



London Transport Act 1964

CHAPTER xxvi

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of general Acts.

PART II

WORKS

5. Power to make works.
6. Power to deviate.
7. Power to open surface of streets.
8. Period for completion of railway.
9. Incorporation of provisions of Act of 1963 relating to works.

PART III

LANDS

10. Power to acquire lands.
11. Correction of errors in deposited plans and book of reference.
12. Acquisition of part only of certain properties.

Section

13. Disregard of recent improvements and interests.
14. Extinction of private rights of way.
15. Power to acquire easements only in certain cases.
16. Power to expedite entry.
17. Period for compulsory purchase of lands and easements.
18. Incorporation of provisions of Act of 1963 relating to lands.

PART IV

PROTECTIVE PROVISIONS

19. Incorporation of protective provisions of Act of 1963.
20. For protection of Middlesex County Council, Hendon Corporation and their successors.

PART V

MISCELLANEOUS

21. Extension of time.
22. Powers to owners and lessees to give notice as to purchase of lands.
23. Amendment of section 54 of British Transport Commission Act, 1949.
24. Saving for town and country planning.
25. Arbitration.
26. Costs of Act.

ELIZABETH II



1964 CHAPTER xxvi

An Act to empower the London Transport Board to construct works and to acquire lands, to extend the time for the compulsory purchase of certain lands, to confer further powers on the Board; and for other purposes.
[16th July 1964]

WHEREAS by the Transport Act, 1962, the London Transport Board (in this Act referred to as "the Board") were established:

And whereas it is the duty of the Board under the Transport Act, 1962, (*inter alia*) to provide or secure the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them:

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

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

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

And whereas plans and sections showing the lines or situations and levels of the works to be constructed under the powers of this

Act, and plans of the lands authorised to be acquired or used by this Act, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerks of the county councils of the several counties within which the said works will be constructed or the said lands are situated, which plans, sections and book of reference are respectively referred to in this Act as the deposited plans, the deposited sections and the deposited book of reference:

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

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

PART I PRELIMINARY

- Short title. 1. This Act may be cited as the London Transport Act 1964.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
- Part I.—Preliminary.
- Part II.—Works.
- Part III.—Lands.
- Part IV.—Protective provisions.
- Part V.—Miscellaneous.
- Interpretation. 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 1863 ” means the Railways Clauses Act, 1863;
- “ the Act of 1961 ” means the British Transport Commission Act, 1961;
- “ the Act of 1963 ” means the London Transport Act, 1963;
- “ the Board ” means the London Transport Board;

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

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

“the Minister” means the Minister of Transport;

“the tribunal” means the Lands Tribunal;

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

(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 shall be taken to be measured along the railway.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

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

(a) The Lands Clauses Acts, except sections 127 to 133 of the Lands Clauses Consolidation Act, 1845;

(b) The Act of 1845, except sections 7, 8, 9, 19, 20, 22 and 23 thereof; and

(c) Part I (relating to construction of a railway) and Part II (relating to extension of time) of the Act of 1863:

Provided that—

(i) for the purposes of the provisions of the Act of 1845 and the Act of 1863 as incorporated with this Act, the expression “the company” where used in the said incorporated provisions means the Board;

(ii) for the purposes of sections 16 and 30 to 44 of the Act of 1845 as incorporated with this Act Work No. 2 shall be deemed to be a railway authorised by the special Act;

(iii) the provisions of sections 18 and 21 of the Act of 1845 as incorporated with this Act shall not extend to regulate

PART I
—cont.

the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

(A) by the provisions of Part II of the Public Utilities Street Works Act, 1950; or

(B) by the provisions of section 42 (For protection of gas, water and electricity undertakers) of the Act of 1963 as incorporated with this Act.

PART II
WORKSPower to
make works.

5. Subject to the provisions of this Act, the Board may, in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections, make and maintain the works hereinafter described with all necessary works and conveniences connected therewith:—

In the county of Middlesex—

In the borough of Hendon—

Work No. 1 A railway (21 yards in length) being an extension of the Northern Line railway, commencing by a junction with the Northern Line railway at its termination at Edgware Station on the east side of Station Road and terminating at a point 21 yards west thereof under Station Road:

In the county of London—

In the city of London—

Work No. 2 A subway (27 yards in length) commencing by a junction with the passenger subway under Liverpool Street leading to Liverpool Street Station Metropolitan Line and terminating by a junction with the station tunnel of the said Liverpool Street Station at a point 22 yards west thereof.

Power to
deviate.

6. In the execution of any, or any part, of the works the Board may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 10 feet upwards and to such extent downwards as may be found necessary or convenient:

Provided that in the execution of the works the Board shall not deviate upwards from the levels shown on the deposited sections to such extent as would result in any permanent alteration of the level of any street.

Power to
open surface
of streets.

