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SCHEDULES

SCHEDULE 1

Section 5.

DESCRIPTIONS OF WORKS REFERRED TO IN SECTION 5 OF THIS ACT

In the London borough of Waltham Forest—

Work No. 1 A railway (717 metres in length) at Walthamstow, commencing by a junction with the railway between Clapton and St. James Street at a point 429 metres north-east of the bridge carrying that railway over the railway between Tottenham Hale and Stratford and terminating by a junction with the last mentioned railway at a point 425 metres south-east of that bridge;

Partly in the borough of Slough, Berkshire, and partly in the district of South Bucks, Buckinghamshire—

Work No. 2 A railway (5,250 metres in length) adjoining, and on the northern side of, the existing railway, commencing in the borough of Slough by a junction with the line of railway serving Platform 6 at Slough station at a point 102 metres east of the buffer stop at that platform and terminating in the parish of Iver by a junction with the up (Iver to West Drayton) goods loop line of the existing railway at a point 438 metres west of the western end of Platform 4 at Iver station;

In the borough of Slough, Berkshire—

Work No. 2A A reconstruction of the bridge carrying Wexham Road, Slough, over the existing railway;

Work No. 2B A widening on both sides thereof of the bridge carrying the relief lines of the existing railway over Station Road (B.470), Langley;

Work No. 2C A widening on the north side thereof of the bridge (known as Chequer Bridge) carrying the existing railway over Market Lane and Hollow Hill Lane, Langley;

Work No. 3 A railway (1,360 metres in length), being a deviation of the relief lines of the existing railway, commencing by a junction with those lines at a point at Slough station 280 metres east of the bridge carrying William Street (B.416) over the existing railway and the Windsor branch railway and terminating by a junction with those lines at a point 451 metres east of the bridge carrying Uxbridge Road (A.412) over the existing railway;

Work No. 4 A railway (997 metres in length) at Langley, being a deviation of the relief lines of the existing railway, commencing by a junction with those lines at a point 127 metres west of the bridge carrying those lines over Station Road (B.470) and terminating by a junction with those lines at a point 72 metres west of the bridge (known as Chequer Bridge) carrying those lines over Market Lane and Hollow Hill Lane;

In the London borough of Hillingdon—

Work No. 5 A railway (1,674 metres in length), being a deviation of the down main line of the existing railway, commencing by a junction with that line at a point at West Drayton station 294 metres east of the bridge carrying the existing railway over Station Road and High Street and terminating by a junction with that line at a point 261 metres east of the bridge carrying Stockley Road over the existing railway;

In the metropolitan borough of Kirklees, West Yorkshire—

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Work No. 6 A railway (627 metres in length) at Deighton adjoining, and on the south-eastern side of, the railway between Huddersfield and Dewsbury, commencing by a junction with that railway at a point 56 metres east of the bridge (Bridge No. 99) carrying that railway over the footpath known as Peace Pit Lane and terminating by a junction with that railway at a point 100 metres north-east of the bridge (Bridge No. 101) carrying Whitacre Street over that railway;

Work No. 7 A railway (1,343 metres in length) at Deighton, commencing by a junction with Work No. 6 at a point 67 metres south-west of the said bridge No. 101 and terminating at a point 96 metres south-west of the junction of Crabby Lane with Dalton Bank Road;

In the metropolitan borough of Rotherham, South Yorkshire—

Work No. 9 A railway (918 metres in length), being a deviation of the railway known as Holmes Chord, commencing by a junction with the northbound line of the railway between Sheffield and Bolton upon Dearne at a point 42 metres east of Holmes Junction level crossing on that railway and terminating by a junction with the railway between Sheffield and Mexborough at a point on the line of rails forming the eastern continuation of Holmes Chord 62 metres west of the viaduct carrying Centenary Way over that railway and Holmes Chord;

Work No. 10 A railway (908 metres in length) adjoining, and on the south side of, Work No. 9, commencing by a junction with the southbound line of the railway between Sheffield and Bolton upon Dearne at a point 59 metres east of the said Holmes Junction level crossing and terminating by a junction with the northbound line of the railway between Sheffield and Mexborough at a point 58 metres west of the said viaduct carrying Centenary Way over that railway;

In the borough of Melton, Leicestershire—

Work No. 12 A railway (928 metres in length) at Melton Mowbray, commencing by a junction with the railway (known as the Edwalton Test Track) between Edwalton and Melton Mowbray at a point 394 metres north-west of the bridge carrying Sysonby Grange Lane over that railway and terminating by a junction with the railway between Leicester and Melton Mowbray at a point 360 metres west of the bridge carrying that railway over the former mill race between Eye Kettleby Mill and the river Eye (otherwise Wreake);

