

# British Railways Act 1971

## CHAPTER xlv

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**ELIZABETH II**



**1971 CHAPTER xlv**

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

[27th July 1971]

**W**HEREAS by the Transport Act 1962 the British Railways 1962 c. 46. 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 period now limited for the compulsory acquisition 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 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, and the clerks of the county councils of the several counties and the town clerks of the several 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 1971.
- 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;
- “ the Act of 1863 ” means the Railways Clauses Act 1863;

1845 c. 20.

1863 c. 92.

- PART I  
—cont—
- “ the Act of 1963 ” means the British Railways Act 1963; 1963 c. xviii.
- “ the Act of 1966 ” means the British Railways Act 1966; 1966 c. xvii.
- “ the Act of 1967 ” means the British Railways Act 1967; 1967 c. xxx.
- “ the Act of 1968 ” means the British Railways Act 1968; 1968 c. xxxiv.
- “ the Board ” means the British Railways Board; 1969 c. xliii.
- “ constructed in tunnel ” means constructed in tunnel in such manner as does not necessitate the cutting through or removal of the surface soil;
- “ 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 limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ the Liverpool works ” means Works Nos. 1 to 5;
- “ the Mersey Railway Act of 1968 ” means the British Railways (Mersey Railway Extensions) Act 1968; 1968 c. xxxv.
- “ the Parkeston works ” means Works Nos. 16 to 18 and includes the filling in of the foreshore and bed of the river Stour authorised by subsection (5) of section 5 (Power to make works) of this Act;
- “ the Secretary of State ” means the Secretary of State for the Environment;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878; 1878 c. 76.
- “ the tribunal ” means the Lands Tribunal;
- “ the underground railways ” means such portions of Works Nos. 1 to 4 as are constructed in tunnel;
- “ the works ” means the works authorised by Part II (Works) of this Act.

(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.



PART I  
—cont.  
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:—

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:

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) Works Nos. 5, 6 and 9 shall be deemed to be railways authorised by the special Act;

(ii) the provisions of sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Board 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;

(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; or

(c) by the provisions of section 45 (For further protection of gas, water and electricity undertakers) of the Act of 1967, as incorporated with this Act;

(iii) the provisions of section 46 of the Act of 1845, as incorporated with this Act, shall have effect subject to the provisions of sections 116 and 117 of the Transport Act 1968 as if any bridge to which the said section applies and which carries a highway were in existence immediately before the appointed day referred to in the said section 116.

1950 c. 39.

1968 c. 73.

Application of  
Part I of  
Compulsory  
Purchase Act  
1965.

1965 c. 56.

1946 c. 49.

4.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4, 24 (5) and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

(2) Section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice), as so applied, shall have effect as if for the words "fourteen days" there were substituted in respect of the lands referred to in Schedule 4 to this Act the words "one month" and in respect of the other lands referred to in this Act the words "three months".

PART I  
—cont.

1965 c. 56.

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

1845 c. 18.

## PART II

### WORKS

5.—(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—

Power to  
make works.

In the city of Liverpool—

(Railways at  
Liverpool.)

Work No. 1 A railway (1,588 yards in length) wholly in the city commencing at a point on the south side of Chadwick Street 78 yards west of its junction with Pall Mall and terminating by a junction with the Mersey railway between Birkenhead and Liverpool below a point 50 yards east of the junction of Church Street and Whitechapel.

Work No. 2 A railway (1,570 yards in length) wholly in the city commencing at a point on the south side of Chadwick Street 81 yards west of its junction with Pall Mall and terminating by a junction with the Mersey railway between Birkenhead and Liverpool below a point 23 yards east of the junction of Church Street and Whitechapel.

Work No. 3 A railway (437 yards in length) wholly in the city commencing by a junction with the Mersey railway between Birkenhead and Liverpool below a point 86 yards south-south-east of the junction of the street called Newington and Cropper Street and terminating by a junction with the Cheshire Lines railway between Liverpool Central High Level station and Hunts Cross below the junction of Berry Street and Upper Duke Street.

Work No. 4 A railway (588 yards in length) wholly in the city commencing by a junction with the



PART II  
—cont.

Mersey railway below a point 93 yards south-south-east of the junction of the street called Newington and Cropper Street and terminating by a junction with the Cheshire Lines railway between Liverpool Central High Level station and Hunts Cross below a point 18 yards north of the junction of Great George Street and Rathbone Place.

(Subway at  
Tithebarn  
Street.)

Work No. 5 A subway (144 yards in length) wholly in the city commencing on the ground floor of the building at the corner of Old Hall Street and Tithebarn Street and terminating below a point 19 yards west-north-west of the junction of Stephens Lane and Ryley's Gardens.

(Tunnel  
enlargement  
at Green Lane  
station.)

In the county borough of Birkenhead—

Work No. 6 An enlargement of the tunnel of the Mersey railway commencing at the northern end of Green Lane station and terminating at a point 29 yards north thereof in the running tunnel of the Mersey railway.

(Railway at  
Kirkby-in-  
Ashfield.)

In the county of Nottingham—

In the urban district of Kirkby-in-Ashfield—

Work No. 7 A railway (1 mile 887 yards in length) wholly in the urban district commencing by a junction with the Pye Bridge to Mansfield railway at a point 850 yards south-west of the bridge carrying Lindley's Lane over the said railway and terminating by a junction with the said railway at a point 17 yards south of the bridge carrying the road leading from Low Moor Lane to Kirkby Hardwick over the said railway.

(Railway at  
Lough-  
borough.)

In the county of Leicestershire—

In the borough of Loughborough—

Work No. 8 A railway (592 yards in length) wholly in the borough commencing by a junction with the railway from Leicester to Derby at a point 520 yards south-east of the bridge carrying Nottingham Road over the said railway at Loughborough station and terminating by a junction with the railway from Leicester to Ruddington at a point 10 yards south of the bridge carrying the said railway over Nottingham Road.

## In Greater London—

PART II  
—cont.

- Work No. 9 A widening in the London borough of Lewisham on the south-western side thereof of the bridge carrying the railway between London Bridge and St. Johns over Walpole Road. (Bridge widening at Walpole Road, New Cross.)
- Work No. 10 A reconstruction and lengthening in the London borough of Lewisham on the south-western side thereof of the bridge carrying New Cross Road over the railway between London Bridge and St. Johns. (Bridge reconstruction and lengthening at New Cross Road, New Cross.)
- Work No. 11 A reconstruction and lengthening in the London borough of Lewisham on the south-western side thereof of the bridge carrying St. John's Vale over the railway between New Cross and Hither Green. (Bridge reconstruction and lengthening at St. John's Vale, Lewisham.)

## In the county of Essex—

Partly in the parish of Ramsey in the rural district of Tendring, partly in the borough of Harwich and partly on the foreshore and bed of the river Stour adjacent to the said parish and borough—

- Work No. 16 An extension of Parkeston Quay to be formed by the construction of (a) a quay wall commencing in the said parish by a junction with the existing quay wall at its eastern end and terminating at a point 450 yards east thereof, and (b) an embankment commencing at the last-mentioned point and terminating in the said borough at a point 985 yards south of the point of commencement by a junction with the embankment of the Manningtree and Harwich line railway.
- Work No. 17 A jetty including a link span or ramp (90 yards in length) adjoining Work No. 16 at the westerly end of the quay wall comprised in Work No. 16.
- Work No. 18 A jetty including a link span or ramp (90 yards in length) adjoining Work No. 16 at the easterly end of the quay wall comprised in Work No. 16.

(2) Work No. 7 shall be so constructed as not to affect the flow of the river Erewash either during or after the construction of that work.

(3) Section 31 of the Land Drainage Act 1961 shall apply to the construction of so much of Work No. 8 as will be in, over or under or will contain or divert the floodwaters of any part of the Hermitage Brook but, although the Trent River Authority shall 1961 c. 48.

PART II  
—cont.

be entitled to attach reasonable conditions to the giving of their consent under that section, as applied by this section, they shall not refuse to give that consent.

(4) Subject to the provisions of this Act and within the limits of deviation, the Board may, in carrying out Works Nos. 10 and 11, make junctions with and may alter the line or level of any street or way interfered with, by or contiguous to the said works and may alter and interfere with any steps, walls, gateways, railings, passages, pipes and pavements and may execute any works for the protection of any adjoining land or building:

1878 c. 76.

