

**ELIZABETH II**



**1977 CHAPTER xvii**

An Act to empower the British Railways Board to construct works and to acquire lands; to extend the time for the compulsory purchase of certain lands; to confer further powers on the Board; and for other purposes.

[29th July 1977]

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

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

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

And whereas it is expedient that the 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 proper officers of the county councils of the several counties 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 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—
- 1845 c. 20. “ the Act of 1845 ” means the Railways Clauses Consolidation Act 1845;
- 1863 c. 92. “ the Act of 1863 ” means the Railways Clauses Act 1863;
- 1963 c. xviii. “ the Act of 1963 ” means the British Railways Act 1963;

- “ the Act of 1965 ” means the British Railways Act 1965;
- “ the Act of 1967 ” means the British Railways Act 1967;
- “ the Act of 1968 ” means the British Railways Act 1968;
- “ the Act of 1969 ” means the British Railways Act 1969;
- “ the Act of 1971 ” means the British Railways Act 1971;
- “ the Act of 1975 ” means the British Railways Act 1975;
- “ the (No. 2) Act of 1975 ” means the British Railways (No. 2) Act 1975;
- “ the Act of 1976 ” means the British Railways Act 1976;
- “ the Board ” means the British Railways Board;
- “ enactment ” means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ traffic sign ” has the meaning assigned to it by section 54 of the Road Traffic Regulation Act 1967;
- “ the tribunal ” means the Lands Tribunal;
- “ the works ” means the works authorised by Part II (Works) of this Act.

PART I

—cont.

1965 c. xxi.

1967 c. xxx.

1968 c. xxxiv.

1969 c. xliii.

1971 c. xlv.

1975 c. i.

1975 c. xxix.

1976 c. xxv.

1878 c. 76.

1967 c. 76.

(2) 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) All directions, 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 direction, 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 Act and Parts 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:—

The Act of 1845, except sections 7, 8, 9, 17, 19, 20, 22 and 23 thereof, and Part I (relating to the construction of a railway) except sections 13 to 19 thereof, 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. 3 and 4 and the lines of railway authorised by section 6 (Further works and powers) of this Act 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.

1950 c. 39.

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) In 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, for the words "fourteen days" there shall be substituted the words "three months".

PART I  
—cont.

(3) The Lands Clauses Consolidation Act 1845 shall not apply 1845 c. 18. to the acquisition of land under this Act.

## PART II

### WORKS

5. Subject to the provisions of this Act, the Board may, in the lines or situations and within the limits of deviation 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 county of Gwent—

(Railways at  
Pontypool.)

In the borough of Torfaen—

Work No. 1 A railway (1,290 metres in length) commencing by a junction with the railway between Newport and Pontypool at a point 53 metres north of the  $33\frac{3}{4}$ -mile post on the said railway and terminating by a junction with the railway between Newport and Hafodyrynys Colliery at a point 16 metres south-east of the bridge carrying that railway over New Road:

Work No. 2 A railway (1,460 metres in length) commencing by a junction with Work No. 1 at a point 48 metres north-west of the  $33\frac{1}{4}$ -mile post on the railway between Newport and Pontypool and terminating on the north-east bank of the afon Lwyd at a point 104 metres south-east of the aqueduct carrying the Monmouthshire and Brecon Canals over the afon Lwyd:

In the metropolitan county of Merseyside—

(Bridges at  
Kirkby.)

In the borough of Knowsley—

Work No. 3 A bridge over the M.57 motorway adjacent to the north-west side of the existing bridge carrying the railway between Liverpool Exchange station and Bolton over the said motorway:

Work No. 4 A bridge over County Road (B.5192) adjacent to the south-east side of the existing bridge carrying the railway between Liverpool Exchange station and Bolton over the said road.

PART II  
—cont.  
Further works  
and powers.