In the district of Selby, North Yorkshire—

Work No. 13 A railway (904 metres in length) in the parish of Hambleton, commencing by a junction with the railway between South Milford and Selby at a point 15 metres east of the bridge (Bridge No. 16) carrying that railway over the railway between York and Doncaster and terminating by a junction with the up line of that railway at a point 55 metres north-west of the bridge (Bridge No. 15) carrying the A.63 trunk road over that railway;

Work No. 13A A road, being a diversion of Whinny Hagg Lane in the parish of Hambleton, commencing at a point in that road 248 metres north-west of the said bridge No. 15 and terminating at a point in Whinny Hagg Lane 45 metres north of that bridge;

Work No. 14 A railway (923 metres in length), commencing in the parish of Hensall by a junction with the railway between Selby and Doncaster at a point 72 metres north of the bridge carrying that railway over Gowdall Road and terminating in the parish of Heck by a junction with the railway between Knottingley and Snaith at a point 284 metres east of Heck Ings level crossing on that railway;

Work No. 14A A road, being a diversion of Little Heck Common Lane in the parish of Hensall, commencing at a point in that road 8 metres south-east of the bridge carrying the railway between Selby and Doncaster over that road and terminating at a point in that road 15 metres north of the said Heck Ings level crossing;

In the London borough of Southwark—

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Work No. 15 A widening on both sides thereof of the viaduct carrying Elephant & Castle station and the railway between Blackfriars and Loughborough Junction at that station.

SCHEDULE 2

Section 26(2).

PART I

LAND REFERRED TO IN SECTION 26(2) OF THIS ACT

Area	No. on deposited plans	Purpose for which land may be used
(1)	(2)	(3)
In the county of Berkshire—		
Borough of Slough—	2	As a means of vehicular access from William Street (B.416) for constructing Works Nos. 2, 2A and 3, or any of them.
In Greater London—		
London borough of Hillingdon—	2	To realign the up (Iver to West Drayton) goods loop line of the existing railway in conjunction with the alteration of West Drayton railway station described in section 12 (Works at Langley, Iver and West Drayton stations) of this Act.

PART II

MEANS OF ACCESS REFERRED TO IN SECTION 28 OF THIS ACT

Area	No. of land shown on deposited plans	Highway to which access to be formed	Purpose for which access required
(1)	(2)	(3)	(4)
In West Yorkshire—			
Metropolitan borough of Kirklees—	1, 2	The byway known as Peace Pit Lane, Deighton.	To construct Works Nos. 6 and 7 or either of them, and thereafter for the general purposes of the Board.

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Area	No. of land shown on deposited plans	Highway to which access to be formed	Purpose for which access required
(1)	(2)	(3)	(4)
In the county of Leicestershire— Borough of Melton—	1, 2	The unnamed road between Asfordby Road (A.6006) and Asfordby.	To construct Work No. 12.
	5	The unnamed road forming the western continuation of Sysonby Grange Lane and serving the Melton Mowbray Water Reclamation Works.	To construct Work No. 12 and thereafter for the general purposes of the Board.
	15	Leicester Road (A.607).	To construct Work No. 12.
In the county of Nottinghamshire— District of Bassetlaw— Parish of Saundby— Parish of Bole—	1 1	The Flood Road (A.631).	To execute the specified works as defined in section 23 (Interpretation of Part III) of this Act.
In the county of Essex— District of Braintree—	1	Station Approach.	To link Station Approach with the new private road mentioned in section 13

PART III

TEMPORARY WORKING SITES

1 In this Part of this Schedule—

“the designated lands” means any of the lands shown on the deposited plans within a line marked “Limit of temporary working site” which are required by the Board for use as working sites in connection with the relevant works;

“the Langley land” means the land numbered on the deposited plans 18 in the borough of Slough; and

“the relevant works” means Works Nos. 12, 13 and 13A and the specified works as defined in section 23 (Interpretation of Part III) of this Act.