Provided that, notwithstanding anything in this subsection, the Board shall not alter (as defined in the Telegraph Act 1878) any telegraphic line (as so defined) belonging to or used by the Post Office except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the said Act of 1878.

(5) The Board shall erect a good and sufficient fence on each side of each of the new or reconstructed bridges comprised in Works Nos. 10 and 11 and shall thereafter maintain all such fences in good and substantial condition.

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

(7) The Board may fill in and reclaim from the foreshore and bed of the river Stour and may hold and use as part of their undertaking so much of the foreshore and bed of the said river as is situated within the limits of deviation and is required for or in connection with the Parkeston works or for other the purposes of their undertaking.

Power to Board to make subsidiary works.

6. The Board may, in connection with the Parkeston works, 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 Parkeston works all such works and conveniences subsidiary or ancillary to the Parkeston works 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 Parkeston works or the accommodation of vessels and traffic at the quay extension and jetties comprised in the Parkeston works.

Parkeston works to form part of Parkeston Quay.

1874 c. cxxviii.

7. The Parkeston works 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 Parkeston works as if the same had been authorised by the said Act of 1874.



8.—(1) So much of the Parkeston works as is outside the area of the petty sessional division of Harwich in the county of Essex shall be deemed to be within the said area.

PART II  
—cont.

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

(2) Any part of the Parkeston works which is not within either the parish of Ramsey in the rural district of Tendring in the said county or the borough of Harwich in the said county shall be deemed to be within that one of those areas to which it is nearer.

9. Subject to the provisions of this Act, the Board may—

(a) for the purpose of constructing Works Nos. 1, 2 and 5, or some or one of them, enter upon, open, break up and interfere with so much of the surface of the following streets in the city of Liverpool as is within the limits of deviation:—

Power to open surface of streets.

Dale Street;  
Leeds Street;  
Harrington Street;  
Mathew Street;  
Moorfields; and  
Tithebarn Street;

(b) for the purpose of constructing Work No. 6 enter upon, open, break up and interfere with so much of the surface of Old Chester Road in the county borough of Birkenhead as is within the limits of deviation;

(c) in connection with the construction of Work No. 1 and the works and conveniences connected therewith authorised by the Mersey Railway Act of 1968 enter upon, open, break up and interfere with so much of the surface of Lime Street and William Brown Street in the city of Liverpool as is within the line marked "Limit of land to be used" on the deposited plans;

(d) in connection with the construction of Work No. 2 and the works and conveniences connected therewith authorised by the Mersey Railway Act of 1968 enter upon, open, break up and interfere with so much of the surface of Hamilton Street and Lorn Street in the county borough of Birkenhead as is within the line marked "Limit of land to be used" on the deposited plans.

10.—(1) In this section "the Executive" means the Merseyside Passenger Transport Executive established under the Merseyside Passenger Transport Area (Designation) Order 1969.

Power to make agreements in regard to Liverpool works.

(2) The Board and the Executive may enter into and carry into effect agreements with respect to the construction, maintenance, use and operation of the Liverpool works, or any part

PART II  
—cont.

or parts thereof and as to any other matters incidental or subsidiary thereto or consequential thereon, including the defraying of or the making of contributions towards the cost of the matters aforesaid by the Board or by the Executive, or by the Board and the Executive jointly.

(3) Any such agreement may provide (inter alia) for the exercise by the Executive or the Board and the Executive jointly of all or any of the powers of the Board in respect of the Liverpool works or any part or parts thereof and for the transfer to and vesting in the Executive, or the Board and the Executive jointly, of the Liverpool works or any part or parts thereof together with the rights and obligations of the Board in relation thereto.

(4) The exercise by the Executive, or by the Board and the Executive jointly, of any of the powers of this Act shall be subject to the like provisions in relation thereto as would apply if those powers were exercised by the Board alone, and accordingly those provisions with any necessary modifications shall apply to the exercise of such powers by the Executive, or by the Board and the Executive jointly.

(5) Any payment made in pursuance of an agreement entered into under this section for the reimbursement of loan charges (not being a payment in respect of the liability for the redemption of a loan) shall be deemed to be an annual payment.

General provisions as to mode of construction of underground railways.

11. The following provisions shall apply to the construction of the underground railways:—

- (1) Works Nos. 1, 2, 3 and 4 shall, where constructed in new tunnel or by new or altered excavations, be constructed in separate tunnels for up and down traffic except at sidings and at junctions with existing double line tunnels or chambers where they may be constructed or located in single tunnels or chambers of enlarged dimensions or diameter:
- (2) The underground railways shall be approached by means of stairs, inclines, subways, electric or other lifts or escalators:
- (3) (a) The tunnels comprised in the underground railways shall be constructed by means of mechanically driven steel or other sufficient metal boring machines (moles) or shields driven forward by hydraulic or other pressure as the works proceed. In addition, and where special conditions apply, tunnelling by hand shall be executed, which hand tunnelling shall also apply at station enlargements and at junction and other chambers. All such tunnels, enlargements or chambers shall be lined with sufficient iron, steel in-situ or precast concrete suitably



jointed, abutted or bonded throughout. In locations in rock where conditions warrant the tunnel may remain unlined or unlined and coated with a protective skin of cement mortar applied by pressure-operated spray;

- (b) Every permanent shaft shall be constructed either by underpinning or by sinking and shall be lined with brick, concrete, iron or other equally substantial and durable material;
- (c) The station tunnels of the underground railways shall not have an internal width exceeding 36 feet and the cross-over and junction tunnels and chambers shall not have an internal width exceeding 45 feet. The tunnels between stations shall not (except at cross-overs and junctions or where necessary for the adjustment of curves) have an internal diameter exceeding—
- (i) 15 feet 11 inches where linings are provided; and
  - (ii) 16 feet 9 inches where linings are omitted.

The internal diameter of shafts shall not exceed 25 feet;

- (d) Any space between the lining of the tunnels and chambers (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 the underground railways in such quantity as to necessitate the employment of compressed air, the Board 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 Board 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; alternatively, and permitting the omission of the use of compressed air and as may be expedient to stanch or limit any inflow into the tunnels from water bearing sub-soil pockets or fissures, there shall be injected chemicals to secure consolidation of the ground or there shall be applied a freezing process which freezing of the subsoil shall be maintained until the tunnel lining is fully erected or secured in all respects:
- (5) Where during construction the incompleteness of any part of Works Nos. 1 to 4 will not permit any accumulation or flow of ground or other water to be conveyed to



PART II  
—cont.

the existing permanent gravity drainage system, the same may be pumped or removed and disposed of by any means, and if at the ground surface, as may be previously agreed in writing with the lord mayor, aldermen and citizens of the city of Liverpool, the mayor, aldermen and burgesses of the county borough of Birkenhead or other body or party as the location demands.

Plans, etc., to be approved by Secretary of State before underground railways commenced.

12. The Board shall as regards the underground railways from time to time submit for the approval of the Secretary of State plans, sections and other details of their proposals with respect to—

- (a) permanent-way, tunnels, platforms, stairs, lifts, escalators and other communications;
- (b) rolling stock;
- (c) lighting; and
- (d) ventilation;

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

Provisions as to use of electrical power.

