powers of the Executive for the compulsory purchase of the lands and new rights which they are authorised by this Act to acquire for the purposes of Work No. 1 shall cease on 31st December, 1983.

PART III —*cont.*

(2) The powers of the Executive for the compulsory purchase of the lands and new rights which they are authorised by this Act to acquire for the purposes of Work No. 2 shall cease on 31st December, 1984.

Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 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);
Section 28 (As to cellars under streets not referenced).

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 of Acts of 1963, 1965, 1969, (No. 2) 1971, 1975 and 1976.

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 1965—

Section 25 (As to works within Metropolitan Police District).

The Act of 1969—

Section 18 (Crown rights).

The (No. 2) Act of 1971—

Section 21 (For protection of Post Office);
Section 22 (For protection of Port Authority and river users);

PART IV —*cont.*

Section 23 (Lights and day marks on river works);
Section 24 (For protection of Southwark Corporation); and
Section 25 (As to Landale House, Southwark).

The Act of 1975—
Section 21 (As to metropolitan roads and road traffic, etc.).

The Act of 1976—
Section 13 (For protection of sewers of Thames Water Authority):

Provided that—

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

(ii) the provisions of the said section 21 of the (No. 2) Act of 1971, as so incorporated, shall have effect as if for the reference to Works Nos. 1, 2 and 3 of the said Act there were substituted a reference to Work No. 1 of this Act;

(iii) the provisions of the said section 22 of the (No. 2) Act of 1971, as so incorporated, shall have effect as if in paragraph (12) thereof for the reference to Work No. 1 authorised by the (No. 2) Act of 1971 there were substituted a reference to Work No. 1 and the words " and also of Works Nos. 2 and 3 where they pass under the Surrey Canal " were omitted;

(iv) the provisions of the said section 24 of the (No. 2) Act of 1971, as so incorporated, shall have effect as if for the reference to Work No. 1 authorised by the (No. 2) Act of 1971 there were substituted a reference to Work No. 1;

(v) the provisions of the said section 25 of the (No. 2) Act of 1971, as so incorporated, shall have effect as if for the reference to the lands numbered 95 in the London borough of Southwark on the plans deposited in respect of the Bill for the (No. 2) Act of 1971 there were substituted a reference to the lands numbered 64 in the said borough on the deposited plans;

(vi) 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

PART IV —*cont.*

there were substituted a reference to section 11 (Incorporation of provisions of Acts of 1963 and 1965 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 the works.

For protection of British Railways Board.

19. The following provisions for the protection of the British Railways Board (in this section referred to as " the board ") shall, unless otherwise agreed in writing between the Executive and the board, apply and have effect:—

(1) In this section—

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

" plans " includes sections, drawings and particulars;

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

" the works " means so much of Works Nos. 1 and 2 as may be situated upon, across, under or over or may in any way affect railway property and includes the construction and reconstruction of such works:

(2) Notwithstanding anything in this Act or shown on the deposited plans, the Executive shall not under the powers of this Act acquire any part of the surface of so much of the lands numbered on the deposited plans 13 in the London borough of Tower Hamlets as comprises a strip of such land 3 metres wide where the said lands adjoin the railway viaduct or, without the agreement of the board, acquire any easement or right on or over such strip of land.

(3) The provisions of paragraphs (3) to (15) inclusive of section 41 (For protection of British Railways Board) of the Act of 1963 shall extend and apply for the protection of the board in relation to the works as if those provisions were with any necessary modification re-enacted in this section and as if—

(*a*) for references therein to " the Board " there were substituted references to " the Executive ";

(*b*) for references therein to " the railways board " there were substituted references to " the board ";

(*c*) for references therein to " the works " there were substituted references to " the works " as defined in paragraph (1) of this section and as if this expression

included the maintenance and repair of the works for the purposes of the application of paragraphs (7), (11) and (13) of the said section 41;

(*d*) for the reference therein to section 15 (Power to make trial holes) of the Act of 1963 there were substituted a reference to that section as incorporated by section 11 (Incorporation of provisions of Acts of 1963 and 1965 relating to works) of this Act.

PART V

MISCELLANEOUS

Extensions of time.

