



### CHAPTER xxx

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 extend the time for the compulsory purchase of certain lands and the completion of certain works to confer further powers on the Commission to authorise the deposit with the Commission of capital moneys of the London Transport (Administrative and Supervisory) Staff Superannuation Fund and for other purposes. [21st December 1955.]

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

And whereas it is the duty of the Commission under the Transport Act 1947 as amended by the Transport Act 1953 (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 facilities for traffic on inland waterways due regard being had to efficiency economy and safety of operation and to the needs of the public agriculture commerce and industry:

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 waterways known respectively as the Ripon Canal the Lancaster Canal (North End) the Ashton Canal the Birmingham Canal the Staffordshire and Worcestershire Canal and the Dudley Canal:

And whereas there has not for some time past been any commercial traffic on the portions of the said respective waterways in this Act mentioned and it is expedient that the Commission should be relieved of their obligations to maintain the same for navigation :

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

And whereas it is expedient that the trustees of the London Transport (Administrative and Supervisory) Staff Superannuation Fund should be authorised to deposit with the Commission capital moneys of the said fund and that the Commission should be authorised to receive and apply the same for the general purposes of their undertaking :

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 clerks of the county boroughs within which the said works will be constructed or the said lands are situated which plans sections and book of reference are respectively referred to in this Act as "the deposited plans" "the deposited sections" and "the deposited book of reference" :

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

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

## PART I

### PRELIMINARY

Short and collective titles. 1.—(1) This Act may be cited as the British Transport Commission Act 1955.

(2) The British Transport Commission Acts 1947 to 1954 and this Act may be cited together as the British Transport Commission Acts 1947 to 1955.



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

PART I  
—cont.

Part I.—Preliminary.

Part II.—Works.

Part III.—Inland waterways.

Part IV.—Lands.

Part V.—Protective provisions.

Part VI.—Miscellaneous.

Division of  
Act into Parts.

3.—(1) In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have in relation to the relative subject-matter the same respective meanings and—

“the Act of 1845” means the Railways Clauses Consolidation Act 1845;

“the Act of 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 Commission and any reference to the Commission in relation to any functions of the Commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;

“constructed in tunnel” means constructed in tunnel in such manner as does not necessitate the cutting through or removal of the surface soil;

“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 the Town and Country Planning Act 1954 and this Act;

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

“the Minister” means the Minister of Transport and Civil Aviation;

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

PART I  
—cont.

“ the Northern City Line ” means the Great Northern and City railway of the Commission ;

“ the Northern Line ” means the Edgware Highgate and Morden railway of the Commission ;

“ the Piccadilly Line ” means the Great Northern Piccadilly and Brompton railway of the Commission ;

“ the tribunal ” means the Lands Tribunal ;

“ the underground railways ” means such portions of Works Nos. 1 to 13 authorised by this Act as are constructed in tunnel ;

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

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

(3) All distances and lengths stated in any description of works powers or lands shall be construed as if the words “ or thereabouts ” were inserted after each such distance and length and distances between points on a railway or waterway shall be taken to be measured along the railway or the waterway as the case may be.

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 :—

The Lands Clauses Acts except sections 127 to 133 of the Lands Clauses Consolidation Act 1845 ;

The Act of 1845 except sections 7 8 9 19 20 22 and 23 thereof and Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Railways Clauses Act 1863 :

Provided that—

(a) for the purposes of this Act the expression “ the railway ” where used in the incorporated provisions of the Act of 1845 and the Railways Clauses Act 1863 means the new works and the expression “ the company ” where used in the said provisions means the Commission ;

(b) the provisions of sections 18 and 21 of the Act of 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—

PART I  
—cont.

(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.

## PART II

### WORKS

5. Subject to the provisions of this Act the Commission may Power to in the lines or situations shown on the deposited plans and make works. 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:—

In the county of London—

Work No. 1 A railway (4 miles 392 yards in length) in the city of Westminster and the metropolitan boroughs of St. Marylebone St. Pancras Finsbury and Islington commencing in the city of Westminster under the Commission's railway at Victoria Station at a point 45 yards north-east of the western end of Elizabeth Bridge and terminating in the metropolitan borough of Islington at a point 42 yards north of the south-eastern corner of Milner Square.

Work No. 2 A railway (800 yards in length) wholly in the metropolitan borough of St. Pancras (being a deviation of the northbound running line of the City branch of the Northern Line) commencing by a junction with the northbound tunnel of the said City branch at a point 15 yards north-west of the junction of Cobourg Street and Starcross Street and terminating by a junction with the said northbound tunnel at a point 120 yards north-east of Ossulston Street.

Work No. 3 A railway (1 mile 1107 yards in length) wholly in the metropolitan borough of Islington commencing by a junction with Work No. 1 at its termination (hereinbefore described) and terminating by a junction with the westbound tunnel of the Piccadilly Line at a point 93 yards south of Seven Sisters Road.

Work No. 4 A railway (927 yards in length) wholly in the metropolitan borough of Islington commencing by a junction with Work No. 1 at its termination (hereinbefore described) and terminating by a junction with the northbound tunnel of the Northern City Line at a

PART II  
—cont.

point 34 yards north of the junction of Highbury Crescent and Highbury Place.

Work No. 5 A railway (765 yards in length) wholly in the metropolitan borough of Islington (being a deviation of the northbound running line of the Northern City Line) commencing by a junction with the northbound tunnel of the Northern City Line at a point 50 yards south-east of the junction of Canonbury and Compton Avenue and terminating by a junction with the said northbound tunnel at a point 12 yards east of the junction of Ronalds Road and Arvon Road.

Work No. 6 A railway (1197 yards in length) wholly in the metropolitan borough of Islington commencing by a junction with the northbound tunnel of the Northern City Line at a point 178 yards north of the junction of Highbury Crescent and Highbury Place and terminating by a junction with the southbound tunnel of the Northern City Line at a point 64 yards south-west of the junction of Drayton Park and Gillespie Road.

Work No. 7 A railway (147 yards in length) wholly in the metropolitan borough of Islington commencing by a junction with the northbound tunnel of the Northern City Line at a point 128 yards south-west of the junction of Drayton Park and Gillespie Road and terminating by a junction with Work No. 3 at a point 47 yards north-west of the junction of Drayton Park and Gillespie Road.

Work No. 8 A railway (282 yards in length) wholly in the metropolitan borough of Islington (being a deviation of the westbound running line of the Piccadilly Line) commencing by a junction with the westbound tunnel of the Piccadilly Line at a point 120 yards north-west of the junction of Drayton Park and Gillespie Road and terminating by a junction with the northbound tunnel of the Northern City Line at a point 305 yards south of Seven Sisters Road.

In the counties of London and Middlesex—

Work No. 9 A railway (299 yards in length) partly in the metropolitan borough of Islington and partly in the borough of Hornsey (being a deviation of the westbound running line of the Piccadilly Line) commencing in the metropolitan borough of Islington by a junction with the northbound tunnel of the Northern City Line at a point 45 yards south of Stroud Green Road and terminating in the borough of Hornsey by a junction with the westbound tunnel of the Piccadilly Line at a point 108 yards south-west of West Drive.



Work No. 10. A railway (528 yards in length) partly in the metropolitan borough of Islington and partly in the borough of Hornsey commencing in the metropolitan borough of Islington by a junction with the westbound tunnel of the Piccadilly Line at a point 62 yards south of Stroud Green Road and terminating in the borough of Hornsey under Finsbury Park at a point 98 yards north-east of West Drive.

Work No. 11 A railway (496 yards in length) partly in the metropolitan borough of Islington and partly in the borough of Hornsey commencing in the metropolitan borough of Islington by a junction with the southbound tunnel of the Northern City Line at a point 27 yards south of Stroud Green Road and terminating in the borough of Hornsey at the termination of Work No. 10 (hereinbefore described).

In the counties of London Middlesex and Essex—

Work No. 12 A railway (5 miles 94 yards in length) in the metropolitan borough of Stoke Newington and the boroughs of Hornsey Tottenham and Walthamstow commencing in the borough of Hornsey by a junction with Works Nos. 10 and 11 at their termination (hereinbefore described) and terminating in the borough of Walthamstow by a junction with the Chingford branch railway at a point 350 yards north-east of Wood Street.

In the county of Middlesex—

Work No. 13 A railway (1 mile 47 yards in length) wholly in the borough of Tottenham commencing by a junction with Work No. 12 under Ferry Lane at a point 47 yards west of Tottenham station and terminating at a point on the south side of Marsh Lane 80 yards south-east of the level-crossing at Northumberland Park station.

In the county of Essex—

Work No. 14 Two bridges over Wood Street in the borough of Walthamstow on the north and south sides respectively of the bridge carrying the Chingford branch railway over Wood Street and a diversion of Vallentin Road between the points marked "A" and "C" on the deposited plans.

In the county borough of East Ham—

Work No. 15 An alteration in level (No. 1) of the London Tilbury and Southend railway (266 yards in length) commencing at a point 18 yards east of the eastern abutment of the bridge carrying the said railway over Stevenage Road and terminating at a point 280 yards east thereof.

PART II  
cont.

## In the county of Essex—

Work No. 16 An alteration in level (No. 2) of the London Tilbury and Southend railway (667 yards in length) wholly in the borough of Barking commencing at a point 68 yards east of the termination of Work No. 15 and terminating at the bridge carrying Queens Road over the said railway.

Work No. 17 An alteration in level (No. 3) of the London Tilbury and Southend railway (459 yards in length) wholly in the borough of Barking commencing at a point 73 yards east of the termination of Work No. 15 and terminating at a point 9 yards west of the footbridge carrying the footpath which connects Loxford Road with North Street over the said railway.

Work No. 18 An alteration in level (No. 4) of the London Tilbury and Southend railway (645 yards in length) wholly in the borough of Barking commencing at a point 29 yards east of the eastern abutment of the existing bridge carrying the said railway over the river Roding and terminating at the bridge carrying Queens Road over the said railway.

Work No. 19 An alteration in level (No. 5) of the London Tilbury and Southend railway (644 yards in length) wholly in the borough of Barking commencing at a point 30 yards north-west of the bridge carrying East Street and Longbridge Road over the said railway and terminating at a point 175 yards east of the footbridge carrying the footpath which connects Salisbury Avenue with Essex Road over the said railway.

## In the county of Nottingham—

Work No. 20 A railway (980 yards in length) wholly in the parish of Boughton in the rural district of Southwell commencing by a junction with the railway between Shirebrook and Lincoln at a point 72 yards north-east of the  $20\frac{1}{4}$  mile post on the said railway and terminating by a junction with the railway between Farnsfield and Boughton at a point 470 yards south of the bridge carrying the last-mentioned railway over the road leading from Ollerton to Tuxford.

Work No. 21 A widening (716 yards in length) wholly in the parish of Boughton in the rural district of Southwell of the railway between Farnsfield and Boughton commencing by a junction with Work No. 20 at its termination (hereinbefore described) and terminating at a point 246 yards north of the bridge carrying the said railway over the road leading from Ollerton to Tuxford.



Work No. 22.—A railway (3 miles 626 yards in length) partly in the rural district of Southwell and partly in the rural district of East Retford commencing in the parish of Boughton in the rural district of Southwell by a junction with the railway between Farnsfield and Boughton at its termination in the parish of Boughton passing through the parish of Walesby in the rural district of Southwell and the parish of Haughton in the rural district of East Retford and terminating in the parish of Bothamsall in the rural district of East Retford at a point on the north bank of the river Meden 170 yards east of the occupation road leading north from Haughton Hall Farm where the said road crosses the said river.

6. Notwithstanding anything in section 6 (Power to deviate) of the Act of 1949 as incorporated with this Act the Commission shall not in the construction of Works Nos. 1 to 12 authorised by this Act under the lands referred to in the First Schedule to this Act deviate vertically from the levels thereof shown on the deposited sections to a greater extent upwards than ten feet but they may deviate downwards from such levels to such extent as may be found necessary or convenient.

As to limits of vertical deviation in respect of certain works.

7.—(1) Subject to the provisions of this Act the Commission may—

Power to open surface of streets.

(a) for the purpose of constructing Works Nos. 1 to 13 authorised by this Act or some or one of them enter upon open break up and interfere with so much of the surface of the streets referred to in Part I of the Second Schedule to this Act as is within the limits of deviation ;

(b) for the purpose of providing access to Works Nos. 1 to 13 authorised by this Act or some or one of them make and maintain permanent openings in the carriage-ways and footways of so much of the streets referred to in Part II of the said Second Schedule as is within the limits of deviation.

(2) Before breaking up or interfering with any portion of the surface of the said streets under the powers of this section the Commission shall give to the Minister not less than fourteen days' previous notice in writing of their intention so to do.

(3) The Commission shall not under the powers of this section enter upon break up or interfere with any part of the carriageway of Holloway Road in the metropolitan borough of Islington without the consent in writing of the mayor aldermen and councillors of the said borough but such consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be determined by the Minister.

PART II  
—cont.As to  
dimensions  
of bridges.

8. In constructing Work No. 14 authorised by this Act the Commission shall not be required to make the new bridges over Wood Street of any greater height above the existing surface of the road than the height of the existing bridge carrying the Chingford branch railway over Wood Street.

General  
provisions as  
to mode of  
construction of  
underground  
railways.

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

- (1) Works Nos. 1 12 and 13 authorised by this Act shall where constructed in tunnel be constructed in two tunnels for separate up and down traffic except at cross-overs and junctions where they may be constructed in single tunnels of enlarged diameter and Works Nos. 2 to 11 authorised by this Act shall be constructed in single tunnels:
- (2) The underground railways shall be approached by means of stairs inclines subways electric or other lifts or escalators:
- (3) (a) The tunnels of which the underground railways will consist (including those for the stations) shall be constructed by means of steel or other sufficient metal shields driven forward by hydraulic or other pressure as the work proceeds such shields being of sufficient length to protect the whole of the soil for a reasonable distance both in front of and behind the working faces but this provision shall not apply to the tunnels at cross-overs and junctions All such tunnels shall be lined throughout with iron or other sufficient metal plates properly jointed throughout or with other suitable material;
- (b) Every permanent shaft shall be constructed either by underpinning or by sinking and either of brick concrete iron or other equally substantial and durable material;
- (c) The station tunnels of the underground railways shall not have an internal diameter exceeding thirty feet the cross-over and junction tunnels shall not have an internal diameter exceeding forty feet and the tunnels between the stations shall not (except at cross-overs and junctions or where necessary for adjustment at curves) have an internal diameter exceeding fourteen feet and the internal diameter of the shafts shall not exceed forty feet;
- (d) Any space between the lining of the tunnels (including station cross-over and junction tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure:



- (4) If water is found to be present in the works on the underground railways in such quantity as to necessitate the employment of compressed air the Commission shall immediately stop all excavating work at the point where the same is so found and the further driving of the tunnels at the working face at that point until the Commission shall have provided air-compressing machinery which will produce such a pressure of air as will prevent the inflow of any sand water gravel or soil and such machinery shall be maintained in full working order and the work at such working face carried on under compressed air as long as may be necessary :
- (5) Except in the case of unforeseen accident or for the purpose of removing rain-water or other trifling amounts of water no use shall be made of pumping or of other like modes of removing water from the tunnels of the underground railways or from the shafts.

10. The Commission shall as regards the underground railways from time to time submit for the approval of the Minister plans sections and other details of their proposals with respect to—

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

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

11. The following provisions shall apply to the use of electrical power for the purposes of Works Nos. 1 to 13 authorised by this Act:—

- (1) The Commission shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Commission shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the said works so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

PART II  
—cont.

- (3) The electrical power shall be used only in accordance with the regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Commission shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Commission either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the regulations and in prescribing such means the Minister shall have regard to the expense involved in relation to the protection afforded :
- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Commission and any other party with respect to anything hereinbefore in this section contained the difference shall unless the parties otherwise agree be determined by the Minister or at his option by an arbitrator to be appointed by him and the costs of such determination shall be in the discretion of the Minister or of the arbitrator as the case may be :
- (7) When any department of Her Majesty's Government represents to the Minister that the use of electrical power under this Act injuriously affects or is likely to affect injuriously any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Minister after such inspection or inquiry as he may think proper may by the regulations require the Commission to use such reasonable and proper precautions



including insulated returns as the Minister may deem necessary for the prevention of such injurious affection. For the purposes of this paragraph any inspector of the Minister may during his inspection of the Commission's works and apparatus be accompanied by any person or persons appointed in that behalf by the government department concerned and the Commission shall give all due facilities for the inspection:

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

- (8) In this section "the regulations" means any regulations made by the Minister which may for the time being be in force with respect to Works Nos. 1 to 13 authorised by this Act which regulations the Minister is hereby authorised to make.

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

Compensation  
for damage  
by working.

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

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

**13.—**(1) For the purposes of subsection (8) of section 16 of the Transport Act 1953 and of any scheme under that section the railways comprised in Works Nos. 1 to 13 authorised by this Act shall be deemed to be railways the operation of which formed part of the passenger transport services provided

As to  
interpretation  
of certain  
enactments in  
relation to  
Works Nos.  
1 to 13.

PART II  
—cont.

at the passing of the said Act of 1953 by the London Transport Executive and references in section 106 of the London Passenger Transport Act 1933 or in any regulations made thereunder to premises or vehicles belonging to the London Passenger Transport Board shall be deemed to include a reference to the said railways and the lands works premises and vehicles of the Commission used in connection therewith.

(2) For the purposes of any provisions in the London Passenger Transport Acts 1933 to 1947 which at the passing of this Act are applicable generally to the railways of the Commission and the works and conveniences connected therewith which were formerly comprised in the undertaking of the London Passenger Transport Board Works Nos. 1 to 13 authorised by this Act shall be deemed to have been comprised in the said undertaking.

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 Essex—

In the borough of Barking—

They may stop up and discontinue the portion of the footpath leading from Victoria Road to Harts Lane between the points marked “F” and “G” on the deposited plans:

In the county of London—

In the metropolitan borough of Lewisham—

They may stop up and discontinue so much of the footway of Doggett Road as is situate within the line marked “Portion of road to be stopped up and appropriated” on the deposited plans:

In the county of Middlesex—

In the borough of Tottenham—

They may stop up and discontinue the level-crossing leading across the railway between Tottenham and Northumberland Park from Park View Road to the Broad Mead Recreation Ground;

They may stop up and discontinue so much of the footpath leading from Park View Road to the Broad Mead Recreation Ground and crossing the said railway by means of a footbridge as lies between



the points marked "K" "L" and "M" on the deposited plans and may substitute therefor a footbridge between the said points marked "K" and "M" in the position shown on the deposited plans;

They may stop up and discontinue so much of the footpath leading from Carbuncle Passage Way across the said railway to the Broad Mead Recreation Ground as lies between the points marked "N" "O" and "P" on the deposited plans and may substitute therefor a footbridge between the said points marked "N" and "P" in the position shown on the deposited plans:

In the county of Nottingham—

In the parish of Boughton in the rural district of Southwell—

They may stop up and discontinue the portion of the road and bridleway and footpath numbered 32 on the deposited plans between the points thereon marked "Q" and "R" and may substitute therefor a new road and bridleway and footpath between the points marked "Q" and "S" on the deposited plans;

In the parish of Haughton in the rural district of East Retford—

They may stop up and discontinue the portion of the bridleway and footpath in the lands numbered 16 on the deposited plans between the points thereon marked "T" and "U" and may substitute therefor a new bridleway and footpath between the points marked "T" "V" and "U" on the deposited plans:

In the county of Southampton—

In the parish of Brockenhurst in the rural district of New Forest—

They may stop up and discontinue so much of the road leading from Brockenhurst to Brockenhurst Park and crossing the railway between Beaulieu Road and Brockenhurst stations by the level-crossing known as Brockenhurst No. 7 as extends between the boundary fences of their property:

In the county of Surrey—

In the parish of Ash and Normandy in the rural district of Guildford—

They may stop up and discontinue between the boundary fences of their property the road connecting Winchester Road and College Road which

PART II  
—cont.

crosses the railway between Ash and North Camp stations by the level-crossing known as Windmill Crossing:

In the county of Warwick—

In the parish of Long Itchington in the rural district of Southam—

They may stop up and discontinue so much of the footpath leading from the Southam Lime and Cement Works to Nightingale Lane and crossing the railway from Daventry to Leamington by means of a footbridge four hundred and twenty-three yards east of Southam and Long Itchington station as extends between the boundary fences of their property:

In the county of Worcester—

In the borough of Halesowen—

They may stop up and discontinue so much of the footpath commencing near the works of the Halesowen Brick and Tile Company Limited and leading to Coombes Mill and crossing the Halesowen Basin branch railway by means of a footbridge four hundred and sixty-six yards from the junction of the said branch railway with the Halesowen branch railway as extends between the boundary fences of their property.