13. The following provisions shall apply to the use of electrical power for the purposes of Works Nos. 1 to 4:—

- (1) The Board shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Board shall take all reasonable precautions in constructing, placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the said works so as not injuriously to affect by fusion or electrolytic action any gas, water or hydraulic power pipes or other metallic pipes, structures or substances or to interfere with the working of any wire, line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic, telephonic or electric signalling communication or the currents in such wire, line or apparatus:
- (3) The electrical power shall be used only in accordance with the regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas, water or hydraulic power pipes or other metallic pipes, structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires, lines and apparatus of other parties and the currents therein, whether such lines do or do not use the earth as a return:

- (4) The Board shall be deemed to take all reasonable and proper precautions against interference with the working of any wire, line or apparatus if and so long as they adopt and employ at the option of the Board either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires, lines and apparatus of other parties and the currents therein as may be prescribed by the regulations and in prescribing such means the Secretary of State shall have regard to the expense involved in relation to the protection afforded:
- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire, line or apparatus or the currents therein unless in the construction, erection, maintaining and working of such wire, line and apparatus all reasonable and proper precautions, including the use of an insulated return, have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:
- (6) If any difference arises between the Board and any other party with respect to anything hereinbefore in this section contained, the difference shall, unless the parties otherwise agree, be determined by the Secretary of State or, at his option, by an arbitrator to be appointed by him and the costs of such determination shall be in the discretion of the Secretary of State or of the arbitrator, as the case may be:
- (7) When any department of Her Majesty's Government represents to the Secretary of State that the use of electrical power under this Act injuriously affects or is likely to affect injuriously any instruments or apparatus, whether electrical or not, used in any observatory or laboratory belonging to or under the control of that department the Secretary of State, after such inspection or inquiry as he may think proper, may by the regulations require the Board to use such reasonable and proper precautions, including insulated returns, as the Secretary of State may deem necessary for the prevention of such injurious affection. For the purposes of this paragraph any inspector of the Secretary of State may during his inspection of the Board's works and apparatus be accompanied by any person or persons appointed in that behalf by the Government department concerned and the Board shall give all due facilities for the inspection:



PART II  
—cont.

Provided that, in the case of any observatory or laboratory established after the passing of this Act or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of this Act, the Secretary of State shall consider to what extent (if any) it is expedient in the interests of the public that the powers of this paragraph should be exercised, regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus, as the case may be:

- (8) In this section “the regulations” means any regulations made by the Secretary of State which may for the time being be in force with respect to Works Nos. 1 to 4, which regulations the Secretary of State is hereby authorised to make.

Compensation  
for damage  
by working.

14.—(1) In addition to the provisions of any enactments incorporated with or applied by this Act with respect to compensation for lands taken or injuriously affected, the Board shall make compensation to the owner, lessee and occupier of any land, house or building which shall be injuriously affected by reason of the working of the Liverpool works (including the working of lifts, escalators and any other works in connection therewith) notwithstanding that no part of the property of such owner, lessee or occupier is taken by the Board:

Provided that all claims for compensation under this section shall be made within two years from the date of the opening for public traffic of that portion of the works which is alleged to cause such injurious affection and, failing agreement, shall be settled by arbitration.

(2) An arbitrator under this section may, with the consent of all parties concerned, hear together any class or group of claims under this section.

Further works  
and powers.

15.—(1) Subject to the provisions of this Act (and, in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels as shown) the Board may exercise the powers hereinafter mentioned, that is to say—

(a) In Greater London—

In the London borough of Bexley—

stop up and discontinue so much of the footpath leading from Erith Marshes to Abbey Road which is crossed by the railway between Abbey Wood and Belvedere at the level crossing known as Leatherbottle crossing as lies within the boundaries of their property.



(b) In the county of Wilts—

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—cont.

In the parish of Stratton St. Margaret in the rural district of Highworth—

stop up and discontinue so much of the roadway from Gipsy Lane, Swindon, to Green Road, Upper Stratton, as crosses the railway between Swindon and Pressed Steel North by means of a bridge and substitute therefor a level crossing.

(c) In the county of Nottingham—

In the urban district of Kirkby-in-Ashfield—

stop up and discontinue such parts of the footpaths as lie between the points marked "A", "B" and "C" and between the points marked "B" and "D" on the deposited plans and substitute therefor new footpaths between the points marked "A" and "E" and between the points marked "C" and "D" respectively on the deposited plans.

(2) The stopping up under this section of the portion of footpath in the London borough of Bexley shall not take place until a new footbridge has been constructed to carry a new footpath leading from Erith Marshes to Abbey Road and such footpath has been opened for public use.

(3) For the avoidance of doubt it is hereby declared that section 61 of the Act of 1845, as incorporated with this Act, shall apply to the level crossing in the parish of Stratton St. Margaret authorised by this section and in the application of the said section 61 to the said level crossing the highway thereover shall be deemed to be a bridleway.

16.—(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 for all persons to use those level crossings as a bridleway or 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 gates for the convenience of persons on horseback or leading horses and persons on foot. As to certain level crossings.

(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. 1839 c. 45.  
1842 c. 55.

PART II  
—cont.

(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 works 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.

(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.

Incorporation  
of provisions  
of Acts of  
1963, 1967  
and 1968  
relating to  
works.

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

## The Act of 1963—

Section 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); and

Section 17 (Use of sewers, etc., for removing water).

## The Act of 1967—

Section 12 (Temporary stoppage of roads and footpaths) except subsections (5) and (6) thereof.

## The Act of 1968—

Section 11 (Underpinning of houses near works):



Provided that—

PART II  
—cont.

- (i) the exercise by the Board of the powers of the said section 12 of the Act of 1963, as so incorporated, in relation to any road or footpath shall not prejudice or affect the right of the Post Office to maintain, inspect, repair, renew or remove telegraphic lines or break open that road or footpath for any of those purposes;
- (ii) the expression “river board” where used in the said section 17 of the Act of 1963, as so incorporated, shall mean a river authority established by an order under Part II of the Water Resources Act 1963, and shall include the Conservators of the River Thames and the Lee Conservancy Catchment Board and the definition of “river board” in subsection (5) of the said section 17 shall be construed accordingly; 1963 c. 38.
- (iii) for the purposes of the said section 17 of the Act of 1963, as so incorporated, the expression “local authority” in section 144 of the Local Government Act 1948 shall be deemed to include the Greater London Council. 1948 c. 26.

### PART III

#### LANDS

18.—(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 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.

(4) The Board shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 139, 141 and 142 in the city of Liverpool or any part of those lands.

## PART III

—cont.

Power to acquire for Liverpool works subsoil or easements only in certain cases.

19.—(1) Subject to the provisions of this Act, the Board may, for the purposes of constructing, maintaining, protecting, renewing and using the Liverpool works, enter upon, take and use so much of the subsoil and under-surface of or may acquire such easements or rights as they may require in, under or over—

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

(b) any of the lands described in Schedule 3 to this Act;

without being obliged 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 and the acquisition of any 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 Part I of the Compulsory Purchase Act 1965, as applied by this Act, shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those provisions.

1965 c. 56.

(2) (a) If, in any case where the Board enter upon, take and use the subsoil and under-surface of, or require an easement or 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 Liverpool works and (subject to the provisions of this Act) the provisions of the Compulsory Purchase Act 1965, as applied by this Act, 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 provisions.

(b) Section 15 (Acquisition of part only of certain properties) of the Act of 1967, as incorporated with this Act, shall apply in respect of the acquisition by the Board 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.

Power to acquire for other works easements only in certain cases.

20.—(1) 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 (other than the Liverpool works) in, under or over any railway, tramway, tramroad, river, canal, navigation, watercourse, aqueduct, drain, dyke or sewer without being obliged 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 Part I of the Compulsory Purchase Act



1965, as applied by this Act, shall have effect in relation to the acquisition of such easements or rights as if they were lands within the meaning of those provisions.

PART III  
—cont.

(2) (a) If, in any case where the Board acquire an easement or right in or under any of the said lands, 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 (other than the Liverpool works) and the provisions of the Compulsory Purchase Act 1965, as applied by this Act, 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 provisions. 1965 c. 56.

(b) Section 15 (Acquisition of part only of certain properties) of the Act of 1967, as incorporated with this Act, shall apply in respect of the acquisition by the Board 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.

21.—(1) In this section “the specified lands” means the lands referred to in Schedule 4 to this Act.

Subsoil or easements only to be acquired under certain lands.

(2) The Board shall not acquire compulsorily under the powers of this Act any part of the surface of the specified lands, but they may, within the limits of lateral and vertical deviation prescribed by this Act in respect of the Liverpool works, enter upon, take and use so much of the subsoil and under-surface of the specified lands as they may require for the purpose of constructing, maintaining, protecting, renewing and using the Liverpool works, or acquire such easements and rights under the specified lands as they may require for the said purposes without in either case being obliged to acquire any greater interest in, under or over the specified lands, and may give notice to treat in respect of such entry, taking and using and the acquisition of such easements or rights, describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of Part I of the Compulsory Purchase Act 1965, as applied by this Act, shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those provisions.