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- 2 The Board, in connection with the construction of Works Nos. 2, 2B and 4, or any of them, may establish and maintain a temporary working site on the Langley land.
- 3 The Board, in connection with the construction of the relevant works and after giving to the owners and occupiers of the designated lands not less than 28 days' previous notice in writing, may—
- (a) enter upon and take possession temporarily of the designated lands;
 - (b) construct on the designated lands such temporary works or structures as may be required by them; and
 - (c) remove any structures and vegetation on the designated lands.
- 4 The Board shall not, by reason of the exercise of the powers of paragraph 3 above, be required to purchase any part of the designated lands.
- 5 On the exercise of the powers conferred by this Part of this Schedule, the following provisions shall have effect:—
- (1) The Board shall not, without the agreement of the owners and occupiers of the designated lands, remain in possession of any part thereof after a period of one year from the completion of the works for which such possession has been taken:
 - (2) Before giving up possession of the designated lands, the Board shall remove all temporary works or structures and restore the designated lands to the reasonable satisfaction of the owners and occupiers thereof:
 - (3) The Board shall compensate the owners and occupiers of the designated lands for any loss or damage which may result to them by reason of the exercise of the powers of this Part:
 - (4) Nothing in this Part shall relieve the Board from liability to compensate under section 6 or 43 of the Act of 1845 or section 10(2) of the Act of 1965, as incorporated with or applied by this Act, or under any other enactment, in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under sub-paragraph (3) above:
 - (5) Any dispute as to a person's entitlement to compensation under sub-paragraph (3) above or as to the amount thereof shall be determined by the tribunal.

SCHEDULE 3

Section 27.

MODIFICATION OF PART I OF COMPULSORY
PURCHASE ACT 1965 FOR PURCHASE OF NEW RIGHTS

- 1 In the Compulsory Purchase Act 1965 (hereafter in this Schedule referred to as "the Act") for section 7 (which relates to compensation) there shall be substituted the following:—
- “7 (1) In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the extent (if any) to which the value of the land in or over which the right is purchased is depreciated by the purchase but also the damage, if any, to be sustained by the owner of the land by reason of injurious affection of other land of the owner by the exercise of the right.

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- (2) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words ‘land is acquired or taken’ there shall be substituted ‘a right in or over land is purchased’ and for the words ‘acquired or taken from him’ there shall be substituted ‘in or over which the right is exercisable’.”.

2 For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following:—

“8 (1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right in or over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as “the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as “the Tribunal”); and
- (b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs;

the British Railways (No. 2) Act 1992 shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

- (2) Any question as to the extent of the land in which the British Railways (No. 2) Act 1992 is deemed to authorise the purchase of an interest by virtue of subsection (1) above shall be determined by the Tribunal.
- (3) Where, in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) above, the British Railways (No. 2) Act 1992 is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the acquiring authority to withdraw the notice.
- (4) The modifications subject to which subsection (1) of section 58 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in subsection (1) above, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words ‘a right over’, for the word

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‘severance’ there shall be substituted ‘right in or over the whole of the house, building or manufactory or of the house and the park or garden’ and for the words ‘part proposed’ and ‘part is’ there shall be substituted respectively ‘right proposed’ and ‘right is’.’.

- 3 The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interest in the land), namely:—
- section 9 (4) (failure of owners to convey);
 - paragraph 10 (3) of Schedule 1 (owners under incapacity);
 - paragraph 2 (3) of Schedule 2 (absent and untraced owners); and
 - paragraphs 2 (3) and 7 (2) of Schedule 4 (common land);
- shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.
- 4 Section 11 of the Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority have served notice to treat in respect of any rights, they have power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (penalty for unauthorised entry) and 13 (entry on sheriff’s warrant in the event of obstruction) of the Act shall be modified correspondingly.
- 5 Section 20 of the Act (compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.
- 6 Section 22 of the Act (protection of acquiring authority’s possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable that acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.

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SCHEDULE 4

Section 48.

REPEALS

PART I

REPEALS IN CONSEQUENCE OF SECTION 24 OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
12 & 13 Vict. c. lxxxii.	Manchester, Sheffield, and Lincolnshire Railway Act 1849.	Sections 92 and 97.

PART II

REPEALS IN CONSEQUENCE OF SECTION 46 OF THIS ACT

Chapter (1)	Short title (2)	Extent of repeal (3)
1988 c. xi.	British Railways (London) Act 1988.	In paragraph (b) of section 9 (1) the words “and substitute therefor a new road between points ‘C’, ‘D’, ‘E’ and ‘F’ in the position shown on the deposited plans”, and in paragraph (f) of that subsection the words “and substitute therefor a new road between points ‘W’ and ‘X’ in the position shown on the deposited plans”.