(2) The diversion by the Commission in the parish of Gayton in the rural district of Towcester in the county of Northampton of the footpath leading from the road from Gayton to Rothersthorpe to the road from Tiffield to Rothersthorpe between the points marked "X" and "Y" on the deposited plans is hereby sanctioned and confirmed.

(3) So much of section 7 (Further works and powers) of the Act of 1952 as empowers the Commission to stop up and discontinue a portion of the footpath in the borough of Barking leading from Victoria Road to Harts Lane and to substitute a new footpath therefor is hereby repealed.

(4) No consent shall be required under section 12 (Stopping up roads and footpaths without providing substitute) of the Act of 1950 as incorporated with this Act in respect of the stopping up of the portion of Doggett Road in the metropolitan borough of Lewisham authorised by this section.

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 Third 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.



(2) The provisions of the Highway (Railway Crossings) Act 1839 of section 9 of the Railway Regulation Act 1842 of section 47 of the Act of 1845 and of sections 5 6 and 7 of the 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 Parts I and II of the said schedule shall cease to apply to those level-crossings.

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

(4) The level-crossings referred to in Part I of the said schedule (including the gates thereof) shall be deemed for all purposes to be works provided by the Commission at the passing of this Act pursuant to section 68 of the Act of 1845 for the accommodation of the owners and occupiers of the lands adjoining the railway at each of the said level-crossings respectively (that is to say) for the purpose of making good any interruption 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.

(5) The provisions of section XVI (Company to erect a station or lodge at the points of crossing, and to abide by the Regulations of the Commissioners of Railways) of the Reading Guildford and Reigate Railway (Connexion with the London and South Western Railway) Act 1849 shall not apply to the level-crossings referred to in Part III of the said schedule.

(6) Notwithstanding anything in section 47 of the Act of 1845 the Commission may at the level-crossings referred to in Part IV of the said schedule 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 said level-crossings are open to road traffic.

16.—(1) In this section—

“the council” means the county council of the administrative county of Hertford;

“the railway” means the railway between Hatfield and Hertford;

“the existing crossing” means the level-crossing in the urban district of Welwyn Garden City known as Holwellhyde Crossing whereby the railway crosses the

As to level-crossing at Holwellhyde.

PART II  
—cont.

existing public road from Welwyn Garden City to Hatfield known as Cole Green Lane ;

“ the diverted road ” means any public road constructed by the council in substitution for Cole Green Lane so as to cross the railway.

(2) The Commission and the council may enter into and carry into effect agreements for the construction of a level-crossing for carrying the railway across the diverted road on the level.

(3) The railway may be carried with not more than two lines of rails across and on the level of the diverted road and the provisions of the Act of 1845 and of Part I (relating to construction of a railway) of the Railways Clauses Act 1863 with reference to the crossing of roads on the level shall apply with respect to any level-crossing constructed under the powers of this section :

Provided that the Commission shall not be required to erect or maintain a lodge at the said level-crossing.

(4) Upon the completion and opening for use of the level-crossing for carrying the railway on the level across the diverted road the Commission may stop up and discontinue the existing crossing and thereupon all rights of way over and along the existing crossing shall be extinguished.

(5) The Commission and the council may enter into and carry into effect agreements with reference to the defraying or making of contributions towards the cost of constructing maintaining and renewing any level-crossing constructed under the powers of this section and with regard to any other matters relating thereto.

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

As to  
substituted  
trolley vehicle  
routes at  
Hammersmith.

17.—(1) In this section—

“ the Act of 1936 ” means the London Passenger Transport Act 1936 ;

“ the Act of 1948 ” means the London County Council (Improvements) Act 1948 ;

“ the council ” means the London County Council ;

“ the new street ” means Work No. 7 authorised by section 22 (Power to execute works) of the Act of 1948 ;

“ the existing apparatus ” means the trolley vehicle apparatus used in connection with the existing routes ;

“ the existing routes ” means so much of Routes Nos. 2 and 3 authorised by section 5 (Power to use trolley vehicles) of the Act of 1936 as are situated between the commencement and termination of Route No. 1 authorised by this Act ;

“ the substituted routes ” means Routes Nos. 1 and 2 authorised by this Act.



(2) In the event of the council constructing the new street and in the event of the existing apparatus or part thereof being diverted along the substituted routes (which diversion and any alteration of the existing apparatus along the existing routes to the extent that it is not already authorised by section 24 (Power to make subsidiary works etc.) of the Act of 1948 shall be deemed to be so authorised) the Commission may subject to and in accordance with the provisions of the Act of 1936 with respect to trolley vehicles work and run trolley vehicles along the substituted routes.

(3) The substituted routes are—

In the county of London—

In the metropolitan borough of Hammersmith—

Route No. 1 Commencing in Brook Green Road at its junction with Broadway by a junction with Route No. 2 authorised by the Act of 1936 and passing thence along Broadway into and along Hammersmith Road into and along the new street and terminating at the junction thereof with Great Church Lane by a junction with Route No. 3 authorised by the Act of 1936 ;

Route No. 2 Commencing in Beadon Road at its junction with Broadway by a junction with Route No. 10 authorised by the London Passenger Transport Act 1934 and passing thence along Broadway and terminating in that street by a junction with Route No. 1 authorised by this Act.

18. 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).

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

## PART III

## INLAND WATERWAYS

Closing for  
navigation  
of certain  
waterways.

19.—(1) In this and the next succeeding section the expression “the waterways” means those portions of the several waterways named in the first column of the Fourth Schedule to this Act as are described in the second column of the said schedule which waterways were authorised by the enactments specified in the third column of the said schedule.

(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;

but save as aforesaid nothing in this Act shall be deemed to prejudice or affect any existing rights powers or obligations in respect of the waterways.

(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 any 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 Fisheries and Food 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.

**20.**—(1) 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:

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.

(2) This section shall not apply to the portion of the Ripon Canal described in the second column of the Fourth Schedule to this Act.

**21.**—(1) If in pursuance of section 19 (Closing for navigation of certain waterways) of this Act any part of the Lancaster Canal within the county borough of Preston is transferred to the mayor aldermen and burgesses of the said county borough (in this section referred to as “the Preston Corporation”) all rights of way over or along the towpath of the part of canal so transferred shall thereupon be extinguished.

Extinguishment of rights of way along towpaths on portions of Lancaster Canal and Ashton Canal.

(2) If in pursuance of the said section any part of the Ashton Canal within the county borough of Oldham lying to the north of Street Bridge is transferred to the mayor aldermen and burgesses of the said county borough (in this section referred to as “the Oldham Corporation”) all rights of way over or along the towpath of the part of canal so transferred shall thereupon be extinguished.

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

PART III  
—cont.

As to railway  
bridges over  
portion of  
Lancaster  
Canal.

22. The following provisions relating to railway bridges over the portion of the Lancaster Canal in the county borough of Preston described in the Fourth Schedule to this Act are hereby repealed:—

The Act 7 Will. 4 c. 22—

Section XXIV (Providing against Obstructions to the Lancaster Canal etc.);

Section XXV (Construction of Bridges etc.);

The Fleetwood Preston and West Riding Junction Railway Act 1846—

Section XLIV (For protection of the Lancaster Canal in passing the Railway over it by a Bridge);

Section XLV (For preserving Navigation of River during Construction of Bridge).

## PART IV

## LANDS

Power to  
acquire lands.

23.—(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.

(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 Fifth 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.

Acquisition  
of part only  
of certain  
properties.

24.—(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 Sixth 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 can be severed from the remainder of the said properties respectively



without material detriment thereto therefore the following provisions shall have effect:—

PART IV  
—cont.

- (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:

PART IV  
—cont.

(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.

Disregard  
of recent  
improvements  
and interests.

25. 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—

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

Extinction of  
private rights  
of way.

26.—(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.

PART IV  
—cont.

**27.**—(1) In this section “the scheduled lands” means the lands referred to in the First Schedule to this Act.

Easements  
only to be  
acquired under  
certain lands.

(2) The Commission shall not acquire compulsorily under the powers of this Act any part of the scheduled lands but they may acquire within the limits of lateral and vertical deviation prescribed by this Act in respect of the underground railways such easements or rights under the scheduled lands as they may require for the purpose of constructing maintaining renewing and using the underground railways and any necessary works and conveniences connected therewith without being obliged or compellable to acquire any greater interest in under or over the scheduled lands 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.

**28.**—(1) 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—

Power to  
acquire  
easements  
only in certain  
cases.

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

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

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:

Provided that the powers of this subsection shall only be exercisable subject to the provisions of section 33 (Crown rights) of this Act.

(2) (a) If in any case where the Commission require an easement or right of using the subsoil of any of the lands described

PART IV  
—cont.

in the said schedule they also require to take use and pull down or open any cellar vault arch or other construction forming part of any such lands they may enter upon take and use such cellar vault arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the purchase thereof as if such cellar vault arch or other construction were lands within the meaning of those Acts.

(b) Section 24 (Acquisition of part only of certain properties) of this Act shall apply in respect of the acquisition by the Commission under this subsection of any cellar vault arch or other construction as if the property of which it forms part were described in the Sixth Schedule to this Act.

As to use of streets for permanent openings.

29. The Commission shall not be required to purchase any part of the surface of or any easement in any street in which they are authorised by this Act to make and maintain any permanent opening or to make any payment in respect of any such permanent opening or for breaking up or interfering with the surface of any such street.

Periods for compulsory purchase of lands and easements.

30.—(1) The powers of the Commission for the compulsory purchase of the lands and easements which they are authorised by this Act to acquire for the purposes of Works Nos. 1 to 14 shall cease on the thirty-first day of December one thousand nine hundred and sixty-one.

(2) The powers of the Commission for the compulsory purchase of the other lands and easements which they are authorised by this Act to acquire shall cease on the thirty-first day of December one thousand nine hundred and fifty-eight.

Incorporation of provisions of Act of 1949 relating to lands.

31. The following provisions of the Act of 1949 are incorporated with and form part of this Part of this Act:—

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 33 (As to cellars under streets not referenced).



## PART V

## PROTECTIVE PROVISIONS

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

The Act of 1949—

Incorporation  
of protective  
provisions of  
Acts of 1949  
and 1952.

Section 43 (As to works within metropolitan police district);

The Act of 1952—

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

33.—(1) Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing in this Act authorises the Commission to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of or vested in or in the occupation of the Commissioners of Crown Lands the Secretary of State for War the Minister of Works or the Minister of Agriculture Fisheries and Food without the consent in writing of the said Commissioners the Secretary of State for War the Minister of Works or the Minister of Agriculture Fisheries and Food (as the case may require) first had and obtained for that purpose. Crown rights.

(2) All money paid by the Commission to the Commissioners of Crown Lands in consideration of the giving of any consent under the preceding subsection in so far as such consent affects any land hereditaments or rights belonging to Her Majesty in right of Her Crown shall be carried to the account of the capital of the land revenues of the Crown.

34. 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 Saving rights  
of Duchy of  
Cornwall.

PART V  
—cont.

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  
Minister.

**35.**—(1) The provisions of sub-paragraph (b) of paragraph (1) and paragraphs (2) to (9) (11) (13) to (17) (20) and (21) of section 46 (For protection of certain authorities) of this Act shall apply for the protection of the Minister subject to the modifications that the said provisions shall be construed as if—

- (i) the references therein to the council were references to the Minister ;
- (ii) the references therein to a highway were references to a trunk road ;
- (iii) the words “ under the hand of the clerk of the county council or town clerk (as the case may be) ” were omitted from paragraph (2) ;
- (iv) for the words “ loading recommended by the Minister for highway bridges ” in paragraph (8) there were substituted the words “ trunk road loading recommended by the Minister ” ;
- (v) the references to sanitary convenience sewer and lamp column in paragraphs (9) and (17) were omitted therefrom ;
- (vi) the words “ belonging to or under the jurisdiction or control ” in paragraph (9) were omitted therefrom ;
- (vii) the words “ or under their control or repairable by them ” in paragraph (17) were omitted therefrom ;
- (viii) the words “ affecting a trunk road ” were inserted immediately after the word “ applies ” in paragraph (20).

(2) In this section “ trunk road ” has the same meaning as in the Trunk Roads Acts 1936 and 1946.

For  
protection of  
Postmaster-  
General.

**36.** The following provisions shall have effect in respect of Works Nos. 1 to 13 authorised by this Act:—

- (1) The Commission shall so construct their electric lines and works of all descriptions and shall so work that part of their undertaking which consists of such parts of Works Nos. 1 to 13 as are for the time being worked by electrical power in all respects as to prevent any interference whether by induction or otherwise with the telegraphic lines from time to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines:



Provided that this paragraph shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him in or along any of the said works or in or along any railway of the Commission constructed in tunnel and immediately connected or communicating with the said works :

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

PART V  
—cont.

- (5) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

For further  
protection of  
Postmaster-  
General.

37. For the further protection of the Postmaster-General the following provisions shall unless otherwise agreed between the Commission and the Postmaster-General have effect with regard to Work No. 1 authorised by this Act (in this section referred to as "the said work") (that is to say):—

- (1) Notwithstanding anything shown upon the deposited plans and sections or contained in this Act the Commission shall not enter upon take or use either permanently or temporarily the Post Office railway or the works or property of the Postmaster-General connected therewith (in this section called "the railway property") without the consent in writing of the Postmaster-General:

Provided that nothing in this subsection shall be deemed to prohibit the Commission from acquiring an easement or right of using the subsoil under or over the railway property for the purposes of constructing maintaining renewing and using or altering the said work:

- (2) The Commission shall carry out the said work so as not to interfere with the Post Office railway or any works connected therewith:
- (3) The Commission in constructing the said work under or over or within one hundred feet of the railway property (in this section called "the prescribed distance") shall not deviate from the levels shown on the deposited sections without the consent of the engineer of the Postmaster-General which consent shall not be unreasonably withheld:
- (4) The Commission shall not less than twenty-one days before commencing the construction of the said work within the prescribed distance furnish to the Postmaster-General plans sections and specifications of the work proposed to be carried out by the Commission within the prescribed distance and such plans sections and specifications shall be settled and agreed upon between the engineer of the Commission and the engineer of the Postmaster-General or in case of their failing to agree or of any difference arising between them the same shall be settled by arbitration and such work shall be carried out only in accordance with the plans sections and specifications so agreed upon or settled. The Commission shall give to the Postmaster-General



not less than twenty-one days' notice (except in cases of emergency) before commencing any structural alteration or renewal of the said work within the prescribed distance with a sufficient description of such work. In case of emergency the Commission shall give the Postmaster-General the longest notice which they can reasonably give having regard to the urgency of the work to be executed and such notice shall be accompanied by a sufficient description of the work proposed to be carried out. All work referred to in this subsection shall be carried out under the supervision (if the same be given) and to the reasonable satisfaction of the engineer of the Postmaster-General:

- (5) The Commission shall at all times maintain the said work so far as the same shall be within the prescribed distance in substantial repair and good order and condition and if and whenever the Commission fail so to do the Postmaster-General may make and do all such works and things on the Post Office railway and works as may be reasonably requisite for the protection thereof in that behalf and the reasonable amount of his expenditure in that behalf shall be repaid to him by the Commission:
- (6) If it shall at any time appear to the engineer of the Postmaster-General either before or during the construction or after the completion of the said work within the prescribed distance that any further or other works or appliances or measures of precaution are required either by way of addition to the railway property or in connection with or in relation to the method of construction of the said work so as to prevent subsidence or injury happening to the railway property owing to or in consequence of the execution of the said work or any part thereof the Commission shall on being thereunto required in writing under the hand of the engineer of the Postmaster-General within the prescribed distance make and carry out at their own expense and according to plans sections and specifications to be reasonably approved by the said engineer such further works or take such measures of precaution including the use of compressed air or the temporary cessation of the construction of the said work or the carrying on of the construction of the said work without cessation as the said engineer shall reasonably require. Any difference between the Commission and the engineer of the Postmaster-General arising under this subsection shall be settled by arbitration:

PART V  
—cont.

- (7) If during and by the construction of the said work the railway property shall be injured or damaged the Postmaster-General may forthwith make good such injury or damage and execute such protective works elsewhere than on the property of the Commission as the engineer of the Postmaster-General shall reasonably consider necessary for ensuring the safety of the railway property and the expense properly incurred by the Postmaster-General in so doing shall be repaid by the Commission to the Postmaster-General:
- (8) The Commission shall not in making and maintaining the said work in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway property or any traffic on the Post Office railway:
- (9) The Commission shall during the construction of any part of the said work which shall be within the prescribed distance bear and on demand pay to the Postmaster-General the reasonable expense of the employment by the Postmaster-General of a sufficient number of inspectors and watchmen to be appointed by him for inspecting and watching the railway property with reference to and during such construction and for preventing as far as may be all interference obstruction danger or accident from any of the operations of the Commission or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise:
- (10) Notwithstanding anything in this Act the Commission shall be responsible for and make good to the Postmaster-General all costs losses damages charges and expenses which may be occasioned to the Postmaster-General or to the railway property or to the traffic on the Post Office railway or otherwise by the construction or failure of the said work or of any act or omission of the Commission or of any person in their employ or of their contractors or others and the Commission shall effectually indemnify and hold harmless the Postmaster-General from all claims and demands upon or against him by reason of such construction or failure or of any such act or omission:
- (11) The Commission shall from time to time repay to the Postmaster-General any additional expense to which the Postmaster-General may be put in maintaining the railway property by reason or in consequence of the construction of the said work:



- (12) The Commission shall so construct and maintain their electric circuits and other works of all descriptions and shall so work the railway comprised in the said work as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or to be used on the Post Office railway or with the currents in such circuits:

Provided that at the expiration of two years from the completion of the said work the provisions of this section shall not operate to give any right to claim in respect of injurious interference with any electric wires lines or apparatus used for working the Post Office railway or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

- (13) The Commission shall not by reason of the powers conferred by this Act either directly or indirectly oppose the granting of parliamentary powers to the Postmaster-General for the alteration or extension of the Post Office railway except for the purpose of obtaining protective clauses:
- (14) Any difference which may arise from time to time under the provisions of this section between the Commission and the Postmaster-General shall be settled by arbitration:
- (15) In this section "the Post Office railway" means the railway of the Postmaster-General authorised by the Post Office (London) Railway Act 1913.

**38.**—(1) Any electrical works or apparatus constructed erected laid or maintained in pursuance of section 16 of the Act of 1845 (as incorporated with this Act) shall be so constructed erected or laid and so 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. As to telegraphic lines.

(2) Where any road or footpath or length or portion of a road or footpath is stopped up in pursuance of the power to make Work No. 14 conferred by section 5 (Power to make works) or the powers 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

PART V  
—cont.

across such road or footpath or length or portion of a road or 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 road or footpath or length or portion of the road or 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 (3) 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 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(3) As soon as the whole or any length or portion of any road or 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 (2) of this section shall commence to run from the date on which such notice is sent.

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

As to lands of  
Postmaster-  
General.

**39.** The Commission shall not under the powers of this Act except with the consent in writing of the Postmaster-General enter upon take or use the lands or any part of the lands described in the Tenth Schedule to this Act or acquire any easement or right in under or over the same:



Provided always that nothing in this section shall prevent the acquisition by the Commission of any estate interest title easement or other right vested in any person other than the Postmaster-General at any time subsisting in under or over the said lands or any part thereof.

PART V  
—cont.

40. For the protection of the London County Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Commission and the council apply and have effect:—

For protection  
of London  
County  
Council.

