



## CHAPTER xlii

An Act to empower the British Transport Commission to construct works and to acquire lands to authorise the closing for navigation of portions of certain inland waterways to revive the powers and extend the time for the construction of certain works and to extend the time for the compulsory purchase of certain lands to confer further powers on the Commission and for other purposes. [31st July 1953]

**W**HEREAS by the Transport Act 1947 (in this Act referred to as "the Act of 1947") the British Transport Commission (in this Act referred to as "the Commission") were established:

And whereas it is the duty of the Commission in the exercise of their powers under the Act of 1947 (inter alia) to provide railway services for Great Britain to provide or secure the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area and to provide other transport services facilities for traffic on inland waterways and port facilities subject to and in accordance with the provisions of the Act of 1947 as amended by the Transport Act 1953:

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

And whereas the Commission are the owners of the canals known respectively as the Dudley Canal the Walsall Canal the Bentley Canal and the Birmingham Level:

And whereas the portions of the said respective canals in this Act mentioned have not for some time past been used for the purposes of navigation and it is expedient that the Commission should be relieved of their obligations to maintain the said portions of canals for navigation:

And whereas it is expedient that the tolls and rates which the Commission are authorised to demand and take in respect of the Ouse (Lower) Improvement should be altered as in this Act provided:

And whereas it is expedient that the powers of the Commission for the construction of certain works should be revived and extended and 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 Commission 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 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 with the clerks of the county councils of the several counties and the town clerk of the county borough 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

1.—(1) This Act may be cited as the British Transport Commission Act 1953.

(2) The British Transport Commission Acts 1947 to 1952 and this Act may be cited together as the British Transport Commission Acts 1947 to 1953.

Short and  
collective  
titles.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Works.

Part III.—Docks and inland waterways.

Part IV.—Lands.

Part V.—Protective provisions.

Part VI.—Miscellaneous.

PART I  
—cont.

Division of Act  
into Parts.

3.—(1) In this Act unless there be something in the subject Interpretation.  
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 1949 ” means the British Transport Commission  
Act 1949 ;

“ the Act of 1950 ” means the British Transport Commission  
Act 1950 ;

“ the Act of 1952 ” means the British Transport Commission  
Act 1952 ;

“ the Commission ” means the British Transport Com-  
mission and any reference to the Commission in rela-  
tion to any functions of the Commission which are for  
the time being delegated to an executive in pursuance  
of section 5 of the Act of 1947 shall be construed as  
a reference to that executive ;

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

“ the Lands Clauses Acts ” means the Lands Clauses Acts  
as modified by the Acquisition of Land (Assessment of  
Compensation) Act 1919 the Town and Country  
Planning Act 1947 the Lands Tribunal Act 1949 and  
this Act ;

“ the limits of deviation ” means the limits of deviation  
shown on the deposited plans ;

“ the Minister ” means the Minister of Transport ;

“ the new works ” means the works described in section 5  
(Power to make works) of this Act ;

“ the pier works ” means Works Nos. 1 2 and 3 authorised  
by this Act ;

“ the port authority ” means the Port of London Authority ;

“ the tribunal ” means the Lands Tribunal ;

“ the works ” means the works authorised by Part II  
(Works) of this Act and includes the new works.

PART I  
—cont.

(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 read and have effect as if the words "or thereabouts" were inserted after each such distance and length.

Incorporation  
of general Acts.

4. 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:—

- (a) The Lands Clauses Acts except sections 127 to 133 of the Lands Clauses Consolidation Act 1845;
- (b) The Railways Clauses Consolidation Act 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 Railways Clauses Act 1863:

Provided that for the purposes of this Act the expression "the railway" where used in the incorporated provisions of the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 means the new works (other than the pier works and the tramroad authorised by this Act) and the lines of railway authorised by section 14 (Further works and powers) of this Act and the expression "the company" where used in the said provisions means the Commission:

Provided also that the provisions of sections 18 and 21 of the Railways Clauses Consolidation Act 1845 shall not extend to regulate the relations between the Commission and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

- (i) by the provisions of Part II of the Public Utilities Street Works Act 1950; or
- (ii) by the provisions of section 39 (For protection of gas water and electricity undertakers) of the Act of 1952 as incorporated with this Act;
- (c) The Harbours Docks and Piers Clauses Act 1847 except sections 7 8 9 12 13 22 25 26 33 49 50 79. and 80. thereof:

Provided that the provisions of sections 16 to 19 of the said Act of 1847 shall not be in force except and to such extent as the Minister may require:

PART I  
→cont.

Provided also that the confirming authority for the purposes of section 85 of the said Act of 1847 shall be the Minister;

- (d) Section 3 section 19 Part II (Construction of tramways) except section 30 thereof and Part III (General provisions) of the Tramways Act 1870.

PART II

WORKS

5. Subject to the provisions of this Act the Commission 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 new works hereinafter described with all necessary works and conveniences connected therewith:—

Power to make works.

In the East Riding of the county of York—

Work No. 1—A jetty in the parish of Blacktoft in the rural district of Howden situate in the river Ouse with approaches thereto from the north bank of the said river commencing at a point 220 yards west of the western end of the existing jetty of the Commission in the said parish and terminating at a point 2 yards west thereof: (Jetty at Blacktoft.)

In the county of Essex—

Work No. 2—An extension of the floating landing stage at Tilbury in the urban district of Thurrock situate in the river Thames at the eastern end of the said landing stage and projecting therefrom for a distance of 14 yards in a southerly direction and 80 yards in an easterly direction: (Extension of landing stage at Tilbury.)

In the county of Kent—

Work No. 3—A pier with two jetties and a floating landing stage in the borough of Gravesend situate in the river Thames with approaches thereto from the south bank of the said river in substitution for the existing West Street pier and landing stage and extending from the centre of the said existing landing stage for a distance of 23 yards in a northerly direction 99 yards in an easterly direction and 92 yards in a westerly direction; (Pier at Gravesend.)

Work No. 4—A lengthening of the bridge in the borough of Beckenham carrying Elmers End Road over the railway between Eden Park and Clockhouse and alterations of the levels of Elmers End Road and Gwydor Road: (Bridge lengthening at Elmers End.)

PART II  
—cont.

In the county of Derby—

(Bridge  
lengthening  
at Repton.)

Work No. 5—A lengthening of the bridge in the parish of Findern in the rural district of Repton carrying the road from Findern to Stenson over the railway between Burton and Derby and an alteration of the level of the said road ;

(Bridge at  
Clay Cross.)

Work No. 6—A bridge under the road known as Bridge Street in the parish of Tupton in the rural district of Chesterfield on the east side of the existing bridge carrying the said road over the railway between Derby and Chesterfield and an alteration of the line and level of the said road :

In the city and county borough of Manchester—

(Bridge  
widening at  
Manchester.)

Work No. 7—A widening on the north-west side thereof of the bridge carrying the railway between Manchester Victoria Station and Newton Heath over Ashley Lane :

In the West Riding of the county of York—

(Bridge at  
Wakefield.)

Work No. 8—A bridge over the road between Wakefield and Doncaster partly in the parish of Crofton and partly in the parish of Warmfield-cum-Heath both in the rural district of Wakefield on the east side of the existing bridge carrying the railway between Wakefield and Goole over the said road ;

(Bridge  
lengthening  
at  
Grimethorpe.)

Work No. 9—A lengthening of the bridge in the parish of Shafton in the rural district of Hemsworth carrying the road known as Engine Lane over the railway between Shafton Junction and Houghton Junction and an alteration of the level of the said road ;

(Bridge  
reconstruction  
at Monckton  
Main  
Colliery.)

Work No. 10—A reconstruction of the bridge in the parish of Havercroft with Cold Hiendley in the rural district of Hemsworth carrying the road known as Lund Hill Lane over the Monckton Main Colliery branch railway at its junction with the sidings of Monckton Main Colliery and an alteration of the line and level of the said road :

In the county of the Isle of Ely—

(Tramroad  
at Outwell.)

Work No. 11—A tramroad (single line 550 yards in length) in the parish of Outwell in the rural district of Wisbech being a deviation of Tramway (No. 2) authorised by section 24 (Power to make tramways) of the Great Eastern Railway Act 1881 commencing by a junction with the said tramway at a point 20 yards north of the bridge carrying the same over Well Creek in the said parish and terminating by a junction with the said tramway at a point 570 yards north of the said bridge.

6. The Commission may in connection with the pier works or any of them from time to time make and maintain in under or over any of the lands delineated on the deposited plans relating to the pier works and described in the deposited book of reference all necessary or convenient bridges abutments booms pontoons fenders tanks pumps conduits pipes wires mains cables rails signals conveyers cranes lifts hoists drops weighbridges stairs stages platforms landing places dolphins buoys moorings beacons approaches buildings sheds offices depots roads walls fences gates works equipment machinery and appliances.

Power to make subsidiary pier works.

7. The Commission may from time to time deepen dredge scour cleanse alter and improve the bed shores and channel of the river Ouse and (subject to their having first obtained a licence so to do from the port authority and in accordance with the terms and conditions thereof) of the river Thames for the purpose of constructing Work No. 1 and Work No. 3 authorised by this Act respectively and of forming and maintaining approaches to the said respective works and may use appropriate or dispose of the soil and material from time to time dredged by them from the said rivers under the powers of this section:

Power to dredge.

Provided that—

- (a) the powers of the Commission under this section shall be exercisable subject to the provisions of section 31 (Crown rights) of this Act and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands on behalf of Her Majesty may be given subject to such restrictions and conditions including the payment by the Commission to the Commissioners of Crown Lands of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Commission under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands;
- (b) no materials so dredged shall be deposited below high-water mark of ordinary spring tides except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Minister.

8. Work No. 2 authorised by this Act shall when completed be deemed for the purposes of section 48 (Vesting of portion of landing stage in Company) of the Port of London and Midland Railway Act 1922 to form part of the portion of the floating landing stage at Tilbury referred to in the said Act of 1922 as “the Company’s portion of the landing stage” and the provisions

As to extension of landing stage at Tilbury.

PART II  
—cont.

of the said section 48 and of the agreement scheduled to and confirmed by the said Act of 1922 dated the thirtieth day of July one thousand nine hundred and twenty-one and made between the Port of London Authority of the one part and the Midland Railway Company of the other part as modified pursuant to the provisions of section 50 of the said Act of 1922 shall (so far as the same are applicable and still in force and are not inconsistent with the provisions of this Act) apply and have effect accordingly.

As to pier at  
Gravesend.

9. As from the completion of Work No. 3 authorised by this Act all the powers rights and privileges vested in or enjoyed by the Commission at or in connection with their existing West Street pier and landing stage at Gravesend shall subject to the provisions of this Act attach to the said Work No. 3 and be vested in or enjoyed by the Commission accordingly.

Power to enter  
into  
agreements  
with British  
Electricity  
Authority.

10.—(1) The Commission and the British Electricity Authority (in this section referred to as “the authority”) may enter into and carry into effect agreements with respect to the construction maintenance and renewal of Work No. 8 authorised by this Act and the acquisition of lands therefor and with regard to any other matters relating thereto.

(2) The authority may subject to and in accordance with the terms of any such agreement exercise the powers of this Act with respect to the execution of the said Work No. 8 or any part thereof and such agreement may provide for the transfer to and vesting in the authority of the said Work No. 8 together with all or any of the powers and obligations of the Commission in relation thereto.

(3) The exercise by the authority 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 Commission and accordingly those provisions with any necessary modifications shall apply to the exercise of such powers by the authority.

Power to enter  
into  
agreements  
with National  
Coal Board.

