

ELIZABETH II



1977 CHAPTER xii

An Act to empower the London Transport Executive to acquire lands; to extend the time for the compulsory purchase of certain lands; to confer further powers on the Executive; and for other purposes. [22nd July 1977]

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

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

And whereas it is expedient that the Executive should be empowered to acquire the lands and right of way referred to in this Act:

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

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

And whereas plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the proper officer of the Greater London Council, which plans and book of reference are respectively referred to in this Act as the deposited plans and the deposited book of reference:

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

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

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the London Transport Act 1977.
- 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—
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|-----------------|--|
| 1863 c. 92. | “ the Act of 1863 ” means the Railways Clauses Act 1863; |
| 1963 c. xxiv. | “ the Act of 1963 ” means the London Transport Act 1963; |
| 1964 c. xxvi. | “ the Act of 1964 ” means the London Transport Act 1964; |
| 1965 c. xli. | “ the Act of 1965 ” means the London Transport Act 1965; |
| 1966 c. xxxiii. | “ the Act of 1966 ” means the London Transport Act 1966; |
| 1969 c. 1. | “ the Act of 1969 ” means the London Transport Act 1969; |
| 1971 c. xl. | “ the Act of 1971 ” means the London Transport Act 1971; |
| | “ the (No. 2) Act of 1971 ” means the London Transport (No. 2) Act 1971; |
| 1971 c. lxii. | |
| 1974 c. xvii. | “ the Act of 1974 ” means the London Transport Act 1974; |
| 1976 c. xxxvii. | “ the Act of 1976 ” means the London Transport Act 1976; |

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

“the Executive” means the London Transport Executive.

(2) Any reference to the Board in any of the provisions incorporated with this Act under section 8 (Incorporation of provisions of Acts of 1963, 1964, 1965, 1966 and 1969 relating to lands) and section 9 (Incorporation of protective provisions of Acts of 1963 and 1965) of this Act shall be construed as a reference to the Executive.

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

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

- (a) the Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act 1845; and 1845 c. 18.
- (b) Part II (relating to extension of time) of the Act of 1863:

Provided that for the purposes of the provisions of the Act of 1863, as incorporated with this Act, the expression “the company” where used in the said incorporated provisions means the Executive.

PART II

LANDS

4. Subject to the provisions of this Act, the Executive may enter upon, take and use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 1, 2, 3 and 4 in the London borough of Tower Hamlets for the purpose of providing a switch house and may construct buildings and reconstruct existing buildings thereon for that purpose or for any purpose connected with or ancillary to their undertaking. Power to acquire lands at Mile End.

5.—(1) Subject to the provisions of this Act, the Executive may for the purposes authorised by section 4 (Power to acquire lands at Mile End) of this Act enter upon, open, break up and interfere with so much of the surface of Maplin Street in the London borough of Tower Hamlets as is within the limits of lands to be acquired shown on the deposited plans. Power to open surface of street.

PART II
—cont.

(2) Upon completion of the work authorised by subsection (1) of this section the Executive shall restore Maplin Street to as good a condition as the same was in when first interfered with by the Executive, or as near thereto as may be.

Power to
acquire land
and right of
way at Bush
Lane, Cannon
Street.

6.—(1) In this section—

“ the Acts ” means the Lands Clauses Acts;

“ the right of way ” means the easement consisting of the right of way described in subsection (6) of this section;

“ the specified lands ” means the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 2, 3 and 4 in the city of London but for the purposes of this section does not include so much of such lands as consists of highway.

(2) Subject to the provisions of this Act, the Executive may enter upon, take and use the land delineated on the deposited plans and described in the deposited book of reference and therein numbered 1 in the city of London for the purposes of constructing and maintaining Work No. 1 authorised by the Act of 1971.

(3) Subject to the provisions of this Act, the Executive may acquire and create the right of way without being obliged or compellable to acquire any greater interest in the specified lands.

(4) The Executive may give notice to treat in respect of the acquisition or creation of the right of way and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Acts shall extend and apply to the right of way as they apply to the compulsory purchase of land so that, in appropriate contexts, references in the Acts to land are read as referring, or as including references, to the right of way.

(5) Without prejudice to the generality of subsection (4) of this section, in relation to the acquisition or creation of the right of way—

1845 c. 18.