(1) The Commission shall not without the consent of the council construct under any highway in the administrative county of London (in this section referred to as "the county") any part of the works which will be within twenty-five feet of the surface of such highway except in accordance with plans and sections submitted to and approved by the council but such approval shall not be unreasonably withheld:

(2) Upon the submission of any plans and sections in pursuance of paragraph (1) of this section and before approving the same the council shall with all reasonable dispatch consult with the council of the city or metropolitan borough in which the works are or will be situate and for this purpose the council shall afford to such city or metropolitan borough council reasonable facilities for inspecting the plans and sections relating to such works:

(3) In the event of the council omitting to express their disapproval of any plans or sections within twenty-eight days after the same shall have been submitted to them in pursuance of paragraph (1) of this section they shall be deemed to have approved the same:

(4) As soon as reasonably practicable after the completion of any part of the works under any highway in the county the Commission shall at their expense furnish the council with a map or plan of such works as constructed:

(5) The entrances to or exits from any subway booking hall or station constructed or reconstructed by the Commission under the powers of this Act from or to any public street in the county shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in such street and before the Commission commence to construct such entrances or exits plans thereof shall be submitted to the council for their reasonable approval:

PART V  
—cont.

- (6) The Commission shall not without the consent of the council which shall not be unreasonably withheld make any communication between the works and the interior of any building other than a building wholly used by the Commission for transport purposes:
- (7) Any difference arising between the Commission and the council under this section shall be settled by arbitration.

Inspection  
of works by  
London  
County  
Council.

**41.** It shall be lawful for the engineer or other officer of the London County Council duly appointed for the purpose by the said engineer from time to time to enter upon and inspect any works of the Commission constructed under the powers of this Act under or in the neighbourhood of any street or road or part of a street or road in or under which there are or may be any sewers or works of the said council and any works which under the provisions of this Act are required to be constructed in accordance with plans drawings sections and specifications approved by the said council.

For protection  
of sewers of  
London  
County  
Council.

**42.** For the protection of the sewers of the London County Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Commission and the council apply and have effect:—

- (1) The Commission shall not commence any part of the new works which will or may pass over under or by the side of or so as to interfere with any sewer of the council (in this section referred to as "the said works") until they shall have given to the council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with plans as described in paragraph (8) of this section (hereinafter referred to as "the said plans") and until the council shall have signified their approval of the same (unless the council do not signify their approval disapproval or other directions within twenty-eight days after service of the said plans):
- (2) The Commission shall comply with and conform to all reasonable orders directions and regulations of the council in the execution of the said works and shall provide new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to such sewer by reason of the said works and shall save harmless the council against all expenses to be occasioned thereby:



- (3) All such new altered or substituted works shall where so required by the council be done by or under the direction superintendence and control of the engineer or other officer of the council at the costs charges and expenses in all respects of the Commission and all costs charges and expenses to which the council may be put by reason of such works whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Commission on demand:
- (4) When any such new altered or substituted works or any works of defence connected therewith shall be completed by or at the costs charges and expenses of the Commission under the provisions of this section the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council as any sewers or works now or hereafter may be:
- (5) Nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the council in relation to sewers but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (6) The council may require the Commission in constructing the said works to make any reasonable deviation within the limits of deviation of such works from the line or levels shown upon the said plans for the purpose of avoiding injury or risk of injury to the sewers of the council and the Commission shall in constructing such works deviate accordingly:
- (7) It shall not be lawful for the Commission in the exercise of the powers of Part II (Works) of this Act to make any trial boring so as to interfere with any sewer of the council:
- (8) The plans to be submitted to the council for the purposes of this section shall be detailed plans drawings sections and specifications which shall describe the exact position and manner in which and the level at which the said works are proposed to be constructed and shall accurately describe the position of all sewers of the council within the limits of deviation of the said works (for which purpose the council shall allow the Commission access to plans in their possession and to any of their sewers in order to enable the Commission to obtain reliable information) and shall comprise detailed drawings of every alteration which the Commission may propose to make in any such sewer:

PART V  
—cont.

- (9) The council may require such modifications to be made in the said plans as may be reasonably necessary to secure the London main drainage system against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers:
- (10) The Commission shall be liable to make good all injury or damage caused by or resulting from the construction of the said works to any sewers drains or works vested in the council and the council shall from time to time have power to recover the amount thereof from the Commission in any court of competent jurisdiction:
- (11) The approval by the council of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Commission from any liability or affect any claim for damages under this section or otherwise.

For further  
protection of  
certain sewers.

**43.** For the further protection of the sewers of the London County Council (in this section referred to as "the council") hereinafter in this section mentioned the following provisions shall unless otherwise agreed in writing between the Commission and the council apply and have effect:—

If the Commission in the construction of the new works alter damage or in any way interfere with the existing sewers of the council respectively known as the King's Scholars' Pond Sewer (main line and Pall Mall branch) the Low Level Sewer No. 2 the Middle Level Sewer No. 1 (main line and Piccadilly and Dover Street branches) the Regent Street Sewer the Northumberland Street Sewer (main line and west branch) the Fleet Sewer (main line and Argyle Street and Savoy Street Caledonian Road and St. John's Street branches) the Fleet Relief Sewer (main line and Pentonville Road branch) the Middle Level Sewer No. 2 the London Bridge Sewer (Lonsdale Square branch) the Holloway Storm Relief Sewer and the Northern High Level Sewer the Commission shall—

- (a) from time to time pay to the council any additional cost to which the council may be put in the maintenance management or renewal of any new altered or substituted sewer which may be necessary in consequence of the construction of the new works ; and
- (b) give to the council full free and uninterrupted access at all times to any such new altered or substituted sewer and every reasonable facility for the inspection maintenance alteration and repair thereof.



44.—(1) In this section—

PART V  
—cont.

“the protected square” means each of the following gardens or enclosures mentioned in the schedule to the London Squares Preservation Act 1931 that is to say Cavendish Square Fitzroy Square and Gibson Square;

As to certain  
London  
squares.

“the council” means as regards Cavendish Square the mayor aldermen and councillors of the metropolitan borough of St. Marylebone as regards Fitzroy Square the mayor aldermen and councillors of the metropolitan borough of St. Pancras and as regards Gibson Square the mayor aldermen and councillors of the metropolitan borough of Islington.

(2) The Commission shall not under the powers of this Act acquire any interest in the protected square other than—

- (a) such easements under the protected square as may be required by the Commission for the construction of the underground railways within the limits of deviation relative thereto;
- (b) a right to construct and permanently maintain a ventilating shaft in Fitzroy Square and in Gibson Square;
- (c) such interests as the Commission may require to enable them to make use of the surface and subsoil of the protected square as a temporary working site for the purpose of constructing Work No. 1 authorised by this Act and the works connected therewith.

(3) Before exercising their powers under this Act with respect to the surface of the protected square the Commission shall consult the London County Council and the council as to the extent of the surface of the protected square which it may be reasonably necessary for the Commission to occupy for the purposes of paragraph (c) of subsection (2) of this section and as to the conditions under which such powers shall be exercised (including conditions as to reinstatement and the period within which reinstatement is to be completed after such time as the surface is no longer required for the said purposes) and the surface of the protected square shall not be occupied and such powers shall not be exercised except to such extent and except in accordance with such conditions as may be agreed between the Commission the London County Council and the council or failing such agreement as may be determined in accordance with subsection (5) of this section:

Provided that the extent of the surface of the protected square to be occupied by the Commission in pursuance of subsection (2) of this section shall not except with the consent of the council

PART V  
—cont.

and the London County Council exceed twenty thousand square feet in the case of Cavendish Square or fifteen thousand square feet in the case of Fitzroy Square or Gibson Square.

(4) The Commission shall consult the London County Council and the council as to the situation design and external appearance of any ventilating shaft to be constructed in Fitzroy Square or Gibson Square and shall comply with such reasonable requirements as the London County Council and the council may make with regard to the construction and maintenance thereof.

(5) (a) Any difference between the Commission the London County Council and the council or any of them as to the conditions referred to in subsection (3) of this section or arising under subsection (4) of this section shall be determined by an arbitrator to be appointed by the President of the Royal Institution of Chartered Surveyors and the arbitrator so appointed shall deal with any difference so referred to him as if it had arisen over a refusal of consent or a conditional approval given by the London County Council under section 3 of the London Squares Preservation Act 1931.

(b) Except as provided in paragraph (a) of this subsection any difference arising between the Commission the London County Council and the council or any of them under this section shall be determined by arbitration.

As to  
Highbury  
Fields and  
Finsbury  
Park.

45. The London County Council may sell and grant to the Commission for the purposes of Works Nos. 3 4 and 6 and Works Nos. 9 10 11 and 12 authorised by this Act and any works connected therewith or incidental thereto any easements or rights in or under the land numbered on the deposited plans 658 in the metropolitan borough of Islington and 3 in the borough of Hornsey respectively and the said council may receive the purchase money or compensation to be paid by the Commission to the said council for such easements or rights and give the Commission a good and valid discharge therefor.

For protection  
of certain  
authorities.

46. For the protection of the county council of Essex and of the county council of Middlesex and of the mayor aldermen and councillors of the city of Westminster and of the mayor aldermen and councillors of each of the metropolitan boroughs of Finsbury Islington St. Marylebone St. Pancras and Stoke Newington and of the mayor aldermen and burgesses of each of the boroughs of Hornsey Tottenham and Walthamstow (each of whom is in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Commission and the council apply and have effect with reference to the exercise of the powers of this Act relating to the works to which this section applies within the county city or borough (as the case may be) in which the council has jurisdiction



or under or near to any sewer or apparatus in connection therewith which may be situated in any other area and vested in the council:—

PART V  
—cont.

(1) (a) In this section—

“highway” means a highway vested in or repairable or maintained by the council;

(b) The works to which this section applies are the underground railways and the works and conveniences connected therewith authorised by this Act:

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

(3) Before commencing to construct any part of the works to which this section applies which will involve interference with a highway the Commission shall consult the council as to the time when such part shall be commenced and as to the extent of the surface of the highway which 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 to ensure the safety of 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 council or in default of agreement settled by arbitration:

(4) In the construction of any part of the works to which this section applies under a highway no part thereof shall (except with the consent of the council) be so constructed as to interfere with the provision of proper means of drainage of the surface of any highway nor (except in the case of any permanent opening authorised by this Act and in other cases except with such consent as aforesaid) be nearer than two feet six inches to the surface of any highway:

(5) At least fourteen days before commencing any vertical borings from the surface of any part of any highway the Commission shall serve notice in writing on the council of their intention to commence the same and such notice shall describe the place or places at which

PART V  
—cont.

such borings are intended to be made and if within fourteen days after the receipt of such notice any objection is made by the council the matter shall (unless otherwise agreed) be settled by arbitration before the boring is commenced but if no such objection is made the said borings may be proceeded with:

- (6) Except as by this Act expressly authorised or with the consent of the council the Commission shall not open or make any permanent openings or any ventilators air shafts or other similar openings in or erect or construct any structure or erection above the surface of the carriageway or footway of any highway:
- (7) The works to which this section applies so far as they involve any serious interference with the movement of traffic in any highway shall after the commencement thereof be carried on so far as reasonably practicable continuously day and night and the Commission shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:
- (8) The Commission shall secure that so much of the works to which this section applies as is constructed under or so as to affect any highway shall be designed constructed and maintained so as to carry the appropriate normal loading recommended by the Minister for highway bridges and the Commission shall indemnify the council against and make good to the council all expenses which the council may reasonably incur or be put to in the maintenance or repair of any highway or any tunnels sewers drains or apparatus therein by reason of any non-compliance by the Commission with the provisions of this paragraph:
- (9) It shall be lawful for the engineer or surveyor or other officer of the council duly appointed for the purpose at all reasonable times to enter upon and inspect any part of the works to which this section applies in under or affecting any highway or which may affect any property of the council during the execution thereof and the Commission shall give to such engineer or surveyor or officer all reasonable facilities for such inspection and if he shall be of opinion that the construction of such works is attended with danger to any highway or to any sanitary convenience refuge sewer drain lamp column traffic sign and apparatus connected therewith or work belonging to or under the jurisdiction or control of the council the Commission shall



adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto:

- (10) The Commission shall not alter disturb or in any way interfere with any sanitary convenience refuge sewer drain lamp column traffic sign or apparatus connected therewith or other property or work of the council or under their control or repairable by them or the access thereto without the consent of the council and any alteration diversion replacement or reconstruction of any such sanitary convenience refuge sewer drain lamp column traffic sign or apparatus connected therewith or other property or work which may be necessary shall be made by the council or the Commission as the council shall think fit and any costs and expenses reasonably incurred by the council in so doing shall be repaid to the council by the Commission:
- (11) The Commission shall not remove any soil or material from any highway except such as must be excavated in the carrying out of the works to which this section applies:
- (12) If any extra expense be incurred by the council for the repair of any highway by reason of the diversion thereto of traffic from a road of a higher classification in consequence of the making or construction of the works to which this section applies the Commission shall repay the amount of such expenses to the council:
- (13) The Commission shall not except with the consent of the council deposit any soil subsoil or materials or stand any vehicle or plant on any highway so as to obstruct the use of such highway by any person or except with the like consent deposit any soil subsoil or materials on any such highway except within a hoarding:
- (14) All reasonable costs charges and expenses incurred by the council in removing any soil deposited on any highway in contravention of this section shall be a debt due to the council and shall on demand be paid by the Commission to the council:
- (15) Where any part of any highway shall have been temporarily broken up or disturbed by the Commission the Commission shall make good the subsoil foundations and surface of such part of the highway to the reasonable satisfaction of the council:

Provided that the reinstatement of such part of the highway shall in the first instance be of a temporary

PART V  
—cont.

nature only and the permanent reinstatement thereof shall be carried out by the council and the reasonable cost incurred by the council in so doing shall be repaid by the Commission to the council :

- (16) It shall not be lawful for the Commission to place any hoardings on any part of any highway except for such period as may be necessary and then only in such manner as shall be reasonably necessary and no such hoarding shall be erected except under the provisions of the Metropolis Management Act 1855 or as if those provisions were applicable thereto and for the purposes of this paragraph those provisions shall apply outside the administrative county of London as they apply within that administrative county :
- (17) The Commission shall make compensation to the council for any subsidence of or damage to any highway or any sanitary convenience refuge sewer drain lamp column traffic sign and apparatus connected therewith or other property or work of the council or under their control or repairable by them 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 or subsidence shall happen during the construction of the works to which this section applies or at any time thereafter :
- (18) In constructing maintaining and operating ventilators and airshafts the Commission shall take all steps which are reasonably practicable to avoid causing a nuisance :
- (19) Within three months after the completion of any of the works to which this section applies or such longer period as the council may agree the Commission shall remove or to the reasonable satisfaction of the council demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of or in connection with the construction of that work and shall remove all surplus materials plant machinery and appliances provided or approved in connection therewith and shall so far as is reasonably practicable to the like satisfaction restore and make good the surface of the ground on which any temporary buildings and structures or any surplus materials plant machinery and appliances as aforesaid have been placed or which may have been occupied for the purpose of or in connection with that work :
- (20) As soon as reasonably practicable after the completion of any part of the works to which this section applies



the Commission shall furnish the council with a plan and section showing the position and level of such part of the works as constructed:

PART V  
—cont.

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

47. For the further protection of the county council of Essex (in this section referred to as "the council") and the mayor, aldermen and burgesses of the borough of Walthamstow (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the Commission the council and the corporation apply and have effect:—

- (1) In this section—

"the existing bridge" means the bridge carrying the Chingford branch railway over Wood Street;

"the northern new bridge" means the new bridge over Wood Street comprised in Work No. 14 authorised by this Act which will be situate on the northerly side of the existing bridge and any work or convenience connected therewith;

"the southern new bridge" means the new bridge over Wood Street comprised in the said Work No. 14 which will be situate on the southerly side of the existing bridge and any work or convenience connected therewith;

"the new bridges" means the northern new bridge and the southern new bridge;

"the works" means the new bridges and so much of Work No. 12 authorised by this Act and any work or convenience connected therewith as may be situate within the limits of deviation in respect of the said Work No. 14 or within so much of the limits of deviation in respect of the said Work No. 12 as includes any part of Vallentin Road or Upper Walthamstow Road;

"the signed plan and section" means the plan and section signed in triplicate by Cedric Ethelwulf Dunton on behalf of the Commission Christian Berridge on behalf of the council and George Arthur Blakeley on behalf of the corporation one copy whereof has been deposited at the offices of the Commission one at the offices of the council and one at the offices of the corporation;

and references to the span and headroom of the existing bridge or the northern new bridge or the southern

PART V  
—cont.

new bridge are to be construed as references to the clear span thereof between abutments and the clear headroom between the underside of the superstructure thereof and the carriageway respectively:

- (2) (a) Each of the new bridges shall be constructed in accordance with the signed plan and section;
- (b) If the corporation shall lower Wood Street so as to secure a headroom of sixteen feet six inches under the existing bridge the Commission shall pay to the corporation on demand the difference between the reasonable cost incurred by them in lowering Wood Street between the points marked "A" and "B" on the signed plan and section in order to secure a headroom of sixteen feet six inches under the existing bridge and under the new bridges and the reasonable cost which would have been so incurred in lowering Wood Street between the points marked "C" and "D" on the signed plan and section in order to secure a headroom of sixteen feet six inches under the existing bridge only;
- (3) (a) If at any time the corporation serve notice in writing on the Commission of their desire to reconstruct the existing bridge to a span of sixty-six feet the Commission shall grant to the corporation all reasonable facilities necessary for such reconstruction;
- (b) The reconstruction referred to in sub-paragraph (a) of this paragraph shall be carried out at the expense of the corporation in accordance with plans sections specifications and particulars to be agreed between the Commission and the corporation or in default of agreement to be settled by arbitration and the bridge when so reconstructed shall thereupon vest in the Commission who shall be responsible thereafter for the maintenance thereof but the corporation shall pay to the Commission on the completion thereof the amount by which the capitalised annual cost of maintaining the reconstructed bridge exceeds the capitalised annual cost of maintaining the existing bridge;
- (c) In the event of the reconstruction referred to in sub-paragraph (a) of this paragraph not having been completed before the completion of the new bridges or within five years thereafter the corporation shall pay to the Commission on the expiration of the said period of five years—
  - (i) the amount by which the actual cost incurred by the Commission in constructing the northern new



bridge with a span of sixty-six feet exceeds the cost which would have been incurred by them in constructing the northern new bridge with a span of thirty-five feet; and

(ii) the amount by which the actual cost incurred by the Commission in constructing the southern new bridge with a span of seventy-three feet exceeds the cost which would have been incurred by them in constructing the southern new bridge with a span of forty-two feet; and

(iii) the amount by which the capitalised annual cost of maintaining the new bridges exceeds what would have been the capitalised annual cost of maintaining the new bridges if the northern new bridge had been constructed with a span of thirty-five feet and the southern new bridge had been constructed with a span of forty-two feet:

- (4) (a) Before commencing the works the Commission shall submit to the council and the corporation plans sections and particulars relating thereto for their reasonable approval;
- (b) If within five weeks after the receipt of such plans sections and particulars the council or the corporation do not signify to the Commission in writing their approval or disapproval thereof and their requirements in relation thereto they shall be deemed to have approved thereof:
- (5) The Commission shall not construct the works otherwise than in accordance with such plans sections and particulars as may be reasonably approved by the council and the corporation or if such approval be refused as may be settled by arbitration and the works shall be constructed to the reasonable satisfaction of the council and the corporation:
- (6) The works so far as they involve any serious interference with the movement of traffic on any highway shall after the commencement thereof be carried on so far as reasonably practicable continuously day and night and the Commission shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference:
- (7) If any extra expense be incurred by the corporation for the repair of any highway by reason of the diversion thereto of traffic from a road of a higher classification in consequence of the making or construction of the works the Commission shall repay the amount of such expenses to the corporation:

PART V  
—cont.