11.—(1) The Commission and the National Coal Board (in this section referred to as “the board”) may enter into and carry into effect agreements with respect to the construction maintenance and renewal of Works Nos. 9 and 10 authorised by this Act and the acquisition of lands therefor and with regard to any other matters relating thereto.

(2) The board may subject to and in accordance with the terms of any such agreement exercise the powers of this Act with respect to the execution of the said Work No. 9 or the said Work No. 10 or any part thereof and such agreement may provide for the transfer to and vesting in the board of the said Work No. 10 together with all or any of the powers and obligations of the Commission in relation thereto.



(3) The exercise by the board 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 Commission and accordingly those provisions with any necessary modifications shall apply to the exercise of such powers by the board.

PART. II  
—cont.

12.—(1) In this section—

As to  
tramroad at  
Outwell.

“the new tramroad” means Work No. 11 authorised by this Act;

“the existing tramway” means so much of Tramway (No. 2) authorised by section 24 (Power to make tramways) of the Great Eastern Railway Act 1881 as will be rendered unnecessary by the construction of the new tramroad.

(2) As from the completion and opening to traffic of the new tramroad the existing tramway shall be abandoned and the provisions of the Great Eastern Railway Act 1881 and the Great Eastern Railway Act 1905 with respect to the existing tramway shall (so far as the same are applicable and still in force and are not inconsistent with the provisions of this Act) apply and have effect with respect to the new tramroad as if that tramroad were the existing tramway:

Provided that in the application and effect with respect to the new tramroad of section 21 of the Great Eastern Railway Act 1905 paragraph (4) of that section shall be read and have effect as if the words “generated or used by or supplied to” were inserted in that paragraph in substitution for the words “generated by”.

13.—(1) The Commission and the county council of the Isle of Ely (in this section referred to as “the council”) may enter into and carry into effect agreements with regard to the construction maintenance and renewal of Work No. 11 authorised by this Act and the acquisition of lands or easements therefor and the defraying or making of contributions towards the cost of such construction maintenance renewal and acquisition and with regard to any other matters relating thereto.

Power to enter  
into  
agreements  
with Isle of  
Ely County  
Council.

(2) The council may subject to and in accordance with the terms of any such agreement exercise the powers of this Act with respect to the execution of the said Work No. 11 or any part thereof.

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

PART II  
—cont.  
Further works  
and powers

14.—(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 Commission may make and maintain the works described in this section with all necessary works and conveniences connected therewith and may exercise the powers hereinafter mentioned:—

In the county of London—

In the city of Westminster—

Notwithstanding anything in section 97 (Company to make footway from Northumberland Street to Duke Street) of the Charing Cross Railway Act 1859 or in section 10 (Limitation on extension of Charing Cross Station etc.) of the South Eastern and London Chatham and Dover Railways Act 1917 they may stop up and appropriate and use for the purpose of providing additional means of access to their hotel at Charing Cross or for any other purpose connected with or ancillary to their undertaking so much of the footway between Villiers Street and Craven Street made in pursuance of the said section 97 as they may require for such purposes within the line marked "Portion of footpath to be stopped up and appropriated" on the deposited plans:

In the county of Essex—

In the borough of Barking—

They may stop up and discontinue the footpath which is carried over the railway between Barking and Tilbury by means of a footbridge between the points marked "A" "B" "C" and "D" on the deposited plans and may substitute therefor a new footpath to be carried over the said railway by means of a footbridge on the north-west side of Ripple Road:

In the county of Lancaster—

In the borough of Widnes—

They may make and maintain a single line of railway across and on the level of the road known as Tan House Lane:

In the county of Somerset—

In the urban district of Norton Radstock—

They may stop up and discontinue the footpath leading from Welton to Radstock between the points marked "A" "C" and "B" on the deposited plans and may substitute therefor a new footpath between the points marked "A" "D" and "B" on the deposited plans:

In the county of Derby—

In the parish of Willington in the rural district of Repton—

They may stop up and discontinue the footpath leading from Willington to Findern between the points marked " A " " B " and " C " on the deposited plans and may substitute therefor a new footpath between the points marked " A " " D " and " C " on the deposited plans ;

In the parish of Wingerworth in the rural district of Chesterfield—

They may make and maintain an additional line of railway across and on the level of the road known as Mill Lane at or near the place where the said road is crossed on the level by the railway between Derby and Chesterfield and in connection therewith they may alter the level of the said road :

In the county of Leicester—

In the parish of Castle Donington in the rural district of Castle Donington—

They may make and maintain two additional lines of railway across and on the level of the road known as Back Lane at the place where the said road is crossed on the level by the railway between Chellaston and Trent and in connection therewith they may alter the level of the said road.

(2) The diversion by the Commission in the urban district of Staines in the county of Middlesex of the footpath leading from Yeoveney Farm to Staines West station in the manner shown on the deposited plans is hereby sanctioned and confirmed.

(3) Notwithstanding anything in section 47 of the Railways Clauses Consolidation Act 1845 the Commission may at the level-crossing in the parish of Castle Donington when extended under the powers conferred by this section in lieu of constructing and maintaining gates closing across the railway so as to fence in the whole of the railway on both sides of the road construct and maintain a cattle-grid or cattle-grids as defined in the Highways (Provision of Cattle-Grids) Act 1950 extending across any part of the railway which is not fenced in by the gates when the level-crossing is open to road traffic.

(4) Notwithstanding anything in section 6 of the Railways Clauses Act 1863 the Commission shall not be required to maintain a lodge at the level-crossings in the borough of Widnes and the parish of Wingerworth referred to in this section.

PART II  
—cont.As to certain  
level-  
crossings.

**15.**—(1) As from the passing of this Act all rights of way over the level-crossings referred to in Part I of the First Schedule to this Act other than a right of way for all persons to use those level-crossings on foot shall subject to the provisions of this section be extinguished and the provisions of the Highway (Railway Crossings) Act 1839 of section 9 of the Railway Regulation Act 1842 of section 47 of the Railways Clauses Consolidation Act 1845 and of sections 5 6 and 7 of the Railways Clauses Act 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 Part I of the said schedule shall cease to apply to those level-crossings.

(2) The Commission shall provide and maintain for the convenience of persons on foot wicket gates or stiles on both sides of the railway at each of the level-crossings referred to in Part I of the said schedule.

(3) The level-crossings referred to in Part II of the said schedule (including the gates thereof) shall be deemed for all purposes to be works provided by the Commission at the date of the passing of this Act pursuant to section 68 of the Railways Clauses Consolidation Act 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway at each of the said level-crossings respectively (that is to say) for the purpose of making good any interruptions caused by such railway to the use of the lands through which the same has been made as if the making of such railway had been authorised by this Act.

(4) The enactments referred to in the first and second columns of Part III of the said schedule are hereby repealed to the extent specified in the third column of the said Part III.

Incorporation  
of provisions  
of Acts of  
1949 and 1950  
relating to  
works.

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

The Act of 1949—

Section 6 (Power to deviate);

Section 7 (Repair of roads where level not permanently altered);

Section 16 (Power to make agreements with road authorities);

Section 17 (Underpinning of houses near works);

Section 18 (Power to make trial borings):

The Act of 1950—

Section 12 (Stopping up roads and footpaths without providing substitute);

Section 13 (Stopping up roads and footpaths in case of diversion);

Section 14 (Provision as to repair of roads and footpaths);

Section 15 (Use of sewers for removing water).

PART III

DOCKS AND INLAND WATERWAYS

17.—(1) In this and the next succeeding section the expression “the waterways” means—

Closing for navigation of portions of certain waterways.

(a) that part of the Dudley Canal known as the Grazebrook Arm and authorised by the Act 30 Geo. 3. c. 60 which lies between the commencement of that arm 191 yards south-east of the south end of Dudley Tunnel and its termination at a point 66 yards north-west of Pear Tree Lane all in the county borough of Dudley ;

(b) so much of the Dudley Canal authorised by the Act 33 Geo. 3. c. 121 as lies between the junction of that canal with the Worcester and Birmingham Canal at Selly Oak in the city of Birmingham and a point on the Dudley Canal in the borough of Halesowen in the county of Worcester 9 yards north-west of the north-west side of the bridge carrying the road from Birmingham to Kidderminster over the said canal ;

(c) that part of the Walsall Canal known as the Bilston Branch and authorised by the Act 34 Geo. 3. c. 87 which lies between the commencement of that branch at a point in the urban district of Darlaston in the county of Stafford 738 yards north-west of the bridge carrying the road from Wolverhampton to Darlaston over the said canal and its termination in the said urban district ;

(d) that part of the Walsall Canal known as the Willenhall Branch and authorised by the Act 34 Geo. 3. c. 87 which lies between the commencement of that branch in the said urban district of Darlaston 239 yards north of Barns Meadow Bridge and its termination in the borough of Bilston in the county of Stafford ;

(e) that part of the Bentley Canal known as the Neachells Branch and authorised by the Act 3 & 4 Vict. c. 24 which lies between the commencement of that branch 62 yards south-east of Merrills Hall Bridge and its termination at Neachells Lane all in the urban district of Wednesfield in the county of Stafford ;

(f) that part of the Birmingham Level known as the Parker Branch and authorised by the Act 5 Will. 4. c. 34 which lies between the commencement of that branch at Bromford Junction in the borough of Oldbury in the county of Worcester and its termination in the said borough.

PART III  
—cont.

(2) As from the passing of this Act—

- (a) all rights of navigation along on or over the waterways and all rights of user by barges or other boats of the waterways shall cease and be extinguished ; and
- (b) the Commission shall cease to be under any obligation (whether statutory or otherwise) to keep the waterways open for navigation or to maintain the same in a navigable condition or to preserve the supplies of water thereto for the purposes of navigation or to supply the waterways with water for those purposes.

(3) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Commission compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

(4) (a) The Commission on the one hand and any local authority highway authority statutory water undertaker or river board on the other hand may enter into and carry into effect agreements with respect to the maintenance of the waterways or any part thereof or any works connected therewith and belonging to or maintainable by the Commission or for the transfer to and vesting in any such contracting party of any of the waterways or any part thereof or of any such works as aforesaid and any such agreement may provide for the transfer to any such contracting party of all or any of the powers and obligations of the Commission in respect of the waterways or works transferred and vested as aforesaid.

(b) A statutory water undertaker shall not exercise any of the powers of this subsection for the purposes of its water undertaking except with the consent of the Minister of Housing and Local Government.

(c) A transfer to or vesting in a river board in pursuance of an agreement made under this section of any part of the waterways or of any of the powers and obligations of the Commission in respect thereof shall not take effect until the Minister of Agriculture and Fisheries has in accordance with the provisions of section 6 of the River Boards Act 1948 varied the map as approved by him under that section so as to constitute such part of the waterways a part of the main river referred to in that section.

(d) In this subsection—

“ statutory water undertaker ” means any company local authority board committee or other persons supplying water under an enactment ;

“ local authority ” has the meaning assigned to it by section 144 of the Local Government Act 1948.

**18.** If for any reason any part of any of the waterways shall be in such a condition as to be prejudicial to health or a nuisance such condition or nuisance shall be a statutory nuisance for the purposes of Part III of the Public Health Act 1936 and the county council of the administrative county in which such part is situate may in addition to a local authority enforce the provisions of the said Part III in respect of this section :

PART III  
—cont.

Prevention of  
nuisances  
etc. in certain  
waterways.

Provided that in the case of such a condition or nuisance being alleged nothing in this section shall be deemed to impose any liability on the Commission or any person unless the condition or nuisance arises or continues by the act or default of the Commission or such person as the case may be.