22.—(1) This section applies to the lands numbered on the deposited plans 8 and 9 in the county borough of Birkenhead (hereafter in this section referred to as “the Birkenhead lands”) and 138 and 141a in the city of Liverpool (hereafter in this section referred to as “the Liverpool lands”).

Temporary possession of land.

PART III  
—cont.

(2) Subject to the provisions of this Act, the Board may, for the purpose of enabling them to carry out alterations and improvements of the Mersey railway, enter upon and take possession temporarily of the Birkenhead lands and the Liverpool lands after giving to the Birkenhead Borough Council and the Liverpool City Council respectively, as owners and occupiers of the said respective lands, not less than one month's previous notice in writing and may remove any structures thereon and may construct temporary works, shafts and structures thereon for the aforesaid purpose.

(3) Before relinquishing possession of the said respective lands the Board shall remove all works and structures erected by them thereon and shall reinstate the lands to the reasonable satisfaction of the Birkenhead Borough Council or the Liverpool City Council, as the case may be.

Period for compulsory purchase of lands and easements.

23. The powers of the Board for the compulsory purchase of the lands and easements which they are authorised by this Act to acquire shall cease on 31st December 1974.

Incorporation of provisions of Acts of 1963, 1967 and 1969 relating to lands.

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

The Act of 1963—

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

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

The Act of 1967—

Section 15 (Acquisition of part only of certain properties); and

Section 16 (Grant of easements by persons under disability).

The Act of 1969—

Section 12 (Disregard of recent improvements and interests); and

Section 13 (Extinction of private rights of way).

#### PART IV

##### PROTECTIVE PROVISIONS

Incorporation of provisions of Acts of 1963, 1966 and 1967 and Mersey Railway Act of 1968.

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

The Act of 1963—

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



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

PART IV  
—cont.

The Act of 1966—

Section 22 (Tidal works not to be executed without approval of Board of Trade);

Section 23 (Survey of tidal works);

Section 24 (Lights on tidal works during construction);

Section 25 (Permanent lights on tidal works);

Section 26 (Abatement of works abandoned or decayed);  
and

Section 27 (Provision against danger to navigation).

The Act of 1967—

Section 39 (For protection of sewers of Greater London Council);

Section 40 (As to metropolitan roads and road traffic, etc.); and

Section 45 (For further protection of certain gas, water and electricity undertakers).

The Mersey Railway Act of 1968—

Section 19 (Saving rights of Duchy of Lancaster):

Provided that—

(i) in the said sections 22 to 27 of the Act of 1966, as so incorporated, any reference to a tidal work shall be construed as a reference to so much of the Parkeston works and any work authorised by section 6 (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 mean high-water springs;

(ii) in the said section 39 of the Act of 1967, as so incorporated, the expression “sewer” as defined in paragraph (13) thereof shall be construed to include any main used for the conveyance of sewage sludge or sewage effluent;

(iii) in the said section 40 of the Act of 1967, as so incorporated—

(a) for the reference in paragraph (3) thereof to Works Nos. 5, 9 and 10 in both places where such reference occurs there shall be substituted a reference to Work No. 10; for the reference in the said paragraph (3) to Kew Bridge Road, Hanworth Road and Westcombe Hill there shall be substituted a reference to New Cross Road; and after the word “widen” there shall be inserted the words “or otherwise improve”;

PART IV  
—cont.

(b) after the word “or” in paragraph (4) there shall be inserted the words “except in the case of any bridge work”; and

(c) after the word “works” where it first occurs in paragraph (18) there shall be inserted the words “which affects the Council”;

(iv) in the said section 45 of the Act of 1967, as so incorporated—

(a) the reference in paragraph (2) thereof to section 11 (Underpinning of houses near works) of the Act of 1967 shall be construed as a reference to section 11 (Underpinning of houses near works) of the Act of 1968, as incorporated with this Act; and

(b) for the reference in paragraph (4) thereof to section 13 (Incorporation of provisions of Act of 1963 relating to works) of the Act of 1967 there shall be substituted a reference to section 17 (Incorporation of provisions of Acts of 1963, 1967 and 1968 relating to works) of this Act.

Crown rights.

**26.** Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Board to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land or hereditaments or any rights of whatsoever description—

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

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

For  
protection  
of Post Office.

**27.** For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Board and the Post Office, apply and have effect in relation to Works Nos. 1, 2, 3 and 4:—

(1) The Board shall so construct their electric lines and works of all descriptions and shall so work that part of their undertaking which consists of such parts of the said Works as are for the time being worked by electrical power in all respects as to prevent any interference,



whether by induction or otherwise, with the telegraphic lines from time to time laid down or used by the Post Office or with telegraphic communication by means of such lines:

Provided that this paragraph shall not apply to any telegraphic line of the Post Office laid down or placed by it in or along the said Works or in or along any underground railway of the Board immediately connected or communicating with the said Works:

- (2) If any telegraphic line of the Post Office situate within one mile of any portion of the works of the Board is injuriously affected and the Post Office is of opinion that such injurious affection is or may be due to the construction of the Board's works, or to the working of the same, an engineer of the Post Office nominated by the Post Office in that behalf or any person appointed in writing by him may, at all times when electrical energy is being generated or used by or supplied to the Board, enter any of the Board's works for the purpose of inspecting the Board's plant and the working of the same, and the Board shall, in the presence of such engineer or such appointed person as aforesaid, make any electrical tests required by the Post Office and shall produce for the inspection of the Post Office the records kept by the Board pursuant to any regulations made by the Secretary of State which may for the time being be in force with respect to the said works:
- (3) If a telegraphic line of the Post Office situate within one mile of any portion of the works of the Board be injuriously affected and the Post Office is unable to ascertain whether such injurious affection is caused by the Board or by any other persons generating or using electrical currents for traction purposes, the Post Office may give notice to the Board requiring them to make at such times as it may specify such experiments (by working their generating stations, running their carriages or cars, or otherwise working any part of their undertaking, or in case of continuous working by stopping the electricity generated for the purposes of their undertaking at such times as would not unduly interfere with the traffic) as the Post Office may deem necessary to enable it to discover which of the undertakings causes the disturbance and such experiments shall be carried out by the Board as and when required by the Post Office:
- (4) For the purposes of this section a telegraphic line of the Post Office shall be deemed to be injuriously affected by an act or work if telegraphic communication by means

**PART IV**  
—cont.

of such line is, whether through induction or otherwise, in any manner affected by such act or work or by any use made of such work:

1882 c. 56.

- (5) In this section, the expression “electric line” has the same meaning as in the Electric Lighting Act 1882.

For protection  
of Birkenhead  
Corporation.

28. For the protection of the mayor, aldermen and burgesses of the county borough of Birkenhead (in this section referred to as “the corporation” and “the borough” respectively) the following provisions shall, unless otherwise agreed in writing between the Board and the corporation, apply and have effect with reference to the exercise of the powers of this Act relating to the works to which this section applies:—

- (1) (a) In this section “highway” means a highway vested in or repairable or maintained by the corporation;
- (b) The works to which this section applies are Work No. 6 and the works and conveniences connected therewith authorised by this Act and works on, under or over the lands numbered on the deposited plans 3, 8 and 9 in the borough and authorised by this Act to be acquired for the purposes of Work No. 2 authorised by the Mersey Railway Act of 1968 and the works and conveniences connected therewith authorised by that Act;
- (2) (a) The Board shall not under the powers of this Act acquire any permanent interest in the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 3, 8 and 9 in the borough other than—
  - (i) such easements under the said lands as may be required by the Board for the construction of the works to which this section applies within the limits of deviation relative thereto;
  - (ii) such temporary interests as the Board may reasonably require to enable them to make use of the surface and subsoil of the said lands numbered 3, 8 and 9 in the borough as working sites for the purpose of constructing the works to which this section applies;
- (b) Before exercising their powers under this Act with respect to the surface of the said lands numbered 3, 8 and 9 in the borough the Board will consult the corporation as to the extent of the surface of the said lands which it may be reasonably necessary for the Board to occupy as a temporary working site as aforesaid and as



to the terms and conditions under which such powers shall be exercised (including terms and conditions as to reinstatement and the period within which reinstatement is to be completed after such time as the surface is no longer required for the said purposes) and the surface of such lands shall not be occupied and such powers shall not be exercised except to such extent, and except in accordance with such terms and conditions, as may be agreed between the Board and the corporation or, failing such agreement, as may be determined by arbitration:

- (3) The Board shall not exercise the powers of section 9 (Power to open surface of streets) of this Act to enter upon, open, break up or interfere with any part of the carriageway of Hamilton Street, Lorn Street and Old Chester Road in the borough without the consent of the corporation, which consent may be given subject to such terms and conditions as the corporation consider reasonably necessary to avoid or reduce interference with traffic in such streets (including pedestrian traffic) and to provide for the reinstatement of such streets and the period within which such reinstatement is to be completed and the repayment to the corporation of the reasonable expense incurred in traffic diversions necessary by reason of the exercise of these powers, but such consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld, or whether any terms or conditions imposed are reasonably necessary for the purpose aforesaid, shall be determined by the Secretary of State:
- (4) In the construction of any part of the works to which this section applies (except Work No. 6) under a highway, no part thereof shall (except with the consent of the corporation) be so constructed within 12 feet of the surface of the highway or so as to interfere with the provision of proper means of drainage of the surface of such highway:
- (5) The works to which this section applies, so far as they involve any serious interference with the movement of traffic (including pedestrian traffic) in any highway, shall, after the commencement thereof, be carried on, so far as reasonably practicable, as expeditiously as possible, and the Board shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:
- (6) The Board shall secure that so much of the works to which this section applies as is constructed under or so as to affect any highway shall be designed, constructed

PART IV  
—cont.

and maintained so as to carry the appropriate loading recommended at the time of construction of such works by the Secretary of State for highway bridges:

- (7) The Board shall, if reasonably so required by the corporation, provide and maintain to the reasonable satisfaction of the corporation, during such time as the Board may occupy any part of a highway for the purpose of the construction of any part of the specified works, temporary bridges and temporary ramps for vehicular traffic or pedestrian traffic, or both, over any part of the specified works or in such other position as may be necessary to prevent interference with the flow of traffic in any highway:
- (8) The Board shall not alter, disturb or in any way interfere with any shelter, refuge, sewer, drain, lamp column, traffic sign or apparatus connected therewith, or other property or work of the corporation or under the control of or repairable by the corporation or the access thereto, without the consent of the corporation and any alteration, diversion, replacement or reconstruction of any such shelter, refuge, sewer, drain, lamp column, traffic sign or apparatus connected therewith or other property or work which may be necessary shall be made by the corporation or the Board, as the corporation shall think fit, and any costs and expenses reasonably incurred by the corporation in so doing shall be repaid to the corporation by the Board:

Provided that this paragraph shall not apply to the alteration, disturbance or interference with any such shelter, refuge, sewer, drain, lamp column, traffic sign or apparatus connected therewith or other property or work of the corporation or the access thereto on lands occupied temporarily as a working site if such alteration, disturbance or interference is in accordance with the terms and conditions agreed with the corporation or determined by arbitration:

- (9) The Board shall not, except with the consent of the corporation, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway so as to obstruct the use of such highway by any person or, except with the like consent, deposit any soil, subsoil or materials on any such highway except within a hoarding:
- (10) All reasonable costs, charges and expenses incurred by the corporation in removing any soil deposited on any highway in contravention of this section shall be a debt due to the corporation and shall be paid by the Board to the corporation:



(3) (i) The Board shall not, except in cases of emergency, exercise the powers of section 9 (Power to open surface of streets) of this Act to enter upon, open, break up or interfere with any part of Dale Street, Leeds Street, Harrington Street, Mathew Street, Moorfields, Tithebarn Street, Lime Street or William Brown Street in the city without the consent of the corporation which consent may be given subject to such conditions as the corporation consider reasonably necessary to avoid or reduce interference with traffic in such streets and to secure the satisfactory reinstatement of such streets but such consent shall not be unreasonably withheld:

(ii) Whenever, in pursuance of sub-paragraph (i) of this paragraph, the Board shall exercise its powers under the said section 9 in a case of emergency, the Board shall notify the corporation thereof at the earliest opportunity and, as soon as they reasonably can, shall comply with such conditions as the corporation consider reasonably necessary to avoid or reduce interference with traffic in the streets and to secure the satisfactory reinstatement of the streets:

(4) The entrances and exits in the city to and from any subway, booking hall or station in the city shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in adjoining highways and city walkways and before the Board commence to construct such entrances or exits plans thereof shall be submitted to the corporation for their reasonable approval:

Provided that if the corporation do not within twenty-eight days from the submission to them of any such plans express in writing their approval or disapproval thereof they shall be deemed to have approved thereof:

(5) In the construction of any part of the works to which this section applies under a highway or a city walkway to which section 21 (Statutory undertakers' works) of the Liverpool Corporation Act 1969 applies, no part thereof shall (except with the consent of the corporation) be constructed within 12 feet of the surface of the highway or city walkway or so as to interfere with the provision of proper means of drainage of the surface of such highway or city walkway: 1969 c. lv.

(6) The works to which this section applies so far as they involve any serious interference with the movement of traffic in any highway or on any city walkway shall, after the commencement thereof, be carried on, so far

PART IV  
—cont.

as reasonably practicable, as expeditiously as possible and the Board shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:

- (7) The Board shall secure that so much of the works to which this section applies as is constructed under or so as to affect any highway shall be designed, constructed and maintained so as to carry the appropriate loading recommended, at the time of construction of such works, by the Secretary of State for highway bridges:
- (8) It shall be lawful for an authorised officer at all reasonable times to enter upon and inspect any part of the works to which this section applies, in, under or affecting any highway or city walkway or which may affect any property of the corporation during the execution thereof and the Board shall give to such authorised officer all reasonable facilities for such inspection and, if he shall be of opinion that the construction of such works is attended with danger to any highway or city walkway or to any shelter, refuge, sewer, drain, water pipe or main, lamp column, traffic sign or apparatus connected therewith or other property or work belonging to or under the jurisdiction or control of the corporation, the Board shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto:
- (9) The Board shall not alter, disturb or in any way interfere with any shelter, refuge, sewer, drain, water pipe or main, lamp column, traffic sign or apparatus connected therewith, or other property or work of the corporation or under the control of or repairable by the corporation or the access thereto, without the consent of the corporation and any alteration, diversion, replacement or reconstruction of any such shelter, refuge, sewer, drain, water pipe or main, lamp column, traffic sign or apparatus connected therewith or other property or work which may be necessary shall be made by the corporation or the Board as the corporation shall think fit, and any costs and expenses reasonably incurred by the corporation in so doing shall be repaid to the corporation by the Board:
- (10) The Board shall not, except with the consent of the corporation, deposit any soil, subsoil or materials or stand any vehicle or plant on any highway or city walkway so as to obstruct the use of such highway or



city walkway by any person or, except with the like consent, deposit any soil, subsoil or materials on any such highway or city walkway except within a hoarding:

(11) All reasonable costs, charges and expenses incurred by the corporation in removing any soil deposited on any highway or city walkway in contravention of this section shall be a debt due to the corporation and shall be paid by the Board to the corporation:

(12) It shall not be lawful for the Board to place any hoardings on any part of any highway or city walkway except for such period as may be necessary and then only in such manner as shall be reasonably necessary, and the provisions of the Highways Act 1959 and the Liverpool Corporation Acts 1921 and 1927 relating to hoardings shall apply to any hoarding erected on any part of any highway or city walkway and for the purposes of the application of section 147 of the said Act of 1959 any such hoarding shall be deemed to have been erected in compliance with subsection (1) of that section: 1959 c. 25.

(13) The Board shall indemnify and hold harmless the corporation from all claims, demands, costs, expenses, damages or loss which may be made on or against them or which they may incur or have to pay or which they may sustain in consequence of the construction, use, maintenance, renewal or alteration of the works to which this section applies or of the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Board, their contractors, agents, workmen or servants:

Provided that the corporation 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:

(14) As soon as reasonably practicable after the completion of any part of the works to which this section applies, the Board shall furnish the corporation with a plan and section showing the position and level of such part of the works as constructed:

(15) Wherever in this section provision is made with respect to the consent of the corporation, such consent shall be in writing and may be given under the hand of the town clerk of the city subject to such reasonable terms and conditions as the corporation may require, but shall not be unreasonably withheld:

PART IV  
—cont.