6.—(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 make and maintain the works described in this section with all necessary works and conveniences connected therewith and exercise the powers hereinafter mentioned, that is to say:—

(a) In the county of Gwent—

In the borough of Torfaen—

stop up and discontinue the footpath crossing the railway between Newport and Pontypool by means of a footbridge between the points marked “A” and “D” on the deposited plans and substitute therefor a new footpath and footbridge between the points marked “A”, “B”, “C” and “D” thereon in the position shown on the deposited plans:

(b) In the county of Cambridgeshire—

In the parish of Duxford in the district of South Cambridgeshire—

make and maintain two lines of railway across and on the level of Hinxton Road in the position shown on the deposited plans:

(c) In Greater London—

In the London borough of Islington—

stop up and discontinue—

(i) so much of the road known as Barnsbury Grove which crosses the railway between Broad Street and Richmond by means of a bridge as lies within the boundaries of their property;

(ii) so much of the road known as Saint Clement Street which crosses the railway between Broad Street and Richmond by means of a bridge as lies within the boundaries of their property:

(d) In the county of Kent—

In the parish of Chartham in the city of Canterbury—

stop up and discontinue so much of the road leading from Ashford Road (A.28) to Chartham which is crossed by the railway between Chilham and Chartham stations at the level crossing known as Dibleys Riverside crossing as lies within the boundaries of their property:

(e) In the county of West Sussex—

PART II  
—cont.

In the parish of Burgess Hill in the district of Mid Sussex—

stop up and discontinue so much of the footpath from Franklands Park to Worlds End as crosses the railway between Wivelsfield and Plumpton stations adjacent to Junction Road at the level crossing known as Keymer crossing by means of a footbridge.

(2) The Board shall abandon the construction of the two lines of railway across and on the level of Hinxton Road in the parish of Duxford authorised by section 4 (Power to construct level crossing) of the British Railways Act 1970.

1970 c. lxxv.

(3) (a) Notwithstanding anything in section 6 of the Act of 1863 or in section 47 of the Act of 1845, as incorporated with this Act, the Board shall not be required to erect or maintain a lodge at the level crossing in the parish of Duxford referred to in this section and the gates at the said level crossing shall be kept constantly closed across the railway instead of across the road except when engines or carriages passing along the railway shall have occasion to cross the road.

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

(c) Any traffic sign provided in pursuance of any such consent as aforesaid shall be deemed to be a traffic sign placed on or near a road in accordance with the Road Traffic Regulation Act 1967: 1967 c. 76.

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

(4) The stopping up under this section of the level crossing known as Dibleys Riverside crossing shall not affect the right of persons on foot to use the same and the Board shall provide and maintain for the convenience of such persons wicket-gates on both sides of the railway at the said level crossing.

(5) Notwithstanding anything in section 30 (Closing of level crossings at certain points) of the London Brighton and South Coast Railway Act 1898, the Board shall not be required to maintain the footbridge in the parish of Burgess Hill referred to in this section. 1898 c. cxi.

PART II  
—cont.As to level  
crossing at  
Cherry Hinton.

## 7.—(1) In this section—

“the council” means the Cambridge City Council acting on their own behalf or on behalf of the Cambridgeshire County Council;

“the existing crossing” means the level crossing known as Fulbourn Asylum (Old Drift) crossing in the parish of Fulbourn in the district of South Cambridgeshire whereby the railway crosses the road from Teversham Drift to Fulbourn village near Fulbourn station;

“the new highway” means the new public road from Teversham Drift to Fulbourn Road proposed to be constructed by the council;

“the new level crossing” means a level crossing in the parish of Teversham in the district of South Cambridgeshire for carrying the railway with not more than two lines of rails across the new highway on the level;

“the railway” means the railway between Cambridge and Newmarket stations.

(2) The Board and the council may enter into and carry into effect agreements for the construction of the new level crossing.

(3) Upon the completion and opening for public use of the new level crossing the Board may stop up and discontinue the existing crossing but such stopping up shall not affect the right of persons to use the existing crossing on foot or as a bridleway and thereupon all rights of way, other than the said right, over and along the existing crossing shall be extinguished.

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

1839 c. 45. (5) So long as such consent as aforesaid continues in force, the provisions (in so far as they are inconsistent with any such consent) of the Highway (Railway Crossings) Act 1839, of section 47 of the Act of 1845 and of section 6 of the Act of 1863 shall not apply to the new level crossing.

1967 c. 76. (6) Any traffic sign provided in pursuance of any such consent as aforesaid shall be deemed to be a traffic sign placed on or near a road in accordance with the Road Traffic Regulation Act 1967.



(7) The Board and the council may enter into and carry into effect agreements with reference to the defraying or making of contributions towards the cost of constructing, maintaining and renewing the new level crossing and with regard to any other matters relating thereto.

(8) Any expenses incurred by the council for the purposes of this section shall be deemed to be expenses incurred by them in the exercise of their powers as a highway authority.