**19.**—(1) As from the date of the completion and opening for public use of Work No. 1 authorised by this Act the Ouse (Lower) Improvement Act 1884 shall be read and have effect as if the schedules of tolls and rates set out in the Second Schedule to this Act had been respectively substituted for the First Second Third Fourth and Fifth Schedules to that Act and on and from the said date the First Second Third Fourth and Fifth Schedules to that Act shall be repealed.

Amendment  
and repeal of  
enactments as  
to tolls rates  
etc. in respect  
of Ouse  
(Lower)  
Improve-  
ment.

(2) The following provisions are hereby repealed:—

Ouse (Lower) Improvement Act 1884—

Section 62 (Annual account of tolls to be made by undertakers and sent to Board of Trade) ;

Section 63 (Application of undertakers' funds to purposes of Act) ;

Section 64 (Profit from tolls limited) ;

Section 65 (Reserve fund may be applied in making good deficiency) ;

Section 66 (Rates to be revised) :

Aire and Calder Navigation Act 1889—

Section 40 (Provisions as to accounts) :

Aire and Calder Navigation Act 1899—

Section 45 (Amending Act of 1884 as to reserve fund) :

Aire and Calder Navigation Act 1925—

Section 35 (Certain expenditure may be debited to Lower Ouse Improvement capital account).

## PART III

—cont.

Revision of  
tolls and rates  
in respect of  
Ouse (Lower)  
Improvement.

20.—(1) In this section—

“ the Act of 1884 ” means the Ouse (Lower) Improvement Act 1884 ;

“ the authorised rates ” means the tolls and rates which the Commission are for the time being authorised to demand and take in pursuance of the Act of 1884 or of that Act as amended by this Act or in pursuance of any order made under this section.

(2) If it is represented by application in writing to the Minister—

(a) by any chamber of commerce or shipping or any representative body of traders or shipowners ; or

(b) by any person who in the opinion of the Minister has a substantial interest in the trade of the Ouse (Lower) Improvement and is a proper person to make an application ; or

(c) by the Commission ;

that under the circumstances then existing the authorised rates should be revised in whole or in part the Minister if he thinks fit may make an order revising all or any of the authorised rates referred to in the application and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this subsection.

(3) An application made to the Minister under subsection (2) of this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require.

(4) Where upon an application under subsection (2) of this section an order has been made or the Minister has decided not to make an order no further application for a revision of any of the authorised rates to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(5) Before making an order under subsection (2) of this section the Minister shall consult with such bodies or persons as aforesaid as appear to him to be appropriate including the Commission where they are not the applicants and for the purpose of ascertaining such bodies or persons may require public notice of the application to be given and where an objection to an application is made by the Commission or any such body or person as aforesaid and is not withdrawn the Minister unless it appears to him that the objection is of a trivial nature shall cause an inquiry to be held in reference to the application.



(6) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any inquiry which the Minister may cause to be held under this section as if it was an inquiry held in pursuance of subsection (1) of that section and the Commission were a local authority.

(7) The power of the Minister to make an order under subsection (2) of this section shall be exercisable by statutory instrument.

#### PART IV

#### LANDS

21.—(1) Subject to the provisions of this Act the Commission 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 Commission by subsection (1) of this section the Commission may subject to the provisions of this Act enter upon take and use for the purposes specified in the third column of the Third Schedule to this Act all or any of the lands referred to in the first and second columns of the said schedule.

(3) Subject to the provisions of this Act the Commission 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 of the works without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(4) The Commission shall not under the powers of this section enter upon take or use any part of the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 1 3 and 4 in the city of Manchester but they may subject to and in accordance with the provisions of section 25 (Power to acquire easements only in certain cases) of this Act acquire such easements or rights over the said lands as they may require for the purposes of constructing maintaining renewing and using thereover Work No. 7 authorised by this Act.

22.—(1) Whereas in the construction of the works or otherwise in the exercise by the Commission of the powers of this Act it may happen that portions only of the properties whereof the whole or part is described in the Fourth Schedule to this Act will be sufficient for the purposes of the Commission and that such portions or some other portions less than the whole Acquisition of part only of certain properties.

PART IV  
—cont.

can be severed from the remainder of the said properties respectively without material detriment thereto. Therefore the following provisions shall have effect:—

- (a) The owner of and persons interested in any of the said properties whereof a portion only is required for the purposes of the Commission or each or any of them are or is hereinafter in this section included in the term “the owner”;
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner fails to notify the Commission in writing that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Commission such portion only without the Commission being obliged or compellable to purchase the whole the Commission paying for the portion so taken and making compensation for any loss sustained by the owner by severance or otherwise;
- (c) If within such twenty-one days the owner alleges by notice in writing to the Commission that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion that may be acquired compulsorily under this Act) can be so severed;
- (d) If the tribunal determines that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Commission the portion which the tribunal shall have determined to be so severable without the Commission being obliged or compellable to purchase the whole the Commission paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determines that the portion of the property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may determine and order that the costs charges and expenses incurred by the owner incident

to the determination of any matters under this section or such part (if any) of the said costs charges and expenses as it thinks fit shall be borne and paid by the owner ;

- (f) If the tribunal determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it determines that any other portion can be so severed) the Commission may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice ;
- (g) If the tribunal determines that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Commission in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal thinks fit having regard to the circumstances of the case and its final determination.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that the said properties or any of them or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice to treat served under this Act in respect of any portion of the said properties.

**23.** In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty-two ; or

(b) any interest in the land created after the said date ;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

PART IV  
—cont.

Extinction of  
private rights  
of way.

**24.**—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Commission compensation to be determined in case of dispute under and in accordance with the Lands Clauses Acts.

Power to  
acquire  
easements  
only in  
certain cases.

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

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

(b) the lands numbered on the deposited plans 1 and 2 in the parish of Outwell in the rural district of Wisbech ;

without being obliged or compellable to acquire any greater interest in under or over the same respectively and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts.

Power to  
acquire right  
of way at  
Croxley Green.

**26.**—(1) Notwithstanding anything in this Act the Commission may acquire over and along the roads numbered on the deposited plans 1 in the urban district of Rickmansworth the easement or right of way referred to in this section without being obliged or compellable to acquire any greater interest in the said roads.

(2) The Commission may give notice to treat in respect of such easement or right and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of the said easement or right as if it were land within the meaning of those Acts.

(3) The easement or right referred to in this section is a right for the officers servants agents or contractors of the Commission and any other persons duly authorised by the Commission in that behalf to pass and repass over and along the said roads to and from the lands numbered on the deposited plans 2 and 3 in the said urban district at any time of the day or night with or without horses carts carriages or vehicles of any description (whether laden or unladen and whether mechanically propelled or not)

for any purpose for or in connection with which the Commission are for the time being authorised or entitled to use the said lands numbered 2 and 3 on the deposited plans.

PART IV  
—cont.

**27.**—(1) The Commission shall not under the powers of this Act acquire any part of the lands numbered on the deposited plans 1 in the urban district of Rickmansworth but in pursuance of section 26 (Power to acquire right of way at Croxley Green) of this Act they may acquire over and along the said lands the easement or right of way referred to in that section. As to lands at Croxley Green.

(2) The county council of the administrative county of Hertford and the urban district council of Rickmansworth may undertake that any consent given by them under section 26 (Refuse dumps) of the Hertfordshire County Council Act 1935 with respect to the use by the Commission under the powers of this Act of the lands numbered on the deposited plans 2 and 3 in the urban district of Rickmansworth shall not be withdrawn by them so long as the terms and conditions on which such consent has been given are observed by the Commission.

**28.** The powers of the Commission for the compulsory purchase of the lands and easements which they are authorised to acquire by section 21 (Power to acquire lands) and section 26 (Power to acquire right of way at Croxley Green) of this Act shall cease on the thirty-first day of December one thousand nine hundred and fifty-six. Period for compulsory purchase of lands and easements.

**29.** The following provisions of the Act of 1949 are incorporated with and form part of this Part of this Act:— Incorporation of provisions of Act of 1949 relating to lands.

Section 23 (Correction of errors in deposited plans and book of reference);

Section 25 (Power to expedite entry);

Section 26 (Power to enter for survey or valuation);

Section 30 (Grant of easements by persons under disability);

Section 32 (As to private street expenses in certain cases);

Section 33 (As to cellars under streets not referenced).

## PART V

### PROTECTIVE PROVISIONS

**30.** 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 1949 and 1952.

The Act of 1949—

Section 43 (As to works within Metropolitan Police District):

The Act of 1952—

Section 39 (For protection of gas water and electricity undertakers).

PART V  
—cont.

Crown rights.

**31.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commission 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 hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving rights  
of Duchy of  
Cornwall.

**32.** Nothing in this Act shall authorise the Commission to enter upon take use or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by Her Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by Her Majesty in right of the said Duchy) the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under section 39 of the Duchy of Cornwall Management Act 1863 to exercise all or any of the rights powers privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said Duchy or (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

For protection  
of Postmaster-  
General.

**33.**—(1) Where any footpath or portion of a footpath is stopped up in pursuance of the power conferred by section 14 (Further works and powers) of this Act the following provisions shall unless otherwise agreed in writing between the Commission and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such footpath or portion of a footpath at the time of such stopping up:—

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the footpath or portion of the footpath so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Commission of his intention to remove the line or that part thereof as the case may be ;

- (b) The Postmaster-General may by notice to the Commission in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) The Postmaster-General shall be entitled to recover from the Commission the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require ;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Commission and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any footpath has been stopped up the Commission shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) Any electrical works or apparatus erected laid down maintained worked and used in pursuance of subsection (2) of section 21 (Power to acquire lands) of this Act shall be so erected laid down maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(4) In this section the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

**34.**—(1) Subject to the provisions of this Act the pier works shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Minister and subject to such restrictions and regulations as the Minister may prescribe before any such work is begun. Pier works below high-water mark to be subject to approval of Minister.

(2) Any alteration or extension of any such work shall be subject to the like approval.

PART V  
—cont.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister may abate and remove the same and restore the site thereof to its former condition at the cost of the Commission and the amount of such cost shall be a debt due from the Commission to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Survey of pier  
works by  
Minister.

**35.** If at any time the Minister deems it expedient for the purposes of this Act to order a survey and examination of any of the pier works which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Commission shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commission to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

Lights on  
pier works  
during  
construction.

**36.**—(1) The Commission shall at or near such part of any of the pier works as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as in the case of Work No. 1 authorised by this Act the Minister or in the case of Works Nos. 2 and 3 authorised by this Act the port authority shall from time to time require or approve.

(2) If the Commission fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent  
lights on pier  
works.

**37.**—(1) After completion of the pier works the Commission shall at the outer extremity thereof below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as in the case of Work No. 1 authorised by this Act the Minister or in the case of Works Nos. 2 and 3 authorised by this Act the port authority shall from time to time direct.

(2) If the Commission fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the



case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

PART V  
—cont.

**38.**—(1) Where any part of the pier works situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister may by notice in writing either require the Commission at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister may think proper.

Abatement of pier work abandoned or decayed.

(2) Where any part of such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Commission they have failed to comply with such notice the Minister may execute the works required to be done by the notice at the expense of the Commission and the amount of such expense shall be a debt due from the Commission to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister summarily as a civil debt.

**39.**—(1) In the case of injury to or destruction or decay of the pier works or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Commission shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed in the case of Work No. 1 authorised by this Act by the Minister or in the case of Works Nos. 2 and 3 authorised by this Act by the port authority and shall apply to the Minister or the port authority (as the case may be) for directions as to the means to be taken.