- (16) Any difference arising between the Board and the corporation under this section shall be settled by arbitration.

For  
protection  
of Harwich  
Harbour  
Conservancy  
Board and  
Felixstowe  
Dock and  
Railway  
Company.

30. For the protection of the Harwich Harbour Conservancy Board and the Felixstowe Dock and Railway Company (in this section referred to as "the protected interests", which expression includes each of them) the following provisions shall, unless otherwise agreed in writing between the Board and the protected interests, apply and have effect:—

- (1) (a) If, during the construction of the Parkeston works on the foreshore or bed of the river Stour or of any temporary structure in connection therewith respectively or within five years after the completion of such works or after the removal of such temporary structures, any accumulation of silt or other material shall be created in the said river (including the limits of Felixstowe Dock) or Harwich Harbour in consequence of (i) the construction of the Parkeston works or such temporary structures to eastward of the west boundary of Parkeston Anchorage and to westward of the Guard Buoy, or (ii) dredging carried out to afford access for vessels to the Parkeston works, which shall cause an impediment to the free navigation of the said river (including the limits of Felixstowe Dock) or Harwich Harbour the Board, if so requested by the protected interests within the period of five years after such completion, shall remove such accumulation of silt or other material, and if they refuse or fail to do so the protected interests may themselves cause the work to be done and may recover from the Board the reasonable cost thereof;
- (b) Should any such accumulation arise within the said period of five years and be removed in accordance with the provisions of sub-paragraph (a) of this paragraph then any recurrence of such accumulation shall from time to time be removed as aforesaid during a period of ten years after the completion of the works or the removal of such temporary structures, as the case may be:
- (2) During the construction of the Parkeston works the Board shall take all necessary steps to ensure that no silt or other material from the site of the Parkeston works shall be deposited in the river Stour (including the limits of Felixstowe Dock) or Harwich Harbour, whether accidentally or otherwise, and if any such silt is so deposited the Board, if so requested to do so by the protected interests, shall remove such silt or other



material and, if they refuse or fail to do so, the protected interests may themselves cause the work to be done and may recover from the Board the reasonable cost thereof:

PART IV  
—cont.

- (3) Any difference arising between the Board and the protected interests under this section shall be settled by arbitration.

31. For the protection of the Mersey Tunnel Joint Committee (in this section referred to as “ the joint committee ”) the following provisions shall, unless otherwise agreed in writing between the Board and the joint committee, apply and have effect:—

For protection  
of Mersey  
Tunnel  
Joint  
Committee.

- (1) In this section—

“ the tunnel ” means the tunnel authorised by the Mersey Tunnel Acts 1925 to 1933 and any works connected therewith for the maintenance of which the joint committee are responsible;

“ tunnel property ” means the tunnel and any lands occupied by the joint committee for the purpose of their functions under the Mersey Tunnel Acts 1925 to 1968;

“ the specified works ” means so much of the Liverpool works as may be situated upon, across, under or over or within 50 feet of tunnel property and includes the construction, maintenance and renewal of such works;

“ the engineer ” means an engineer to be appointed by the joint committee;

“ plans ” includes sections, drawings and particulars:

- (2) The Board shall not under the powers of this Act acquire compulsorily any tunnel property but they may in accordance with the provisions of this Act acquire such easements and rights as they may reasonably require for the purposes of the specified works in the subsoil or undersurface of any such property within the limits of deviation:
- (3) Notwithstanding the provisions of section 5 (Power to deviate) of the Act of 1963 as incorporated by section 17 (Incorporation of provisions of Acts of 1963, 1967 and 1968 relating to works) of this Act, the Board shall not in executing so much of the specified works as is above tunnel property deviate downwards from the level of

PART IV  
—cont.

such works shown on the deposited sections to an extent which would affect the structure of the tunnel nor in any event to any greater extent than 3 feet:

- (4) The Board shall, before commencing the specified works (other than works of maintenance or repair), furnish to the joint committee proper and sufficient plans thereof for the reasonable approval of the joint committee and shall not commence the specified works until plans thereof have been approved in writing by the joint committee or settled by arbitration:

Provided that, if within fifty-six days after such plans have been furnished to the joint committee the joint committee shall not have intimated their disapproval thereof and the grounds of their disapproval, they shall be deemed to have approved the same:

- (5) Upon signifying their approval or disapproval of the plans the joint committee may specify any protective works, whether temporary or permanent, or make any reasonable requirements as to the manner of construction of the specified works, which in their opinion should be carried out or complied with either before the commencement or during the construction of the specified works to ensure the safety and stability and the safe and efficient use of tunnel property and such of the protective works so specified and the requirements so made as may be reasonably necessary for the purposes aforesaid shall be constructed or complied with by the Board to the reasonable satisfaction of the joint committee:

Provided that, if any such protective works involve modification to or interference with tunnel property, the joint committee may, if they so elect, themselves construct such protective works and recover from the Board the reasonable cost of so doing:

- (6) The Board shall give to the joint committee twenty-eight days' notice of their intention to commence the specified works and, except in emergency (when they shall give such notice as may be reasonably practicable), also of their intention to carry out any works for the repair or maintenance of the specified works:
- (7) The specified works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and in such manner as to cause as little damage to tunnel property as may be and so far as is reasonably practicable so as not to interfere with or



obstruct the free, uninterrupted and safe user of the tunnel and the traffic therein, and if any damage to tunnel property or any such interference or obstruction shall be caused or take place by reason of the specified works the Board shall, notwithstanding any such approval as aforesaid, forthwith make good such damage and pay to the joint committee all reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain, by reason of any such damage, interference or obstruction other than damage, interference or obstruction caused by the neglect or default of the joint committee, their servants or agents:

- (8) The Board shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and shall supply him with all such information as he may reasonably require with regard to such works or the method of construction thereof:
- (9) The joint committee shall at all times afford reasonable facilities to the engineer of the Board for access to any works carried out by the joint committee as provided by paragraph (5) of this section during their construction and shall supply him with such information as he may reasonably require with regard to such works or the method of construction thereof:
- (10) If any alterations or additions, either permanent or temporary, to tunnel property shall be reasonably necessary during the construction of the specified works, or during a period of twelve months after completion thereof, in consequence of the construction of the specified works, such alterations and additions may be effected by the joint committee after not less than twenty-eight days' notice (or in case of emergency such notice as may be reasonably practicable) has been given to the Board and the Board shall pay to the joint committee the reasonable cost thereof, including, in respect of permanent alterations and additions, a capitalised sum representing the increased or additional cost of maintaining and, when necessary, renewing any such alterations or additions:
- (11) The Board shall repay to the joint committee all costs, charges and expenses reasonably incurred by the joint committee—
  - (a) in constructing any protective works under the provisions of paragraph (5) of this section including, in respect of any permanent protective works, a capitalised sum representing the increased or additional cost of maintaining and renewing such works;

PART IV  
—cont.

(b) in respect of any special traffic controls within the tunnel which may in the opinion of the joint committee require to be imposed and which may be due to the construction or failure of the specified works:

(12) Any additional expense which the joint committee may reasonably incur, after giving twenty-eight days' notice to the Board, in altering, reconstructing or maintaining tunnel property in pursuance of any power existing at the passing of this Act by reason of the existence of the specified works shall be repaid by the Board to the joint committee:

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

(a) by reason of the specified 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 specified works;

and the Board shall effectively indemnify and hold harmless the joint committee from and against all claims and demands arising out of or in connection with the specified works or any such failure, act or omission as aforesaid, and the fact that any act or thing may have been done by the joint committee on behalf of the Board, or in accordance with plans approved by the joint committee, or in accordance with any requirements of the joint committee, shall not (if it was done without negligence on the part of the joint committee or of any person in their employ or of their contractors or agents) excuse the Board from any liability under the provisions of this section:

Provided that the joint committee 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:

(14) The Board shall not, without the consent of the joint committee, which shall not be unreasonably withheld—

(a) exercise the powers of subsection (3) of section 11 of the Compulsory Purchase Act 1965, as applied by this Act, to probe or bore to ascertain the nature of the soil on or over any tunnel property; or



(b) use or interfere with any sewer or drain of the joint committee under the powers of section 17 (Use of sewers etc. for removing water) of the Act of 1963, as incorporated in this Act:

PART IV  
—cont.