8. Subject to the provisions of this Act, 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 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); and

Section 14 (Power to make agreements with road authorities):

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):

The (No. 2) Act of 1975—

Section 9 (Use of sewers, etc., for removing water):

Provided that—

(i) the exercise by the Board of the powers of the said section 12 of the Act of 1967, as so incorporated, in relation to any road or footpath shall not prejudice or affect the right of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or break open that road or footpath for any of those purposes;

(ii) the Board shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 11 of the Act of 1968 as not to obstruct or render less convenient the access to any telegraphic line belonging to, or used by, the Post Office.

Incorporation  
of provisions  
of Acts of  
1963, 1967  
and 1968  
and (No. 2)  
Act of 1975  
relating to  
works.

## PART III

## LANDS

Power to  
acquire lands.

9.—(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.

(2) 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.

Compulsory  
acquisition of  
rights over  
lands.  
1965 c. 56.

10.—(1) In this section—

“the Act” means the Compulsory Purchase Act 1965;

“new rights” in relation to any land means easements or other rights over such land which are not in existence at the passing of this Act.

(2) The Board may, for the purpose of constructing, maintaining, altering, renewing and using the works, purchase compulsorily such new rights as they may require over any of the lands which may be acquired under section 9 (Power to acquire lands) of this Act instead of acquiring those lands under that section.

(3) The Act, as applied by this Act, shall have effect with the modifications necessary to make it apply to the compulsory purchase of new rights under subsection (2) of this section as it applies to the compulsory purchase of land so that, in appropriate contexts, references in the Act to land are read as referring, or as including references, to the new rights or to land over which the new rights are, or are to be, exercisable, according to the requirements of the particular context.

(4) Without prejudice to the generality of subsection (3) of this section, in relation to the purchase of new rights in pursuance of subsection (2) of this section—

(a) Part I of the Act shall have effect with the modifications specified in Schedule 2 to the Act of 1976 and as if for the references in that schedule to the Act of 1976 there were substituted references to this Act;

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

11. The powers of the Board for the compulsory purchase of the lands and rights over lands which they are authorised by this Act to acquire shall cease on 31st December 1982.

PART III  
—cont.

Period for compulsory purchase of lands and rights over lands.

12. 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):

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

The Act of 1967—

Section 15 (Acquisition of part only of certain properties):

The Act of 1969—

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

Section 13 (Extinction of private rights of way).

#### PART IV

##### FINES AND PENALTIES

13.—(1) In their application to the Board, to any railway of the Board or to any train, station or other works or premises connected therewith the enactments specified in column (1) of Schedule 1 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.

Increase of fines fixed by enactments.

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

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”.

1842 c. 55.

PART IV  
—cont.

Increase of  
fines for  
offences  
against  
byelaws.

1962 c. 46.

**14.**—(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 Board 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) Any byelaws in force immediately before the passing of this Act made under an enactment specified in column (1) of Schedule 2 to this Act (being enactments which confer power to include in byelaws made under those enactments a provision imposing a fine on summary conviction of any offence broadly described in column (2) of that Schedule) shall, whether they provide that the maximum amount of the fine which may be imposed on summary conviction of an offence specified in such byelaws shall be the amount specified in column (3) of that Schedule or a lesser amount than is specified in the said column (3), have effect as if the said maximum amount were the amount specified in column (4) of the said Schedule.

(3) Subsection (2) of this section shall have effect subject to any byelaws made under any enactment specified in Schedule 2 to this Act after the passing of this Act.

Saving for  
offences  
committed  
before passing  
of Act.

**15.** 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.

## PART V

## PROTECTIVE PROVISIONS

Incorporation  
of provisions  
of Acts of  
1963, 1967,  
(No. 2) Act  
of 1975 and  
Act of 1976.

**16.** 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 33 (For protection of gas, water and electricity undertakers):

The Act of 1967—

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

The (No. 2) Act of 1975—

Section 23 (For protection of Post Office):

The Act of 1976—

Section 17 (For protection of National Coal Board):

Provided that—

PART V  
—cont.