Provision against danger to navigation.

(2) If the Commission fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of

PART V  
—cont.

a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

For protection  
of Derbyshire  
County  
Council.

40. The following provisions for the protection of the county council of the administrative county of Derby (in this section called "the county council") shall unless otherwise agreed in writing between the Commission and the county council apply and have effect:—

- (1) The Commission shall give to the county council twenty-eight days' previous notice in writing of their intention to commence the construction of Work No. 5 and Work No. 6 authorised by this Act by leaving such notice at the office of the county council with plans sections and specifications of the work or works to which such notice relates and if the county council fail to signify their approval or disapproval within twenty-eight days after the service of such notice and delivery of such plans sections and specifications as aforesaid the county council shall be deemed to have approved the same:

Provided that if the county council shall signify their disapproval of the said plans sections or specifications within the said period of twenty-eight days and the Commission and the county council fail to agree with regard thereto the difference shall be referred to arbitration as hereinafter provided and the Commission shall not commence to execute the construction of either such work until the plans sections and specifications thereof have been approved by the county council or such difference has been determined in accordance with this section:

- (2) The said Works No. 5 and No. 6 shall be constructed in accordance with plans sections and specifications thereof so approved by the county council or in case of difference by arbitration as hereinafter provided and under the supervision (if given) and to the reasonable satisfaction of the county council and the Commission shall not in constructing the said works unreasonably interrupt the traffic passing along the road from Findern to Stenson or the road known as Bridge Street (as the case may be) and shall make good all damage or injury whatsoever which shall happen or arise to either of the said roads by reason or in consequence of the construction of either of the said works and shall indemnify the county council against all claims caused by or arising out of the said works:

(3) The Commission shall during the construction and until the completion of the said Work No. 5 and Work No. 6 as aforesaid make and carry into effect such arrangement for lighting and watching the same and any portion of any road interfered with or affected thereby as may be reasonably necessary to prevent danger or accident to persons and vehicles using any such road:

(4) (a) In order to make provision for the intended widening of the county road known as Bridge Street (a portion of which is shown numbered 12 on the deposited plans in the parish of Tupton) to an effective width of forty feet between the fences (for which widening the county council have with the approval of the Minister acquired the necessary lands) the Commission shall construct the bridge comprised in Work No. 6 with a clear width of not less than thirty-four feet between the parapets measured square with the road and shall construct the embankments forming the approaches to the bridge with an effective width of forty feet between the fences and the road on the said bridge and embankments with a width of eighteen feet on the straight increasing to twenty feet on curves;

(b) The county council shall on the completion of Work No. 6 contribute towards the cost thereof an amount equivalent to the cost which they would have incurred if Work No. 6 had not been constructed in carrying out the said intended widening of that portion of Bridge Street which is comprised in Work No. 6;

(c) The culvert carrying Bridge Street over the river Rother as lengthened in the carrying out of Work No. 6 shall be maintained and when necessary renewed by the county council and the Commission shall contribute towards the cost of such maintenance and renewal the amount of any additional expense attributable to the increased length of the said culvert consequent upon the carrying out of Work No. 6:

(5) (a) If the Commission under the authority of section 14 (Further works and powers) of this Act make the additional line of railway across and on the level of the road known as Mill Lane at or near the place where the said road is crossed on the level by the railway between Derby and Chesterfield—

(i) The Commission shall make a bridge for pedestrians under the said additional line of railway on the south side of the said new level-crossing with a

PART V  
—cont.

span of eight feet and minimum headroom of eight feet measured from the underside of the deck to the formation level of the footpath to be constructed thereunder as in this section provided ;

(ii) The Commission shall also tip and form an embankment from the east side of the existing bridge under the railway between Derby and Chesterfield adjacent to the existing level-crossing over Mill Lane to the south side of Mill Lane near the bridge over the river Rother with a gradient not steeper than one in ten between the said new bridge and the south side of Mill Lane near the said bridge over the river Rother ;

(iii) The county council shall as soon as it may be reasonably convenient and practicable for them to do so construct a footpath under the said existing bridge and the said new bridge and over and along the said embankment to Mill Lane together with such works of drainage as may be required in connection therewith under the said existing bridge and the Commission shall permit the said footpath to be used by pedestrians ;

(iv) The Commission shall provide a suitable drain to the reasonable satisfaction of the county council from the eastern end of the said existing bridge to the river Rother with a manhole at the western end of such drain ;

(v) The Commission shall maintain the said new bridge embankment and drain to the reasonable satisfaction of the county council and the county council shall maintain the said footpath and any works of drainage constructed by them under the said existing bridge ;

(b) Paragraphs (1) (2) and (3) of this section shall so far as applicable apply to the making of the said additional line of railway across and on the level of the road known as Mill Lane to the making of the said new bridge to the tipping and formation of the said embankment and to the provision of the said drain as if such further works were the construction of a work to which those paragraphs apply :

- (6) Any difference which shall arise between the Commission and the county council under this section shall be determined by arbitration.

41. For the protection of the county council of the administrative county of the West Riding of Yorkshire (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the Commission and the county council apply and have effect:—

(1) In this section—

(a) "Work No. 9" and "Work No. 10" mean respectively Works Nos. 9 and 10 authorised by this Act;

(b) "the existing bridge" means in relation to Works Nos. 9 and 10 the bridges referred to in the respective description of those works in section 5 (Power to make works) of this Act;

(c) "the bridge works" means in relation to Work No. 9 the lengthened portion of the bridge comprised in that work and in relation to Work No. 10 the reconstructed bridge comprised in that work:

and references to the width of any of the existing bridges or bridge works are to be construed as references to the width thereof between parapets measured on the square:

(2) Subject to the provisions of this section the Commission shall in constructing Works Nos. 9 and 10 construct the bridge works in each case with the width of the existing bridge and so as to carry the appropriate normal loading recommended by the Minister for highway bridges:

(3) (a) In constructing Work No. 9 the Commission shall free of expense to the county council provide accommodation for laying in the bridge works a drain with an internal diameter of not less than twelve inches and with a gradient of not less than one in one hundred and twenty;

(b) The Commission shall permit the county council to lay and maintain such drain in the said bridge works and shall afford to the county council all reasonable facilities necessary for those purposes:

(4) Before commencing the construction of Work No. 9 or Work No. 10 the Commission shall give notice in writing to the county council of their intention to do so:

(5) If within two months after receiving a notice under paragraph (4) of this section the county council give a counter-notice in writing to the Commission of their desire that the bridge works comprised in the work to which the notice relates and any approaches to those bridge works should be constructed with a specified width greater than the width of the existing bridge

PART V  
—cont.

the Commission shall comply with the counter-notice and in the case of a counter-notice relating to Work No. 9 they shall at the same time reconstruct the existing bridge with the width specified in the counter-notice:

- (6) Upon the completion of Work No. 9 in compliance with a counter-notice under paragraph (5) of this section and of the reconstruction of the existing bridge as provided in that paragraph the county council shall pay to the Commission—

(a) the amount by which the actual cost incurred by the Commission in constructing the bridge works and the approach thereto and in reconstructing the existing bridge all with the width specified in the counter-notice exceeds the cost which would have been incurred in constructing the bridge works and approach and in renewing the existing bridge all with the width of the existing bridge; and

(b) the amount by which the capitalised annual cost of maintaining the bridge works and approach and the existing bridge when respectively constructed or reconstructed with the width specified in the counter-notice exceeds what would have been the capitalised annual cost of maintaining the same works if they had been respectively constructed or renewed with the width of the existing bridge:

- (7) Upon the completion of Work No. 10 in compliance with a counter-notice under paragraph (5) of this section the county council shall pay to the Commission—

(a) the amount by which the actual cost incurred by the Commission in constructing the bridge works and approaches with the width specified in the counter-notice exceeds the cost which would have been incurred in constructing them with the same width as the existing bridge; and

(b) the amount by which the capitalised annual cost of maintaining the bridge works and approaches as constructed with the width specified in the counter-notice exceeds what would have been the capitalised annual cost of maintaining the same if they had been constructed with the same width as the existing bridge:

- (8) (a) Not less than twenty-eight days before commencing to construct Work No. 9 or Work No. 10 the Commission shall submit to the county council for their reasonable approval plans sections specifications and particulars of the works proposed showing the manner

of the construction thereof and the vertical curves of any roads comprised therein ;

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

- (9) The Commission shall not construct Work No. 9 or Work No. 10 otherwise than in accordance with such plans sections specifications and particulars as may be so approved or if such approval be refused as may be settled by arbitration as by this Act provided and the said works shall be constructed under the superintendence of the surveyor of the county council (if after reasonable notice from the Commission he shall choose to attend) and to his reasonable satisfaction :
- (10) The Commission shall not in constructing Work No. 9 or Work No. 10 or any works in connection with either of those works unreasonably interrupt the traffic passing along the roads known as Engine Lane and Lund Hill Lane and shall make good all damage or injury whatsoever which shall happen or arise to either of the said roads by reason or in consequence of the construction of the works referred to in this paragraph and notwithstanding anything in this Act or in any enactment incorporated therewith the Commission shall at their own expense at all times maintain and keep in good repair so much of the said roads as is comprised within Works Nos. 9 and 10 respectively and the approaches thereto :
- (11) The Commission shall during the execution and until the completion of any such works as are referred to in paragraph (10) of this section make and carry into effect such arrangements for lighting and watching the same and any portion of the roads referred to in that paragraph which may be interfered with or affected thereby as may be reasonably necessary in the opinion of the county council to prevent danger or accident to persons and vehicles using the said roads or either of them :
- (12) The provisions of this section shall apply to the National Coal Board—
- (a) in relation to the execution by that board under or by virtue of any agreement entered into under section 11 (Power to enter into agreements with National Coal Board) of this Act of Work No. 9 or Work No. 10 or any part thereof ; and

PART V  
—cont.

(b) in the event of Work No. 10 being transferred to and vested in that board under or by virtue of any such agreement in relation to that work as if references to the said board were substituted in this section for the references therein to the Commission:

- (13) Any difference arising under this section (other than as to the construction thereof) between the Commission or the said board on the one hand and the county council on the other hand shall be settled by arbitration.

For protection  
of Beckenham  
Corporation.