20.—(1) The period now limited by the Act of 1972 for the compulsory purchase of the lands authorised to be acquired by section 10 (Power to acquire lands) of the Act of 1972 for the purposes of Works Nos. 1, 2 and 3 authorised by Part II (Works) of the Act of 1972 and for the purposes of the works authorised by section 8 (Further works and powers) of the Act of 1972 is hereby extended—

(*a*) in relation to the lands numbered 167, 172 to 191, 193 to 214, 216 and 217 in the London borough of Lewisham on the plans deposited in respect of the Bill for the Act of 1972, until 31st December, 1981; and

(*b*) in relation to the remainder of the lands, until 31st December, 1984.

(2) The period now limited by the Act of 1975 for the compulsory purchase of the lands authorised to be acquired by section 9 (Power to acquire lands) of the Act of 1975 for the purposes of Works Nos. 1 and 5 authorised by Part II (Works) of the Act of 1975 (except the lands numbered on the plans deposited in respect of the Bill for the Act of 1975 21, 23, 25 and 26 in the London borough of Camden and 18A and 19 to 27 in the London borough of Islington) is hereby extended until 31st December, 1984.

(3) The period now limited by the Act of 1975 for the compulsory purchase of the lands authorised to be acquired by section 12 (As to lands at Hammersmith, Norbiton, Norwood and Streatham) of the Act of 1975 is hereby extended—

(*a*) in relation to the lands referred to in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of that section (being lands at Hammersmith, Norbiton and Norwood) until 31st December 1984; and

(*b*) in relation to the lands referred to in paragraph (*d*) of subsection (1) of that section (being lands at Streatham) until 31st December 1981.

PART V —*cont.*

(4) In this section the word " lands " includes any easements or rights in, under or over land authorised to be acquired by the Act of 1972 and the Act of 1975.

Powers to owners and lessees to give notice as to purchase of lands.

21.—(1) In this section—

" the enabling Act " means the Act of 1972 or the Act of 1975;

" the land " means any land which is for the time being authorised to be acquired compulsorily by the Executive by the enabling Act;

" lessee " means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under subsection (2) of this section;

" the level of the surface of the land " means ground surface level or, in the case of a building on the land, 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) If at any time after 31st December, 1978, any person being the owner or lessee of any of the land shall give notice in writing to the Executive of his desire for the acquisition as soon as may be by the Executive of his interest in any part of the land specified in the notice, the Executive shall within a period of three months after the receipt of such notice—

(*a*) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(*b*) serve a notice to treat on such person for the compulsory acquisition of his interest in the land specified in his notice or in such part thereof as may be required by them; or

(*c*) serve on such person notice in writing of their intention not to proceed with the purchase of his interest in the land specified in his notice.

(3) Where notice is given under the last foregoing subsection by an owner or lessee of land specified in the notice then—

(*a*) if the Executive—

(i) fail to comply with that subsection; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (*b*) of that subsection; or

PART V —*cont.*

(iii) serve notice on him in compliance with paragraph (*c*) of that subsection;

the powers conferred by the enabling Act for the compulsory purchase of his interest in the land so specified shall cease;

(*b*) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat the powers conferred by the enabling Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

(4) This section shall not apply to any subsoil or under-surface of the land in which the only work intended to be constructed is more than 9 metres below the level of the surface of the land.

Modification of Town and Country Planning Act 1971.

22.—(1) In their application to development authorised by this Act, 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 the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Act were limited to development begun within ten years after the passing of this Act.

(2) In this section the reference to Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provision of an Act repealing that section.

1971 c. 78.

Arbitration.

23. 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.

24. 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.

SCHEDULES

Section 13.

SCHEDULE 1

LANDS IN RESPECT OF WHICH SUBSOIL OR NEW RIGHTS MAY BE TAKEN AS PROVIDED BY SECTION 13 (POWER TO ACQUIRE SUBSOIL OR NEW RIGHTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORK No. 1	
London borough of Tower Hamlets	13, 38.
London borough of Southwark ...	36, 48 to 54, 56 to 60, 62 to 65, 67, 68.
WORK No. 2	
London borough of Newham ...	1, 3, 4.

Section 14.

SCHEDULE 2

LANDS REFERRED TO IN SECTION 14 (SUBSOIL OR NEW RIGHTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
WORK No. 1	
London borough of Tower Hamlets	1 to 3, 6 to 11, 15, 17, 18, 21 to 26, 29 to 34, 40, 42, 44 to 46, 48, 50 to 54, 56 to 59.
London borough of Southwark ...	1 to 6, 8 to 11, 13 to 17, 19, 21 to 25, 27 to 29, 33, 34, 38, 44, 45.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED
FOR BERNARD M. THIMONT
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
40p net
ISBN 0 10 511578 9