(a) the Lands Clauses Consolidation Act 1845 shall have effect with the modifications specified in Schedule 1 to the Act of 1976;

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

(6) The right of way referred to in subsection (1) of this section is a right at all times for the Executive and all persons authorised by the Executive in that behalf to pass over and along the specified lands, or such part thereof as may be described in the notice to treat, with or without vehicles of any description to or from the land referred to in subsection (2) of this section and to or from

the lands delineated on the deposited plans referred to in the Act of 1971 and thereon numbered 236 to 239 (inclusive) in the city of London for the purposes of constructing and maintaining such part of Work No. 1 authorised by the Act of 1971 as is to be constructed on the said lands.

PART II
—cont.

7.—(1) The powers of the Executive for the compulsory purchase of the lands which they are authorised by section 4 (Power to acquire lands at Mile End) of this Act to acquire shall cease on 31st December 1983.

Period for compulsory purchase of lands and right of way.

(2) The powers of the Executive for the compulsory purchase of the lands and right of way which they are authorised by section 6 (Power to acquire land and right of way at Bush Lane, Cannon Street) of this Act to acquire shall cease on 31st December 1982.

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

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

The Act of 1963—

Section 21 (Power to enter for survey or valuation); and
Section 28 (As to cellars under streets not referenced).

The Act of 1964—

Section 12 (Acquisition of part only of certain properties); and
Section 14 (Extinction of private rights of way).

The Act of 1965—

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

The Act of 1966—

Section 14 (Power to expedite entry).

The Act of 1969—

Section 14 (Disregard of recent improvements and interests):

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

PART III

PROTECTIVE PROVISIONS

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

Incorporation of protective provisions of Acts of 1963 and 1965.

The Act of 1963—

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

PART III
—cont.

The Act of 1965—

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

PART IV

MISCELLANEOUS

Extensions of
time.

10.—(1) The period now limited by the Act of 1974 for the compulsory purchase of the lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1965 for the purposes of Works Nos. 3 and 4 authorised by Part II (Works) of the Act of 1965 is hereby extended until 31st December 1983.

(2) The period now limited by the (No. 2) Act of 1971 for the compulsory purchase of the lands authorised to be acquired by section 14 (Power to acquire lands) of the (No. 2) Act of 1971 for the purposes of Works Nos. 1, 2, 3 and 6 authorised by Part II (Works) of the (No. 2) Act of 1971 and for the purposes of the works authorised by section 9 (Further works and powers) of the (No. 2) Act of 1971 is hereby extended until 31st December 1983.

(3) The period now limited by the Act of 1974 for the compulsory purchase of the lands authorised to be acquired by section 8 (Power to acquire lands) of the Act of 1974 for the purposes of Works Nos. 1 and 1A authorised by Part II (Works) of the Act of 1974 is hereby extended until 31st December 1983.

(4) In this section the word “lands” includes any easements or rights in, under or over land authorised to be acquired by the Act of 1965, the (No. 2) Act of 1971 and the Act of 1974.

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

11.—(1) In this section—

“the enabling Act” means the (No. 2) Act of 1971 or the Act of 1974;

“the land” means any land which is for the time being authorised to be acquired compulsorily by the Executive by the enabling Act for the purposes of Works Nos. 1, 2, 3 and 6 authorised by Part II (Works) of the (No. 2) Act of 1971 and the further works authorised by section 9 (Further works and powers) of that Act, or for the purposes of Works Nos. 1 and 1A authorised by Part II (Works) of the Act of 1974;

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

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

PART IV
—cont.

(2) If at any time after 31st December 1977 any person being the owner or lessee of any of the land shall give notice in writing to the Executive of his desire for the acquisition as soon as may be by the Executive of his interest in any part of the land specified in the notice, the Executive shall within a period of three months after the receipt of such notice—

- (a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or
- (b) serve a notice to treat on such person for the compulsory acquisition of his interest in the land specified in his notice or in such part thereof as may be required by them; or
- (c) serve on such person notice in writing of their intention not to proceed with the purchase of his interest in the land specified in his notice.