**42.** For the protection of the mayor aldermen and burgesses of the borough of Beckenham (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the Commission and the corporation apply and have effect:—

- (1) Notwithstanding anything shown on the deposited plans and the deposited sections the lengthening of the bridge in the borough of Beckenham carrying Elmers End Road over the railway between Eden Park and Clockhouse and alterations of the levels of Elmers End Road and Gwydor Road (Work No. 4 authorised by this Act) (in this section referred to as "the works") shall not be executed so as to—

(a) raise the level of the carriageway of Elmers End Road at any point higher than one hundred and twenty-five feet above ordnance datum (Newlyn) as ascertained by reference to the ordnance bench mark cut in the brick gate-pier adjoining the north-west boundary of No. 267 Elmers End Road and having an altitude of one hundred and fourteen decimal three six feet above ordnance datum (Newlyn); or

(b) increase the gradient of Elmers End Road beyond one in thirty on the north-west side of the centre of the bridge or beyond one in twenty-five on the south-east side thereof; or

(c) increase the gradient of Gwydor Road beyond one in sixteen:

- (2) Before commencing the construction of the works the Commission shall submit to the corporation for their reasonable approval in respect of any matters with which the corporation are properly concerned the plans sections and particulars relating thereto and the works shall not be constructed otherwise than in accordance with such plans sections and particulars as may be approved by the corporation as aforesaid or if such approval be refused as may be settled by arbitration and so much of the works as will involve interference



with a highway vested in or repairable by the corporation shall be constructed under the supervision (if given) and to the reasonable satisfaction of the corporation:

Provided that if within twenty-eight days after the submission to them of plans sections and particulars under this paragraph the corporation do not signify to the Commission their approval or disapproval thereof they shall be deemed to have approved thereof:

- (3) If in consequence of the exercise of the powers of this Act it is reasonably necessary to alter the position of or to lengthen or to strengthen or to provide works for the protection of any sewer or drain (which expression shall in this section include all gulleys and manholes in connection therewith) vested in or repairable by the corporation or any watercourse such alteration lengthening strengthening or protection shall be carried out by and at the expense of the Commission in a manner reasonably approved by the corporation or if the corporation prefer shall be carried out by them and the Commission shall repay to the corporation any expense reasonably incurred by the corporation in carrying out the same and in either case shall repay any additional expense which the corporation may thereafter reasonably incur in maintaining such sewer drain or watercourse:
- (4) The Commission shall make compensation to the corporation for any damage to any such sewer drain or watercourse or interference with the free flow of the contents thereof which may be caused by or in consequence of any act or default of the Commission their contractors servants or agents and whether such damage shall happen during the execution of the works or at any time thereafter:
- (5) The Commission in executing the works shall—
  - (a) at all times keep open some part of Elmers End Road for vehicular and pedestrian traffic to proceed along such road for its entire length;
  - (b) not interrupt unreasonably traffic passing along such roads or either of them; and
  - (c) make good all damage or injury whatsoever which shall happen or be caused to the said roads by reason or in consequence of the works referred to in this section:
- (6) The Commission shall during the execution of the works and until the completion thereof make and carry into effect such arrangements for lighting and watching the

PART V  
—cont.

same (including the provision and working of traffic signs or light signals or flag signals) as may in the opinion of the corporation be reasonably necessary to prevent danger or accident to persons and vehicles using Elmers End Road and Gwydor Road:

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

For protection  
of Manchester  
Corporation.

**43.** For the protection of the lord mayor aldermen and citizens of the city of Manchester (in this section referred to as “the corporation” and “the city” respectively) the following provisions shall unless otherwise agreed in writing between the Commission and the corporation apply and have effect:—

- (1) In this section “the existing bridges” means the existing bridges in the city carrying the railway from Manchester Victoria Station over that portion of the highway known as Aspin Lane (formerly Ashley Lane) between Corporation Street and Red Bank:
- (2) Before commencing the construction of Work No. 7 authorised by this Act the Commission shall submit to the corporation for their reasonable approval in respect of any matters with which the corporation are properly concerned plans sections and particulars relating thereto and the said Work No. 7 shall not be constructed otherwise than in accordance with such plans sections and particulars as may be approved by the corporation as aforesaid or if such approval be refused as may be settled by arbitration:

Provided that if within twenty-eight days after the submission to them of plans sections and particulars under this paragraph the corporation do not signify to the Commission their approval or disapproval thereof they shall be deemed to have approved thereof:

- (3) Notwithstanding anything in this Act the Commission shall if they construct the said Work No. 7 construct the same with a span of not less than thirty-three feet between the abutment walls thereof and with a minimum headway over the upper surface of the highways in the city known as Aspin Lane (formerly Ashley Lane) Red Bank and Scotland of not less than sixteen feet six inches:
- (4) The Commission shall not construct any piers abutments or other works in connection with the said Work No. 7 within any highway or within a distance of thirty-three feet measured from the eastern abutment of the existing bridges:

- (5) The said Work No. 7 shall be constructed in such a manner as to prevent so far as may be reasonably practicable the dripping of water :
- (6) Before commencing to construct any part of the said Work No. 7 which will involve interference with a highway the Commission shall consult the corporation as to the time when such part shall be commenced and as to the extent of the surface of the highway that it may be reasonably necessary for the Commission to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to reduce so far as possible inconvenience to the public and such part shall not be constructed and the surface of the highway shall not be occupied by the Commission except at the time to the extent and in accordance with conditions agreed between the Commission and the corporation or in default of agreement settled by arbitration :
- (7) The corporation may at the cost of the Commission provide and place such lamps and apparatus as may from time to time be reasonably necessary for efficiently lighting the said Aspin Lane Red Bank and Scotland under the said Work No. 7 and the existing bridges and keep the same sufficiently lighted :
- (8) Any difference between the Commission and the corporation under this section shall be settled by arbitration.

44. For the protection of the mayor aldermen and burgesses of the borough of Widnes (in this section referred to as "the corporation" and "the borough" respectively) the following provisions shall unless otherwise agreed in writing between the Commission and the corporation apply and have effect:—

For protection  
of Widnes  
Corporation.

(1) In this section—

"the level-crossing" means the single line of railway across Tan House Lane in the borough authorised by section 14 (Further works and powers) of this Act and the works and conveniences connected therewith :

(2) (a) Not less than twenty-eight days before commencing to construct the level-crossing the Commission shall submit to the corporation for their reasonable approval plans sections specifications and particulars thereof ;

(b) If the corporation do not within twenty-eight days after the submission to them of any such plans sections specifications and particulars indicate in writing to the

PART V  
—cont.

Commission any objection thereto or make any requirement with reference thereto they shall be deemed to have approved thereof:

- (3) The Commission shall not construct the level-crossing otherwise than in accordance with such plans sections specifications and particulars as may be so approved or if such approval be refused as may be settled by arbitration as by this Act provided and the level-crossing shall be constructed under the superintendence of the surveyor of the borough (if after reasonable notice from the Commission he shall choose to attend) and to his reasonable satisfaction:
- (4) Before commencing to construct any part of the level-crossing the Commission shall consult the corporation as to the time when such part shall be commenced and as to the extent of the surface of the highway that it may be reasonably necessary for the Commission to occupy in the construction of such part and as to the conditions under which such part shall be constructed so as to ensure the safety of and to reduce so far as possible inconvenience to the public and such part shall not be constructed and the surface of the highway shall not be occupied by the Commission except at such time to such extent and in accordance with such conditions as may be agreed or in default of agreement as may be determined by arbitration to be reasonable:
- (5) The Commission in constructing the level-crossing shall—
- (a) at all times keep open some part of the said Tan House Lane so as not unreasonably to interrupt the traffic thereon;
  - (b) ensure that the top of the rails coincide with the surface of the highway;
  - (c) make good all damage and injury whatsoever which may happen or arise to the said Tan House Lane by reason or in consequence of such construction:
- (6) The Commission shall at their expense and to the reasonable satisfaction of the corporation—
- (a) at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic on the highway the rails of the level-crossing and the structure upon which the same rests;
  - (b) maintain and keep in good condition and repair so much of the highway as lies between the

rails of the level-crossing and extends thirty inches beyond those rails on each side thereof:

PART V  
—cont.

- (7) For the avoidance of doubt it is hereby enacted that for the purposes of paragraph (c) of subsection (1) of section 21 of the Public Utilities Street Works Act 1950 the portion of street in which the level-crossing is authorised to be constructed shall as regards the relations between the Commission and the corporation be deemed to be property held or used for the purposes of the Commission's undertaking which the said street crosses or is crossed by:
- (8) If at any time it is agreed between the Commission and the corporation or failing agreement determined by arbitration that the level-crossing is no longer required for railway traffic the Commission shall forthwith take up and remove the rails and make good the road to the reasonable satisfaction of the corporation:
- (9) Any difference arising between the Commission and the corporation under this section (other than as to the construction thereof) shall be settled by arbitration.

45. For the protection of the urban district council of Paignton (in this section referred to as "the council") the following provision shall unless otherwise agreed in writing between the Commission and the council apply and have effect:—

For protection of Paignton Urban District Council.

The Commission shall not acquire under the powers of this Act so much of the land situated in the urban district of Paignton and numbered 1 on the deposited plans as is coloured red on the plan signed in duplicate by Michael Hugh Barrie Gilmour on behalf of the Commission and by Samuel Hodson on behalf of the council or any interest in that land.

46. For the protection of the port authority the following provisions shall unless otherwise agreed in writing between the Commission and the port authority apply and have effect:—

For protection of Port of London Authority.

(1) In this section—

"the river" means the part of the river Thames which is within the jurisdiction of the port authority and includes the bed banks and shores thereof;

"the river works" means any part of the pier works which is situate in on over or under the river:

(2) The Commission shall not purchase or acquire by compulsion under the powers of this Act any part of the river but subject to the provisions of this section the

PART V  
—cont.

Commission may acquire and the port authority shall grant such easements or rights of using so much of the river as may be reasonably necessary for the construction and maintenance of the river works :

- (3) Before commencing to execute the river works the Commission shall submit to the port authority plans sections and particulars of the river works for their reasonable approval and the river works shall be deemed to be works upon the bed or shores of the river commenced or executed under the direction or with the licence consent or permission of the port authority within the meaning of section 244 (Certain works to be approved by the Board of Trade) of the Port of London (Consolidation) Act 1920:
- (4) The river works shall not be constructed otherwise than in accordance with such plans sections and particulars as may be approved by the port authority or (if such approval be withheld) as may be settled by arbitration and shall be constructed to the reasonable satisfaction of the port authority :
- (5) The Commission shall at all reasonable times during and subsequent to the construction of and during the removal of the river works afford to the chief engineer of the port authority and his duly authorised representatives access thereto for the purpose of inspection :
- (6) The following provisions shall have effect with respect to the construction maintenance and removal of the river works :—
  - (a) The traffic of the river shall not be interfered with more than may be reasonably necessary ;
  - (b) Such floating booms if any as the port authority consider to be reasonably necessary to secure safety of navigation shall be provided by the Commission in accordance with plans approved by the port authority ;
  - (c) All piles and other works not forming part of any of the river works but placed in on under or over the river for the purpose of the construction maintenance or removal of the river works shall be drawn from the river by the Commission on or before the completion of the construction maintenance or removal as the case may be or if it is not reasonably practicable immediately to draw them from the river shall be cut off at such level below the level of the bed of the river as the port authority may approve :
- (7) If the Commission fail to remove draw or cut off any piles or other works as required by the last preceding

paragraph of this section after receipt of a request in that behalf from the port authority the port authority may do so and may dispose of any materials obtained by so doing:

(8) The Commission shall make to the port authority such payments as the port authority may require being payments of the like nature and not exceeding those which the port authority could have required as consideration for the grant of a licence to erect the river works under section 243 of the Port of London (Consolidation) Act 1920 and the amount of that consideration shall be determined in accordance with section 254 of that Act:

(9) The Commission shall on demand pay to the port authority—

(a) any expenses reasonably incurred by the port authority in carrying out a survey of the river in the vicinity of the site of any of the river works for the purposes of ensuring that paragraph (6) of this section has been complied with;

(b) any expenses reasonably incurred by the port authority in the exercise of the powers conferred on the port authority by paragraph (7) of this section less the value of any materials obtained by the port authority in the exercise of those powers;

(c) any expenses reasonably incurred by the port authority in altering removing repositioning and subsequently replacing any moorings and mooring chains in such manner as the port authority think necessary or desirable by reason of the construction or existence of the river works and in any work of dredging which the port authority think necessary or desirable or otherwise in removing any silt which may have accumulated in the vicinity of any of the river works as a result of and during the existence of the river works:

(10) The provisions of section 34 (Pier works below high-water mark to be subject to approval of Minister) and section 38 (Abatement of pier work abandoned or decayed) of this Act shall have effect in relation to the river works as if the port authority were named therein in addition to the Minister and any expenses incurred by the port authority in pursuance of either of the said sections shall be a debt due to them from the Commission and where the amount recoverable does not

PART V  
—cont.

exceed twenty pounds be recoverable summarily as a civil debt:

Provided that if there be any conflict between a requirement of the Minister and of the port authority under either of the said sections the Commission shall be deemed to have complied with the provisions of those sections if they have complied with the requirement of the Minister:

- (11) Nothing in this Act shall authorise the Commission to discharge or allow to escape either directly or indirectly into the river or its tributaries any offensive or injurious matter in suspension or otherwise or shall affect the operation of sections 226 to 239 of the Port of London (Consolidation) Act 1920 (which relate to pollution):
- (12) The port authority shall not unreasonably withhold any approval or consent required under this section and where any proposal requiring such approval or consent is delivered to the port authority the approval or consent shall be deemed to have been given if the port authority do not within one month of the delivery express their disapproval:
- (13) Subject to the last foregoing paragraph any approval disapproval consent or requirement of the port authority under this section shall be in writing under the hand of their secretary or other authorised officer:
- (14) Any difference arising between the Commission and the port authority under this section shall be settled by arbitration.