- (8) In executing the works the Commission shall not occupy the surface of any highway except at such time and to such extent and in accordance with such conditions as may be agreed between the Commission and the council and the corporation or in default of agreement settled by arbitration:
- (9) The Commission shall at all reasonable times during the construction of the works afford to the surveyor of the council and the surveyor of the corporation and their duly authorised representatives access to the works for the purpose of inspection:
- (10) The Commission shall make compensation to the council or the corporation for any subsidence of or damage to any highway or any sanitary convenience refuge sewer drain lamp column traffic sign and apparatus connected therewith or other property or work of the council or the corporation (as the case may be) or under their control or repairable by them 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 or subsidence shall happen during the construction of the works or at any time thereafter:
- (11) (a) The Commission shall not without the consent in writing of the corporation exercise the powers of this Act with respect to the diversion of part of Vallentin Road but they shall include in the next Bill promoted by them in Parliament and use their best endeavours to obtain the passing into law of a clause or clauses enabling them to close and divert part of Vallentin Road in the manner shown on the signed plan and section and thereon marked "Diversion now proposed";
- (b) The corporation may at any time after the Commission have been empowered to close and divert part of Vallentin Road in manner shown on the signed plan and section give notice in writing to the Commission requiring them so to close and divert the said part of the said road and the Commission shall comply with such notice with all reasonable dispatch;
- (c) The corporation shall on the completion of the said diversion (whether or not carried out in pursuance of a notice given under the preceding sub-paragraph) pay to the Commission an amount equivalent to the cost which would have been incurred by the corporation if they had diverted Vallentin Road in the manner shown on the signed plan and section and thereon marked "Diversion originally proposed":



- (12) Any difference arising under this section between the Commission on the one hand and the council or the corporation on the other hand shall be settled by arbitration.

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

For further protection of Middlesex County Council.

- (1) In this section—

"the railway" means Work No. 12 authorised by this Act and includes any work or convenience connected therewith;

"the sewer" means Work No. 4 authorised by the Middlesex County Council Act 1944 or any sewer constructed in substitution therefor and the works and conveniences connected therewith:

- (2) If in the construction of the sewer where it will be crossed by the railway it becomes necessary or expedient to construct it wholly or partly in land adjoining the highway and not entirely in the highway itself it shall nevertheless be regarded as an apparatus in a street for the purposes of the Public Utilities Street Works Act 1950:
- (3) The Commission shall not without the consent of the council construct under any county road in the administrative county of Middlesex any part of the works (other than tunnels between stations tunnels to contain platforms cross-over and junction tunnels) which will be within twenty-five feet of the surface of such road except in accordance with plans and sections submitted to and approved by the council but such approval shall not be unreasonably withheld:
- (4) In the event of the council omitting to express their disapproval of any plans or sections within twenty-eight days after the same shall have been submitted to them in pursuance of paragraph (3) of this section they shall be deemed to have approved the same:
- (5) No part of the construction of so much of Work No. 12 authorised by this Act where the same passes under the sewer or the intended site thereof shall be at a higher level than six inches below that of Newlyn ordnance datum:
- (6) Any difference arising between the Commission and the council under this section shall be settled by arbitration.

PART V  
—cont.  
For further  
protection of  
Islington  
Borough  
Council.

49. For the further protection of the mayor aldermen and councillors of the metropolitan borough of Islington (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Commission and the council apply and have effect:—

(1) In this section—

"the borough" means the metropolitan borough of Islington;

"the sewer" means the sewer of the council in Stroud Green Road in the borough:

- (2) (a) The entrances and exits in the borough to and from any subway booking-hall or station shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in the adjoining streets and before the Commission commence to construct such entrances or exits plans thereof shall be submitted to the council for their reasonable approval;
- (b) If the council do not within twenty-eight days from the submission to them of any such plans express in writing their approval or disapproval thereof they shall be deemed to have approved thereof:
- (3) The Commission shall not commence any part of the new works which will or may pass over under or by the side of or so as to interfere with the sewer which part of the new works is in this section referred to as "the said works" until they shall have given to the council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the office of the council with plans thereof as hereinafter defined and until the council shall have signified their approval of the same (unless the council do not signify their approval disapproval or other directions within twenty-eight days after service of the said plans as aforesaid):
- (4) The Commission shall comply with and conform to all reasonable orders directions and regulations of the council in the execution of the said works and shall provide by new altered or substituted sewer works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the sewer by reason of the said works and shall save harmless the council against all expenses to be occasioned thereby:
- (5) All such sewer works shall where so required by the council be done by or under the direction superintendence and control of the engineer or other officer of the council at the costs charges and expenses in all



respects of the Commission and all costs charges and expenses to which the council may be put by reason of such works of the Commission whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Commission on demand:

- (6) When any such new altered or substituted sewer works as aforesaid or any works of defence connected therewith shall be completed by or at the costs charges or expenses of the Commission under the provisions of this section the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council as the sewer or works now or hereafter may be:
- (7) Nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the council in relation to the sewer but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (8) As regards any works in respect of which the Commission are under the provisions of paragraph (3) of this section required to submit plans as hereinafter defined to the council the council may require the Commission in constructing such works to make any reasonable deviation within the limits of deviation of such works from the line or levels shown upon such plans for the purpose of avoiding injury or risk of injury to the sewer and the Commission shall in constructing such works deviate accordingly:
- (9) The plans to be submitted to the council for the purposes of this section shall be detailed plans drawings sections and specifications describing the exact position and manner in which and the level at which the said works are proposed to be constructed and shall accurately describe the position of the sewer within the limits of deviation of such works (for which purpose the council shall allow the Commission access to plans in their possession and to the sewer in order to enable the Commission to obtain reliable information) and shall comprise detailed drawings of every alteration which the Commission may propose to make in the sewer:
- (10) The council may require such modifications to be made in the said plans as may be reasonably necessary to secure the sewer against interference or risk of damage and to provide and secure a proper and convenient means of access to the sewer:

PART V  
—cont.

- (11) The Commission shall be liable to make good all injury or damage caused by or resulting from any of their works or operations to the sewer and the council shall from time to time have power to recover the amount thereof from the Commission in any court of competent jurisdiction :
- (12) The approval by the council of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Commission from any liability or affect any claim for damages under this section or otherwise :
- (13) Any difference arising between the Commission and the council under this section shall be settled by arbitration.

For further  
protection of  
St. Marylebone  
Borough  
Council.

**50.** For the further protection of the mayor aldermen and councillors of the metropolitan borough of St. Marylebone (in this section referred to as " the council ") the following provisions shall unless otherwise agreed in writing between the Commission and the council apply and have effect :—

(1) In this section—

" the borough " means the metropolitan borough of St. Marylebone ;

" the town clerk " means the town clerk of the borough ;

" the pedestrian subway " means any pedestrian subway constructed by the Commission under the powers of this Act in the borough and designed in such manner as to form an open means of communication between any permanent openings in Oxford Circus made by the Commission under section 7 (Power to open surface of streets) of this Act ;

" the signed plan " means the plan signed in quadruplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which plan has been deposited in each of the following offices :—

(a) the Parliament Office of the House of Lords ;

(b) the Private Bill Office of the House of Commons ;

(c) the principal office of the Commission ;

(d) the office of the town clerk ;



“ the existing lavatory ” means the existing public lavatories and conveniences situated in and under the roadway of Regent Street in the borough ;

“ the reinstated lavatory ” means the new lavatory constructed in accordance with paragraph (13) of this section :

- (2) Wherever in this section provision is made with respect to the consent or approval of the council such consent or approval shall be in writing and may be given under the hand of the town clerk subject to such reasonable terms and conditions as the council may require but shall not be unreasonably withheld :
- (3) The Commission shall not under the powers of this Act without the consent of the council construct any permanent works or erect any permanent buildings in such manner as to impede a widening of Oxford Street on the lands in the borough shown coloured pink on the signed plan :
- (4) (a) The entrances to and exits from any subway booking-hall or station at Oxford Circus including the permanent openings in the highway shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in the adjoining streets and before the Commission commence to construct such entrances or exits plans thereof shall be submitted to the council for their approval :

Provided that—

(i) the external width of any such entrances and exits including any surrounding structure shall not exceed nine feet ;

(ii) the clear width of public footway between such entrances and exits including any surrounding structure and any part of a building shall be not less than fourteen feet ;

(iii) the position of the entrances and exits at the north-west and north-east corners of Oxford Circus shall be generally in accordance with the signed plan ;

- (b) If within twenty-eight days of the submission to them of plans of the entrances and exits to the pedestrian subway the council require the Commission before commencing the construction of any such entrances and exits to erect dummy entrances and exits on the carriageway or footway to show the positions where the Commission propose to erect such entrances and exits the Commission shall comply with such requirement and shall give notice to the council of the erection thereof ;

PART V  
—cont.

- (c) If the council do not within twenty-eight days of the submission to them of any plans or the receipt of notice of the erection of dummy entrances and exits under this paragraph express their approval or disapproval of such plans they shall be deemed to have approved thereof ;
- (d) The Commission shall not construct any entrances or exits in respect of which they are required by this paragraph to submit plans to the council for their approval otherwise than in accordance with such plans as may be so approved by the council or if such approval be refused as may be settled by arbitration and all such entrances and exits shall be constructed to the reasonable satisfaction of the council ;
- (e) The Commission shall provide to the satisfaction of the council such temporary kerbing as may be reasonably necessary in connection with the erection of dummy entrances and exits and shall ensure that such dummies and temporary kerbs are adequately guarded and lighted in such manner as to give proper warning to the public during the hours of darkness under section 1 of the Road Transport Lighting Act 1927 :
- (5) The Commission shall after the approval or settlement of plans of the entrances to and exits from the pedestrian subway from and to the streets prepare and submit to the council for their approval a plan showing the extent of the pedestrian subway and such plan when approved or failing approval such plan as may be determined by arbitration shall be signed in duplicate by the town clerk and one copy thereof shall be held by the Commission and one by the council and the plan signed as aforesaid shall be conclusive evidence of the extent of the pedestrian subway for the purposes of this section :
- (6) To the intent that the whole of the floor space of the pedestrian subway when open to the public shall be available for pedestrian traffic the Commission shall not place or permit to be placed in any part of the pedestrian subway any obstruction :
- (7) The Commission shall provide and maintain in the pedestrian subway and on and above the entrances thereto and exits therefrom such signs as are necessary or desirable to indicate the subway and the public lavatory and telephone facilities provided in connection therewith such signs to be subject to the approval of the council :



(8) The pedestrian subway shall be paved lighted cleansed and maintained by the Commission to the satisfaction of the council but at the sole expense of the Commission and the pedestrian subway shall for police and all other purposes but subject to the provisions of the two next succeeding paragraphs of this section form part of the public ways within the borough:

(9) Subject to the next succeeding paragraph the Commission shall keep open the pedestrian subway at all times during which the station is normally open to traffic but may close the same at all other times:

Provided that at all reasonable times or in case of emergency at any time the Commission shall provide and give access to the reinstated lavatory for the duly authorised officers servants and contractors of the council:

(10) The Commissioner of Police of the Metropolis may close all public entrances to and exits from the pedestrian subway from and to the streets at such times and for such periods as he may deem necessary on the grounds of public emergency:

(11) Except with the previous consent of the council the Commission shall not under any part of any street in the borough or under the control of the council used or appropriated under this Act (except under land owned or acquired by them) construct or permit to be constructed any shop stall shop-front or other erection other than telephone boxes or shops stalls or other erections for the sale of commodities reasonably required for the needs of the travelling public:

(12) (a) Notwithstanding the provisions of section 46 (For protection of certain authorities) of this Act the Commission shall secure that so much of the underground railways and the works and conveniences connected therewith authorised by this Act as is constructed under or so as to affect Oxford Circus or streets adjacent thereto shall be designed constructed and maintained so as to carry abnormal loading and the Commission shall indemnify the council and make good to the council all expenses which the council may reasonably incur or be put to in the maintenance or repair of Oxford Circus or streets adjacent thereto or any sewers drains tunnels apparatus or other property of the council therein by reason of any non-compliance by the Commission with the provisions of this paragraph;

PART V  
—cont.

- (b) In this paragraph “ abnormal loading ” means type HB abnormal unit loading as specified in British Standard 153 (Part 3A) 1954 published by the British Standards Institution on the thirty-first day of December one thousand nine hundred and fifty-four or in any other standard which may be published by the said institution in substitution therefor before the commencement of the works of the Commission referred to in this paragraph :
- (13) The Commission shall not demolish or render unusable the existing lavatory under Regent Street until they have at their own expense and to the reasonable satisfaction of the council constructed in such position within the limits of deviation as may be agreed between the Commission and the council or in default of agreement as may be determined by arbitration and in accordance with plans previously approved by the council a new lavatory to replace the existing lavatory and with the same accommodation as that now provided :
- (14) (a) If before the commencement of so much of the works as will be constructed within the borough the council give to the Commission notice in writing requesting the Commission when constructing the reinstated lavatory to provide at and in connection therewith additional public lavatory accommodation to that provided at the existing lavatory or other improvements the Commission shall when carrying out such work of construction provide such additional public lavatory accommodation and improvements as may be reasonably practicable and the council shall repay to the Commission the expenses incurred by the Commission in so doing ;
- (b) Before providing any additional public lavatory accommodation or improvements under the foregoing provisions of this paragraph the Commission shall submit to the council an estimate of the expense which the council will be liable to repay to the Commission under this paragraph ;
- (c) The Commission shall provide to the reasonable satisfaction of the council and at their own expense means for the ventilation of the reinstated lavatory and shall provide to the like satisfaction but at the expense of the council means for the ventilation of such additional lavatory accommodation (if any) as aforesaid :

Provided that no such ventilation shall be constructed in any part of the carriageway of Oxford Street Oxford Circus or Regent Street :



(15) So soon as the reinstated lavatory and such additional public lavatory accommodation or other improvements as aforesaid (if any) shall have been completed the same shall be taken over by and for all purposes be the property of the council who shall thereafter at their own expense cleanse maintain ventilate and light the same:

(16) (a) Any difference arising between the Commission and the council under this section shall be settled by arbitration;

(b) If any question arising under this section shall first be referred to arbitration under any other section of this Act the council shall be entitled to be heard at such arbitration and the decision of the arbitrator shall be deemed to be a decision under this section.

**51.** For the further protection of the mayor aldermen and councillors of the metropolitan borough of St. Pancras (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Commission and the council apply and have effect:—

For further protection of St. Pancras Borough Council.

(1) In this section—

"the borough" means the metropolitan borough of St. Pancras:

(2) (a) The Commission shall not under the powers of this Act—

(i) acquire the public lavatories and conveniences situate in and under the roadway of Pancras Road in the borough or in any way disturb or interfere with or impede the user thereof;

(ii) 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 71 in the borough;

(b) Notwithstanding the foregoing provisions of this paragraph the Commission may subject to and in accordance with the provisions of section 28 (Power to acquire easements only in certain cases) of this Act acquire such easements or rights in and under the said lands numbered 71 in the borough as they may require for the purpose of constructing Work No. 1 by this Act authorised:

Provided that—

(a) the Commission shall not acquire any easement in the surface of the said lands numbered 71

PART V  
—cont.

but only such temporary rights as they may reasonably require for the purpose of constructing the said Work No. 1 ; and

(b) before exercising their powers under this Act with respect to the surface of the said lands numbered 71 the Commission shall consult the council as to the extent of the surface which it may be reasonably necessary for the Commission to occupy and the surface of the said lands numbered 71 shall not be occupied by the Commission except to such extent as may be agreed between the Commission and the council or settled by arbitration :

(3) Any difference arising between the Commission and the council under this section shall be settled by arbitration.

For further  
protection of  
Tottenham  
Corporation.

**52.** For the further protection of the mayor aldermen and burgesses of the borough of Tottenham (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) In this section—

"the borough" means the borough of Tottenham ;

"the existing subway" means the existing subway or cattle creep in the borough leading under the railway between Tottenham and Northumberland Park from Park View Road to the Broad Mead Recreation Ground ;

"the extended subway" means the existing subway extended in accordance with the provisions of paragraph (5) of this section ;

"the common" means the land in the borough known as Page Green Common ;

"consent" means consent in writing ; and

"approve" or "approval" means approval in writing :

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

(3) (a) The Commission shall not under the powers of this Act enter upon take or use—

(i) any part of the lands numbered on the deposited plans 631 in the borough ;



(ii) so much of the lands numbered on the deposited plans 630 in the borough as form the north-eastern approach to Broad Mead Recreation Ground; and

(iii) any part of the common except so much thereof as the Commission may require for the purpose of providing a ventilating shaft or access to any station in the borough or for use as a temporary working site for the purpose of constructing Work No. 12 authorised by this Act and the works connected therewith;

(b) The provision of a ventilating shaft and access in the common and the use of the common as a temporary working site shall be subject to such terms and conditions including conditions as to the reinstatement of the land as the corporation may reasonably impose:

(4) Any permanent openings in the carriageways and footways of High Road in the borough made by the Commission under the powers of this Act shall be constructed in such positions and subject to such conditions as may be approved by the corporation and the entrances or exits to or from any subway booking-hall or station constructed or reconstructed by the Commission under the powers of this Act from or to any public street in the borough shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in such street:

(5) (a) At the same time as the Commission construct Work No. 13 authorised by this Act they shall at their own expense extend the existing subway for the full width of the said work and with a width not less than that of the existing subway;

(b) The Commission shall to the reasonable satisfaction of the corporation pave the under-surface of the extended subway so as to provide a clear headway of not less than six feet throughout its whole length and shall to the like satisfaction—

(i) provide drainage for the extended subway by means of a sump at its western extremity; and

(ii) provide and place such lamps and apparatus as may be reasonably necessary for efficiently lighting the extended subway;

(c) From and after the completion of the works referred to in sub-paragraph (b) of this paragraph the extended subway shall be paved lighted and drained by the corporation without expense to the Commission:

PART V  
—cont.

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

For further  
protection of  
Walthamstow  
Corporation.

**53.** For the further protection of the mayor aldermen and burgesses of the borough of Walthamstow (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:—

- (1) The Commission shall not acquire the whole or any part of so much of the property in the borough shown on the deposited plans and thereon numbered 456 as is shown coloured edged red on the plan signed by George Arthur Blakeley on behalf of the corporation and Cedric Ethelwulf Dunton on behalf of the Commission:
- (2) In the construction of the works authorised by this Act the Commission shall not without the consent of the corporation (which consent shall not be unreasonably withheld) permit vehicles used for the purpose of or in connection with such construction to stand upon Hoe Street or High Street in the borough or to have direct access to or from either of those streets from or to the lands used for or in connection with the construction of the said works:
- (3) Any difference arising under this section between the Commission and the corporation shall be settled by arbitration.

Objects of  
interest in  
Walthamstow.

**54.** The Commission shall carefully preserve and remove all objects of geological or antiquarian interest discovered by them in the execution of the works in the borough of Walthamstow and subject to the rights of the Crown and except so far as the same may be proved to be the property of any other person any such objects shall be deposited in the Vestry Road Museum Walthamstow as the property of the council of the said borough.

For further  
protection of  
Westminster  
City Council.

**55.** For the further protection of the mayor aldermen and councillors of the city of Westminster (in this section referred to as "the city council") the following provisions shall unless otherwise agreed in writing between the Commission and the city council apply and have effect:—

- (1) In this section—

"the city" means the city of Westminster;

"the pedestrian subway" means any pedestrian subway constructed by the Commission under the powers of this Act in the city and designed in such manner as to form an open means of communication



between any permanent openings in Oxford Circus made by the Commission under section 7 (Power to open surface of streets) of this Act ;

“ the town clerk ” means the town clerk of the city :

- (2) Wherever in this section provision is made with respect to the consent or approval of the city council such consent or approval shall be in writing and may be given under the hand of the town clerk subject to such reasonable terms and conditions as the city council may require but shall not be unreasonably withheld :
- (3) (a) The entrances and exits in the city to and from any subway booking-hall or station shall be so designed in such position and of such extent as to secure the least practicable inconvenience to the public traffic in the adjoining streets and before the Commission commence to construct such entrances or exits plans thereof shall be submitted to the city council for their approval ;
- (b) If within twenty-eight days of the submission to them of plans of the entrances and exits to the pedestrian subway the city council require the Commission before commencing the construction of any such entrances and exits to erect dummy entrances and exits on the carriageway or footway to show the positions where the Commission propose to erect such entrances and exits the Commission shall comply with such requirement and shall give notice to the city council of the erection thereof ;
- (c) If the city council do not within twenty-eight days of the submission to them of any plans or the receipt of notice of the erection of dummy entrances and exits under this paragraph express their approval or disapproval of such plans they shall be deemed to have approved thereof ;
- (d) The Commission shall not construct any entrances or exits in respect of which they are required by this paragraph to submit plans to the city council for their approval otherwise than in accordance with such plans as may be so approved by the city council or if such approval be refused as may be settled by arbitration and all such entrances and exits shall be constructed to the reasonable satisfaction of the city council :
- (4) The Commission shall after the approval or settlement of plans of the entrances and exits from and to the streets to and from the pedestrian subway prepare and submit to the city council for their approval a plan showing the extent of the pedestrian subway and such plan

PART V  
—cont.

when approved or failing approval such plan as may be determined by arbitration shall be signed in duplicate by the town clerk and one copy thereof shall be held by the Commission and one by the city council and the plan signed as aforesaid shall be conclusive evidence of the extent of the pedestrian subway for the purposes of this section:

- (5) The Commission shall not place or permit to be placed in any part of the pedestrian subway any obstruction to the intent that the whole of the floor space of the pedestrian subway when open to the public shall be available for pedestrian traffic:
- (6) The Commission shall provide and maintain in the pedestrian subway and on and above the entrances and exits thereto such signs as are necessary or desirable to indicate the subway and the public lavatory and telephone facilities provided in connection therewith such signs to be subject to the approval of the city council:
- (7) The pedestrian subway shall be paved lighted cleansed and maintained by the Commission to the satisfaction of the city council but at the sole expense of the Commission and the pedestrian subway shall for police and all other purposes but subject to the provisions of the two next succeeding paragraphs of this section form part of the public ways within the city:
- (8) Subject to the next succeeding paragraph the Commission shall keep open the pedestrian subway at all times during which the station is normally open to traffic but may close the same at all other times:
- (9) The Commissioner of Police may close all public entrances and exits from and to the streets to and from the pedestrian subway at such times and for such periods as he may deem necessary on the grounds of public emergency:
- (10) Except with the previous consent of the city council the Commission shall not under any part of any street in the city used or appropriated under this Act (except under land owned or acquired by them) construct or permit to be constructed any shop stall shop-front or other erection other than telephone boxes or shops stalls or other erections for the sale of commodities reasonably required for the needs of the travelling public:
- (11) (a) Notwithstanding the provisions of section 46 (For protection of certain authorities) of this Act the Commission shall secure that so much of the underground



railways and the works and conveniences connected therewith authorised by this Act as is constructed under or so as to affect Oxford Circus or the streets adjacent thereto Piccadilly or Wilton Road shall be designed constructed and maintained so as to carry abnormal loading and the Commission shall indemnify the city council and make good to the city council all expenses which the city council may reasonably incur or be put to in the maintenance or repair of the said highways or any sewers drains tunnels apparatus or other property of the city council therein by reason of any non-compliance by the Commission with the provisions of this paragraph ;

(b) In this paragraph "abnormal loading" means type HB abnormal unit loading as specified in British Standard 153 (Part 3A) 1954 published by the British Standards Institution on the thirty-first day of December one thousand nine hundred and fifty-four or in any other standard which may be published by the said institution in substitution therefor before the commencement of the works of the Commission referred to in this paragraph :

(12) (a) Any difference arising between the Commission and the city council under this section shall be settled by arbitration ;

(b) If any question arising under this section shall first be referred to arbitration under any other section of this Act the city council shall be entitled to be heard at such arbitration and the decision of the arbitrator shall be deemed to be a decision under this section.

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

For protection  
of Notting-  
hamshire  
County  
Council.

(1) (a) In this section "the new bridges" means the bridges for carrying the following roads over Work No. 22 authorised by this Act :—

No. on plan	Parish	Description of road
22	Boughton ...	Brake Lane.
1	Walesby ...	Whitewater Lane.
8	Haughton ...	Road between Retford and Ollerton (B.6387).

and "the intended road" means the new road intended to be constructed by the council from Ollerton roundabout to Priors Park near Tuxford (which said intended

PART V  
—cont.

- road is included in the Nottinghamshire development plan approved by the council and submitted by them to the Minister of Housing and Local Government under the Town and Country Planning Act 1947 and will be carried over the said Work No. 22 by means of a bridge provided by the council);
- (b) References to the width of any of the new bridges or the approaches thereto shall be construed as references to the width thereof between parapets or fences (as the case may be) measured on the square;
- (c) References to the prescribed width of any of the new bridges and approaches thereto are to be construed as references to the width prescribed in relation to such bridge and approaches by paragraph (2) of this section:
- (2) Subject to the provisions of this section the Commission shall in constructing Work No. 22 authorised by this Act construct the new bridges for carrying Brake Lane and Whitewater Lane over Work No. 22 with a width of twenty-five feet and the new bridge for carrying the road between Retford and Ollerton over Work No. 22 with a width of thirty-five feet:
- (3) The new bridges shall be designed constructed and maintained so as to carry the appropriate normal loading recommended by the Minister for highway bridges and the roadway of each of the new bridges and the approaches thereto shall be made up metalled surfaced and drained to the reasonable satisfaction of the council:
- (4) Before commencing the construction of any of the new bridges the Commission shall give notice in writing to the council of their intention to do so and if within two months after receiving such notice the council give a counter-notice in writing to the Commission of their desire that any bridge to which the notice relates and the approaches to such bridge shall be constructed with a specified width greater than the prescribed width the Commission shall comply with the counter-notice:
- (5) Upon the completion of any of the new bridges in compliance with a counter-notice under paragraph (4) of this section the council shall pay to the Commission—
- (a) the amount by which the actual cost incurred by the Commission in constructing the bridge and the approaches thereto with the width specified in the counter-notice exceeds the cost which would have been incurred in constructing the bridge and approaches with the prescribed width;



- (b) the amount by which the capitalised annual cost of maintaining the bridge and approaches when constructed with the width specified in the counter-notice exceeds what would have been the capitalised annual cost of maintaining the bridge and approaches if they had been constructed with the prescribed width:
- (6) Not less than twenty-eight days before commencing to construct the extension of the existing bridge carrying Work No. 21 authorised by this Act over Tuxford Road in the parish of Boughton or any of the bridges carrying Work No. 22 authorised by this Act over any county road or any such road over the said Work No. 22 the Commission shall submit to the council for their reasonable approval plans sections and specifications of the works and if the council fail to signify their approval or their disapproval within twenty-eight days after the submission to them of the said plans sections and specifications the council shall be deemed to have approved the same. If the 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 council fail to agree with regard thereto the difference shall be referred to arbitration and the Commission shall not commence to execute the extension or construction of any such bridge until the plans sections and specifications thereof have been approved by the council or any such difference has been settled by arbitration:
- (7) The said bridges shall be respectively extended and constructed in accordance with the plans sections and specifications thereof so approved by the council or in case of difference settled by arbitration and to the reasonable satisfaction of the council and the Commission shall not in extending or constructing the said bridges over or under the said roads unreasonably interrupt the traffic passing along the same and shall make good all damage or injury whatsoever which shall happen or arise to any of the said roads by reason or in consequence of the extension or construction of any of the said bridges:
- (8) The Commission shall at all reasonable times during the extension and construction of the said bridges afford to the surveyor of the council and his duly authorised representatives access to the works for the purposes of inspection and shall supply the council with all such information as they may reasonably require with regard to such works and the method of construction thereof:

PART V  
—cont.

- (9) The Commission shall during the execution and until the completion of any such works 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 the said roads:
- (10) Each of the several bridges in this section referred to carrying railways over roads shall be extended or constructed and maintained so as to prevent as far as reasonably practicable the dripping of water therefrom:
- (11) The Commission shall not under the powers of this Act alter disturb or in any way interfere with any water-course drain or other property or work of the council or under the control of or repairable by the council or the access thereto without the consent of the council which may be given subject to such reasonable terms and conditions as the council may require but shall not be unreasonably withheld and any alteration diversion replacement or reconstruction of any such water-course drain or other property or work that may be necessary shall be made by the council or the Commission as the council think fit and any costs or expenses reasonably incurred by the council in so doing shall be repaid to the council by the Commission:
- Provided that this paragraph shall not extend to regulate the relations between the Commission and the council in respect of any matter or thing concerning which those relations are regulated in any respect by Part II of the Public Utilities Street Works Act 1950:
- (12) The provisions of paragraphs (6) (7) (8) and (9) of this section shall also apply with respect to the construction of the bridges for carrying the occupation and bridle roads numbered respectively on the deposited plans 13 and 17 in the parish of Walesby over Work No. 22 authorised by this Act:
- (13) The Commission shall not construct the said railway Work No. 22 at the place where such railway is crossed by the intended road otherwise than in the position and at the level shown on the drawing signed in duplicate by Alexander Key Terris on behalf of the Commission and by Reginald Alexander Kidd on behalf of the council:
- (14) If the Commission shall stop up and discontinue any portion of the road and bridleway and footpath in the parish of Boughton numbered 32 on the deposited plans



or of the bridleway and footpath in the parish of Haughton in the lands numbered 16 on the deposited plans they shall in substituting therefor any new road bridleways and footpaths construct the same only in accordance with plans sections and particulars submitted to and approved by the council:

- (15) If at any time hereafter the council shall determine to widen alter or reconstruct any county road where it passes over or under the said railways Works Nos. 21 and 22 authorised by this Act or either of them the Commission shall grant without any payment therefor such easements within the limits of the highway boundaries existing at the passing of this Act as may be required for every such widening alteration or reconstruction and shall afford to the council all reasonable facilities to enable such widening alteration or reconstruction to be carried out:

Provided always that such easements shall be granted subject to such terms and conditions as shall ensure—

(a) that the Commission are not by reason of the said widening alteration or reconstruction put to any greater expense whether as to maintenance or otherwise than would have been the case had such widening alteration or reconstruction not been carried out:

(b) full and proper protection being afforded by the council for the said railways and the traffic thereon against any damage or loss which may arise by reason of the construction of the said widening alteration or reconstruction;

(c) that such widening alteration or reconstruction shall be carried out only in accordance with plans sections specifications and particulars previously submitted to and approved by the Commission:

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

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

For protection  
of Metro-  
politan Water  
Board.

- (1) (a) In this section unless the subject or context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them:—

“apparatus” means any mains pipes valves hydrants and other works belonging to or maintained by the board and includes any structure for the lodging therein of apparatus;

PART V  
—cont.

“ the board ” means the Metropolitan Water board ;

“ the board’s works ” means the following works of the board :—

In the borough of Hornsey—

the Finsbury Park service reservoir ;

In the metropolitan borough of Stoke Newington—

the New River ;

In the borough of Walthamstow—

Pymmes Brook ;

the River Lee New Cut ;

the Coppermill Stream ;

the Low Maynard Reservoir ;

the High Maynard Reservoir ;

the Walthamstow Reservoir No. 4 ;

“ the engineer ” means the chief engineer of the board or any person duly authorised to discharge temporarily the duties of the said chief engineer ;

“ the signed plan ” means the plan signed in quadruplicate by Cedric Ethelwulf Dunton on behalf of the Commission and by Henry Francis Cronin on behalf of the board of which plan one copy has been deposited in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons one copy with the Commission and one copy with the board ;

- (b) Any distance referred to in this section shall be measured laterally on the horizontal plane :
- (2) Notwithstanding anything in this Act or shown upon the deposited plans the Commission shall not without the consent in writing of the board enter upon take or use any part of the lands numbered respectively on the deposited plans 11 13 14 and 15 in the borough of Walthamstow :
- (3) Notwithstanding anything in this Act or shown on the deposited plans and sections the Commission shall not construct the railway Work No. 12 authorised by this Act so that any part of the tunnels in which the said railway Work No. 12 is to be constructed shall be at a less distance than forty-two feet below the base of the Finsbury Park Reservoir of the board in the borough of Hornsey and the Commission shall not under the powers of this Act enter upon take or use any part of so much of the lands numbered 3 on the deposited plans in that borough as is situate above the said reservoir :



(4) (a) Notwithstanding anything in this Act or shown upon the deposited plans and sections the Commission shall not construct any part of so much of the said railway Work No. 12 in the borough of Walthamstow as is situate between the south-eastern side of the river Lee (Old Course) and the eastern side of the Dagenham Brook northward of the line coloured blue on the signed plan or southward of the line coloured red on that plan and the Commission shall not commence to construct any such part of the said railway until the setting back of the south-western corner of the Low Maynard Reservoir of the board and the extension and reconstruction of the existing culvert and the construction of the new culvert respectively referred to in sub-paragraph (b) of this paragraph have been completed ;

(b) If the Commission request the board in writing to carry out the works referred to in this paragraph the board shall proceed with all reasonable dispatch to carry out and complete those works and thereupon the Commission shall pay to the board the expenses reasonably incurred by the board—

(i) in setting back the embankment of the south-western corner of the said Low Maynard Reservoir in the position shown on the signed plan ; and

(ii) in extending and reconstructing between the points marked A and A.1 on the signed plan the existing culvert of the Board between the said Low Maynard Reservoir and the Walthamstow Reservoir No. 2 of the board by means of a culvert having an internal diameter of not less than seventy-two inches and comprising a steel pipe encased externally and lined internally with concrete together with all necessary ancillary or subsidiary works in connection therewith ; and

(iii) in constructing between the points marked B and B.1 on the signed plan in substitution for the existing culvert of the board between the High Maynard Reservoir of the board and the Walthamstow Reservoir No. 4 of the board a new culvert having an internal diameter of not less than seventy-two inches and comprising a steel pipe encased externally and lined internally with concrete together with all necessary ancillary or subsidiary works in connection therewith and including any works executed by the board by reason or in consequence of the abandonment of the said existing culvert :

PART V  
—cont.

- (5) Notwithstanding anything in this Act the Commission shall line with iron the tunnels of so much of the said railway Work No. 12 as is situate between a point one hundred feet westward of Pymmes Brook and a point one hundred feet eastward of Dagenham Brook:
- (6) Notwithstanding anything in this Act the Commission shall not in constructing so much of the said railway Work No. 12 as will be situate under or within a distance of one hundred feet from any of the board's works (other than the Finsbury Park Reservoir or the New River) deviate upwards from the levels shown on the deposited sections of the said railway by more than two feet six inches:
- (7) (a) The provisions of paragraphs (2) (8) (10) and (12) of section 39 (For protection of gas water and electricity undertakers) of the Act of 1952 as incorporated with this Act shall extend and apply to the exercise by the Commission of the powers of this Act as if the board's works were apparatus within the meaning of the said section 39;
- (b) For the purpose of the application of the said provisions of the said section 39 any works constructed by the Commission under the powers of this Act shall be deemed to be such works as are referred to in paragraph (4) of the said section 39 and any such works as are constructed under or within a distance of one hundred feet from any of the board's works shall be deemed to be near to the board's works within the meaning of paragraph (8) of the said section 39:
- (8) If at any time the engineer shall be of opinion that the construction maintenance or use of any part of the said railway Work No. 12 under or within a distance of one hundred feet from any of the board's works or the operations of the Commission in connection therewith are or may be attended with danger to the board's works or any of them or may involve contamination leakage or loss of water thereto or therefrom the Commission shall forthwith at their own expense execute such works or adopt such measures or precautions as the engineer may reasonably require for the purpose of preventing damage or contamination to or leakage or loss of water from the board's works by reason or in consequence of the construction maintenance use or failure of the said railway or any works in connection therewith or of any operations of the Commission in connection with the said railway or works and if by reason or in consequence of any such damage as aforesaid the board shall reasonably deem it necessary to



reconstruct or to execute any works of repair to any of the board's works the Commission shall on demand pay to the board the amount of the cost reasonably incurred by them in connection with such reconstruction or the execution of such works of repair:

- (9) The grouting to be provided by the Commission pursuant to sub-paragraph (d) of paragraph (3) of section 9 (General provisions as to mode of construction of underground railways) of this Act shall as respects so much of any tunnel as is constructed under or within one hundred feet from any part of the board's works be of cement and the space referred to in the said sub-paragraph (d) shall be filled up with such grouting forthwith after the placing of each ring of such tunnel:
- (10) The Commission shall not under the powers of this Act construct any temporary or permanent shaft upon any land of the board without the consent of the board:
- (11) (a) Except with the consent in writing of the board which shall not be unreasonably withheld and upon and subject to such conditions as the board may reasonably attach to such consent the Commission shall not under the powers of this Act within one mile from the Ferry Lane well of the board sink any boring to a greater depth than the depth of the clay in which the boring is sunk:
- (b) Before commencing to sink any boring within one mile of the said well the Commission shall give not less than twenty-one days' notice in writing to the board stating the place and time at which it is proposed to sink such boring and shall permit the engineer to be present at all times during the sinking of such boring and to inspect the same and the samples of the soil obtained by means thereof:
- (c) During the sinking and after the completion of any such boring below such depth as aforesaid the Commission shall take all such steps as the board may reasonably require to prevent pollution or contamination of the waters or of any source of water supply of the board and without prejudice to the generality of the foregoing provisions of this sub-paragraph the Commission shall upon the completion of any such boring if so required by the board fill in the same in accordance with the reasonable requirements of the board:
- (12) The Commission shall not except with the consent of the board (which consent shall not be unreasonably withheld) execute or do any work which may involve any interference with the continuous supply of water by the board during the months of May June July August and September in any year:

PART V  
—cont.

- (13) If any loss of water from any apparatus river cut channel stream or brook or reservoir of the board be sustained by the board by reason of any act or omission of the Commission or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Commission shall pay to the board the value of any water so lost as aforesaid :
- (14) (a) Any difference arising between the Commission and the board under this section shall be settled by arbitration ;
- (b) In settling any difference under this section the arbitrator may if he thinks fit require the Commission to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which any apparatus or any of the board's works is used.

For protection  
of Essex  
River Board.

**58.** For the protection of the Essex River Board (in this section referred to as "the river board") the following provisions shall unless otherwise agreed in writing between the Commission and the river board apply and have effect:—

(1) In this section—

"the watercourse" means the channel of the Loxford Water from the west side of Loxford Road in the borough of Barking to its confluence with the river Roding ;

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

"the authorised works" means so much of Works Nos. 16 and 17 authorised by this Act as may be constructed or executed on the lands numbered on the deposited plans 1 to 7 in the borough of Barking and may affect or interfere with the watercourse or the banks thereof :

(2) Not less than twenty-eight days before commencing the authorised works the Commission shall submit plans sections and particulars thereof to the river board for its reasonable approval :

Provided that—

(a) if the river board does not within twenty-eight days after the receipt of any such plans sections and particulars signify to the Commission its approval or disapproval thereof it shall be deemed to have approved thereof ; and



(b) if within such last-mentioned period the river board shall have expressed its disapproval of such plans sections and particulars a difference shall be deemed to have arisen between it and the Commission which (unless previously settled by agreement) shall be settled by arbitration:

- (3) (a) The authorised works shall not be constructed or executed except in strict accordance with such plans sections and particulars as may be approved by the river board or settled by arbitration as aforesaid and shall be constructed or executed to the reasonable satisfaction of the river board and under the superintendence of its engineer if the said engineer elects to superintend after receiving reasonable notice of the date and time on and at which the authorised works are to be commenced;
- (b) The Commission shall at all reasonable times afford to the engineer of the river board or his duly authorised representatives access to the authorised works for the purpose of inspection:
- (4) (a) In constructing or executing so much of the authorised works as may involve the roofing in of any part of the watercourse the Commission shall to the reasonable satisfaction of the river board carry out any work necessary to ensure the stability of the channel of the watercourse or such other work as may be necessary to ensure that the discharge capacity or effectiveness of the watercourse is not adversely affected;
- (b) The Commission shall after the construction or execution of the authorised works maintain the roofing referred to in the preceding sub-paragraph to the reasonable satisfaction of the river board:
- (5) Any difference arising between the Commission and the river board under this section shall be settled by arbitration:
- (6) The provisions of section 38 (For protection of River Roding Catchment Board) of the British Transport Commission Act 1951 and section 36 (For protection of River Roding Catchment Board) of the Act of 1952 and of the agreement for performance of certain works in connection with the diversion of the watercourse dated the thirtieth day of September one thousand nine hundred and fifty-two and made between the Railway Executive of the one part and the River Roding Catchment Board of the other part shall not have effect in relation to the authorised works.

PART V  
—cont.For protection  
of Lee  
Conservancy  
Catchment  
Board.

59. For the protection of the Lee Conservancy Catchment 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 Act of 1938" means the Lee Conservancy Catchment Board Act 1938;

"the authorised works" means Works Nos. 12 and 13 authorised by this Act and any works and conveniences connected therewith;

"banks" and "watercourse" have the meanings respectively assigned to those expressions by the Land Drainage Act 1930;

"the engineer" means the engineer to the board;

"the flood channel" means the flood channel Work No. 5 authorised to be constructed by the Act of 1938 (including the works referred to in paragraphs (c) (d) and (e) of the description of the said Work No. 5 in section 21 (Power to execute works) of the Act of 1938) and any works and conveniences connected therewith or rendered necessary thereby;

"the Lee catchment area" means the Lee catchment area as determined in pursuance of the Land Drainage Act 1930;

"the prescribed distance" means—

(a) in relation to Pymmes Brook the river Lee Navigation and the river Lee (New Cut) the distance measured in a horizontal plane between the eastern boundary of so much of Mill Mead Road in the borough of Tottenham as lies within the limits of deviation of the said Work No. 12 and an imaginary line (terminating at each end at the said limits) on the south-eastern side of and ten yards from the eastern bank of the river Lee (New Cut);

(b) in relation to the river Lee (Old Course) the distance measured in a horizontal plane between an imaginary line (terminating at each end at the limits of deviation of the said Work No. 12) on the north-western side of and ten yards from the western bank thereof and an imaginary line (terminating as aforesaid) on the south-eastern side of and ten yards from the eastern bank thereof;



(c) in relation to the Dagenham Brook and the flood channel the distance measured in a horizontal plane between an imaginary line (terminating at each end at the limits of deviation of the said Work No. 12) on the western side of and seventy yards from the centre of the existing Dagenham Brook and an imaginary line (terminating as aforesaid) on the eastern side of and one hundred and thirty yards from the centre of the said brook ;

(d) in relation to the Moselle Brook or Carbuncle Ditch the distance measured in a horizontal plane between an imaginary line (terminating at each end at the limits of deviation of the said Work No. 13) on the northern side of and ten yards from the northern bank thereof and an imaginary line (terminating as aforesaid) on the southern side of and ten yards from the southern bank thereof ;

“ the protected watercourses ” means so much of Pymmes Brook the river Lee Navigation the river Lee (New Cut) the river Lee (Old Course) the Dagenham Brook and the flood channel as lies within the limits of deviation of the said Work No. 12 and so much of the Moselle Brook or Carbuncle Ditch as lies within the limits of deviation of the said Work No. 13 :

- (2) The Commission shall not alter disturb or in any way interfere with the watercourse in the borough of Tottenham known as the Stonebridge Brook or the access thereto :
- (3) (a) Not less than twenty-eight days before commencing to construct or repair any part of the authorised works and any temporary works within the prescribed distance the Commission shall submit to the board particulars plans sections and working drawings thereof for their reasonable approval ;
- (b) If the board shall not within twenty-eight days after the receipt by them of any such particulars plans sections and working drawings signify to the Commission in writing their approval or disapproval thereof they shall be deemed to have approved thereof ;
- (c) Such part of the authorised works and any temporary works shall not be constructed or repaired otherwise than in accordance with—
- (i) such particulars plans sections and working drawings as shall be approved by the board or if such

PART V  
—cont.

approval be withheld as shall be settled by arbitration ; and

(ii) a method of working approved by the engineer ;

and shall be constructed and repaired to the reasonable satisfaction of the board ;

- (d) The Commission shall at all reasonable times afford to the engineer or his duly authorised representative access to such part of the authorised works for the purpose of inspection and shall comply with any reasonable directions given by such engineer or representative in reference to any works executed within the confines of any of the protected watercourses :
- (4) (a) Except in cases of emergency the Commission shall give seven days' notice in writing to the board before commencing to construct or to repair or renew any part of the authorised works within the prescribed distance except parts lying within a permanent tunnel ;
- (b) The construction or repair of the authorised works so far as they affect the protected watercourses shall when commenced proceed with all reasonable dispatch :
- (5) (a) In constructing any part of the authorised works in the borough of Walthamstow under the Dagenham Brook or the flood channel or under lands within the prescribed distance thereof the Commission shall not carry out any work at a higher level than fifteen feet six inches measured vertically upwards from the level of the upper surface of the rails shown on the deposited sections without the consent of the board ;
- (b) In constructing any bridge or culvert over the Moselle Brook or Carbuncle Ditch or in on or over lands within the prescribed distance thereof the Commission shall not construct any part thereof other than abutments or invert at a lower level than three feet measured vertically downwards from the level of the upper surface of the rails shown on the deposited sections without the consent of the board :
- Provided that in constructing any such bridge or culvert the Commission shall not be required to provide any clear span exceeding nine feet :
- (6) (a) If the board have not constructed the flood channel before the Commission commence to construct so much of Work No. 12 as will be constructed under the flood channel or under lands within the prescribed distance thereof (hereinafter referred to as "the said part of



Work No. 12") the Commission shall give to the board not less than three months' notice of their intention to construct the said part of Work No. 12 ;

- (b) Not later than twenty-eight days after the receipt of such notice the board may serve a counter-notice upon the Commission stating that they intend forthwith to construct the flood channel and in that event the Commission shall not construct the said part of Work No. 12 until the board have completed the construction of the flood channel :
- (7) (a) If the Commission have not constructed the said part of Work No. 12 before the board commence to construct the flood channel the board shall give to the Commission three months' notice of their intention to construct the flood channel ;
- (b) Not later than twenty-eight days after the receipt of such notice the Commission may serve a counter-notice upon the board stating that they intend forthwith to construct the said part of Work No. 12 and in that event the board shall not construct the flood channel until the Commission have completed the construction of the said part of Work No. 12 :
- (8) If the board commence to construct the flood channel or the Commission commence to construct the said part of Work No. 12 in accordance with the provisions of paragraphs (6) or (7) of this section the board or the Commission (as the case may be) shall proceed with all reasonable dispatch and if—
- (a) before the board commence to construct the flood channel the Commission commence to construct the said part of Work No. 12 the Commission shall complete the construction thereof within such time as shall be agreed or failing agreement determined by arbitration to be sufficient time to enable the board to complete the construction of the flood channel within the time prescribed by the Act of 1938 as extended by any subsequent enactment ; and
- (b) before the Commission commence to construct the said part of Work No. 12 the board commence to construct the flood channel the board shall complete the construction thereof within such reasonable time as shall be agreed or failing agreement determined by arbitration :
- (9) (a) If the board have not constructed Work No. 9 authorised by the Act of 1938 before the Commission commence to construct so much of Work No. 13 as will be constructed in over or under or so as to affect

PART V  
—cont.

- the Moselle Brook or Carbuncle Ditch or lands within the prescribed distance thereof (hereinafter referred to as "the said part of Work No. 13") the Commission shall give to the board not less than three months' notice of their intention to construct the said part of Work No. 13 ;
- (b) Not later than twenty-eight days after the receipt of such notice the board may serve a counter-notice upon the Commission stating that they intend forthwith to construct the said Work No. 9 and in that event the Commission shall not construct the said part of Work No. 13 until the board have completed the construction of the said Work No. 9 :
- (10) (a) If the Commission have not constructed the said part of Work No. 13 before the board commence to construct the said Work No. 9 the board shall give to the Commission three months' notice of their intention to construct the said Work No. 9 ;
- (b) Not later than twenty-eight days after the receipt of such notice the Commission may serve a counter-notice upon the board stating that they intend forthwith to construct the said part of Work No. 13 and in that event the board shall not construct the said Work No. 9 until the Commission have completed the construction of the said part of Work No. 13 and the Commission shall in constructing the said part of Work No. 13 provide (in accordance with plans sections and particulars previously submitted to the board for their reasonable approval) a bridge or culvert of sufficient span and headroom to enable the board to construct the said Work No. 9 under the bridge or within the said culvert or to incorporate the said bridge or culvert in the said Work No. 9 to the reasonable satisfaction of the board and the foundations of the said bridge or culvert shall be at least two feet below the invert level proposed by the board for the said Work No. 9 :
- (11) If the board commence to construct the said Work No. 9 or the Commission commence to construct the said part of Work No. 13 in accordance with the provisions of paragraphs (9) or (10) of this section the board or the Commission (as the case may be) shall proceed with all reasonable dispatch and if—
- (a) before the board commence to construct the said Work No. 9 the Commission commence to construct the said part of Work No. 13 the Commission shall complete the construction thereof within such time as shall be agreed or failing agreement determined by arbitration to be sufficient time to



enable the board to complete the construction of the said Work No. 9 within the time prescribed by the Act of 1938 as extended by any subsequent enactment; and

(b) before the Commission commence to construct the said part of Work No. 13 the board commence to construct the said Work No. 9 the board shall complete the construction thereof within such reasonable time as shall be agreed or failing agreement determined by arbitration:

(12) In the construction repair maintenance and user of the authorised works the Commission shall—

(a) take all reasonable precautions to prevent interference with the flow of water in into through or out of any works of the board or with the efficiency of any such works and to prevent the deposit from any work of the Commission of any solid matter in any of the protected watercourses; and

(b) take all necessary steps to secure that any water discharged by them into any of the protected watercourses under the provisions of section 15 (Use of sewers for removing water) of the Act of 1950 as incorporated by section 18 (Incorporation of provisions of Acts of 1949 and 1950 relating to works) of this Act shall be as free as may be reasonably practicable from mud and silt from solid polluting offensive or injurious matters and from any matter prejudicial to fish or spawn or to spawning beds or food of fish:

(13) If by reason of the construction repair or maintenance of any of the authorised works or of the failure thereof or of the failure to maintain the same the channel or banks of any watercourse within the Lee catchment area shall at any time be injured or damaged such injury or damage shall forthwith be made good by the Commission to the reasonable satisfaction of the engineer and if the Commission fail so to do the board may make good the same and recover the reasonable cost thereof from the Commission:

(14) (a) Where any lands acquired by the Commission under this Act abut upon or are intersected by any watercourse within the Lee catchment area the board and their officers servants workmen contractors and agents shall be entitled at all times to have access with or without vehicles mechanical plant or equipment to the watercourse and to pass and repass along the banks thereof and use such banks for that purpose and for the exercise and discharge of their functions;

PART V  
—cont.

- (b) The Commission shall from time to time give to the board and their officers servants workmen contractors and agents such facilities as may be reasonably necessary for the purposes of this paragraph:
- (15) (a) The Commission shall not under the powers of this Act purchase any part of the protected watercourses or the lands coloured pink on the plan signed by Cedric Ethelwulf Dunton on behalf of the Commission and by Norman Medrington on behalf of the board or without the consent of the board (such consent not to be unreasonably withheld) the lands coloured green on the said plan but the Commission may in the exercise of the powers conferred on them by section 28 (Power to acquire easements only in certain cases) of this Act purchase and take an easement or right of using the subsoil or under-surface of the lands beneath the protected watercourses or beneath the lands coloured pink on the said plan but shall not under the powers of that section acquire any easement or right of using the surface of such lands;
- (b) The Commission shall not under the powers of this Act in any way interfere with the rights or powers of the board under paragraph (16) of section 40 (For protection of the London Playing Fields Society) of the Act of 1938 (which confers on the board a right of way for the purpose of constructing inspecting and repairing the flood channel):
- (16) The Commission shall indemnify and hold harmless the board from all claims demands costs expenses damages or loss which may be made on or against them or which they may incur or have to pay or which they may sustain in consequence of the construction use maintenance renewal or alteration of either of the authorised works or of the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Commission their contractors agents workmen or servants:
- (17) (a) If in the exercise of powers of the Act of 1938 the board carry out any work within the prescribed distance any additional expense which the board may reasonably incur by reason of the construction or proposed construction of the authorised works shall be paid by the Commission to the board;
- (b) Before incurring any such additional expense the board shall submit to the Commission for their reasonable approval details of the work proposed to be carried out:



(18) Any difference arising between the Commission and the board under this section shall be settled by arbitration.

PART V  
—cont.

60. For the protection of the 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 Trent  
River Board.

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

“ the river board ” means the Trent River Board ;

“ the river board area ” means the Trent River Board area as for the time being constituted ;

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

“ protected watercourse ” means any watercourse for the time being vested in or under the control of the river board ;

“ authorised work ” means so much of Works Nos. 20 and 22 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 including the diversion of the footpath in the parish of Haughton authorised by this Act as may affect any protected watercourse :

(2) In the execution of any authorised work the Commission shall not diminish the width between the banks of any protected 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 or execute any work of maintenance or repair of any authorised work which affects any protected 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

PART V  
—cont.

submission to them of any such plans sections and drawings (if any) signify to the Commission in writing their approval or disapproval thereof they shall be deemed to have approved thereof ;

- (b) Any authorised work shall not be executed otherwise than in accordance with such plans and sections and drawings (if any) as may be approved (or are to be deemed to be approved) by the river board or if the river board have signified their disapproval thereof 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 to the river board or his duly authorised representatives access to any authorised work during the construction maintenance or repair thereof for the purpose of inspection :
- (6) The construction maintenance or repair of any authorised work shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion :
- (7) If by reason of the construction repair or maintenance of any authorised work or of the failure thereof or of the failure to maintain the same the channel or banks of any protected watercourse shall at any time be injured or damaged such injury or damage shall be forthwith made good by the Commission to the reasonable satisfaction of the engineer to the river board and if the Commission fail so to do the river board may make good the same and recover the reasonable cost thereof from the Commission :
- (8) Any difference arising between the Commission and the river board under this section (other than a difference as to the meaning thereof which does not arise in the course of the arbitration) shall be settled by arbitration.

For further  
protection  
of Trent  
River Board.

**61.** For the protection of the river board the following provisions shall unless otherwise agreed in writing between the Commission and the river board apply and have effect:—

(1) In this section—

“ the closed canal ” means the portion of the Staffordshire and Worcestershire Canal known as the



Hatherton Branch and more particularly described in the second column of the Fourth Schedule to this Act;

“ the river board ” means the Trent River Board ;

“ the adjacent watercourses ” means the watercourses constructed by the Commission or their predecessors adjacent to the closed canal and maintainable by the Commission :

- (2) (a) The Commission shall to the reasonable satisfaction of the river board so maintain the closed canal and the adjacent watercourses that the use thereof as an efficient part of the land drainage system of the Trent River Board area as for the time being constituted to the extent to which the closed canal and the adjacent watercourses were immediately before the passing of this Act so used shall not be impaired ;
- (b) The Commission may with the consent of the river board which consent shall not be unreasonably withheld substitute for the closed canal or the adjacent watercourses or any part thereof reasonably suitable alternative provision for the purposes of land drainage :
- (3) In the event of the closed canal or any part thereof being transferred to any other authority body or person the provisions of this section shall extend and apply to the closed canal or the part thereof so transferred as if such authority body or person were referred to therein in lieu of the Commission :
- (4) Any difference arising between the Commission and the river board under this section (other than a difference as to the meaning thereof which does not arise in the course of the arbitration) shall be settled by arbitration.

**62.** For the protection of the Tottenham and Wood Green Joint Drainage Committee (in this section referred to as “ the committee ”) the following provisions shall unless otherwise agreed in writing between the Commission and the committee apply and have effect :—

For protection of Tottenham and Wood Green Joint Drainage Committee.

- (1) (a) In this section “ the borough ” means the borough of Tottenham ;
- (b) The works to which this section applies are the underground railways in the borough and the works and conveniences connected therewith authorised by this Act :
- (2) 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

PART V  
—cont.

so much of the works to which this section applies as are authorised to be constructed under Seven Sisters Road in the borough shall as regards the relations between the Commission and the committee be deemed to be executed in property held or used for the purposes of the Commission's undertaking which the said street crosses or is crossed by:

- (3) It shall not be lawful for the Commission in the exercise of the powers of Part II (Works) of this Act to make any trial boring so as to interfere with any sewer of the committee.

Provisions  
relating to  
Ripon Canal.

## 63.—(1) In this section—

“the closed canal” means the Ripon Canal described in the second column of the Fourth Schedule to this Act;

“the county council” means the county council of the administrative county of the West Riding of Yorkshire;

“the corporation” means the mayor aldermen and citizens of the city of Ripon;

“the district council” means the Ripon and Pateley Bridge Rural District Council.

(2) (a) The closed canal shall be a watercourse for the purposes of section 259 of the Public Health Act 1936.

(b) The county council may in addition to a local authority enforce the provisions of Part III of the said Act where they apply by virtue of this subsection.

(3) (a) If for the purposes of public safety it is reasonably necessary that fences should be provided round any lock on the closed canal and round the immediate approaches to such lock and in all the circumstances it is reasonable that such fences should be provided by the Commission the county council the corporation or the district council may by notice in writing require the Commission adequately to fence the same and the Commission shall comply with any notice given in accordance with this subsection.

(b) The Commission shall maintain in a proper state of repair any fences provided by them under this subsection:

Provided that nothing in this paragraph shall require the Commission to continue to maintain any such fence which is no longer necessary for the purposes of public safety.

(c) Any question whether fences are reasonably necessary or should be provided by the Commission or whether fences provided by the Commission under this subsection are adequate or properly maintained shall be referred to and determined by arbitration.



(4) For the purposes of section 33 of the Town and Country Planning Act 1947 the closed canal shall be deemed to be a vacant site provided that this subsection shall cease to apply to any part of the closed canal the use of which is changed after the passing of this Act pursuant to planning permission in that behalf granted under Part III of the said Act.

PART V  
—cont.

64. Notwithstanding anything in section 15 (As to certain level-crossings) of this Act and without prejudice to any right or rights which may be established under section 32 of the National Parks and Access to the Countryside Act 1949 there shall be a right of bridleway at the level-crossing known as Markington Crossing and more particularly described in Part I of the Third Schedule to this Act and the Commission shall provide and maintain at the said crossing to the reasonable satisfaction of the county council of the administrative county of the West Riding of Yorkshire instead of wicket-gates or stiles bridle-gates not less than five feet in width on both sides of the railway.

As to level-crossing at Markington.

65. The provisions of section 61 (For further protection of Trent River Board) of this Act shall apply for the protection of the Yorkshire Ouse River Board and for the purposes of such application—

For protection of Yorkshire Ouse River Board.

- (i) references to the river board shall be construed as references to the Yorkshire Ouse River Board ;
- (ii) the reference to the Trent River Board area shall be construed as a reference to the Yorkshire Ouse River Board area ; and
- (iii) references to the closed canal shall be construed as references to the portion of the Ripon Canal described in the second column of the Fourth Schedule to this Act.

66. For the protection of Montague Burton Limited Peter Robinson Limited and Iraq Petroleum Company Limited and their respective successors in title or others for the benefit of whom this section enures the following provisions shall unless otherwise agreed in writing between the Commission and the protected interests apply and have effect :—

For protection of lessees of certain properties in Regent Street and Victoria Street.

(1) In this section—

“ the Peter Robinson building ” means the land and any building for the time being erected thereon numbered on the deposited plans 2 in the metropolitan borough of St. Marylebone ;

“ the Peter Robinson signed plan ” means the plans and sections of the Peter Robinson building signed in triplicate by Cedric Ethelwulf Dunton on behalf of the Commission and by Frederick Sidney Snow on

PART V  
—cont.

behalf of Montague Burton Limited Peter Robinson Limited and Iraq Petroleum Company Limited one copy of which has been deposited with the Commission one with Montague Burton Limited and the third with Iraq Petroleum Company Limited ;

“ plans ” includes sections specifications and all other necessary particulars ;

“ the protected interests ” means—

(a) in relation to the Peter Robinson building Montague Burton Limited Peter Robinson Limited Iraq Petroleum Company Limited and their respective successors in title or other the lessee or lessees for the time being of the whole or any part of that building ; and

(b) in relation to the Victoria Street premises means Montague Burton Limited and their successors in title or other the lessee or lessees for the time being of the whole or any part of those premises ;

“ the engineer ” means in relation to the Peter Robinson building an engineer to be appointed jointly by the protected interests or where the protected interests do not concur in the appointment to be appointed by the President of the Institution of Civil Engineers on the application of any of the protected interests or of the Commission and in relation to the Victoria Street premises references to the engineer shall be construed as references to the protected interests ;

“ the protected premises ” means the Peter Robinson building and the Victoria Street premises ;

“ the underground railway ” means in relation to each of the protected premises so much of Work No. 1 authorised by this Act and any work or convenience connected therewith (including in relation to the Peter Robinson building the diversion of the sewer through the building) as is to be constructed in under or so as in any way to affect such premises ;

“ the Victoria Street premises ” means the land and any buildings for the time being erected thereon numbered on the deposited plans 19 20 and 21 in the city of Westminster :

(2) The Commission shall not under the powers of this Act take any part of or acquire any easements or rights in under or over the Peter Robinson building except—

(a) so much thereof as is coloured pink on the Peter Robinson signed plan ; and



(b) such easements or rights of using the subsoil or under-surface of the Peter Robinson building below the line coloured blue on the Peter Robinson signed plan as may be reasonably required by the Commission for the purpose of constructing altering or maintaining the underground railway;

and no part of the Peter Robinson building shall be taken by the Commission for any purpose except that of constructing altering or maintaining the underground railway:

(3) Subject to the provisions of the last foregoing paragraph the Commission shall not in constructing so much of the underground railway as is below the second and third basements of the Peter Robinson building deviate upwards from the level of the underground railway shown on the deposited section to a greater extent than two feet:

(4) (a) Before commencing to construct any part of the underground railway which involves any interference with the third basement of the Peter Robinson building the Commission shall to the reasonable satisfaction of the engineer—

(i) construct in or under the Peter Robinson building suitable alternative accommodation for the installations and other facilities which will be displaced as a result of the construction of the underground railway; and

(ii) provide proper alternative installations and facilities and make any necessary connections between such alternative installations and the existing installations in the Peter Robinson building;

(b) Nothing in this paragraph shall prejudice or affect the right of the protected interests to claim compensation under the Lands Clauses Acts for any land taken or injuriously affected:

(5) The Commission shall not under the powers of this Act acquire compulsorily the whole or any part of the Victoria Street premises but the Commission may in accordance with section 28 (Power to acquire easements only in certain cases) acquire such easements or rights as they may require for the purpose of constructing altering or maintaining the underground railway in or under the said premises:

(6) The Commission shall not without the consent of the engineer which is not to be unreasonably withheld enter the protected premises for the purpose of exercising the powers of section 18 (Power to make trial borings) of the Act of 1949 as incorporated with this Act:

PART V  
—cont.

- (7) The Commission shall not under the powers of this Act obstruct the access to or egress from the protected premises or any part thereof without the consent of the engineer such consent not to be unreasonably withheld :
- (8) Any difference arising between the Commission and the protected interests or the engineer under this section shall be settled by arbitration.

As to certain  
cellars and  
vaults.

67. The Commission shall not under the powers of this Act enter upon take or use any part of the cellars or vaults of the properties fronting on to Cavendish Square or Margaret Street and comprised in the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 21A in the metropolitan borough of St. Marylebone or any part of the soil under those cellars or vaults.

## PART VI

## MISCELLANEOUS

As to London  
Transport  
(Administra-  
tive and  
Supervisory)  
Staff Super-  
annuation  
Fund.

68.—(1) In this section—

“ the fund ” means the London Transport (Administrative and Supervisory) Staff Superannuation Fund as constituted by the trust deeds ;

“ the trust deeds ” means the deeds particulars whereof are contained in the Eighth Schedule to this Act and any subsequent deed or instrument relating to the fund ;

“ the trustees ” means the London Transport Executive Trustee Company Limited or other the trustees of the fund for the time being ;

“ the Act of 1927 ” means the Superannuation and other Trust Funds (Validation) Act 1927.

(2) The Commission are hereby empowered to give and the trustees to comply with a notice in writing requiring the trustees to invest all sums available in their hands for investment by depositing the same with the Commission at interest pursuant to the provisions of clause 5 of the supplemental trust deed dated the nineteenth day of July one thousand nine hundred and fifty-four and made between the London Transport Executive of the first part A.E.C. Limited of the second part Associated Commercial Vehicles Limited of the third part the Commission of the fourth part and the London Transport Executive Trustee Company Limited of the fifth part.



(3) The Commission may—

- (a) receive all moneys deposited with them pursuant to such notice and any other moneys authorised to be deposited with them by the rules of the fund for the time being in force ; and
- (b) apply for the general purposes of their undertaking (being in every case purposes to which capital is properly applicable) any moneys deposited with them at interest in accordance with the rules of the fund for the time being in force.

PART VI  
—cont.

(4) The fund shall be deemed to qualify for registration under the provisions of the Act of 1927 notwithstanding that the deposit with the Commission of capital moneys of the fund may be authorised by the rules of the fund otherwise than in accordance with the requirements set out in the schedule to the Act of 1927.

69.—(1) In this section—

“ the Act of 1861 ” means the South Yorkshire Railway Amendment Act 1861 ;

“ the agreement of 1911 ” means the agreement dated the tenth day of November one thousand nine hundred and eleven and made between the Great Central Railway Company of the one part and the county council of the parts of Lindsey in the county of Lincoln of the other part which was confirmed by section 105 (Confirming agreement between Company and Lindsey County Council) of the Great Central Railway Act 1912 ;

“ the bridge ” means the railway bridge over the river Trent in the parishes of Keadby and Frodingham in the county of Lincoln authorised by the Act of 1861 and the road bridge incorporated with the said railway bridge as reconstructed in pursuance of the agreement of 1911.

As to Keadby  
Bridge.

(2) Notwithstanding anything in section 16 (As to bridge over Trent) of the Act of 1861 the Commission shall not be required to maintain the bridge as an opening bridge or with any opening spans.

(3) Section 20 (Vessels not to be detained) of the Act of 1861 is hereby repealed.

70.—(1) In this section “ the Act of 1861 ” means the Swansea and Neath Railway Act 1861.

(2) Notwithstanding anything in section XXXVIII (As to opening in viaduct across the New Cut) of the Act of 1861 the

As to opening  
in viaduct  
across New  
Cut in  
Swansea  
Harbour.

PART VI  
—cont.

Commission shall not be required to maintain in the said viaduct the opening for the passage of vessels referred to in the said section XXXVIII.

(3) Section XXXIV (Vessels not to be detained at New Cut at Swansea) section XLVI (Bridges over New Cut and Lock to be kept open during tide time) and section XLVII (Trains to stop before crossing viaduct) of the Act of 1861 are hereby repealed.

As to  
footbridge and  
level-crossing  
at Haswell  
station.

71. Notwithstanding anything in paragraph (8) of section 15 (Further works to be made by Company) of the North Eastern Railway Act 1893 the Commission shall not be required to provide the bridge for foot-passengers referred to in the said subsection and the existing level-crossing at the north end of Haswell station may be used by foot-passengers.

Extensions  
of time.

72.—(1) The period now limited by the Act of 1952 for the compulsory purchase of the lands referred to in Part I of the Ninth Schedule to this Act is hereby extended until the thirty-first day of December one thousand nine hundred and fifty-eight.

(2) The period now limited by the Act of 1949 for the completion of the works referred to in Part II of the said schedule is hereby extended until the thirty-first day of December one thousand nine hundred and sixty-one.

(3) The powers for the compulsory purchase of the said lands and for the completion of the said works shall cease on the said respective dates except in so far as any such powers shall by then have been exercised.

(4) 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.

73.—(1) In this section—

“the enabling Act” means the Act of 1952;

“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—

PART VI  
—cont.

(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.

**74.** 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.

**75.** Where under this Act any difference (other than a difference to which the provisions of the Lands Clauses Acts apply) Arbitration.

PART VI  
—cont.

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.

## Costs of Act.

76. 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.



## SCHEDULES

## FIRST SCHEDULE

LANDS REFERRED TO IN SECTION 6 (AS TO LIMITS OF VERTICAL DEVIATION IN RESPECT OF CERTAIN WORKS) AND SECTION 27 (EASEMENTS ONLY TO BE ACQUIRED UNDER CERTAIN LANDS) OF THIS ACT

Area	No. on deposited plans
<b>WORK No. 1</b>	
City of Westminster ... ..	2 8 to 10 27 to 47 52 to 81 85 to 122 124 to 129 131 133 to 152 155 to 299 301 to 306 308.
Metropolitan borough of St. Marylebone	4 6 to 12 14 to 21 22 to 144 152 to 195.
Metropolitan borough of St. Pancras ...	1 to 46 48 to 70 72 76 to 98 100 to 185 187 189 to 211 213 to 240 260 263 to 265 267 to 281 283 to 336 344 to 350.
Metropolitan borough of Finsbury ...	1 to 7 9 to 61.
Metropolitan borough of Islington ...	1 to 190 198 to 311 313 to 322 333 to 369 375 to 380.
<b>WORK No. 2</b>	
Metropolitan borough of St. Pancras ...	187 210 211 237 to 261 263 to 265 267 to 281 283 to 334.
<b>WORKS Nos. 3 4 AND 6<sup>o</sup></b>	
Metropolitan borough of Islington ...	357 359 to 514 519 to 638 641 to 657 659 to 732 734 to 743.
<b>WORK No. 5</b>	
Metropolitan borough of Islington ...	449 511 to 514 564 to 566 609 628 to 656 659 662 to 667 670 to 676 681 686 to 700 717 718 732.
<b>WORK No. 9</b>	
Metropolitan borough of Islington ...	745 746.
Borough of Hornsey ... ..	1 2.

1ST SCH.  
—cont.

Area	No. on deposited plans
WORKS NOS. 10 AND 11	
Metropolitan borough of Islington ...	745 745A 746.
Borough of Hornsey ... ..	1 2.
WORK No. 12	
Borough of Hornsey ... ..	4.
Metropolitan borough of Stoke Newington ... ..	1 to 5 7 to 26.
Borough of Tottenham ... ..	1 to 23 25 to 233 247 to 311 313 to 316 318 to 375 377 to 552 563 to 575 582 583 594 to 598 605 606 608 619 621 623 625 626 629.
Borough of Walthamstow ... ..	1 2 4 to 6 22 to 79 81 to 450 457 to 595 605 606.
WORK No. 13	
Borough of Tottenham ... ..	594 to 598.

## SECOND SCHEDULE

STREETS REFERRED TO IN SECTION 7 (POWER TO OPEN  
SURFACE OF STREETS) OF THIS ACT

## PART I

In the city of Westminster—

Wilton Road;  
Terminus Place;  
Victoria Street;  
Piccadilly;  
Regent Street;  
Oxford Street;  
Oxford Circus;

In the metropolitan borough of St. Marylebone—

Regent Street;  
Oxford Street;  
Oxford Circus;

In the metropolitan borough of St. Pancras—

Pancras Road;  
Whitfield Place;

In the metropolitan borough of Islington—

Holloway Road;

In the borough of Tottenham—

High Road;  
Ferry Lane.



## PART II

2ND SCH.  
—cont.

In the city of Westminster—

Wilton Road;  
Oxford Circus;

In the metropolitan borough of St. Marylebone—

Oxford Circus;

In the borough of Tottenham—

High Road.

## THIRD SCHEDULE

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

## PART I

In the county of Kent—

In the rural district of Bridge-Blean—

In the parish of Thanington Without—

The level-crossing known as Tonford Crossing whereby the road leading from Tonford Farm to Tonford Lane is crossed by the Ashford Canterbury and Ramsgate branch railway between Chartham and Canterbury West stations.

In the parish of Chartham—

The level-crossing known as Shalmsford Street Crossing whereby the road commencing between Shalmsford Bridge and Shalmsford Street and leading to Mystole House is crossed by the Ashford Canterbury and Ramsgate branch railway between Chartham and Chilham stations.

In the county of Merioneth—

In the parish of Llangar in the rural district of Edeyrnion—

The level-crossing known as Llangar Crossing whereby the road leading westwards from the main road from Corwen to Bala is crossed by the Corwen and Bala railway seventy-four chains north-east of Cynwyd station.

In the county of Somerset—

In the parish of Henstridge in the rural district of Wincanton—

The level-crossing known as Plott Lane Crossing whereby the road known as Plott Lane is crossed by the Somerset and Dorset joint railway immediately to the south of Henstridge station.

In the North Riding of the county of York—

In the parish of Eskdaleside-cum-Ugglebarnby in the rural district of Whitby—

The level-crossing known as Suspension Crossing whereby the road leading from Sneaton Lane to the river Esk is crossed by the Whitby and Pickering railway between Ruswarp and Sleights stations.

3RD SCH.  
—cont.

In the West Riding of the county of York—

In the parish of South Stainley with Cayton in the rural district of Nidderdale—

The level-crossing known as Markington Crossing whereby the road from Markington to the road from Ripon to Harrogate is crossed by the Leeds and Thirsk railway between Wormald Green and Nidd Bridge stations.

#### PART II

In the county borough of Tynemouth—

The level-crossing known as Betty's Lonnen (or Middle Engine) Crossing whereby the road leading from New York to Willington is crossed by the railway between Earsdon Junction and Northumberland Dock.

#### PART III

In the county of Surrey—

In the rural district of Guildford—

In the parish of Albury—

The level-crossing known as Ford Crossing whereby the public bridleway leading from Warren Lane to Little Ford Farm is crossed by the Reading Guildford and Reigate railway between Gomshall and Shere and Chilworth and Albury stations.

In the parish of Shere—

The level-crossing known as Shere Heath Crossing whereby the public bridleway leading from Dark Lane to Ponds Lane is crossed by the Reading Guildford and Reigate railway between Gomshall and Shere and Albury and Chilworth stations.

#### PART IV

In the county of Bedford—

In the parish of Everton in the rural district of Biggleswade—

The level-crossing known as Everton Crossing whereby the road leading from Everton to Tempsford is crossed by the railway from London to Peterborough between Sandy and Tempsford stations.

In the county of Norfolk—

In the rural district of Smallburgh—

In the parishes of Tunstead and Hoveton—

The level-crossing known as Belaugh Lane Crossing whereby the road leading from Coltishall Hall to a junction with the road from Norwich to Stalham is crossed by the East Norfolk railway between Wroxham and Worstead stations.



## In the parish of Tunstead—

The level-crossing known as Coltishall Lane Crossing whereby the road leading from the Old Hall St. James to Market Street is crossed by the East Norfolk railway between Wroxham and Worstead stations.

The level-crossing known as Wateringpit Lane Crossing whereby the road known as Wateringpit Lane is crossed by the East Norfolk railway between Wroxham and Worstead stations.

The level-crossing known as Tunstead Church Lane Crossing whereby the road known as Church Lane is crossed by the East Norfolk railway between Wroxham and Worstead stations.

## In the parish of Sloley—

The level-crossing known as Sloley Church Lane Crossing whereby the road leading from Fairstead to Smallburgh is crossed by the East Norfolk railway between Wroxham and Worstead stations.

The level-crossing known as Broad Road Crossing whereby the road leading from the south-western corner of Worstead Common to a junction with the road from Worstead to Upper Street is crossed by the East Norfolk railway between Wroxham and Worstead stations.

3RD SCH.  
—cont.

## FOURTH SCHEDULE

## THE WATERWAYS REFERRED TO IN SECTION 19 (CLOSING FOR NAVIGATION OF CERTAIN WATERWAYS) OF THIS ACT

Name of waterway (1)	Portion to be closed to navigation (2)	Authorising Act (3)
River Ure Navigation (Ripon Canal)	The Ripon Canal from its commencement by a junction with the river Ure in the rural district of Ripon and Pateley Bridge to its termination at Bondgate Green in the city of Ripon all in the West Riding of the county of York	7 Geo. 3 c. 93.
Lancaster Canal (North End)	So much of the canal as lies between its present northern termination near Park Side Road in the borough of Kendal and a point on the canal 8 yards south of Crowpark Bridge in the rural district of South Westmorland carrying Hawes Lane over the canal all in the county of Westmorland	32 Geo. 3 c. 101.

4TH SCH.  
—cont.

Name of waterway (1)	Portion to be closed to navigation (2)	Authorising Act (3)
Lancaster Canal (North End)	So much of the canal as lies between its present southern termination near Corporation Street and a point 230 yards west of the aqueduct carrying the canal over the road leading from Water Lane to Aqueduct Street all in the county borough of Preston	32 Geo. 3 c. 101.
Ashton Canal ...	So much of the Hollinwood Branch as lies between a point in the urban district of Droylsden 300 yards north of the aqueduct carrying the canal over the railway between Clayton Bridge and Droylsden stations and a point in the urban district of Failsworth 8 yards south of Cutler Hill Bridge being partly in the county of Lancaster and partly in the county borough of Oldham	32 Geo. 3 c. 84. and 33 Geo. 3 c. 21.
Ashton Canal ...	So much of the Hollinwood Branch as lies between the portion thereof last described and the termination of the branch at Canal Street in the urban district of Chadderton being partly in the county of Lancaster and partly in the county borough of Oldham	33 Geo. 3 c. 21.
Ashton Canal ...	The Fairbottom Branch from its commencement by a junction with the Hollinwood Branch at Waterhouses to its termination at Fenny Field Bridge all in the county borough of Oldham	32 Geo. 3 c. 84.
Birmingham Canal (Wolver- hampton Level)	The Ocker Hill Branch from its commencement by a junction with the Bloomfield to Deepfields Old Canal to its termination at Ocker Hill all in the borough of Tipton in the county of Stafford	8 Geo. 3 c. 38.



Name of waterway (1)	Portion to be closed to navigation (2)	Authorising Act (3)
Birmingham Canal (Wolverhampton Level)	Part of the Bloomfield to Deepfields Old Canal from a point 7 yards west of Bloomfield Bridge carrying the road from Dudley to Wednesbury over the said canal in the borough of Tipton to a point 460 yards south-east of Tup Street Bridge carrying the road from Batmans Hill to Lower Bradley over the said canal in the urban district of Coseley all in the county of Stafford	8 Geo. 3 c. 38.
Birmingham Canal (Wolverhampton Level)	Part of the Rotton Brunt Shortening from its junction with the portion of waterway last described at a point 210 yards north-west of Gospel Oak Bridge carrying the road from Dudley to Wednesbury over the Bloomfield to Deepfields Old Canal to a point 340 yards north-west of the before-mentioned bridge all in the urban district of Coseley in the county of Stafford	46 Geo. 3 c. 92.
Birmingham Canal	The portion known as the Church-bridge Locks from its commencement by a junction with the Cannock Extension Canal to its termination by a junction with the Hatherton Branch of the Staffordshire and Worcestershire Canal west of the bridge carrying Watling Street over the said portion all in the urban district of Cannock in the county of Stafford	Birmingham Canal Navigations Act 1855.
Staffordshire and Worcestershire Canal	The Hatherton Branch from its commencement at Hatherton Junction in the rural district of Cannock to its termination in the urban district of Cannock by a junction with the portion of waterway last described all in the county of Stafford	Staffordshire and Worcestershire Canal Act 1903
Dudley Canal ...	Part of the Bumble Hole Branch from a point 2 yards south-east of Bumble Hole Bridge carrying Bumblehole Road over the said branch to its termination 143 yards north-west of the said bridge all in the county borough of Dudley	33 Geo. 3 c. 121.

## FIFTH SCHEDULE

LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 23  
(POWER TO ACQUIRE LANDS) OF THIS ACT

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be used (3)
City and county borough of Coventry	1	To carry out alterations and improvements at Coventry station.
In the county of Essex— Borough of Barking	38	To carry out alterations and improvements of the railways from South Tottenham and East Ham to Barking.
Borough of Ilford	1	To provide a railway depot.
In the county of Kent— Borough of Beckenham	1	To carry out alterations and improvements of the railway between Woodside and Elmers End.

## SIXTH SCHEDULE

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE  
TAKEN COMPULSORILY

Area	No. on deposited plans
WORK No. 1	
City of Westminster ... ..	1 3 3A 3B 4 5 11 to 25 48 to 51 82 to 84 123 132 153 154 307 310 311.
Metropolitan borough of St. Marylebone	2 5 21A 145 to 151.
Metropolitan borough of St. Pancras ...	47 73 74 75 186 188 212 262 266 282 338 to 343.
Metropolitan borough of Islington ...	191 to 194 194A 195 196 197 197A 197B 312.
WORK No. 2	
Metropolitan borough of St. Pancras ...	212 262 266 282.
WORKS Nos. 3 4 AND 6	
Metropolitan borough of Islington ...	515 to 517 658 733.



Area	No. on deposited plans
WORK No. 5	
Metropolitan borough of Islington ...	658 733.
WORKS Nos. 7 AND 8	
Metropolitan borough of Islington ...	733.
WORKS Nos. 9 10 AND 11	
Metropolitan borough of Islington ...	733.
Borough of Hornsey ... ..	3.
WORK No. 12	
Borough of Hornsey ... ..	3.
Metropolitan borough of Stoke Newington.	6.
Borough of Tottenham ... ..	24 234 to 246 312 376 614 616 617.
Borough of Walthamstow ... ..	12 19 to 21 80 451 to 456 607 to 649 651 653 to 656 659 to 709.
WORK No. 13	
Borough of Tottenham ... ..	614 616 617 630.
WORK No. 14	
Borough of Walthamstow ... ..	612 653 to 656.
WORKS Nos. 16 17 AND 18	
Borough of Barking ... ..	5 14 16 17 20 to 23.
WORK No. 19	
Borough of Barking ... ..	35.
WORK No. 22	
Parish of Boughton ... ..	23.
ADDITIONAL LAND AT COVENTRY	
City and county borough of Coventry...	1.
ADDITIONAL LAND AT ELMERS END	
Borough of Beckenham ... ..	1.

## SEVENTH SCHEDULE

DESCRIBING PROPERTIES IN RESPECT OF WHICH EASEMENTS MAY BE TAKEN  
AS PROVIDED BY SECTION 28. (POWER TO ACQUIRE EASEMENTS ONLY  
IN CERTAIN CASES) OF THIS ACT

Area	No. on deposited plans
<b>WORK No. 1</b>	
City of Westminster ... ..	1 3 3A 3B 4 5 11 to 25 48 to 51 82 to 84 123 132 153 154 300 307 310 311.
Metropolitan borough of St. Marylebone	2 5 21A 145 to 151.
Metropolitan borough of St. Pancras ...	47 71 73 to 75 99 186 188 212 262 266 282 338 to 343.
Metropolitan borough of Islington ...	191 to 194 194A 195 to 197 197A 197B 312.
<b>WORK No. 2</b>	
Metropolitan borough of St. Pancras ...	212 262 266 282.
<b>WORKS Nos. 3 4 AND 6</b>	
Metropolitan borough of Islington ...	515 to 517 658 733 744.
<b>WORK No. 5</b>	
Metropolitan borough of Islington ...	658 733.
<b>WORKS Nos. 7 AND 8</b>	
Metropolitan borough of Islington ...	733.
<b>WORKS Nos. 9 10 AND 11</b>	
Metropolitan borough of Islington ...	733.
Borough of Hornsey ... ..	3.
<b>WORK No. 12</b>	
Borough of Hornsey ... ..	3.
Metropolitan Borough of Stoke Newington.	6.
Borough of Tottenham ... ..	24 234 to 246 312 317 376 553 to 562 579 to 581 584 to 593 599 to 604 607 609 to 618 624 627 628.
Borough of Walthamstow ... ..	3 8 to 16 19 to 21 80 451 to 456 596 to 604 607 to 615.



Area	No. on deposited plans
WORK No. 13	
Borough of Tottenham ... ..	591 to 593 614 616 617 630.
WORK No. 22	
Parish of Boughton ... ..	28 to 31.

7TH SCH.  
—cont.

## EIGHTH SCHEDULE

DEEDS REFERRED TO IN SECTION 68 (AS TO LONDON TRANSPORT  
(ADMINISTRATIVE AND SUPERVISORY) STAFF SUPERANNUATION  
FUND) OF THIS ACT

Date	Deed	Parties
15th August 1912	Trust Deed	The London General Omnibus Co. Ltd. (1)
		Charles James Cater-Scott Daniel Duff Arthur Melville Hood Walrond Wilfrid Chatterton Dumble John Christopher Mitchell Walter James Iden Arthur Crane Frank William Eaton Camillo Kriber (2)
22nd February 1917	Supplemental Trust Deed	The London General Omnibus Co. Ltd. (1)
		Daniel Duff Henry Augustus Vernet William Edward Mandelick John Christopher Mitchell Charles James Cater-Scott Arthur Crane Frank William Eaton Walter James Iden Henry Ernest Jackson The Metropolitan District Railway Company The London Electric Railway Company The Central London Railway Company The City and South London Railway Company The Associated Equipment Company Limited (2) (3) (4)

8TH SCH.  
—cont.

Date	Deed	Parties
17th June 1937	Supplemental Trust Deed	The London Passenger Transport Board (1) The Associated Equipment Company Ltd. (2) John Cliff } (3) Charles Steane Louch } The London Passenger Transport Board Trustee Company Limited (4)
8th August 1940	Supplemental Trust Deed	The London Passenger Transport Board (1) The Associated Equipment Co. Ltd. (2) The London Passenger Transport Board Trustee Company Limited (3)
8th August 1940	Supplemental Trust Deed	The London Passenger Transport Board (1) The Associated Equipment Co. Ltd. (2) The London Passenger Transport Board Trustee Company Limited (3)
8th November 1951	Supplemental Trust Deed	The London Transport Executive (1) A.E.C. Limited (2) Associated Commercial Vehicles Ltd. (3) London Transport Executive Trustee Company Limited (4)
19th July 1954	Supplemental Trust Deed	The London Transport Executive (1) A.E.C. Limited (2) Associated Commercial Vehicles Ltd. (3) British Transport Commission (4) London Transport Executive Trustee Company Limited (5)

## NINTH SCHEDULE

## PART I

LANDS THE PERIOD FOR THE COMPULSORY PURCHASE OF WHICH  
IS EXTENDED BY THIS ACT TO 31ST DECEMBER 1958

(1) The lands authorised to be acquired by section 5 (Power to London Company to make railways subway and works) of the London Electric Metropolitan District Central London and City and South London Railway Companies Act 1930 for the purposes of Subway No. 11 and Work No. 8 authorised by Part II (London Company—Railways Subways Works and Lands) of the said Act.

(2) The lands authorised to be acquired by section 5 (Power to London Company to make railways subway and works) of the London Electric Metropolitan District and Central London Railway Companies (Works) Act 1931 for the purposes of Subway No. 1 authorised by Part II (London Company—Railways Subway and Lands) of the said Act.



(3) The lands authorised to be acquired by section 35 (Power to take lands) of the London Passenger Transport Act 1935 for the purposes of Works Nos. 1 9 10 11 19 and 20 authorised by Part III (Works) of the said Act except the lands numbered on the plans deposited in respect of the Bill for the said Act as follows:—

In the county of Hertford—

In the urban district of Chorley Wood—

1.

In the urban district of Rickmansworth—

1 1a 4 4a 9 10 10a 10b 10c 11 12 14 14a 15 15a 16 19  
19a to 19f 20 20a 21 to 29 29a 30 31.

In the county of Middlesex—

In the urban district of Ruislip-Northwood—

1 to 20 20a 21 to 41.

In the urban district of Harrow (now the borough of Harrow)—

1 2 2a 3 to 6 6a 8 8a 9 to 26 26a to 26d 27 27a 28 29 31  
32 33 39 40 44a to 44d 45 45a 46 46a to 46g 47 to 111.

In the urban district of Wembley (now the borough of Wembley)—

111.

(4) The lands described in and authorised to be acquired by section 7 (Power to acquire lands) of the London Midland and Scottish Railway Act 1938 in the places and parishes hereinafter mentioned:—

In the county of Warwick—

In the borough of Rugby (except the lands numbered 9 10 and 11 on the plans deposited in respect of the Bill for the said Act).

In the parish of Long Lawford in the rural district of Rugby (except the lands numbered 8 9 and 15 on the plans deposited in respect of the Bill for the said Act).

In the parish of Church Lawford in the rural district of Rugby (except the land numbered 11 on the plans deposited in respect of the Bill for the said Act).

In the parish of Wolston in the rural district of Rugby (except the lands numbered 1 2 and 3 on the plans deposited in respect of the Bill for the said Act).

In the parish of Brandon and Bretford in the rural district of Rugby (except the lands numbered 8 to 38 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 7 on the plans deposited in respect of the Bill for the said Act).

In the city and county borough of Coventry (except the lands numbered 1 to 4 20 66 and 67 on the plans deposited in respect of the Bill for the said Act).

(5) The lands in the city of Westminster in the county of London described in and authorised to be acquired by subsection (2) of section 24 (Power to take lands) of the London Passenger Transport Act 1938.

9TH SCH.  
—cont.

(6) The lands authorised to be acquired by section 23 (Power to take lands) of the London Passenger Transport Act 1939 for the purposes of Work No. 12 authorised by Part III (Works) of the said Act.

(7) The lands in the city of Westminster in the county of London described in and authorised to be acquired by paragraph (a) of subsection (2) of section 23 (Power to take lands) of the London Passenger Transport Act 1939.

(8) The lands authorised to be acquired by section 22 (Power to acquire lands) of the Act of 1949—

(a) for the purposes of Works Nos. 1 2 3 4 and 5 authorised by Part II (Works) of the said Act except the lands numbered on the plans deposited in respect of the Bill for the said Act as follows:—

In the city and county borough of Nottingham—

14 15 and 16; and

(b) in the several places hereinafter mentioned:—

In the county of Middlesex—

In the urban district of Harrow (now the borough of Harrow);

In the urban district of Ruislip-Northwood;

In the urban district of Uxbridge (except the lands numbered 1 2 3 6 17 and 25 to 31 on the plans deposited in respect of the Bill for the said Act).

(9) The lands authorised to be acquired by section 11 (Power to acquire lands) of the Act of 1952 in the several places hereinafter mentioned:—

In the county of Essex—

In the borough of Barking (except the lands numbered 5 5a 36 and 37 on the plans deposited in respect of the Bill for the said Act);

In the borough of Dagenham.

## PART II

### WORKS THE PERIOD FOR THE COMPLETION OF WHICH IS EXTENDED BY THIS ACT TO 31ST DECEMBER 1961

(a) Deviation railways Nos. (1) and (2) authorised by section 5 (Power to Company to make deviation railways and railway widenings) of the Great Northern Railway Act 1914.

(b) Subway No. 11 and Work No. 8 authorised by Part II (London Company—Railways Subways Works and Lands) of the London Electric Metropolitan District Central London and City and South London Railway Companies Act 1930.

(c) Work No. 4 (Railway No. 3) authorised by section 5 (Power to Company to make railways) of the London and North Eastern Railway (Works) Act 1930.

(d) The railway authorised by section 6 (Power to make railway and widenings) of the Southern Railway Act 1930.



(e) Railways Nos. 1 and 2 and Subway No. 1 authorised by Part II (London Company—Railways Subways and Lands) of the London Electric Metropolitan District and Central London Railway Companies (Works) Act 1931.

9TH SCH.  
—cont.

(f) Railway (No. 1) authorised by section 5 (Power to make railways) of the Southern Railway Act 1935.

(g) Works Nos. 1 1A 9 10 11 19 and 20 authorised by Part III (Works) of the London Passenger Transport Act 1935.

(h) Works Nos. 4 4A 4B 4C 4D 8 8A and 8B authorised by Part III (Works) of the London Passenger Transport Act 1938.

(i) Works Nos. 8 8A and 12 authorised by Part III (Works) of the London Passenger Transport Act 1939.

### TENTH SCHEDULE

DESCRIBING PROPERTIES WHICH MAY NOT BE TAKEN AND IN UNDER OR OVER WHICH EASEMENTS MAY NOT BE ACQUIRED EXCEPT WITH THE CONSENT IN WRITING OF THE POSTMASTER-GENERAL

Area	No. on deposited plans
City of Westminster ... ..	3A
Metropolitan borough of St. Marylebone ... ..	144
Metropolitan borough of St. Pancras ... ..	95
Metropolitan borough of Islington ... ..	355 516
Borough of Tottenham ... ..	28 241 627

### Table of Statutes referred to in this Act

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.
Fleetwood Preston and West Riding Junction Railway Act 1846 ... ..	9 & 10 Vict. c. ccxli.
Reading Guildford and Reigate Railway (Connexion with the London and South Western Railway) Act 1849... ..	12 & 13 Vict. c. xxviii.
Metropolis Management Act 1855 ... ..	18 & 19 Vict. c. 120.
Birmingham Canal Navigations Act 1855 ... ..	18 & 19 Vict. c. cxxi.
South Yorkshire Railway Amendment Act 1861 ... ..	24 & 25 Vict. c. clxix.
Swansea and Neath Railway Act 1861 ... ..	24 & 25 Vict. c. ccxlii.
Duchy of Cornwall Management Act 1863 ... ..	26 & 27 Vict. c. 49.
Railways Clauses Act 1863 ... ..	26 & 27 Vict. c. 92.
Telegraph Act 1878 ... ..	41 & 42 Vict. c. 76.
Electric Lighting Act 1882 ... ..	45 & 46 Vict. c. 56.
North Eastern Railway Act 1893 ... ..	56 & 57 Vict. c. clxxiv.
Staffordshire and Worcestershire Canal Act 1903 ... ..	3 Edw. 7 c. xxxiii.
Great Central Railway Act 1912 ... ..	2 & 3 Geo. 5 c. lviii.

Short title	Session and chapter
Post Office (London) Railway Act 1913 ...	3 & 4 Geo. 5 c. cxvi.
Great Northern Railway Act 1914 ...	4 & 5 Geo. 5 c. clvi.
Acquisition of Land (Assessment of Compensation) Act 1919 ...	9 & 10 Geo. 5 c. 57.
Road Transport Lighting Act 1927 ...	17 & 18 Geo. 5 c. 37.
Superannuation and Other Trust Funds (Validation) Act 1927 ...	17 & 18 Geo. 5 c. 41.
Land Drainage Act 1930 ...	20 & 21 Geo. 5 c. 44.
London and North Eastern Railway (Works) Act 1930 ...	20 & 21 Geo. 5 c. lv.
London Electric Metropolitan District Central London and City and South London Railway Companies Act 1930 ...	20 & 21 Geo. 5 c. lxxxviii.
Southern Railway Act 1930 ...	20 & 21 Geo. 5 c. clxviii.
London Squares Preservation Act 1931 ...	21 & 22 Geo. 5 c. xciii.
London Electric Metropolitan District and Central London Railway Companies (Works) Act 1931 ...	21 & 22 Geo. 5 c. cxii.
London Passenger Transport Act 1933 ...	23 & 24 Geo. 5 c. 14.
London Passenger Transport Act 1934 ...	24 & 25 Geo. 5 c. xcvi.
Southern Railway Act 1935 ...	25 & 26 Geo. 5 c. xlix.
London Passenger Transport Act 1935 ...	25 & 26 Geo. 5 c. cx.
Public Health Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
London Passenger Transport Act 1936 ...	26 Geo. 5 & 1 Edw. 8 c. cxxxi.
Trunk Roads Act 1936 ...	1 Edw. 8 & 1 Geo. 6 c. 5.
London Midland and Scottish Railway Act 1938 ...	1 & 2 Geo. 6 c. xxvii.
Lee Conservancy Catchment Board Act 1938 ...	1 & 2 Geo. 6 c. xci.
London Passenger Transport Act 1938 ...	1 & 2 Geo. 6 c. xcii.
London Passenger Transport Act 1939 ...	2 & 3 Geo. 6 c. lxxxix.
Middlesex County Council Act 1944 ...	7 & 8 Geo. 6 c. xxi.
Trunk Roads Act 1946 ...	9 & 10 Geo. 6 c. 30.
Transport Act 1947 ...	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Local Government Act 1948 ...	11 & 12 Geo. 6 c. 26.
River Boards Act 1948 ...	11 & 12 Geo. 6 c. 32.
London County Council (Improvements) Act 1948 ...	11 & 12 Geo. 6 c. lv.
Lands Tribunal Act 1949 ...	12 13 & 14 Geo. 6 c. 42.
National Parks and Access to the Countryside Act 1949 ...	12 13 & 14 Geo. 6 c. 97.
British Transport Commission Act 1949 ...	12 & 13 Geo. 6 c. xxix.
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 1951 ...	14 & 15 Geo. 6 c. xxxix.
British Transport Commission Act 1952 ...	15 & 16 Geo. 6 & 1 Eliz. 2 c. xxxiv.
Transport Act 1953 ...	1 & 2 Eliz. 2 c. 13.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament  
LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 4s. 6d. net.

PRINTED IN GREAT BRITAIN

(38944)



# British Transport Commission Act, 1955

4 ELIZ. 2 Ch. xxx

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## 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. As to limits of vertical deviation in respect of certain works.
7. Power to open surface of streets.
8. As to dimensions of bridges.
9. General provisions as to mode of construction of underground railways.
10. Plans etc. to be approved by Minister before underground railways commenced.
11. Provisions as to use of electrical power.
12. Compensation for damage by working.
13. As to interpretation of certain enactments in relation to Works Nos. 1 to 13.
14. Further works and powers.
15. As to certain level-crossings.
16. As to level-crossing at Holwellhyde.
17. As to substituted trolley vehicle routes at Hammersmith.
18. Incorporation of provisions of Acts of 1949 and 1950 relating to works.

## PART III

## INLAND WATERWAYS

## Section

19. Closing for navigation of certain waterways.
20. Prevention of nuisances etc. in certain waterways.
21. Extinguishment of rights of way along towpaths on portions of Lancaster Canal and Ashton Canal.
22. As to railway bridges over portion of Lancaster Canal.

## PART IV

## LANDS

23. Power to acquire lands.
24. Acquisition of part only of certain properties.
25. Disregard of recent improvements and interests.
26. Extinction of private rights of way.
27. Easements only to be acquired under certain lands.
28. Power to acquire easements only in certain cases.
29. As to use of streets for permanent openings.
30. Periods for compulsory purchase of lands and easements.
31. Incorporation of provisions of Act of 1949 relating to lands.

## PART V

## PROTECTIVE PROVISIONS

32. Incorporation of protective provisions of Acts of 1949 and 1952.
33. Crown rights.
34. Saving rights of Duchy of Cornwall.
35. For protection of Minister.
36. For protection of Postmaster-General.
37. For further protection of Postmaster-General.
38. As to telegraphic lines.
39. As to lands of Postmaster-General.
40. For protection of London County Council.
41. Inspection of works by London County Council.
42. For protection of sewers of London County Council.
43. For further protection of certain sewers.
44. As to certain London squares.
45. As to Highbury Fields and Finsbury Park.
46. For protection of certain authorities.
47. For further protection of Essex County Council and Walthamstow Corporation.



## Section

48. For further protection of Middlesex County Council.
49. For further protection of Islington Borough Council.
50. For further protection of St. Marylebone Borough Council.
51. For further protection of St. Pancras Borough Council.
52. For further protection of Tottenham Corporation.
53. For further protection of Walthamstow Corporation.
54. Objects of interest in Walthamstow.
55. For further protection of Westminster City Council.
56. For protection of Nottinghamshire County Council.
57. For protection of Metropolitan Water Board.
58. For protection of Essex River Board.
59. For protection of Lee Conservancy Catchment Board.
60. For protection of Trent River Board.
61. For further protection of Trent River Board.
62. For protection of Tottenham and Wood Green Joint Drainage Committee.
63. Provisions relating to Ripon Canal.
64. As to level-crossing at Markington.
65. For protection of Yorkshire Ouse River Board.
66. For protection of lessees of certain properties in Regent Street and Victoria Street.
67. As to certain cellars and vaults.

## PART VI

## MISCELLANEOUS

68. As to London Transport (Administrative and Supervisory) Staff Superannuation Fund.
69. As to Keadby Bridge.
70. As to opening in viaduct across New Cut in Swansea Harbour.
71. As to footbridge and level-crossing at Haswell station.
72. Extensions of time.
73. Powers to owners and lessees to give notice as to purchase of land.
74. Saving for town and country planning.
75. Arbitration.
76. Costs of Act.

## SCHEDULES :

First Schedule—Lands referred to in section 6 (As to limits of vertical deviation in respect of certain works) and section 27 (Easements only to be acquired under certain lands) of this Act.

Second Schedule—Streets referred to in section 7 (Power to open surface of streets) of this Act.

Part I.

Part II.

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

Part I.

Part II.

Part III.

Part IV.

Fourth Schedule—The waterways referred to in section 19 (Closing for navigation of certain waterways) of this Act.

Fifth Schedule—Lands referred to in subsection (2) of section 23 (Power to acquire lands) of this Act.

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

Seventh Schedule—Describing properties in respect of which easements may be taken as provided by section 28 (Power to acquire easements only in certain cases) of this Act.

Eighth Schedule—Deeds referred to in section 68 (As to London Transport (Administrative and Supervisory) Staff Superannuation Fund) of this Act.

Ninth Schedule—

Part I—Lands the period for the compulsory purchase of which is extended by this Act to 31st December 1958.

Part II—Works the period for the completion of which is extended by this Act to 31st December 1961.

Tenth Schedule—Describing properties which may not be taken and in under or over which easements may not be acquired except with the consent in writing of the Postmaster-General.