(15) Any difference arising between the Board and the joint committee under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by arbitration:

Provided that, in settling any difference under this section, the arbitrator shall have regard to the need for the joint committee to ensure the maintenance of a free flow of traffic in the tunnel and to secure the safety of persons and vehicles therein.

## PART V

### MISCELLANEOUS

32. In section 20 of the Act 8 & 9 Victoria cap. xxxiii (An Act for completing the Line of the Chester and Holyhead Railway, and for amending the Act relating to the said Railway) the words from the words “and further” where the words “and further” first occur to the end of the said section are hereby repealed.

As to  
Britannia  
Bridge, Menai  
Straits.

33.—(1) In this section—

“the management committee” means the management committee constituted by article 6 of the British Transport (Amalgamation of Railways’ Pension Funds) (No. 1) Order 1970;

Management  
of Board’s  
Salaried Staff  
Superannua-  
tion Fund.

“the fund” means the British Railways Superannuation Fund constituted by article 2 of the said (No. 1) Order of 1970 as amended by the British Transport (Amalgamation of Railways’ Pension Funds) (No. 2) Order 1970;

“the general committee” means the new general management committee of the fund constituted by this section;

“the sectional committees” means the sectional management committees of the LNER, GWR, SR, LMSR and New Sections of the fund;

“the transfer date” means 1st January 1972.

(2) On the transfer date the sectional committees and the management committee shall be dissolved and no person shall on or after that date be elected or appointed to serve upon any of the sectional committees or upon the management committee.

PART V  
—cont.

(3) On and after the transfer date all the functions which, if the sectional committees and the management committee had not been dissolved, would have devolved upon the sectional committees and the management committee shall (except functions of the management committee in relation to the activities of the sectional committees which functions shall cease to be exercisable) be transferred to and devolve upon the general committee.

(4) The general committee shall comprise twelve Board's committee-men and twelve members' committee-men.

(5) The Board's committee-men shall be appointed by the Board from time to time so however that the first Board's committee-men shall be appointed before the extraordinary meeting of the members of the fund referred to in paragraph 2 of Schedule 5 to this Act.

(6) The members' committee-men shall be elected by the members of the fund in accordance with the regulations set out in the said schedule.

(7) The chairman of the general committee shall be one of the Board's committee-men and shall be appointed by the Board from time to time so however that before the extraordinary meeting of members referred to in paragraph 2 of the said schedule the Board shall appoint a chairman-designate who shall preside at the said extraordinary meeting.

(8) The procedure of the general committee shall, subject to the provisions of this section, be regulated from time to time by the general committee.

(9) Six members of the general committee (of whom not less than two shall be Board's committee-men and not less than two members' committee-men) shall constitute a quorum and no business shall be transacted at a meeting of the general committee unless a quorum be present.

(10) The decision of the majority of the general committee present at a meeting of the general committee shall be the decision of the general committee. The chairman shall, in case of equal division, have a second or casting vote.

(11) The general committee may exercise its powers during and notwithstanding any casual vacancy in its body.

(12) Whenever it is necessary for the general committee to decide a question of fact, the general committee may act upon such proof and presumption as the general committee deems satisfactory whether the same be legally admissible as evidence or not.



(13) The secretary of the general committee shall be appointed by the general committee with the assent of the Board and shall continue in office as the general committee and the Board so determine.

PART V  
—cont.

(14) For the purposes only of the extraordinary meeting of members referred to in paragraph 2 of the said schedule and the first election of members' committee-men the person who is at the passing of this Act the secretary of the management committee shall carry out the functions ascribed to "the secretary" in the said schedule.

(15) On and after the transfer date this section and the said schedule shall be incorporated in and form part of the rules of the LNER, GWR, SR, LMSR and New Sections of the fund and shall replace any such rules which relate to the appointment of the sectional committees of the said sections of the fund.

(16) Notwithstanding any provision in the rules of the LNER, GWR, SR, LMSR and New Sections of the fund the said rules as amended by subsection (15) of this section may after the transfer date be from time to time amended by a resolution of the general committee provided that such amendment is confirmed by the trustees of the fund and the Board and provided also that such amendment is confirmed by an instrument in writing under the hand of the actuary of the fund if benefits or contributions are affected in any way provided always that no amendment shall be made which—

- (i) varies the main purpose of the fund, namely, the provision of retirement pensions and other benefits for members;
- (ii) authorises the payment of any moneys held or to be held by the said trustees or by the general committee to the Board, other than as authorised by the trust deed of the new section of the fund or the rules of the LNER, GWR, SR, LMSR and New Sections of the fund or the application of such moneys for any purpose other than for the benefit of the fund;
- (iii) reduces without his consent the benefit of any person already in receipt of a pension on the date of the amendment;
- (iv) prejudices the approval of the fund under the Finance Act 1970.

1970 c. 24.

34. Section 6 of the Regulation of Railways Act 1889 (which Repeal. requires the chargeable fare to be printed or written on the face of passenger tickets issued by railway companies) shall cease to apply to passenger tickets issued by the Board in respect of any of their railways. 1889 c. 57.

PART V  
—cont.

Saving for  
Town and  
Country  
Planning Acts,  
1962 c. 38.

**35.**—(1) Section 220 of the Town and Country Planning Act 1962 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the Session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that Session; and accordingly the Town and Country Planning Acts 1962 to 1968 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

(2) 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 1963 (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.

(3) In this section the reference to article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1963 includes a reference to corresponding provisions of any general order superseding that Order made under section 14 of the Town and Country Planning Act 1962 or any corresponding provision of an Act repealing that section.

Saving for  
Harbours  
Act 1964.  
1964 c. 40.

**36.** Nothing in this Act shall exempt the Board from the provisions of section 9 of the Harbours Act 1964 in relation to the works at Parkeston Quay authorised by this Act.

Extensions of  
time.

**37.**—(1) The period now limited by the Act of 1968 and the Mersey Railway Act of 1968 for the compulsory acquisition of the lands referred to in Schedule 6 to this Act is hereby extended until 31st December 1974.

(2) 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 Act of 1968 and the Mersey Railway Act of 1968.

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

**38.**—(1) In this section—

“the enabling Act” means the Act of 1968 or the Mersey Railway Act of 1968;



“ 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 owner or lessee of any of the land shall give notice in writing to the Board of his desire for the acquisition as soon as may be by the Board of his interest in any part of the land specified in the notice, the Board shall within a period of three months after the receipt of such notice—

- (a) enter into a contract with him for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or
- (b) serve on him a notice to treat for the compulsory acquisition of his interest in the land specified in his notice, or in such part thereof as may be required by the Board; or
- (c) serve on him notice in writing of the Board's 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 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.

**PART V**  
—*cont.*

(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.

**Arbitration.**  
1965 c. 56.

**39.** Where under this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, 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.**

**40.** All costs, charges and expenses of and incidental 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.



## SCHEDULES

### SCHEDULE 1

Section 16.

#### THE LEVEL CROSSINGS REFERRED TO IN SECTION 16 (AS TO CERTAIN LEVEL CROSSINGS) OF THIS ACT

In the county of Nottingham—

In the parish of Burton Joyce in the rural district of Basford—

The level crossing known as Trent Lane crossing whereby the road from Burton Joyce to the river Trent is crossed by the railway between Burton Joyce and Lowdham stations.

In the West Riding of the county of York—

In the parish of Stirton with Thorlby in the rural district of Skipton—

The level crossing known as Niffany crossing whereby Culvert Lane is crossed by the railway between Skipton and Gargrave stations.