For protection  
of Colne Valley  
Sewerage  
Board.

47. For the protection of the Colne Valley Sewerage Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Commission and the board apply and have effect:—

(1) In this section—

"the said lands" means the lands numbered on the deposited plans 2 and 3 in the urban district of Rickmansworth;

"the said roads" means the roads numbered on the deposited plans 1 in the urban district of Rickmansworth;

"the existing sewer" means the existing sewer constructed by the board in the said lands and in or under the said roads;

"sewer" includes manholes and other apparatus constructed in connection therewith;



“ the easement area ” means so much of the said lands as lies within a distance of seven feet six inches on each side of the existing sewer measured from the centre line thereof ;

“ the engineer ” means the chief engineer of the board :

(2) Nothing in this Act shall extend to prejudice diminish alter or take away any of the existing rights powers or authorities vested in the board in relation to the existing sewer but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed :

(3) The Commission shall—

(a) afford to the board free of cost reasonable facilities and means of access for maintaining duplicating repairing and renewing the existing sewer and for constructing within the easement area any new connections with that sewer which the board may require to make in pursuance of their existing rights and powers referred to in paragraph (2) of this section ; and

(b) pay to the board any additional cost reasonably incurred by them in such maintenance duplication repair or renewal by reason of the use by the Commission of the said lands for the deposit of spoil and waste materials or otherwise :

(4) If in consequence of the exercise of the powers of this Act it is reasonably necessary to alter the position of or to lengthen or to strengthen the existing sewer or to provide works for the protection thereof such alteration lengthening strengthening or protection shall be carried out by the Commission in a manner approved by and to the reasonable satisfaction of the board or if the board prefer shall be carried out by them and the Commission shall repay to the board any expense reasonably incurred by the board in carrying out the same and any additional expense which the board may thereafter reasonably incur in maintaining such sewer :

(5) The Commission shall make compensation to the board for any damage within the easement area to the existing sewer or to any duplication thereof or to any such new connections thereto as are referred to in sub-paragraph (a) of paragraph (3) of this section or interference with the free flow of the contents thereof which may be caused by or in consequence of the exercise by the

PART V  
—cont.

Commission of the easement or right of way referred to in section 26 (Power to acquire right of way at Croxley Green) of this Act or any act or default of the Commission their contractors servants or agents and whether such damage shall happen during the use of the said lands for the deposit of spoil and waste materials or otherwise or at any time thereafter:

- (6) The Commission shall pay to the board the cost from time to time reasonably incurred by them in altering (whether by building up or otherwise) such of the manholes on the existing sewer as the engineer may consider necessary to alter in consequence of any deposit of spoil or waste materials by the Commission on the said lands and notwithstanding anything contained in the Hertfordshire County Council (Colne Valley Sewerage &c.) Act 1937 it shall be lawful for the board to raise any manhole above the surface of the ground to such extent as they may reasonably require for the purpose of such alterations as aforesaid:
- (7) The Commission shall not in the use of the said lands for the deposit of spoil or waste materials—
- (a) increase the covering over the easement area—
- (i) by more than five feet in respect of so much of the existing sewer as lies between the southern boundary of the said lands and a point measured along the line of the existing sewer in a north-easterly direction for a distance of one hundred and seventy feet or thereabouts from the manhole adjoining the said boundary ; or
- (ii) by more than ten feet in respect of the remainder of the existing sewer ;
- (b) deposit on the said lands within twenty-five yards on either side of the centre line of the existing sewer any substance which in the opinion of the engineer might injuriously affect the existing sewer including (but without prejudice to the generality of the foregoing) sulphuric acid gypsum and plaster :
- (8) The Commission shall give not less than twenty-eight days' notice to the board before commencing the deposit of any spoil or waste materials within twenty-five yards on either side of the centre line of the existing sewer :
- (9) Any difference arising between the Commission and the board under this section shall be settled by arbitration.

48. For the protection of the Yorkshire Ouse River Board the following provisions shall unless otherwise agreed in writing between the Commission and the river board apply and have effect:—

For protection  
of Yorkshire  
Ouse River  
Board.

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

“the river board” means the Yorkshire Ouse River Board;

“the river board area” means the Yorkshire Ouse River Board Area as for the time being constituted;

“banks” has the meaning assigned to that expression by the Land Drainage Act 1930;

“the watercourse” means the river Rother within the respective parishes of Tupton Wingerworth and Hasland in the county of Derby;

“authorised work” means so much of Work No. 6 authorised by this Act and of any works carried out by the Commission on lands within the river board area authorised to be acquired by this Act as may affect the watercourse:

(2) In the execution of any authorised work the Commission shall not diminish the width between the banks of the watercourse except with the consent of the river board but such consent shall not be unreasonably withheld:

(3) Except with the consent of the river board which shall not be unreasonably withheld the Commission shall not construct any authorised work which affects the watercourse otherwise than—

(a) in such manner across the watercourse as to allow the free passage under the authorised work of flood waters;

(b) in such manner as not to obstruct or interfere with the free flow of water in into or out of the watercourse:

(4) (a) The Commission before commencing to execute any authorised work shall submit to the river board plans and sections and (when reasonably required by the river board) working drawings thereof and of any temporary works for their reasonable approval. If the river board do not within twenty-one days after the submission to them of any such plans sections and drawings signify to the Commission in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(b) An authorised work shall not be executed otherwise than in accordance with such plans and sections

PART V  
—cont.

and drawings (if any) as may be approved (or are to be deemed to be approved) by the river board or if such approval be withheld as may be settled by arbitration and shall be executed to the reasonable satisfaction of the river board and under the superintendence of the engineer to the river board if the engineer elect to superintend after receiving reasonable notice of the date when the work is to be commenced:

- (5) The Commission shall at all reasonable times afford to the engineer of the river board or his duly authorised representatives access to any authorised work during the construction thereof for the purpose of inspection:
- (6) The construction of any authorised work shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion:
- (7) Any difference arising between the Commission and the river board under this section shall be settled by arbitration.

For protection  
of Rickmans-  
worth and  
Uxbridge  
Valley Water  
Company.

**49.**—(1) For the protection of the Rickmansworth and Uxbridge Valley Water Company (in this section referred to as “the company”) the following provisions shall unless otherwise agreed in writing between the Commission and the company apply and have effect in relation to the lands numbered on the deposited plans 2 and 3 in the urban district of Rickmansworth (in this section referred to as “the said lands”):—

- (a) The Commission shall not deposit spoil or waste materials of any kind on any part of the said lands which is flooded or liable to become flooded;
- (b) The Commission shall not deposit on any part of the said lands any spoil or waste materials which will pollute or be likely to pollute the underground water supply of the company including without prejudice to the generality of the foregoing provisions any oils phenolic material or harmful or poisonous waste;
- (c) The Commission shall control the deposit of spoil and waste materials on the said lands and shall take all reasonable precautions to ensure that the deposit is carried out in an expeditious and proper manner and that the spoil and waste materials deposited are confined to the place of deposit;
- (d) In addition to the powers under the Water Act 1945 any officer of the company after giving twenty-four hours’ previous notice to the Commission shall on producing if so required some duly authenticated document showing his authority have a right at all reasonable hours to enter the said lands for the purpose of

ascertaining whether there is or has been any contra-  
vention of this section and to take samples of spoil  
or waste materials deposited thereon.

PART V  
—cont.

(2) Notwithstanding anything in this Act the provisions of section 18 (Byelaws for preventing pollution of water of undertakers) and section 21 (Penalty for polluting water used for human consumption) of the Water Act 1945 and of any byelaws for the time being in force made by the company under the said section 18 or under any similar enactment in so far as such byelaws are not inconsistent with the use of the said lands for the purposes described in the Third Schedule of this Act shall apply to the said lands as if this Act had not been passed.

## PART VI

### MISCELLANEOUS

**50.** The powers conferred upon the Great Western Railway Company by section 15 (Power to Company to make alterations of roads footpaths &c.) of the Great Western Railway (Additional Powers) Act 1936 with respect to the stopping up and discontinuance of a portion of Tanners Road in the urban district of Paignton in the county of Devon and the construction of a new road in lieu thereof to be carried over the Dartmouth and Torbay Railway by means of a bridge are hereby revived (subject to the provisions in relation to the exercise of those powers contained in that Act) and may be exercised by the Commission:

Revival of powers for construction of bridge in lieu of level-crossing at Paignton.

Provided that the said powers shall cease on the thirty-first day of December one thousand nine hundred and fifty-eight except in so far as the same shall by then have been exercised.

**51.** The following provisions are hereby repealed:—

Repeal.

The London and North Western Railway (Cockermouth and Workington Railway Transfer) Act 1866—

Section 20 (For the protection of the Workington Harbour Trustees):

The Bridgewater Railway Act 1882—

Section 34 (Provision as to station at Cossington).

**52.**—(1) A notice to treat given by the Commission under section 18 of the Lands Clauses Consolidation Act 1845 as incorporated with this or any other enactment from time to time relating to the Commission may (without prejudice to any other mode of service) be given by post by sending it in a registered letter addressed to the person to whom it is to be given at his

Service of notices to treat.

PART VI  
—cont.

usual or last known address or in the case of an incorporated company or body to the secretary or clerk of the company or body at its registered or principal office.

(2) Where any such notice is required to be given to any person as having an interest in premises and the name of that person cannot be ascertained after reasonable inquiry the notice if sent by registered post may be addressed by the description of "the owner" or "the occupier" as the case may be of the premises (describing them) in respect of which the notice is given without further name or description and addressed to those premises.

Extensions  
of time.

**53.**—(1) The period now limited by the Act of 1950 for the compulsory purchase of the lands referred to in the Fifth Schedule to this Act is hereby extended until the thirty-first day of December one thousand nine hundred and fifty-six.

(2) The powers for the compulsory purchase of the said lands shall cease on the said date except in so far as any such powers shall by then have been exercised.

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

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

**54.**—(1) In this section—

"the enabling Act" means the Act of 1950;

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

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

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Commission of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Commission shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Commission; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice.

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

(a) if the Commission—

(i) fail to comply with that subsection ; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with paragraph (b) of that subsection ; or

(iii) serve notice on him in compliance with paragraph (c) of that subsection ;

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

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

(4) This section shall not apply to land which the Commission 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 lands.

55. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.

56. Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) is to be referred to or settled by arbitration then unless otherwise provided such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such arbitration.

Arbitration.