(i) the definition of “undertakers” in paragraph (1) of the said section 33 of the Act of 1963 and in paragraph (1) of the said section 45 of the Act of 1967, as so incorporated, shall be construed as including a water authority as being authorised by an enactment not only to carry on an undertaking for the supply of water within their area but also to exercise within that area their functions as the authority responsible for water conservation, sewerage and sewage disposal, and paragraph (b) of the definition of “apparatus” in the said sections 33 and 45 shall be construed accordingly;

(ii) 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 17 (Use of sewers, etc., for removing water) of the Act of 1963 as incorporated by 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 9 (Use of sewers, etc., for removing water) of the (No. 2) Act of 1975 as incorporated by section 8 (Incorporation of provisions of Acts of 1963, 1967 and 1968 and (No. 2) Act of 1975 relating to works) of this Act;

(iii) in the said section 23 of the (No. 2) Act of 1975, as so incorporated, the reference to section 7 (Further works and powers) shall be construed as a reference to paragraphs (c) and (d) of subsection (1) of section 6 (Further works and powers) of this Act.

17. For the protection of the Welsh National Water Development Authority the following provisions shall, unless otherwise agreed in writing between the Board and the authority, apply and have effect:—

For  
protection  
of Welsh  
National  
Water  
Development  
Authority.

(1) In this section, unless the context otherwise requires—

“the authority” means the Welsh National Water Development Authority;

“banks” has the same meaning as in the Land Drainage Act 1976;

1976 c. 70.

PART V  
—cont.

1936 c. 49.

“construction” includes execution, placing and altering and, in relation to temporary works, includes removal; and “construct” and “constructed” shall be construed accordingly;

“sewer” means a public sewer within the meaning of the Public Health Act 1936 and includes any manholes, ventilating shafts, pumps or other accessories belonging to or forming part of a sewer;

“specified work” means so much of Works Nos. 1 and 2 or any work (whether temporary or permanent) forming part of, or constructed in connection with, those works under the powers of this Act (including the substituted footpath and footbridge under section 6 (Further works and powers) of this Act) as will or may—

(a) interfere with or affect (either directly or indirectly) a watercourse; or

(b) be situated over or within 15 metres measured in any direction of any sewer of the authority;

and includes the maintenance or renewal of any specified work;

“watercourse” includes a main river and any other river and any stream, ditch, drain, cut, culvert, dyke, sluice, sewer (other than a public sewer within the meaning of the Public Health Act 1936) or passage through which water flows and the banks thereof:

- (2) No specified work shall be constructed so as to diminish the width between the banks of any watercourse except with the consent in writing of the authority but such consent shall not be unreasonably withheld:
- (3) The Board shall not commence any specified work until they shall have given to the authority two months' previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of the authority with plans as described in paragraph (9) of this section (in this section referred to as “the said plans”), and until the authority shall have signified their approval of the said plans:

Provided that—

(i) where, and in so far as, the specified work will or may interfere with or affect a watercourse, such approval shall not be unreasonably withheld; and

(ii) in any case if, within two months after the submission of the said plans, the authority have not

signified to the Board their approval or disapproval thereof, they shall be deemed to have approved the said plans:

PART V  
—cont.

- (4) The Board shall comply with and conform to all reasonable orders, directions and regulations of the authority in the execution of any specified work and shall provide new, altered or substituted works in such manner as the authority shall reasonably require for the proper protection of, and for preventing injury or impediment to, any sewer by reason of any specified work and shall save harmless the authority against all expenses to be occasioned thereby:
- (5) The specified works and all such new, altered or substituted works shall be constructed only in accordance with such plans as may be approved or be deemed to be approved by the authority as aforesaid or settled by arbitration, subject however to any modification of those plans from time to time agreed upon between the engineer of the Board and the engineer of the authority, and be constructed to the reasonable satisfaction of the engineer of the authority who shall be given reasonable notice of the date and time on and at which any new, altered or substituted works are to be commenced:
- (6) When any such new, altered or substituted works or any work of defence connected therewith shall be completed under the provisions of this section the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the authority as any sewer now or hereafter may be:
- (7) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the authority in relation to any sewer but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (8) The authority may require the Board in constructing any specified work to make any reasonable deviation within the limits of deviation from the line or levels shown upon the said plans for the purpose of avoiding injury or risk of injury to any sewer of the authority and the Board shall in constructing such works deviate accordingly:
- (9) The plans to be submitted to the authority for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the

**PART V**  
—cont.

exact position and manner in which, and the level at which, any specified work is proposed to be constructed and shall accurately describe the position of all sewers of the authority within the limits of deviation (for which purpose the authority shall allow the Board access to plans in their possession in order to enable the Board to obtain reliable information) and shall comprise detailed drawings of every alteration which the Board may propose to make in any sewer:

- (10) The authority may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewers of the authority against interference or risk of damage and to provide and secure proper and convenient means of access to any sewer:
- (11) The Board shall indemnify the authority against all claims, demands, costs, expenses, damages or loss which may be made on or against the authority or which the authority may incur or have to pay or which they may sustain in consequence of the construction, maintenance or renewal of a specified work 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, whilst engaged upon the specified work:

Provided that—

(i) the authority shall give to the Board reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement in writing of the Board; and

(ii) nothing in this paragraph shall impose any liability on the Board with respect to any claim, demand, costs, expenses, damage or loss which is attributable to the act, neglect or default of the authority or their servants or agents:

- (12) If the Board in the construction of any specified work or any new, altered or substituted work or any work of defence connected therewith provided in accordance with this section alter, damage or in any way interfere with any sewer of the authority the Board shall give to the authority full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:



- (13) It shall be lawful for an officer of the authority duly appointed for the purpose at any reasonable time to enter upon and inspect any specified work or any other work constructed under the powers of this section:
- (14) The fact that any specified work has been executed in accordance with a plan approved or not objected to by the authority or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Board from any liability under the provisions of this section:
- (15) As soon as reasonably practicable after the completion of the construction of a specified work the Board shall deliver to the authority a plan and section showing the position and level of that work as constructed:
- (16) Any difference arising between the Board and the authority under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

PART V  
—cont.

## PART VI

### MISCELLANEOUS

**18.** In its application to the Board and British Transport Hotels Limited pursuant to the provisions of Part III of Schedule 2 to the Transport Act 1962, 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 21 (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”.

Powers of police as to search and arrest.  
1962 c. 46.  
1949 c. xxix.

**19.** Section 32 (Savings bank) of the British Railways Act 1966 shall have effect as if in subsection (12) thereof for the words “five hundred pounds” there were substituted the words “one thousand five hundred pounds”.

Amendment of section 32 of British Railways Act 1966.  
1966 c. xvii.

**20.—(1)** In this section “the trust deed” means the deed dated 22nd November 1974 made by the Board pursuant to subsection (7) of section 5 of the Railways Act 1974 (which subsection authorises, with the approval of the Secretary of State,

As to British Railways (1974) Pension Fund.  
1974 c. 48.

**PART VI**  
—cont.

the appointment of trustees to administer prescribed pension schemes) and establishing the Board as trustees to administer the British Railways (1974) Pension Fund established by the trust deed;

(2) The trust deed shall have effect as if the following clause were inserted immediately after clause 13 thereof:—

“ 13A. The Board may from time to time by deed cancel or modify all or any of the provisions of these presents other than the Rules provided that no such cancellation or modification shall alter the main purpose of the Fund which is the provision of pensions on retirement and benefits on death or authorise the application of any of the moneys held by the Board as Trustees of the Fund for any purposes other than for the benefit of the Fund ”.

As to foot-  
bridge at  
Fleetwood.  
1895 c. xlvii.

21. Notwithstanding anything in section 27 (Footbridge and diversion of footpath at Fleetwood by the two Companies) of the Lancashire and Yorkshire Railway Act 1895, the Board shall not be required to maintain a footbridge in the borough of Wyre as required by that section and all public rights of way over the existing footbridge are hereby extinguished.

Extension  
of time.

22.—(1) The period now limited by the Act of 1975 for the compulsory acquisition of the lands referred to in Schedule 3 to this Act is hereby extended until 31st December 1982.

(2) In this section and in Schedule 3 to this Act the word “ lands ” includes any easements or rights in, under or over land authorised to be acquired by the Act of 1975.

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

23.—(1) In this section—

“ the enabling Act ” means the Act of 1975;

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

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

(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—

PART VI  
—cont.

- (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.

**24.**—(1) In their application to development authorised by this Act, article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Act were limited to development begun within ten years after the passing of this Act.

Modification  
of Town and  
Country  
Planning Act  
1971.  
1971 c. 78.

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

PART VI  
—cont.  
Arbitration.  
1965 c. 56.

25. 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.

26. 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 13.