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

(a) if the Executive—

- (i) fail to comply with that subsection; or
- (ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection; or
- (iii) serve notice on him in compliance with paragraph (c) of that subsection;

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

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

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

PART IV
—*cont.*

Increase of
fines fixed
by enact-
ments.

12.—(1) In their application to the Executive, to any railway of the Executive or to any train, station or other works or premises connected therewith the enactments specified in column (1) of the Schedule to this Act (being enactments creating the offences broadly described in column (2) of that Schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in the enactment were a fine not exceeding the amount specified in column (4) of that Schedule instead of a fine of, or not exceeding, the amount specified in column (3) of that Schedule.

(2) Subsection (1) of this section shall not affect the powers of a court to award imprisonment under any enactment specified in the Schedule to this Act:

1842 c. 55.

Provided that section 17 of the Railway Regulation Act 1842 (which provides for the punishment of persons employed on railways who are guilty of misconduct) shall in its application under subsection (1) of this section have effect as if for the words “two calendar months” in each place where those words occur there were substituted the words “three calendar months”.

Increase of
fines for
contravening
byelaws.
1962 c. 46.

13.—(1) Section 67 of the Transport Act 1962 (which relates to byelaws for railways and railway shipping services) shall in its application to byelaws made by the Executive pursuant to subsection (1) of the said section 67 have effect as if in subsection (3) thereof for the words “twenty-five pounds” there were substituted the words “fifty pounds”.

(2) Section 25 (Byelaws for road transport premises) of the Act of 1969 shall have effect as if in subsection (2) thereof for the words “twenty-five pounds” there were substituted the words “fifty pounds”.

(3) Any byelaws in force immediately before the passing of this Act made under section 67 of the Transport Act 1962 or section 25 of the Act of 1969 shall have effect as if the amount specified in such byelaws as the maximum fine which may be imposed on summary conviction of any offence specified in such byelaws were fifty pounds.

(4) Subsection (3) of this section shall have effect subject to any byelaws made under section 67 of the Transport Act 1962 or section 25 of the Act of 1969 after the passing of this Act.

Saving for
offences
committed
before passing
of Act.

14. Nothing in this Part of this Act shall affect the length of the term of imprisonment which may be awarded, or the amount of the fine which may be imposed, on conviction of an offence committed before the passing of this Act.

15. In its application to the Executive pursuant to the provisions of paragraph 1 (2) (g) of Schedule 3 to the Transport (London) Act 1969, subsection (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act 1949 in relation only to subsection (1) of that section, as amended by section 16 (Powers of police as to search and arrest) of the Act of 1976, shall have effect as if the words "first day of January one thousand nine hundred and eighty-two" were substituted for the words "first day of January one thousand nine hundred and seventy-nine".

PART IV
—cont.

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

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

Arbitration.

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

Costs of Act.

Section 12.

SCHEDULE

INCREASE OF FINES FIXED BY ENACTMENTS

(1) Enactment	(2) Description of offence	(3) Old maximum fine	(4) New maximum fine
1840 c. 97. The Railway Regulation Act 1840 Section 16 (as amended by section 34 of the Act of 1965)	Obstruction of officers of railway or trespass upon railway	£20	£200
1842 c. 55. The Railway Regulation Act 1842 Section 17 (as amended by section 34 of the Act of 1965)	Misconduct of persons employed on railways	£25	£200
1845 c. 20. The Railways Clauses Consolidation Act 1845 Section 75 (as amended by section 34 of the Act of 1965)	Failure to fasten gates on either side of railway	£25	£50
1868 c. 119. The Regulation of Railways Act 1868 Section 22 (as amended by section 34 of the Act of 1965)	Improper use of means of communication	£25	£50
1889 c. 57. The Regulation of Railways Act 1889 Section 5 (1) (as amended by section 84 of the Transport Act 1962 and section 25 of the Act of 1971)	Failure to produce ticket, to pay fare or to give name and address	£20	£50
1962 c. 46. Section 5 (3) (as so amended)	Travel with intent to avoid payment of fare	£50 for a first offence and £100 for a second or subsequent offence	£200
1949 c. xxix. British Transport Commission Act 1949 Section 55 (as amended by section 34 of the Act of 1965)	Trespass on railway etc.	£25	£200
Section 56 (as so amended)	Stone throwing on railway	£25	£200

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