57. 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 Commission and may in whole or in part be defrayed out of revenue.

Costs of Act.

## SCHEDULES

## FIRST SCHEDULE

THE LEVEL-CROSSINGS REFERRED TO IN SECTION 15 (AS TO CERTAIN  
LEVEL-CROSSINGS) OF THIS ACT

## PART I

In the city and county borough of Bristol—

The level-crossing known as Kingswood Junction crossing whereby Chapel Lane is crossed by the railway between Fishponds and Bristol (St. Philips) stations.

In the county of Gloucester—

In the parish of Rodborough in the rural district of Stroud—

The level-crossing known as Ham Mill Crossing whereby the road leading from the main Stroud—Cirencester road to an unclassified road from Burleigh to Butter Row is crossed by the railway between Swindon and Gloucester at Ham Mill Crossing halt.

In the county of Kent—

In the parish of Stone in the rural district of Dartford—

The level-crossing known as Moody's Lane (or Solomon's) Crossing whereby the road leading from Cotton Lane to Stone Marshes is crossed by the North Kent railway between Dartford station and Stone Crossing halt.

In the county of Cumberland—

In the parish of Nether Denton in the Border Rural District—

The level-crossing known as Denton Mill Crossing whereby the road leading from Scarrow Hill to Denton Foot is crossed by the Newcastle and Carlisle railway between Low Row and Naworth stations.

In the county of Northumberland—

In the parish of Carham in the Glendale Rural District—

The level-crossing known as Learmouth Crossing whereby the road leading from West Learmouth to Wark is crossed by the Tweedmouth and Kelso railway between Coldstream and Sunilaws stations.

In the parish of Cornhill-on-Tweed in the rural district of Norham and Islandshires—

The level-crossing known as Green Lane Crossing whereby the road leading from Coldstream to Cramond Hill and New Heaton Farms is crossed by the Tweedmouth and Kelso railway between Coldstream and Twizell stations.



In the county of Dorset—

In the parish of Stalbridge in the rural district of Sturminster—

The level-crossing known as Drews Lane Crossing whereby the road leading from the main Stalbridge—Henstridge road to Park Farm is crossed by the Somerset and Dorset railway between Stalbridge and Henstridge stations.

In the county of Flint—

In the parish of Bodelwyddan in the rural district of Saint Asaph—

The level-crossing known as Elwy Crossing whereby the road leading from the main Rhuddlan-Saint Asaph road to the river Clwyd is crossed by the Clwyd Valley railway between Rhuddlan and Saint Asaph stations.

1ST SCH.  
—cont.

## PART II

Parish	Level-crossing
Nether Denton	Denton Mill
Carham	Learmouth
Cornhill-on-Tweed	Green Lane
Stalbridge	Drews Lane
Bodelwyddan	Elwy

## PART III

Session and chapter	Short title	Extent of repeal
6 Will. 4 c. lxxvii	Cheltenham and Great Western Union Railway Act 1836	Section 88 so far as it relates to Ham Mill Crossing.
5 Will. 4 c. xxxi	Newcastle-upon-Tyne and Carlisle Railway Act 1835	Section 24 so far as it relates to Denton Mill Crossing.
9 & 10 Vict. c. cccxciv	Newcastle-upon-Tyne and Carlisle Branch Railway Act 1846	Section 30 so far as it relates to Denton Mill Crossing.
20 & 21 Vict. c. cxxxix	Dorset Central Railway Act 1857	Section 70 so far as it relates to Drews Lane Crossing.
19 & 20 Vict. c. xlv	Vale of Clwyd Railway Act 1856	Section 20 so far as it relates to Elwy Crossing.

## SECOND SCHEDULE

SCHEDULES TO BE RESPECTIVELY SUBSTITUTED FOR THE FIRST SECOND  
THIRD FOURTH AND FIFTH SCHEDULES TO THE OUSE (LOWER)  
IMPROVEMENT ACT 1884.

## FIRST SCHEDULE

RIVER TOLLS	£	s.	d.
Sea-going vessels			
For every vessel from or to any port or place per net register ton ... ..	0	0	3¼
River craft			
For every vessel passing into or out of any dock or basin at Goole or any canal of the Commission a toll for every ton of cargo conveyed in such vessel ... ..	0	0	0½
Vessels under 10 tons burthen exempt			

## SECOND SCHEDULE

RATES ON ANIMALS AND GOODS	£	s.	d.
For every animal ... ..	0	0	6
Coal coke and patent fuel bricks iron ore pitch timber sand and stone ... .. per ton	0	0	4
All other goods and articles of every description ... .. per ton	0	0	5
The cargoes of river craft to be exempt			

## THIRD SCHEDULE

LANDING RATES	£	s.	d.
For every person landing or embarking from any staith jetty wharf quay pier landing or bank of the river or other work of the Commission and the luggage or other effects of such person not exceeding twenty-eight pounds ... ..	0	0	5
For all luggage or other effects exceeding twenty-eight pounds so landed or embarked per cwt. or part thereof ... ..	0	0	2½

## FOURTH SCHEDULE

MOORING RATES	£	s.	d.
For every vessel mooring at or alongside any jetty pier landing or quay of the Commission for each ebb or part thereof—			
if the net registered tonnage of such vessel—			
does not exceed 250 tons ... ..	0	7	6
exceeds 250 but does not exceed 400 tons ...	0	14	0
exceeds 400 tons ... ..	1	1	0

## FIFTH SCHEDULE

RATES IN RESPECT OF LIGHTS BEACONS AND BUOYS	£	s.	d.
For every vessel (except river craft) navigating within the limits of improvement ... per net register ton	0	0	0½
Any vessel which has paid this rate on the voyage inwards or outwards shall not be liable to payment thereof on the return voyage outwards or inwards as the case may be.			

## THIRD SCHEDULE

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 21 (POWER TO  
ACQUIRE LANDS) OF THIS ACT

Area	No. on deposited plans	Purposes for which the lands may be used
In the county of Chester— Parish of Blakenhall in the rural district of Nantwich.	1 2 3	To deposit spoil and waste materials resulting from the construction maintenance or alteration of the Commission's railways and from any depots and works forming part of their undertaking and to provide any railway sidings and works required for that purpose.
Parish of Checkley - cum - Wrinehill in the rural district of Nantwich.	1 2 3 4	To deposit spoil and waste materials resulting from the construction maintenance or alteration of the Commission's railways and from any depots and works forming part of their undertaking and to provide any railway sidings and works required for that purpose.
In the county of Derby— Parish of Willington in the rural district of Repton.	1 to 8 (inclusive)	To carry out alterations and improvements of the railway between Burton and Derby and to divert a footpath in manner provided by this Act.
Parish of Findern in the rural district of Repton.	16 20 to 25 (inclusive)	To carry out alterations and improvements of the railway between Burton and Derby.
Parish of Twyford and Stenson in the rural district of Repton.	1 2	To carry out alterations and improvements of the railway between Burton and Derby.
Parish of Tupton in the rural district of Chesterfield.	1 to 9 (inclusive) 16 to 20 (inclusive)	To provide railway sidings and works and to carry out alterations and improvements of the railway between Derby and Chesterfield.
Parish of Hasland in the rural district of Chesterfield.	1 to 8 (inclusive)	To provide railway sidings and works and to carry out alterations and improvements of the railway between Derby and Chesterfield.

3RD SCH.  
—cont.

Area	No. on deposited plans	Purposes for which the lands may be used
Parish of Hasland in the rural district of Chesterfield.	9 to 13 (inclusive)	To carry out alterations and improvements of the Grassmoor Colliery branch railway.
Parish of Wingerworth in the rural district of Chesterfield.	1 2 3	To carry out alterations and improvements of the railway between Derby and Chesterfield.
In the county of Devon— Urban district of Paignton.	1	For the purposes of section 15 of the Great Western Railway (Additional Powers) Act 1936 as revived by this Act.
In the county of Hertford— Urban district of Rickmansworth.	2 3	To deposit spoil and waste materials resulting from the construction maintenance or alteration of the Commission's railways and from any depots and works forming part of their undertaking and to provide any railway sidings and works required for that purpose.
In the county of Middlesex— Urban district of Staines.	1 2	To maintain an existing line of railway.
In the county of Surrey— Borough of Beddington and Wallington.	1 2	To provide a sub-station for the supply of electricity to the Commission's railways.

## FOURTH SCHEDULE

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN  
COMPULSORILY

Area	No. on deposited plans
Borough of Beckenham	WORK No. 4— ...   1 2 3 5 19 20.
Parish of Findern	WORK No. 5— ...   2 3 4 6 11.
Parish of Warmfield-cum-Heath	WORK No. 8— ...   3.
Borough of Barking	DIVERSION OF FOOTPATH AT BARKING— ...   1.
Urban district of Paignton	ADDITIONAL LAND AT PAIGNTON— ...   1.

FIFTH SCHEDULE

LANDS THE PERIOD FOR THE COMPULSORY PURCHASE OF WHICH IS  
EXTENDED BY THIS ACT TO 31ST DECEMBER 1956

(1) The lands described in and authorised to be acquired by section 32 (Power to Company to acquire lands) of the London Midland and Scottish Railway Act 1931 in the places hereinafter mentioned:—

In the counties of Hertford and Middlesex—

Partly in the parish of Elstree in the rural district of Barnet (now the rural district of Elstree) in the county of Hertford (except the land in the said parish numbered 1 on the plans deposited in respect of the Bill for the said Act) and partly in the former parish of Edgware in the rural district of Hendon (now the borough of Hendon) in the county of Middlesex.

(2) The lands described in and authorised to be acquired by section 13 (Power to Company to acquire lands) of the London Midland and Scottish Railway Act 1934 in the parishes hereinafter mentioned:—

In the county of Essex—

In the parish of Dunton in the rural district of Billericay;

Partly in the said parish of Dunton (except the lands numbered 2 3 5 and 6 on the plans deposited in respect of the Bill for the said Act) and partly in the parish of Little Burstead in the rural district of Billericay (except the lands numbered 1 and 2 on the plans deposited in respect of the Bill for the said Act);

In the said parish of Little Burstead (except the lands numbered 4 5 and 6 on the plans deposited in respect of the Bill for the said Act);

In the parish of Lee Chapel in the rural district of Billericay (except the lands numbered 1 2 3 4 6 7 9 10 12 13 16 17 18 20 21 23 24 28 29 and 34 on the plans deposited in respect of the Bill for the said Act);

In the parish of Fobbing in the rural district of Orsett;

Partly in the said parish of Fobbing (except the land numbered 20 on the plans deposited in respect of the Bill for the said Act) and partly in the parish of Basildon in the rural district of Billericay (except the land numbered 1 on the plans deposited in respect of the Bill for the said Act);

In the said parish of Basildon (except the lands numbered 9 10 12 13 14 15 17 18 19 20 23 24 26 32 and 36 on the plans deposited in respect of the Bill for the said Act);

In the parish of Vange in the rural district of Billericay (except the lands numbered 1 2 4 and 5 on the plans deposited in respect of the Bill for the said Act);

5TH SCH.  
—cont.

In the parish of Pitsea in the rural district of Billericay (except the lands numbered 3 11 13 15 17 21 and 34 on the plans deposited in respect of the Bill for the said Act);

all of which parishes now form part of the urban district of Billericay.

(3) The lands described in and authorised to be acquired by section 8 (Power to Company to acquire lands) of the London Midland and Scottish Railway Act 1937 in the places and parishes hereinafter mentioned:—

In the county of Stafford—

In the parish of Branston in the rural district of Tutbury (except the land numbered 1 on the plans deposited in respect of the Bill for the said Act);

In the county borough of Burton-upon-Trent—

In the county of Warwick—

In the parish of Berkswell in the rural district of Meriden (except the lands numbered 1 2 26 35 37 73 75 127 129 130 131 132 133 134 and 135 on the plans deposited in respect of the Bill for the said Act);

In the parish of Balsall in the rural district of Meriden;

In the parish of Hampton-in-Arden in the rural district of Meriden (except the lands numbered 2 4 5 6 11 16 17 25 26 27 28 30 31 32 33 34 and 36 on the plans deposited in respect of the Bill for the said Act);

In the parish of Bickenhill in the rural district of Meriden (except the lands numbered 1 3 5 7 10 13 28 63 65 68 75 76 and 77 on the plans deposited in respect of the Bill for the said Act);

In the city and county borough of Birmingham (except the lands numbered 3 25 27 28 30 and 68 on the plans deposited in respect of the Bill for the said Act).

(4) The lands described in and authorised to be acquired by section 4 (Power to acquire lands) of the London Midland and Scottish Railway Act 1939 in the places hereinafter mentioned:—

In the county of Hertford—

In the parish of Wheathampstead in the rural district of St. Albans;

In the urban district of Harpenden (except the lands numbered 4 and 5 on the plans deposited in respect of the Bill for the said Act).

(5) The lands authorised to be acquired by the London and North Eastern Railway Act 1947 for the purposes of the widening of the York and Newcastle railway authorised by section 5 (Power to Company to make railways) of the said Act.

(6) The lands authorised to be acquired by the London and North Eastern Railway Act 1947 for the purposes of Works Nos. 1 and 3 authorised by section 23 (Power to Company to make dock works at Hull) of the said Act.

(7) The lands in the parish of Welwyn in the rural district of Welwyn in the county of Hertford described in and authorised to be acquired by section 47 (Power to Company to acquire lands) of the London and North Eastern Railway Act 1947.

(8) The lands in the borough of Richmond in the county of Surrey authorised to be acquired by the Southern Railway Act 1927 for the purposes of the new road in the said borough authorised by section 37 (Power to Company to make further works &c.) of the said Act.

(9) The lands in the borough of Twickenham in the county of Middlesex authorised to be acquired by the Southern Railway Act 1938 for the purposes of the new road in the said borough authorised by section 5 (Power to make works &c.) of the said Act.

(10) The lands authorised to be acquired by the Southern Railway Act 1939 for the purposes of Works Nos. (1) (2) (3) (4) and (5) authorised by section 8 (Power to make subways &c.) of the said Act.

(11) The lands in the metropolitan borough of Holborn in the county of London described in and authorised to be acquired by paragraph (b) of subsection (2) of section 55 (Power to take lands) of the London Passenger Transport Act 1934.

(12) The lands authorised to be acquired by section 30 (Power to take lands) of the London Passenger Transport Act 1937 for the purposes of Works Nos. 8 and 8A authorised by Part III (Works) of the said Act.

(13) The lands authorised to be acquired by section 18 (Power to take lands) of the London Passenger Transport Act 1947 for the purposes of Works Nos. 3 3A 3B 5 7 7A 7B 8 8A and 8B authorised by Part II (Works) of the said Act.

(14) The lands authorised to be acquired by section 18 (Power to acquire lands) of the Act of 1950—

(a) for the purpose of Work No. 5 authorised by Part II (Works) of the said Act ;

(b) in the places hereinafter mentioned :—

In the county of Middlesex—

In the borough of Wembley ;

In the county of Surrey—

In the borough of Epsom and Ewell.

*Table of statutes referred to in this Act other than those referred to in Part III  
of the First Schedule*

Short title	Session and chapter
Highway (Railway Crossings) Act 1839 ...	2 & 3 Vict. c. 45.
Railway Regulation Act 1842 ...	5 & 6 Vict. c. 55.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Charing Cross Railway Act 1859 ...	22 & 23 Vict. c. lxxxii.
Duchy of Cornwall Management Act 1863	26 & 27 Vict. c. 49.
Railways Clauses Act 1863 ...	26 & 27 Vict. c. 92.
London and North Western Railway (Cocker- mouth and Workington Railway Transfer) Act 1866 ...	29 & 30 Vict. c. clxxxix.
Tramways Act 1870 ...	33 & 34 Vict. c. 78.
Telegraph Act 1878 ...	41 & 42 Vict. c. 76.
Great Eastern Railway Act 1881 ...	44 & 45 Vict. c. cxxxiv.
Bridgewater Railway Act 1882 ...	45 & 46 Vict. c. ccliii.
Ouse (Lower) Improvement Act 1884 ...	47 & 48 Vict. c. clxi.
Aire and Calder Navigation Act 1889 ...	52 & 53 Vict. c. xxxii.
Aire and Calder Navigation Act 1899 ...	62 & 63 Vict. c. cvi.
Great Eastern Railway Act 1905 ...	5 Edw. 7 c. xxxiv.
South Eastern and London Chatham and Dover Railways Act 1917 ...	7 & 8 Geo. 5 c. 1.
Acquisition of Land (Assessment of Com- pensation) Act 1919 ...	9 & 10 Geo. 5 c. 57.
Port of London (Consolidation) Act 1920 ...	10 & 11 Geo. 5 c. clxxiii.
Port of London and Midland Railway Act 1922 ...	12 & 13 Geo. 5 c. lxx.
Aire and Calder Navigation Act 1925 ...	15 & 16 Geo. 5 c. xxv.
Southern Railway Act 1927 ...	17 & 18 Geo. 5 c. xxiii.
Land Drainage Act 1930 ...	20 & 21 Geo. 5 c. 44.
London Midland and Scottish Railway Act 1931 ...	21 & 22 Geo. 5 c. xlix.
Local Government Act 1933 ...	23 & 24 Geo. 5 c. 51.
London Midland and Scottish Railway Act 1934 ...	24 & 25 Geo. 5 c. xxxix.
London Passenger Transport Act 1934 ...	24 & 25 Geo. 5 c. xcvi.
Hertfordshire County Council Act 1935 ...	25 & 26 Geo. 5 c. cxiii.
Public Health Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
Great Western Railway (Additional Powers) Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. ci.
London Passenger Transport Act 1937 ...	1 Edw. 8 & 1 Geo. 6 c. xc.
London Midland and Scottish Railway Act 1937 ...	1 Edw. 8 & 1 Geo. 6 c. xlix.
Hertfordshire County Council (Colne Valley Sewerage &c.) Act 1937 ...	1 Edw. 8 & 1 Geo. 6 c. lxxxix.
Southern Railway Act 1938 ...	1 & 2 Geo. 6 c. lv.
London Midland and Scottish Railway Act 1939 ...	2 & 3 Geo. 6 c. xxviii.
Southern Railway Act 1939 ...	2 & 3 Geo. 6 c. lvii.
Water Act 1945 ...	8 & 9 Geo. 6 c. 42.
London and North Eastern Railway Act 1947	10 & 11 Geo. 6 c. xlii.
London Passenger Transport Act 1947 ...	10 & 11 Geo. 6 c. xlvii.
Transport Act 1947 ...	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.



Short title	Session and chapter
Local Government Act 1948      ...      ...	11 & 12 Geo. 6 c. 26.
River Boards Act 1948      ...      ...	11 & 12 Geo. 6 c. 32.
British Transport Commission Act 1949      ...	12 & 13 Geo. 6 c. xxix.
Lands Tribunal Act 1949      ...      ...	12 13 & 14 Geo. 6 c. 42.
Highways (Provision of Cattle-Grids) Act 1950      ...      ...      ...      ...	14 Geo. 6 c. 24.
Arbitration Act 1950      ...      ...      ...	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950      ...	14 Geo. 6 c. 39.
British Transport Commission Act 1950      ...	14 Geo. 6 c. liii.
British Transport Commission Act 1952      ...	15 & 16 Geo. 6 & 1 Eliz. 2 c. xxxiv.
Transport Act 1953      ...      ...      ...	1 & 2 Eliz. 2 c. 13.

PRINTED BY HENRY GEORGE GORDON WELCH, C.B.E.

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

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 3s. 0d. net

PRINTED IN GREAT BRITAIN

(78806)

# British Transport Commission Act, 1953

1 & 2 ELIZ. 2 Ch. xlii

---

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of general Acts.

### PART II

#### WORKS

5. Power to make works.
6. Power to make subsidiary pier works.
7. Power to dredge.
8. As to extension of landing stage at Tilbury.
9. As to pier at Gravesend.
10. Power to enter into agreements with British Electricity Authority.
11. Power to enter into agreements with National Coal Board.
12. As to tramroad at Outwell.
13. Power to enter into agreements with Isle of Ely County Council.
14. Further works and powers.
15. As to certain level-crossings.
16. Incorporation of provisions of Acts of 1949 and 1950 relating to works.

### PART III

#### DOCKS AND INLAND WATERWAYS

17. Closing for navigation of portions of certain waterways.
18. Prevention of nuisances etc. in certain waterways.
19. Amendment and repeal of enactments as to tolls rates etc. in respect of Ouse (Lower) Improvement.
20. Revision of tolls and rates in respect of Ouse (Lower) Improvement.

## PART IV

## LANDS

## Section

21. Power to acquire land.
22. Acquisition of part only of certain properties.
23. Disregard of recent improvements and interests.
24. Extinction of private rights of way.
25. Power to acquire easements only in certain cases.
26. Power to acquire right of way at Croxley Green.
27. As to lands at Croxley Green.
28. Period for compulsory purchase of lands and easements.
29. Incorporation of provisions of Act of 1949 relating to lands.

## PART V

## PROTECTIVE PROVISIONS

30. Incorporation of protective provisions of Acts of 1949 and 1952.
31. Crown rights.
32. Saving rights of Duchy of Cornwall.
33. For protection of Postmaster-General.
34. Pier works below high-water mark to be subject to approval of Minister.
35. Survey of pier works by Minister.
36. Lights on pier works during construction.
37. Permanent lights on pier works.
38. Abatement of pier work abandoned or decayed.
39. Provision against danger to navigation.
40. For protection of Derbyshire County Council.
41. For protection of West Riding County Council.
42. For protection of Beckenham Corporation.
43. For protection of Manchester Corporation.
44. For protection of Widnes Corporation.
45. For protection of Paignton Urban District Council.
46. For protection of Port of London Authority.
47. For protection of Colne Valley Sewerage Board.
48. For protection of Yorkshire Ouse River Board.
49. For protection of Rickmansworth and Uxbridge Valley Water Company.

## PART VI

## MISCELLANEOUS

50. Revival of powers for construction of bridge in lieu of level-crossing at Paignton.
51. Repeal.
52. Service of notices to treat.

Section

- 53. Extensions of time.
- 54. Powers to owners and lessees to give notice as to purchase of land.
- 55. Saving for town and country planning.
- 56. Arbitration.
- 57. Costs of Act.

SCHEDULES:

First Schedule—The level-crossings referred to in section 15 (As to certain level-crossings) of this Act.

Part I.

Part II.

Part III.

Second Schedule—Schedules to be respectively substituted for the First Second Third Fourth and Fifth Schedules to the Ouse (Lower) Improvement Act 1884.

Third Schedule—Lands referred to in subsection (2) of section 21 (Power to acquire lands) of this Act.

Fourth Schedule—Describing properties whereof portions only may be taken compulsorily.

Fifth Schedule—Lands the period for the compulsory purchase of which is extended by this Act to 31st December 1956.

1870

1871

1872

1873

1874

1875

1876

1877

1878

1879

1880