## INCREASE OF FINES FIXED BY ENACTMENTS

Enactment (1)	Description of offence (2)	Old maximum fine (3)	New maximum fine (4)	
The Railway Regulation Act 1840— Section 16 (as amended by section 35 of the Act of 1965)	Obstruction of officers of railway or trespass upon railway	£20	£200	1840 c. 97.
The Railway Regulation Act 1842— Section 17 (as amended by section 35 of the Act of 1965)	Misconduct of persons employed on railways	£25	£200	1842 c. 55.
The Railways Clauses Consolidation Act 1845— Section 75 (as amended by section 35 of the Act of 1965)	Failure to fasten gates on either side of railway	£25	£50	1845 c. 20.
The Railways Clauses Consolidation (Scotland) Act 1845— Section 68 (as amended by section 35 of the Act of 1965)	Failure to fasten gates on either side of railway	£25	£50	1845 c. 33.
The Regulation of Railways Act 1868— Section 22 (as amended by section 35 of the Act of 1965)	Improper use of means of communication	£25	£50	1868 c. 119.
The Regulation of Railways Act 1889— Section 5 (1) (as amended by section 84 of the Transport Act 1962 and section 18 of the British Railways Act 1970)	Failure to produce ticket, to pay fare or to give name and address	£20	£50	1889 c. 57.
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	1962 c. 46. 1970 c. lxxv.

Enactment (1)	Description of offence (2)	Old maximum fine (3)	New maximum fine (4)
1949 c. xxix. British Transport Commission Act 1949— Section 55 (as amended by section 35 of the Act of 1965) Section 56 (as so amended)	Trespass on railway etc.  Stone throwing on railway	£25  £25	£200  £200
1962 c. xlii. British Transport Commission Act 1962— Section 43 (3) ... ..	Impersonation of British Transport police officers	£10	£200
1969 c. xliii. British Railways Act 1969— Section 22 ... ..	Misuse of telephones at level crossings	£25	£200

Section 14.

## SCHEDULE 2

## INCREASE OF FINES FOR OFFENCES AGAINST BYELAWS

Enactment (1)	Description of offence (2)	Old maximum fine (3)	New maximum fine (4)
The Act 47 Geo. 3 c. ii, intituled "An Act for constructing a Pier and Harbour at or near the Town of Folkestone in the County of Kent"— Section XXIX ... ..	Contravention of byelaws	£5	£50
1847 c. 27. The Harbours, Docks and Piers Clauses Act 1847— Section 84 (as incorporated with any enactments relating to Newhaven Harbour)	Contravention of byelaws	£5	£50
1878 c. lxxi. Newhaven Harbour Improvement Act 1878— Section 58 ... ..	Contravention of byelaws	£5	£50
1959 c. xliv. British Transport Commission Act 1959— Section 37 (2) ... ..	Contravention of byelaws for management of Holyhead Harbour	£5 and in addition £2 for each day on which the offence continues after conviction thereof	£50 and in addition £10 for each day on which the offence continues after conviction thereof

Enactment (1)	Description of offence (2)	Old maximum fine (3)	New maximum fine (4)	
Transport Act 1962— Section 67 (3)... ..	Contravention of byelaws for railways and railway shipping services	£25	£50	1962 c. 46.

## SCHEDULE 3

Section 22.

## LANDS FOR WHICH THE PERIOD OF COMPULSORY ACQUISITION IS EXTENDED BY THIS ACT TO 31ST DECEMBER 1982

(A) The lands authorised to be acquired by section 13 (Power to acquire lands) of the Act of 1968 for the purpose of carrying out alterations and improvements to the railway between Plumstead and Belvedere and numbered, on the plans deposited in respect of the Bill for the said Act, 4 in the London borough of Bexley in Greater London.

(B) The lands authorised to be acquired by section 18 (Power to acquire lands) of the Act of 1971—

(1) for the purpose of Work No. 6 authorised by Part II (Works) of the said Act;

(2) numbered, on the plans deposited in respect of the Bill for the said Act—

(a) 1 in the urban district of Caterham and Warlingham (now the district of Tandridge) in the county of Surrey;

(b) 1 in the parish of Uckfield in the rural district of Uckfield (now the district of Wealden) in the county of East Sussex.

(C) The lands authorised to be acquired by section 12 (Power to acquire lands) of the Act of 1975—

(1) for the purposes of Works Nos. 4 and 5 authorised by Part II (Works) of the said Act;

(2) numbered, on the plans deposited in respect of the Bill for the said Act, 11 and 12 in the district of Bury in the metropolitan county of Greater Manchester.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED  
FOR BERNARD M. THIMONT

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

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

50p net

ISBN 0 10 511777 3





# British Railways Act 1977

## CHAPTER xvii

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## SCHEDULES:

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Schedule 2—Increase of fines for offences against byelaws.

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