## Section 18.

## SCHEDULE 2

## LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 18 (POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be used (3)
In the county borough of Birkenhead	4 to 9	To carry out alterations and improvements of the Mersey railway.
In the county of East Sussex— Parish of Rotherfield in the rural district of Uckfield	1	To provide a substation for the supply of electricity to the Board's railways with access to Palesgate Road at the point marked "wicket gate" on the deposited plans.
Parish of Uckfield in the rural district of Uckfield	1	To provide a substation for the supply of electricity to the Board's railways.
Parish of Withyham in the rural district of Uckfield	1	To provide a substation for the supply of electricity to the Board's railways with access to the road from Salehurst to Hobbs Hill at the point marked "wicket gate" on the deposited plans.
In the county of Huntingdon and Peterborough— Borough of Peterborough	1 to 20	To carry out alterations and improvements of the railway between Kings Cross and Doncaster.
In the county of Surrey— Urban district of Caterham and Warlingham	1	To provide a substation for the supply of electricity to the Board's railways with access to the footpath leading to Church Road at the point marked "wicket gate" on the deposited plans.
Parish of Crowhurst in the rural district of Godstone	1	To provide a substation for the supply of electricity to the Board's railways.



SCH. 2  
—cont.

Area  (1)	No. on deposited plans  (2)	Purposes for which the lands may be used  (3)
Parish of Oxted in the rural district of God- stone	1	To provide a track paralleling hut in connection with the supply of electricity to the Board's railways with access to Barrowgreen Road at the point marked "wicket gate" on the deposited plans.

## Section 19.

## SCHEDULE 3

DESCRIBING LANDS IN RESPECT OF WHICH SUBSOIL OR EASEMENTS MAY BE TAKEN AS PROVIDED BY SECTION 19 (POWER TO ACQUIRE FOR LIVERPOOL WORKS SUBSOIL OR EASEMENTS ONLY IN CERTAIN CASES) OF THIS ACT

Area (1)	No. on deposited plans (2)
Works Nos. 1, 2, 3, 4 and 5— City of Liverpool	1a, 1b, 1c, 28, 56, 61 to 63, 65, 65a, 67, 69 to 73, 76, 78 to 80, 84, 85, 91, 94 to 97, 103 to 106, 106a to 106c, 106f to 106h, 108 to 115, 117 to 120, 122 to 124, 126 to 129 and 132 to 137.

## Section 21.

## SCHEDULE 4

LANDS REFERRED TO IN SECTION 21 (SUBSOIL OR EASEMENTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)
Works Nos. 1, 2, 3, 4 and 5— City of Liverpool	1 to 27, 29 to 55, 57 to 60, 64, 66, 68, 74, 75, 77, 81 to 83, 86 to 90, 92 to 93a, 98 to 102, 106d, 106e, 107, 116, 121, 125, 130 and 131.

## Section 33.

## SCHEDULE 5

## REGULATIONS FOR ELECTION OF MEMBERS' COMMITTEE-MEN

THE MEMBERS' COMMITTEE-MEN SHALL BE ELECTED BY THE MEMBERS OF THE FUND IN ACCORDANCE WITH THE FOLLOWING REGULATIONS:—

1. The qualification of a members' committee-man shall be that he is a member of the fund not less than twenty-one years of age.

2. The election shall take place at an extraordinary meeting to be held before the end of October 1971 and at the annual meeting of the fund in 1974 and every succeeding third year.

3.—(1) The secretary shall give notice of the election by means of notices conspicuously exhibited at the various offices and stations where members are employed inviting the nomination of candidates.

(2) Each nomination shall (except in the case of a retiring members' committee-man who offers himself for re-election) be signed by at least twenty members.



(3) A retiring members' committee-man who offers himself for re-election and consents in writing to act shall be deemed to be duly nominated without further formality.

SCH. 5  
—cont.

(4) The names of the candidates nominated, together with their consents in writing to act, shall be forwarded to the secretary so as to reach him at least twenty-eight days before the extraordinary meeting in 1971 and within the first ten days of May in 1974 and in each succeeding third year.

(5) The names of all candidates duly nominated shall be announced in the annual report and accounts to be forwarded to the members in 1974 and in every succeeding third year.

4. If twelve candidates and no more are nominated those candidates shall be deemed to be duly elected without further formality.

5. If more than twelve candidates are nominated the election of the members' committee-men or, if less than twelve candidates are nominated, the appointment of the requisite number of candidates to complete the number of the members' committee-men, shall take place at the said extraordinary meeting in 1971 and subsequently at the annual meeting.

6. The election shall in the first instance be decided by the vote of a majority of the members present at the meeting by a show of hands.

7. If a poll be demanded by thirty or more members present at the meeting, or by one half of the members so present, the election shall be decided by ballot as follows:—

- (1) Two scrutineers shall be appointed by the members present at the meeting.
- (2) The secretary shall within twenty-one days after the meeting issue a voting paper to each member and make all necessary arrangements for the ballot.
- (3) A voting paper sent addressed to a member at the office, station or place where he is employed shall be deemed to have been duly received by him and a mistake in sending or not sending a voting paper shall not invalidate the election.

8. The voting papers shall not disclose the identity of the voter but shall bear a number by which if necessary upon a scrutiny the voter may be identified and shall contain the following particulars:—

- (1) the names in alphabetical order of the candidates;
- (2) the date of issue and a notice that the vote will not be counted unless the voting paper be received by the secretary within twenty days after that date.

9. The voting paper shall be returned to the secretary in an envelope provided for the purpose marked "Voting Paper" so as to reach him within twenty days of the date of issue.

SCH. 5  
—cont.

10. Each member may vote for one or more of the candidates not exceeding the number to be elected and shall do so by placing a X against the name of each candidate for whom he desires to vote. The secretary shall, in the presence of one or both of the scrutineers, count the votes given for each of the several candidates and the candidates who receive the greatest number of votes shall be deemed to have been duly elected and the result of the voting, certified by the scrutineers or either of them, shall be announced by the secretary within eight weeks of the date of the meeting at which the poll was demanded. The voting papers shall be retained for six calendar months after the last day for the receipt of voting papers by the secretary when they shall be destroyed.

11. Between the annual meeting and the declaration of the result of the ballot demanded at the meeting the members' committee-men who were in office immediately before the meeting shall remain in office.

12. In the event of a casual vacancy occurring in the office of members' committee-man by death, resignation or otherwise, the vacancy shall be filled by a person co-opted by the other members' committee-men, and the general committee shall advise members of the appointment in such manner as the general committee may decide. The person so co-opted shall retain his office until the next election but he shall then be eligible for re-election.

13. Each of the members' committee-men shall remain in office until he dies or resigns (which resignation may be effected by him on giving twenty-one days' notice thereof in writing to the secretary) or ceases to be a member or until some other person is elected in his stead.

Section 37.

## SCHEDULE 6

LANDS FOR WHICH THE PERIOD OF COMPULSORY ACQUISITION IS  
EXTENDED BY THIS ACT TO 31ST DECEMBER, 1974

1. The lands authorised to be acquired by section 13 (Power to acquire lands) of the Act of 1968 in the places hereinafter mentioned—

In the West Riding of the county of York—

In the parish of Sherburn in Elmet in the rural district of Tadcaster;

In the parish of Rawcliffe in the rural district of Goole.

In Greater London—

In the London boroughs of Bexley and Greenwich.



2. The following lands authorised to be acquired by section 12 (Power to acquire lands) of the Mersey Railway Act of 1968:—

SCH. 6  
—cont.

(a) for the purposes of Work No. 1 authorised by Part II (Works) of the said Act and numbered on the plans deposited in respect of the Bill for the said Act 1 to 3, 12 to 16, 18 to 22, 26 to 28, 30, 31, 33, 35, 38, 41 to 44, 48, 53 to 55, 57, 58, 64, 68, 69, 73, 75, 78, 79, 81 to 83, 88, 90, 91, 98, 105, 112 to 135, 137, 142, 144 to 146, 148, 150, 152, 154, 157, 164 to 172, 175 to 180, 180A, 188 to 195, 197, 201, 203, 204, 207 to 209, 211, 213, 214, 217, 217A, 218 to 223, 223A, 223B, 226 to 228, 230 to 238, 241 to 243, 249 to 252, 258, 260, 264 to 274, 279, 280, 282, 284, 289 to 296, 298 to 300, 304 to 307, 312 to 319, 321 and 324 in the city of Liverpool; and

(b) for the purposes of Work No. 2 authorised by Part II (Works) of the said Act and numbered on the plans deposited in respect of the Bill for the said Act 1 to 3, 5, 6, 10 to 14, 17, 19 to 30, 39, 41, 44, 46, 47, 55 to 61, 64, 66, 67, 69, 70 to 73, 76 to 83 and 87 in the county borough of Birkenhead.



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Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament