

**ELIZABETH II**



**1966 CHAPTER xvii**

An Act to empower the British Railways Board 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 Board; and for other purposes. [3rd August 1966]

**W**HEREAS by the Transport Act, 1962, the British Railways Board (hereinafter referred to as "the Board") were established:

And whereas it is the duty of the Board under the Transport Act, 1962 (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

And whereas it is expedient that the Board 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 by the Board 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 Board 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 clerk of the Greater London Council, the clerks of the county councils of the several counties and the town clerks of the county boroughs within which the said works will be constructed or the said lands are situated, 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 British Railways Act 1966.

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—

1845 c. 20

“ the Act of 1845 ” means the Railways Clauses Consolidation Act, 1845;

1863 c. 92.

“ the Act of 1863 ” means the Railways Clauses Act, 1863;

1963 c. xviii.

“ the Act of 1963 ” means the British Railways Act, 1963;

- “ the Act of 1964 ” means the British Railways Act, 1964;
- “ the Board ” means the British Railways Board;
- “ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ the jetty ” means Work No. 5;
- “ the level of high water ” means the level of mean high-water springs;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ the Minister ” means the Minister of Transport;
- “ tidal work ” means so much of Work No. 5 and any work authorised by section 7 (Power to Board to make subsidiary works) of this Act as is on, under or over tidal waters or tidal lands below the level of high water;
- “ the tribunal ” means the Lands Tribunal;
- “ the works ” means the works authorised by Part II (Works) of this Act.

PART I  
—cont.  
1964 c. xvi.

(2) 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.

(3) 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.

(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.

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:—

Incorporation  
of general  
Acts.

- (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, 19, 20, 22 and 23 thereof, and Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Act of 1863;

PART I  
—cont.

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 Board;

(B) Work No. 4 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 shall not extend to regulate the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

1950 c. 39.

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

(B) by the provisions of section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963 as incorporated with this Act.

PART II  
WORKSPower to  
make works.

4.—(1) Subject to the provisions of this Act, the Board 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 the county of East Sussex—

(Railway at  
Hamsey.)

Work No. 1 A railway (1,586 yards in length) wholly in the parish of Hamsey in the rural district of Chailey commencing by a junction with the railway between Lewes and Cooksbridge at a point 365 yards south of Hamsey level crossing and terminating by a junction with the railway between Lewes and Eridge at a point 425 yards north-east of the bridge carrying the last-mentioned railway over the river Ouse.

In the West Riding of the county of York—

(Railway at  
Ferrybridge.)

Work No. 2 A railway (577 yards in length) commencing in the borough of Pontefract by a junction with the Swinton and Knottingley railway at a point 393 yards north-east of the bridge carrying the said railway over Knottingley Road and terminating in the urban district of Knottingley at a point 20 yards west of the bridge carrying the Wakefield Pontefract and Goole railway over the said Swinton and Knottingley railway.

PART II  
—cont.

In the county borough of Barnsley—

Work No. 3 A railway (593 yards in length) commencing by a junction with the railway between Stairfoot and Drax at a point 283 yards south of the bridge carrying the said railway over the river Dearne and terminating by a junction with the railway between Chapeltown and Cudworth at a point 200 yards north-east of the north-eastern portal of Ardsley tunnel. (Railway at Barnsley.)

In Greater London—

Work No. 4 A subway (85 yards in length) wholly in the London borough of Enfield commencing at the eastern boundary of Ferndale Road at a point 3 yards north of the junction of that road with Ordnance Road and terminating at the northern boundary of Ordnance Road at a point 84 yards east of the said junction of that road with Ferndale Road. (Subway at Enfield.)

In the county of Essex—

Work No. 5 A jetty including link spans or ramps (131 yards in length) on the bed of the river Stour adjoining Parkeston Quay in the parish of Ramsey in the rural district of Tendring near the Board's No. 2 shed at the said quay. (Jetty at Parkeston Quay.)

(2) The Board may within the limits of deviation from time to time extend, enlarge, alter, replace or reconstruct temporarily or permanently the jetty.

5.—(1) Subject to the provisions of this section and to the provisions of the Act of 1845 and of Part I (relating to the construction of a railway) of the Act of 1863 with respect to the crossing of roads on the level the Board may in the construction of Work No. 1 carry the same by a single line of railway across and on the level of the roads respectively numbered on the deposited plans 7 and 13 in the parish of Hamsey in the rural district of Chailey. Power to cross roads on the level.

(2) The Board shall not be required to erect or maintain a lodge at either of the said level crossings.

(3) The Board may, with the consent in writing of the Minister (which consent the Minister may amend or revoke) and subject to such requirements as the Minister may from time to time lay down, provide at or near either or both of the said level crossings and maintain and operate so long as the consent continues in force such barriers, lights, traffic signs and automatic or other devices and appliances as may be specified by the Minister.

PART II  
—cont.  
1839 c. 45.

(4) So long as any such consent as aforesaid continues in force the provisions (in so far as they are inconsistent with any such consent) of the Highway (Railway Crossings) Act, 1839, of section 47 of the Act of 1845 and of section 6 of the Act of 1863, shall cease to apply to the level crossing to which it relates.

1960 c. 16.

(5) Any traffic sign provided in pursuance of any such consent as aforesaid shall be deemed to be a traffic sign lawfully placed on or near a road in accordance with the provisions of the Road Traffic Act, 1960:

Provided that nothing in this subsection shall impose on a highway authority any liability in respect of a traffic sign provided in pursuance of any such consent.

(6) In this section “ traffic sign ” has the meaning assigned to it by section 51 of the Road Traffic Act, 1960.

Power to  
open surface  
of certain  
streets.

6. Subject to the provisions of this Act the Board may for the purpose of constructing Work No. 4 enter upon, open, break up and interfere with so much of the surface of Ferndale Road and Ordnance Road in the London borough of Enfield as is within the limits of deviation.

Power to  
Board to  
make sub-  
sidiary works.

7. The Board may, in connection with the jetty, from time to time construct or place and maintain in, under or over any of the lands delineated on the deposited plans and described in the deposited book of reference relating to the jetty, all such works and conveniences subsidiary or ancillary to the jetty and all such appliances, machinery and apparatus as they may from time to time deem necessary or convenient for any purpose of or in connection with the jetty or the accommodation of vessels and traffic thereat.

Jetty to form  
part of  
Parkeston  
Quay.  
1874 c. cxxviii.

8.—(1) The jetty shall be deemed to form part of Parkeston Quay and the provisions of the Great Eastern Railway Act, 1874, and all other enactments relating to Parkeston Quay shall (so far as the same are applicable and are not inconsistent with or varied by the provisions of this Act) apply to the jetty as if the jetty had been authorised by the said Act of 1874.

1847 c. 27.

1904 c. cviii.

(2) Section 28 of the Harbours, Docks and Piers Clauses Act, 1847, as incorporated with the Great Eastern Railway Act, 1874, and the Great Eastern Railway (General Powers) Act, 1904, shall have effect as if in the said section for the words from “ or any packet boat ” to “ any such packet boat or packet ” there were substituted “ or any vessel employed by or under the

authority of the Postmaster General for the conveyance under contract of postal packets as defined by the Post Office Act, 1953, not being a vessel also conveying passengers or goods for hire or reward, or any mail bag as so defined conveyed by any such vessel".

PART II  
—cont.

1953 c. 36.

9. So much of the jetty as is outside the area of the petty sessional division of Harwich in the county of Essex or the parish of Ramsey in the rural district of Tendring in the said county shall be deemed to be within the said area or the said parish, as the case may be.

Works to be within petty sessional division of Harwich and parish of Ramsey.

10. If Works Nos. 1, 2 and 3 are not completed within the period expiring on 31st December, 1972, then, on the expiration of that period, the powers by this Act granted to the Board for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of railways.

11.—(1) Subject to the provisions of this Act the Board may construct, place, lay down, maintain, alter, renew, repair, inspect, test, use and work in or under the lands numbered on the deposited plans 9 to 17 in the urban district of Rothwell and 1 to 3 in the city and county borough of Leeds and situate within the line marked "Limit of land in which surface water culvert may be laid and maintained" on those plans a surface water culvert, apparatus and other works in connection therewith and may discharge the surface water carried by such culvert into the river Aire.

Power to construct surface water culvert at Stourton and discharge into river Aire.

(2) The Board shall after completion of the works authorised by this section restore the surface of the ground to its former state and condition so far as it may be reasonably practicable for them to do so.

(3) (a) Not less than twenty-eight days before commencing any of the works authorised by this section which will be situated in or under the county road (A.639) known as Pontefract Road (in this subsection referred to as "the specified works") the Board shall submit to the highway authority for their reasonable approval plans, sections, specifications and particulars thereof.

(b) If the highway authority do not within twenty-eight days after the submission to them of any such plans, sections, specifications and particulars intimate in writing to the Board any objection thereto or make any requirement with reference thereto they shall be deemed to have approved thereof.

PART II  
—cont.

(c) The Board shall not construct the specified works otherwise than in accordance with such plans, sections, specifications and particulars as may be so approved, or, if such approval be refused, as may be settled by arbitration and the specified works shall be constructed under the inspection of the surveyor of the highway authority (if after reasonable notice from the Board he shall choose to attend) and to his reasonable satisfaction.

(d) The Board shall make good all damage or injury whatsoever which shall happen or arise to the said county road by reason or in consequence of the construction of the specified works or of any failure or want of repair thereof and shall indemnify and hold harmless the highway authority from all claims, demands or expenses which may be made on or against them or which they may have to pay by reason or in consequence of any such damage or injury.

(4) Any difference arising under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

(5) Nothing in this section shall exempt the Board from the provisions of section 2 of the Rivers (Prevention of Pollution) Act, 1951.

1951 c. 64.

Stopping up  
of footpaths  
and parts of  
certain roads  
and footpaths,  
etc.

**12.**—(1) Subject to the provisions of this Act, the Board may stop up and discontinue the footpaths and the parts of the roads, footpaths and bridlepaths hereinafter mentioned and may make and maintain the work hereinafter described:—

(a) In Greater London—

(i) In the London borough of Enfield—

the footpaths which cross the railway between Liverpool Street and Cheshunt by means of footbridges between the points respectively marked “A”, “B”, “C” and “D” and “E” and “F” on the deposited plans;

(ii) In the London borough of Greenwich—

(A) such part of Church Manor Way which is crossed by the railway between Plumstead and Abbey Wood at the level crossing known as Church Manorway crossing as lies within the boundaries of their property;

(B) such part of Bostall Manorway which is crossed by the railway between Plumstead and Abbey Wood at the level crossing known as Bostall Manorway crossing as lies within the boundaries of their property;



(b) In the county of Durham—

In the borough of Stockton-on-Tees—

such parts of the footpaths as lie between the points marked “ A ” and “ B ” and “ C ” and “ D ” on the deposited plans;

(c) In the East Riding of the county of York—

In the urban district of Driffield—

- (i) such part of the road known as Eastgate South which is crossed by the railway between Driffield and Nafferton at the level crossing known as Driffield Depots crossing as lies within the boundaries of their property and may substitute therefor a new footpath to be carried over the said railway by means of a footbridge; and
- (ii) such part of the said road as lies outside the boundaries of their property as may be required for the construction of the footbridge hereinbefore referred to;

(d) In the county of East Sussex—

In the parish of Hamsey in the rural district of Chailey—

the footpath between the points marked “ A ” and “ B ” on the deposited plans and may substitute therefor a new footpath between the points marked “ C ” and “ B ” on the deposited plans;

(e) In the county of Kent—

In the parish of Offham in the rural district of Malling—

such part of the road known as Teston Road which is crossed by the railway between Wrotham and West Malling at the level crossing known as Offham crossing as extends from the northern boundary of that railway southwards to the boundary of the new road referred to in subsection (3) of this section;

(f) In the county of Lancaster—

(i) In the urban district of Ashton-in-Makerfield—

such parts of the footpaths as lie between the points marked “ A ”, “ B ” and “ C ”, “ B ” and “ D ” and “ E ” and “ F ” on the deposited plans;

(ii) In the urban district of Golborne—

such part of the footpath as lies between the points marked “ G ” and “ H ” on the deposited plans;

PART II  
—cont.

(g) In the West Riding of the county of York—

In the urban district of Rothwell—

- (i) such parts of the footpaths as lie between the points marked “ A ” and “ B ”, “ D ”, “ B ” and “ C ”, “ E ” and “ F ” and “ G ” and “ H ” on the deposited plans;
- (ii) such parts of the footpaths and bridlepaths as lie between the points marked “ J ” and “ K ” and “ L ” and “ M ” on the deposited plans.

(2) The stopping up under this section of the footpaths in the London borough of Enfield shall not take place until Work No. 4 has been constructed and opened for public use.

(3) The stopping up under this section of the part of Teston Road in the parish of Offham shall not take place until a new road leading from Teston Road to Comp Road has been constructed on the south side of and immediately adjoining the southern boundary of the railway between Wrotham and West Malling and opened for public use.

As to certain  
level  
crossings.

13.—(1) As from the passing of this Act, all rights of way over the level crossings referred to in Schedule 1 to this Act, other than a right of way for all persons to use those level crossings on foot, shall be extinguished, and the Board shall provide and maintain on both sides of the railway at each of the said level crossings wicket-gates or stiles for the convenience of persons on foot.

1839 c. 45.  
1842 c. 55.

(2) The provisions of the Highway (Railway Crossings) Act, 1839, of section 9 of the Railway Regulation Act, 1842, of section 47 of the Act of 1845, and of sections 5, 6 and 7 of the Act of 1863, and any other provisions to the same or similar effect incorporated with or contained in any enactment relating to any of the level crossings referred to in the said schedule shall cease to apply to those level crossings.

(3) As from the passing of this Act, each of the level crossings referred to in the said schedule (including the gates thereof, other than the gates provided in pursuance of subsection (1) of this section) shall be deemed to be a work provided by the Board at the passing of this Act pursuant to section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway, and for the purposes of this subsection, such owners and occupiers shall be deemed to include the owners and occupiers of any lands the use of which would have been interrupted if such level crossing had been closed at the passing of this Act.

(4) If any part of the road crossed by the railway at any of the level crossings referred to in the said schedule shall in consequence of the provisions of this section cease to be a road

over which the public have a right of way for the passage of vehicles, the owners and occupiers of the lands abutting on such part shall be deemed to have such rights of passage thereover as shall be necessary to enable them to pass and repass to and from the said lands from and to such level crossing.

PART II  
—cont.

(5) Any person who suffers loss by the extinguishment under this section of such private rights of way (if any) as may exist over the level crossings referred to in the said schedule shall be entitled to be paid by the Board compensation to be determined, in case of dispute, by the tribunal.

14. The following provisions of the Act of 1963 are incorporated with and form part of this Part of this Act:—

- Section 5 (Power to deviate);
- Section 7 (Repair of roads where level not permanently altered);
- Section 11 (Stopping up roads and footpaths without providing substitute);
- Section 12 (Stopping up roads and footpaths in case of diversion or substitution);
- Section 13 (Provision as to repair of roads and footpaths);
- Section 14 (Power to make agreements with road authorities);
- Section 15 (Underpinning of houses near works);
- Section 16 (Power to make trial borings); and
- Section 17 (Use of sewers, etc., for removing water).

Incorporation  
of provisions  
of Act of  
1963 relating  
to works.

### PART III

#### LANDS

15.—(1) Subject to the provisions of this Act, the Board 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) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section, the Board may, subject to the provisions of this Act, enter upon, take and use for the purposes specified in column (3) of Schedule 2 to this Act all or any of the lands referred to in columns (1) and (2) of the said schedule.

(3) Subject to the provisions of this Act, the Board may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated

PART III  
—cont.

on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the works without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(4) (a) In this subsection—

“ the county road ” means the county road (A.639) known as Pontefract Road in the urban district of Rothwell;

“ the protected land ” means so much of the lands numbered on the deposited plans 8 in the urban district of Rothwell as lies north-east of an imaginary line drawn parallel to and at a distance of fifty feet measured in a south-westerly direction from the south-western boundary of the county road.

(b) Notwithstanding anything in this section or shown on the deposited plans the Board shall not enter upon, take or use so much of the protected land as at the date of the passing of this Act is held or required by the highway authority for the purpose of improving the county road without the consent of the highway authority, which consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be settled by arbitration.

Power to acquire easements only in certain cases.

16. Notwithstanding anything in this Act, the Board may acquire such easements or rights as they may require for the purpose of constructing, maintaining, renewing and using the works in, under or over—

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

(b) any of the lands numbered on the deposited plans 11, 14, 15 and 16 in the urban district of Rothwell and 2 in the city and county borough of Leeds;

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 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.

Disregard of recent improvements and interests.

17. In determining any question of disputed compensation or purchase money in respect of land or easements or rights over or in land acquired under this Act, the tribunal shall not take into account—

(a) any improvements or alteration made, building erected or work done after 5th December, 1965; or

(b) any interest in the land created after the said date; which in the opinion of the tribunal was not reasonably necessary and was made, erected, done or created with a view to obtaining or increasing the compensation or purchase money.

PART III  
—cont.

18. The powers of the Board for the compulsory purchase of the lands and easements which they are authorised to acquire by this Part of this Act shall cease on 31st December, 1969.

Period for compulsory purchase of lands or easements.

19. 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 1964 relating to lands.

The Act of 1963—

Section 19 (Correction of errors in deposited plans and book of reference);

Section 21 (Power to expedite entry);

Section 22 (Power to enter for survey or valuation);

Section 24 (Extinction of private rights of way);

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 (Acquisition of part only of certain properties).

#### PART IV

##### PROTECTIVE PROVISIONS

20. 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.

The Act of 1963—

Section 30 (As to works within Metropolitan Police District);

Section 33 (For protection of gas, water and electricity undertakers).

The British Railways Act 1965—

1965 c. xxi.

Section 33 (Crown rights);

Section 34 (For protection of Postmaster General):

Provided that the provisions of the said section 34 of the said Act of 1965, as so incorporated, shall have effect as if for the reference therein to section 6 (Stopping up of portions of roads and footpaths, etc.) of that Act there was substituted a reference to section 12 (Stopping up of footpaths and parts of certain roads and footpaths, etc.) of this Act.

PART IV  
—cont.

For protection  
of Postmaster  
General.

**21.**—(1) The Board shall, in constructing Work No. 4, provide for the telegraphic lines of the Postmaster General such reasonable accommodation as may be sufficient for four steel pipes, each with an external diameter of five and one-eighth inches, and for any apparatus ancillary thereto, and shall also provide a means by which the Postmaster General may have access to the said telegraphic lines, after the same are laid or installed, without breaking up or interfering with the carriageways, footways and walls of Work No. 4 or the carriageways of the approach roads to such work. The accommodation and means of access shall be provided in accordance with plans, sections and particulars previously submitted to and reasonably approved by the Postmaster General:

Provided that if within one month of the receipt of the said plans, sections and particulars the Postmaster General does not intimate to the Board his approval thereof or make any requirement with respect thereto he shall be deemed to have approved the same.

(2) The additional cost reasonably incurred by the Board in providing such accommodation and means of access shall be repaid to the Board by the Postmaster General.

(3) For the purposes of this section the additional cost of providing accommodation or means of access shall be the difference between the cost of constructing Work No. 4 and approaches designed with such accommodation and means of access and the cost of constructing Work No. 4 and approaches designed without making provision for such accommodation and means of access.

(4) The Postmaster General shall conform with the reasonable requirements of the Board as to the time or times at which, and the manner in which, he is to lay down or install in the accommodation provided the said telegraphic lines or carry out any other work in relation thereto and the Board shall be entitled to superintend such laying down, installation or other work. The costs reasonably incurred by the Board in such superintendence shall be repaid to them by the Postmaster General.

(5) Any question or difference which may arise between the Postmaster General and the Board under this section (other than a question or difference as to the meaning or construction of this section) shall be determined by arbitration.

Tidal works  
not to be  
executed  
without  
approval of  
Board of  
Trade.

**22.**—(1) A tidal work shall not be constructed, extended, enlarged, altered, replaced or reconstructed except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board of Trade before the work is begun.

(2) If a tidal work is constructed, extended, enlarged, altered, replaced or reconstructed in contravention of this section or of any condition or restriction imposed under this section—

(a) the Board of Trade may by notice in writing require the Board at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the Board they have failed to comply with the requirements of the notice, the Board of Trade may execute the works specified in the notice; or

(b) if it appears to the Board of Trade urgently necessary so to do, they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board of Trade in so doing shall be recoverable from the Board as a simple contract debt.

23. The Board of Trade may at any time if they deem it expedient order a survey and examination of a tidal work or of the site upon which it is proposed to construct the work and any expenditure incurred by the Board of Trade in any such survey and examination shall be recoverable from the Board as a simple contract debt.

24.—(1) The Board shall at or near a tidal work during the whole time of the construction, extension, enlargement, alteration, replacement or reconstruction thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time direct.

Survey of  
tidal works.  
Lights on  
tidal works  
during  
construction.

(2) If the Board fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

25.—(1) After the completion of a tidal work the Board shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

Permanent  
lights on  
tidal works.

(2) If the Board fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

PART IV  
—cont.Abatement  
of works  
abandoned  
or decayed.

**26.**—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the Board at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board of Trade think proper.

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board of Trade may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the Board they have failed to comply with the requirements of the notice the Board of Trade may execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the Board as a simple contract debt.

Provision  
against  
danger to  
navigation.

**27.**—(1) In case of injury to or destruction or decay of a tidal work or any part thereof the Board shall forthwith notify the Corporation of Trinity House of Deptford Strond and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the said corporation shall from time to time direct.

(2) If the Board fail to notify the said corporation as required by this section or to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Saving for  
Harbours  
Act 1964.  
1964 c. 40.

**28.** Nothing in this Act shall be taken as exempting the Board from the provisions of sections 9 and 10 of the Harbours Act 1964 in relation to the jetty.

For  
protection of  
sewers of  
Greater  
London  
Council.

**29.** For the protection of the sewers of the council the following provisions shall, unless otherwise agreed in writing between the Board and the council, apply and have effect:—

(1) The Board shall not commence any specified work until they shall have given to the council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal



office of the council with plans as described in paragraph (8) of this section (in this section referred to as "the said plans") and until the council shall have signified their approval of the said plans:

PART IV  
—cont.

Provided that if, within twenty-eight days after the submission of the said plans, the council have not approved or disapproved them, they shall be deemed to have approved the said plans:

- (2) The Board shall comply with and conform to all reasonable orders, directions and regulations of the council in the execution of any specified work and shall provide new, altered or substituted works in such manner as the council shall reasonably require for the proper protection of, and for preventing injury or impediment to, any sewer by reason of any specified work and shall save harmless the council against all expenses to be occasioned thereby:
- (3) All such new, altered or substituted works shall, where so required by the council, be done by or under the direction, superintendence and control of an officer of the council duly appointed for the purpose at the costs, charges and expenses in all respects of the Board and all costs, charges and expenses to which the council may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the council by the Board on demand:
- (4) When any such new, altered or substituted works or any work of defence connected therewith shall be completed by or at the costs, charges and expenses of the Board under the provisions of this section the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the council as any sewer or work now or hereafter may be:
- (5) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the council in relation to any sewer but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (6) The council may require the Board in constructing any specified work to make any reasonable deviation within the limits of deviation from the line or levels shown upon the said plans for the purpose of avoiding injury or risk of injury to any sewer of the council and the Board shall in constructing such works deviate accordingly:

PART IV  
—cont.

- (7) It shall not be lawful for the Board in the exercise of the powers of section 16 (Power to make trial borings) of the Act of 1963 as incorporated with this Act to make any trial borings so as to interfere with any sewer of the council:
- (8) The plans to be submitted to the council for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall accurately describe the position of all sewers of the council within the limits of deviation (for which purpose the council shall allow the Board access to plans in their possession in order to enable the Board to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any sewer:
- (9) The council may require such modifications to be made in the said plans as may be reasonably necessary to secure the Greater London sewerage system against interference or risk of damage and to provide and secure proper and convenient means of access to any sewer:
- (10) The Board shall be liable to make good, or, if the council so decide, to bear any expense incurred by the council in making good, all injury or damage caused by or resulting from the construction of any specified work to any sewer, drain or work vested in the council and the council shall from time to time have power to recover any expense so incurred by them from the Board in any court of competent jurisdiction:
- (11) If the Board in the construction of any specified work or any new, altered or substituted work or any work of defence connected therewith provided in accordance with this section alter, damage or in any way interfere with any sewer of the council the Board shall—
- (a) from time to time pay to the council any additional expense to which the council may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and
- (b) give to the council full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

(12) It shall be lawful for an officer of the council duly appointed for the purpose at any reasonable time to enter upon and inspect any specified work or any other work constructed under the powers of this section:

(13) The approval by the council of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Board from any liability or affect any claim for damages under this section or otherwise:

(14) In this section—

“ any specified work ” means any part of the works which will or may be situated over or within 50 feet measured in any other direction of any sewer of the council;

“ the council ” means the Greater London Council.

30. For the protection of the British Waterways Board (in this section referred to as “ the waterways board ”) the following provisions shall, unless otherwise agreed in writing between the Board and the waterways board, apply and have effect:—

For protection  
of British  
Waterways  
Board.

(1) In this section—

“ the navigation ” means the Aire and Calder Navigation of the waterways board and any works connected therewith for the maintenance of which the waterways board are responsible and includes any lands held or used by the waterways board for the purposes of the navigation;

“ the works ” means so much of the works authorised by section 11 (Power to construct surface water culvert at Stourton and discharge into river Aire) of this Act as may be situated upon, across, under or over or may in any way affect the navigation;

“ the engineer ” means an engineer to be appointed by the waterways board;

“ plans ” includes sections, drawings and particulars, including method of construction;

“ construction ” includes reconstruction and for the purpose of paragraphs (9) and (10) of this section includes the maintenance and repair of the works:

(2) The Board shall not under the powers of this Act acquire compulsorily any land of the waterways board, but they may, in accordance with the provisions of section 16 (Power to acquire easements only in certain cases) of this Act, acquire such easements and rights in, under or over any land of the waterways board as they may reasonably require for the purposes of the works:

**PART IV**  
*—cont.*

- (3) The Board shall, before commencing the construction of the works, including temporary works, furnish to the waterways board proper and sufficient plans thereof for the reasonable approval of the engineer, and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:
- Provided that if within forty-two days after such plans have been furnished to the waterways board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval, he shall be deemed to have approved the same:
- (4) 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 works to ensure the safety or stability of the navigation, and such protective works as may be reasonably necessary for those purposes shall be constructed by the Board with all reasonable dispatch:
- (5) The Board shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the 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 works in so far as such works of repair or maintenance affect or interfere with the navigation:
- (6) The Board shall provide and maintain at their cost any temporary lighting of the navigation and signal lights in the vicinity of the works, being lighting which the engineer may reasonably require during the construction or failure of the works:
- (7) The works shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer, and in such manner as to cause as little damage to the navigation as may be and as little interference as may be with the passage of vessels using the navigation and as not to cause any stoppage of such use, and if any damage to the navigation or any such interference or stoppage shall be caused by the carrying out of the works the Board shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to the waterways 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, stoppage or interference:

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

- (8) The Board shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (9) The Board shall repay to the waterways board all costs, charges and expenses reasonably incurred by the waterways board—
- (a) in respect of the employment of any inspectors, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching and lighting the navigation and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the works;
  - (b) in respect of the supervision by the engineer of the works;
  - (c) in bringing the works to the notice of users of the navigation:
- (10) The Board shall be responsible for and make good to the waterways board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the waterways board—
- (a) by reason of the works or the failure thereof; or
  - (b) by reason of any act or omission of the Board or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the works;

and the Board shall effectively indemnify and hold harmless the waterways board from and against all claims and demands arising out of or in connection with the construction of the 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 done without negligence on the part of the waterways board) excuse the Board from any liability under the provisions of this section:

PART IV  
—cont.

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

- (11) The Board shall not exercise the powers conferred by section 16 (Power to make trial borings) of the Act of 1963 as incorporated with this Act in respect of the navigation without first obtaining the consent of the waterways board but such consent shall not be unreasonably withheld and the waterways board may attach thereto such reasonable terms and conditions as they think fit:
- (12) Any difference arising between the Board and the waterways board under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

## PART V

## MISCELLANEOUS

As to  
interpretation  
of Railway  
Shipping  
Acts.  
1962 c. 46.

31.—(1) In this section—

“ the Railway Shipping Acts ” has the meaning assigned by paragraph 2 of Part II of the Second Schedule to the Transport Act, 1962;

“ hover vehicle ” means a vehicle, however propelled, designed to be supported on a cushion of air;

“ hydrofoil vessel ” means a vessel, however propelled, designed to be supported on foils.

(2) References in the Railway Shipping Acts to “ vessels ”, “ steam vessels ” or “ steamboats ” shall be construed as including, and shall be deemed always to have included, references to every description of vessel, however propelled or moved, including hover vehicles, hydrofoil vessels and any thing constructed or used to carry persons or goods by water.

1959 c. xlvi.

(3) For the purposes of this section, section 87 (Saving for ferry vessels of the British Transport Commission) of the Humber Bridge Act, 1959, shall be deemed not to be a local enactment relating to the powers of the Board to provide shipping services.

Savings bank.

32.—(1) In this section unless there be something in the subject or context repugnant to such construction the following expressions have the meanings hereby assigned to them respectively:—

“ the savings bank ” means the new savings bank authorised to be established by this Act;

- “ the existing savings banks ” means the Great Western Railway Savings Bank, established under section 45 (Savings Bank) of the Great Western Railway Act, 1885, the Southern Railway Savings Bank, established under section 99 (Savings Bank) of the Southern Railway Act, 1924, the London and North Eastern Railway Savings Bank established under section 3 (Savings Bank) of the London and North Eastern Railway Act, 1944, and the London Midland and Scottish Railway Savings Bank established under section 61 (Savings Bank) of the London Midland and Scottish Railway Act, 1924;
- “ subsidiary ” has the meaning assigned to it by subsection (1) of section 92 of the Transport Act, 1962;
- “ the registrar ” means the Registrar of Friendly Societies as defined by the Friendly Societies Act, 1896;
- “ the secretary ” means the secretary of the savings bank;
- “ the rules ” means the rules of the savings bank as operative from time to time;

1885 c. cxlvii.

1924 c. lxvi.

1944 c. x.

1924 c. liv.

1962 c. 46.

1896 c. 25.

and references to depositors in the savings bank or in any of the existing savings banks (as the case may be) shall be construed as references to any persons from whom moneys have been or may be received by the Board at such bank by way of deposit at interest.

(2) The Board may establish a new savings bank and may maintain the same with or without branches at such of their stations, offices and works as they may think fit and may thereat receive moneys by way of deposit at interest from—

- (a) depositors in any of the existing savings banks at the passing of this Act;
- (b) persons employed by the Board or any subsidiary of the Board;
- (c) persons who owing to incapacity arising from ill health or on reaching retirement age have retired from service with the Board or any subsidiary of the Board, the British Transport Commission or the railway company by which any of the existing savings banks were established;
- (d) the wife or widow (during the period of her widowhood) and the children under twenty-one years of age of persons of any of the foregoing descriptions;
- (e) any group, society or association the members of which consist, or mainly consist, of persons of any of the foregoing descriptions.

PART V  
—cont.

(3) Moneys deposited with the savings bank and the interest thereon—

- (a) may be applied by the Board to the general purposes of their undertaking (being in every case purposes to which capital is properly applicable); or
- (b) may be invested by the Board in any manner in which trustees are for the time being authorised by law to invest trust moneys.

(4) (a) From and after the establishment of the savings bank and the registration of the savings bank and the rules thereof by the registrar under the provisions of this section the existing savings banks shall be closed to new depositors and the Board may, at such date or dates as they may determine, amalgamate all or any of the existing savings banks with the savings bank. The Board shall give notice to the registrar of any such amalgamation within fourteen days thereof.

(b) As from the date of any such amalgamation—

- (i) the depositors in any existing savings bank which is so amalgamated shall become and be deemed for all purposes to be depositors in the savings bank and their deposits shall be transferred to the savings bank;
- (ii) the enactments relating to such existing savings bank and the rules of such bank shall cease to have effect;
- (iii) the registration of such bank and of the rules thereof by the registrar shall be cancelled.

(5) The Board may make rules for the regulation of the savings bank and two copies of the rules and of every amendment or alteration thereof under the hands of a member and of the secretary of the Board shall be sent to the registrar.

(6) The rules shall provide—

- (a) for the management of the savings bank and for the principal office of the same;
- (b) for the payment in and the withdrawal of deposits, the rate of interest thereon and the payment of such interest;
- (c) for the keeping and auditing of accounts;
- (d) for the balancing of accounts once a year on such date as may from time to time be determined by the Board and notified by them to the registrar within fourteen days of the date so determined;
- (e) for the sending to the registrar within three months of the date so determined a general statement (to be called the annual return) of the income and expenditure, funds and effects of the savings bank as audited, made out to the said date so determined;



- (f) for supplying every depositor gratuitously on demand with a copy of the rules and of the latest annual return and auditors' report (if any);
- (g) for giving notice within fourteen days to the registrar of any change in the principal office;
- (h) for the settlement of disputes between the Board and any depositor or his representatives.

(7) No person shall be appointed auditor of the savings bank unless he is a member or, in the case of a firm, all the partners therein are members of one or more of the following bodies:—

The Institute of Chartered Accountants in England and Wales;

The Institute of Chartered Accountants of Scotland;

The Association of Certified and Corporate Accountants;

The Institute of Chartered Accountants in Ireland;

Any other body of accountants established in the United Kingdom for the time being recognised for the purposes of section 161 (1) (a) of the Companies Act, 1948, by the 1948 c. 38. Board of Trade.

(8) (a) The registrar on being satisfied that the rules or any amendment thereof are or is in conformity with law and with the provisions of this section shall issue to the Board an acknowledgment of registration of the savings bank and the rules and of such amendment of the rules which shall be conclusive evidence that the savings bank and the rules or such amendment of the rules are or is duly registered.

(b) The same fee shall be paid for any acknowledgment of registration of rules or amendment of rules of the savings bank as is for the time being payable by a trustee savings bank for a certificate of rules or of amendment of rules (as the case may be) under Treasury Warrant made under section 76 of the Trustee Savings Banks Act, 1954, or any enactment repealed thereby. 1954 c. 63.

(9) The rules and any amendment thereof shall have effect when so registered and shall thereupon be valid and binding on the Board and their officers and on the depositors and their personal representatives.

(10) Infants and minors of the age of fifteen years and upwards may execute all instruments and give all acquittances necessary to be executed or given under the rules but all instruments and acquittances relating to the deposits or claims of infants or minors under the age of fifteen years shall be executed or made by their parents or guardians.

(11) If any depositor in any way becomes incapacitated to act and the secretary is satisfied as to the incapacity and as to the urgency of the case the secretary may authorise the payment, if necessary for the maintenance of the depositor, of the balance standing to the credit of such depositor or any part thereof to

PART V  
—cont.

any person or institution having care of the depositor and a receipt given by such person or on behalf of such institution shall be a sufficient discharge.

(12) The deposits not exceeding five hundred pounds of a deceased depositor may be paid in England and Wales without letters of administration or probate of a will or in Scotland without confirmation to the person who appears to the secretary upon such evidence as he may deem satisfactory to be entitled by law to receive the same and such payment shall be an effective discharge to the secretary and the savings bank and the Board for any sum so paid.

1954 c. 63.

(13) (a) Section 20 of the Trustee Savings Banks Act, 1954 shall apply with respect to the settlement of disputes between the Board and any depositor or other person referred to in subsection (1) of that section and section 58 of that Act shall apply with respect to persons failing to account for money received from depositors in the savings bank as if, for the purposes of both those sections, the savings bank were a trustee savings bank and the Board were the trustees and managers thereof.

(b) For every award, order or determination made by the registrar under the provisions of the said section 20, as applied by this section, there shall be paid such fee by such person and in such manner as is for the time being directed in relation to trustee savings banks by Treasury Warrant made under section 76 of the Trustee Savings Banks Act, 1954, or any enactment repealed thereby.

(14) If any officer of the savings bank fails to give any notice or to send any document or return or to do anything which he is in pursuance of this section required to do or wilfully makes a return or furnishes information to the registrar in any respect false or insufficient or otherwise acts contrary to the provisions of this section he shall be liable to a fine not exceeding five pounds recoverable at the suit of any person aggrieved or of the registrar in a court of summary jurisdiction.

1896 c. 25.

(15) (a) Section 100 of the Friendly Societies Act, 1896, shall apply to any instrument or document or copy or extract of any instrument or document to be executed or issued by the registrar for the purposes of this section. A copy of the rules under the seal of the Board shall also be evidence of such rules.

(b) The same fees shall be paid for any document requiring the seal of the registrar (not chargeable with another fee) and for any copy or extract of any document relating to the savings bank in the custody of the registrar (being the annual return and the rules of the savings bank) and for any inspection of such documents as are payable for the time being for the like matters under regulations made under section 99 of the said Act of 1896.

(16) Any fees payable to the registrar under the provisions of this section shall be paid by the registrar into the Exchequer.

33. Notwithstanding anything in section XXIX (Mode of constructing bridge across the Ouse) of the London, Brighton and South Coast Railway Act, 1860, the Board shall not be required to maintain the middle span of the bridge referred to in the said section XXIX as an opening span.

PART V  
—cont.  
As to  
Southerham  
Lift Bridge.  
1860 c. clxxi.

34.—(1) In this section—

“the gas board” means the Wales Gas Board;

“the bridge” means the bridge of the Board known as Burrows Viaduct situate in the borough of Port Talbot in the county of Glamorgan formerly carrying the Rhondda and Swansea Bay Railway over the river Avan and includes all works connected therewith belonging to or maintainable by the Board.

As to bridge  
over river  
Avan.

(2) The Board and the gas board may enter into and carry into effect agreements with respect to the maintenance of the bridge or any part thereof or for the transferring to and vesting in the gas board of the bridge or any part thereof on such terms as may be agreed between the Board and the gas board and any such agreement may provide for the transfer to the gas board of all or any of the powers and obligations of the Board in respect of the bridge, or any part thereof, transferred and vested as aforesaid, and on and from the date of such transfer as aforesaid the gas board may hold and use the bridge or any part thereof so transferred for the purposes of their undertaking.

35.—(1) In this section—

“the councils” means the county councils of the administrative counties of Gloucester and Monmouth;

“the bridge” means the bridge of the Board known as Redbrook Bridge situate partly in the parish of Newland in the rural district of West Dean in the said county of Gloucester and partly in the parish of Trelech United in the rural district of Monmouth in the said county of Monmouth formerly carrying the Wye Valley Railway over the river Wye and includes all works connected therewith belonging to or maintainable by the Board.

As to bridge  
over river  
Wye.

(2) The Board and the councils may enter into and carry into effect agreements with respect to the maintenance of the bridge or any part thereof or for the transferring to and vesting in the councils of the bridge or any part thereof on such terms as may be agreed between the Board and the councils, and any such agreement may provide for the transfer to the councils of all or any of the powers and obligations of the Board in respect of the bridge, or any part thereof, transferred and vested as aforesaid, and on and from the date of such transfer as aforesaid the councils may hold and use the bridge or any part thereof so transferred for highway purposes.

PART V  
—cont.

(3) Any expenses incurred by the councils for the purposes of this section shall be deemed to be expenses incurred by them in the exercise of their powers as highway authorities.

Extensions of  
time.

36.—(1) The period now limited by the Act of 1963, for the compulsory purchase of the lands referred to in Part I of Schedule 3 to this Act, is hereby extended until 31st December, 1969.

1960 c. xlvi.

(2) The period now limited by the British Transport Commission Act, 1960, for the completion of the works referred to in Part II of the said schedule is hereby extended until 31st December, 1972.

(3) The powers for the compulsory purchase of the said lands and for the completion of the said works shall cease on the said respective dates except in so far as any such powers shall by then have been exercised.

(4) In this section and in the said schedule the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the enactments referred to in the said schedule.

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

37.—(1) In this section—

“the enabling Act” means the Act of 1963;

“the land” means any land which is for the time being authorised to be acquired compulsorily by the enabling Act, not being land referred to in subsection (4) of this section;

“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.

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Board of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Board 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 for the compulsory acquisition of the interest of such person in the land specified in his notice, or in such part thereof as may be required by the Board; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person 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 Board—

- (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
- (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 land which the Board are by the enabling Act authorised to acquire for the purposes of a work which is shown on the sections deposited in respect of the Bill for the enabling Act as intended to be constructed under the surface of such land.

38. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board of Trade, any Minister of State with duties concerning the affairs of the Board of Trade, any secretary, under-secretary or assistant secretary of the Board of Trade or any person authorised in that behalf by the President.

As to powers of Board of Trade.

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

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

40. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts 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.

Arbitration.

41. 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 Board and may in whole or in part be defrayed out of revenue.

Costs of Act.

## SCHEDULES

Section 13.

## SCHEDULE 1

THE LEVEL CROSSINGS REFERRED TO IN SECTION 13 (AS TO CERTAIN LEVEL CROSSINGS) OF THIS ACT

In the county of Derby—

In the borough of Buxton—

The level crossing known as Scragg's crossing whereby the road known as Scragg's Lane leading from Fairfield Common to Brownedge Lane is crossed by the railway between Buxton and Dove Holes stations.

In the county of Hertford—

In the parish of St. Stephen in the rural district of St. Albans—

The level crossing known as Hyde Lane crossing whereby Hyde Lane is crossed by the railway between Bricket Wood and Park Street and Frogmore stations.

In the county of Norfolk—

In the parish of Besthorpe in the rural district of Wayland—

The level crossing known as Slut's Hole crossing whereby Slutshole Lane is crossed by the railway between Attleborough and Spooner Row stations.

In the county of Nottingham—

In the parish of South Leverton in the rural district of East Retford—

The level crossing known as Newings Lane crossing whereby the road known as Newings Lane is crossed by the railway between Saxilby and Retford stations.

In the county of Salop—

In the urban district of Oakengates—

The level crossing known as Wombridge crossing whereby the road leading from Wombridgehill to Hadley Road is crossed by the railway between Oakengates and Wellington stations.

In the county of Stafford—

In the urban district of Brownhills—

The level crossing known as Highbridge crossing whereby Engine Lane is crossed by the railway between Harrison's siding and Norton Junction.

In the parish of Seighford in the rural district of Stafford—

The level crossing known as Derrington crossing whereby Derrington Lane is crossed by the railway between Stafford and Newport stations.

In the West Riding of the county of York—

In the urban district of Rothwell—

The level crossing known as Methley North Station crossing whereby the road leading from Wood Row to Shan Hall is crossed by the railway at Methley station.

## SCHEDULE 2

Section 15.

## LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 15 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be acquired or used (3)
In the county of Durham— Borough of Stockton-on-Tees	1 to 20	To provide a railway depot.
In the county of Lancaster— Urban district of Abram Urban district of Ashton-in-Makerfield Urban district of Golborne	1 to 4 1 to 18 1 to 7	To provide a railway depot.
In the West Riding of the county of York— Urban district of Rothwell	1 to 8	To provide a railway depot and to provide the said lands with means of access to Pontefract Road at the point marked "X" on the said plans.

## SCHEDULE 3

## PART I

Section 36.

## LANDS THE PERIOD FOR THE COMPULSORY ACQUISITION OF WHICH IS EXTENDED BY THIS ACT TO 31ST DECEMBER, 1969

1. The lands authorised to be acquired by section 24 (Power to acquire lands) of the British Transport Commission Act, 1960, for 1960 c. xlvi. the purposes of Works Nos. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 35 authorised by Part II (Works) of the said Act.

SCH. 3  
—*cont.*

2. The lands authorised to be acquired by section 18 (Power to acquire lands) of the Act of 1963—

- (a) for the purposes of Work No. 2 authorised by Part II (Works) of the said Act;
- (b) numbered on the plans deposited in respect of the Bill for the said Act 13 in the metropolitan borough of St. Pancras in the county of London (now the London borough of Camden).

## PART II

WORKS THE PERIOD FOR THE COMPLETION OF WHICH IS EXTENDED BY  
THIS ACT TO 31ST DECEMBER, 1972

Works Nos. 14, 15, 16, 17, 18, 19, 20, 21, 24, 25 and 35 authorised  
by section 5 (Power to make works) of the British Transport  
Commission Act, 1960.

1960 c. xlvii.

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# British Railways Act 1966

## CHAPTER xvii

### 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. Power to cross roads on the level.
6. Power to open surface of certain streets.
7. Power to Board to make subsidiary works.
8. Jetty to form part of Parkeston Quay.
9. Works to be within petty sessional division of Harwich and parish of Ramsey.
10. Period for completion of railways.
11. Power to construct surface water culvert at Stourton and discharge into river Aire.
12. Stopping up of footpaths and parts of certain roads and footpaths, etc.
13. As to certain level crossings.
14. Incorporation of provisions of Act of 1963 relating to works.

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##### LANDS

15. Power to acquire lands.
16. Power to acquire easements only in certain cases.
17. Disregard of recent improvements and interests.

## Section

18. Period for compulsory purchase of lands or easements.
19. Incorporation of provisions of Acts of 1963 and 1964 relating to lands.

## PART IV

## PROTECTIVE PROVISIONS

20. Incorporation of provisions of Acts of 1963 and 1965.
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22. Tidal works not to be executed without approval of Board of Trade.
23. Survey of tidal works.
24. Lights on tidal works during construction.
25. Permanent lights on tidal works.
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27. Provision against danger to navigation.
28. Saving for Harbours Act 1964.
29. For protection of sewers of Greater London Council.
30. For protection of British Waterways Board.

## PART V

## MISCELLANEOUS

31. As to interpretation of Railway Shipping Acts.
32. Savings bank.
33. As to Southerham Lift Bridge.
34. As to bridge over river Avan.
35. As to bridge over river Wye.
36. Extensions of time.
37. Powers to owners and lessees to give notice as to purchase of land.
38. As to powers of Board of Trade.
39. Saving for town and country planning.
40. Arbitration.
41. Costs of Act.

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Schedule 1—The level crossings referred to in section 13 (As to certain level crossings) of this Act.

Schedule 2—Lands referred to in subsection (2) of section 15 (Power to acquire lands) of this Act.

Schedule 3—

Part I—Lands the period for the compulsory acquisition of which is extended by this Act to 31st December, 1969.

Part II—Works the period for the completion of which is extended by this Act to 31st December, 1972.