7.—(1) Subject to the provisions of this Act, the Board may, for the purposes of constructing Works Nos. 1 and 2 enter upon,

open, break up and interfere with so much of the surface of the streets known as Station Road, Edgware, in the borough of Hendon and Liverpool Street in the city of London respectively as is within the limits of deviation.

PART II
—cont.

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

8. If Work No. 1 is not completed within the period expiring on the 31st day of December, 1970, then, on the expiration of that period, the powers by this Act granted to the Board for making and completing the said work or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for
completion
of railway.

9. The following provisions of the Act of 1963 are incorporated with and form part of this Part of this Act:—

Incorporation
of provisions
of Act of
1963 relating
to works.

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

Section 14 (Underpinning of houses near works);

Section 15 (Power to make trial holes);

Section 16 (Use of sewers, etc., for removing water):

Provided that the provisions of the said section 16, as so incorporated, shall have effect as if in subsection (5) the words "and the Lee Conservancy Catchment Board" were omitted.

PART III

LANDS

10.—(1) Subject to the provisions of this Act, the Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works or for any purpose connected with or ancillary to their undertaking.

Power to
acquire lands.

(2) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section the Board may, subject to the provisions of this Act, enter upon, take and use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 2 and 3 in the metropolitan borough of Battersea for the purpose of the reconstruction and improvement of their Battersea garage.

(3) Subject to the provisions of this Act, the Board may enter upon, use and appropriate so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of

PART III
—cont.

reference as shall be necessary for the purposes of the works without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

(4) The Board shall not under the powers of this section enter upon, take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 1 in the metropolitan borough of Battersea or any part of those lands.

Correction of errors in deposited plans and book of reference.

11.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Board after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply, as regards land in the county of London, to a metropolitan stipendiary magistrate or, as regards land in the county of Middlesex, to two justices having jurisdiction in that county, for the correction thereof.

(2) If on any such application it appears to the magistrate or the justices, as the case may be, that the misstatement or wrong description arose from mistake, he or they shall certify the fact accordingly and shall in his or their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with every clerk of a local authority with whom a copy of the deposited plans (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the Standing Orders of the Houses of Parliament, or who has the custody of any such copy so deposited; and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Acquisition of part only of certain properties.

12.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Lands Clauses Consolidation Act, 1845, as incorporated with this Act, the following provisions of this section shall apply to the land subject to the notice instead of section 92 (Parties not to be required to sell part of a house, &c.) of that Act.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house together with any park or garden belonging thereto, then, if the

person on whom the notice is served, within twenty-one days after the day on which the notice is served on him, serves on the Board a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereinafter in this section referred to as "the land subject to the counter-notice"), the question whether he shall be required to sell the part shall, unless the Board agree to take the land subject to the counter-notice, be referred to the tribunal.

PART III
—cont.

(3) If the said person does not serve such a counter-notice as aforesaid within twenty-one days after the day on which the notice to treat is served on him or if on such a reference to the tribunal the tribunal determine that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, in the case of part of land consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(4) If on such a reference to the tribunal the tribunal determine that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(5) If on such a reference to the tribunal the tribunal determine that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the Board are authorised to acquire compulsorily under this Act.

(6) If the Board agree to take the land subject to the counter-notice, or if the tribunal determine that—

(a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(b) that the material detriment is not confined to a part of the land subject to the counter-notice;

PART III
—cont.

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the Board are authorised to acquire compulsorily under this Act.

(7) In any case where by virtue of a determination by the tribunal under subsection (4), (5) or (6) of this section a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice, the Board may, within six weeks after the tribunal make their determination, withdraw the notice to treat, and if they do so shall pay to the said person compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

(8) Where a person is under this section required to sell part only of a house, building or factory, or of land consisting of a house together with any park or garden belonging thereto, the Board shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

Disregard of recent improvements and interests.

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

- (a) any improvements or alteration made, building erected or work done after the 5th December, 1963; 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, done or created with a view to obtaining or increasing the compensation or purchase money.

Extinction of private rights of way.

14.—(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 Board compensation to be determined, in case of dispute, under and in accordance with the Lands Clauses Acts.

Power to acquire easements only in certain cases.

15. Notwithstanding anything in this Act the Board 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 any railway, tramway, tramroad, river, canal, navigation, watercourse, aqueduct, drain, dyke or sewer 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.

PART III
—cont.

16. At any time after serving a notice to treat in respect of any land or in respect of any easement or right in, under or over land that may be acquired compulsorily under this Act, but not less than three months after giving the owner and occupier of the land notice in writing of their intention to exercise the powers of this section, the Board may enter on and take possession of the land, or enter on the land in respect of which the easement or right is to be acquired (as the case may be), or such part thereof as is specified in the last-mentioned notice, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

Power to expedite entry.

Provided that the Board shall pay the like compensation for land of which possession is taken under this section, or for any easement or right acquired, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

17. The powers of the Board for the compulsory purchase of the lands and easements which they are authorised to acquire by this Part of this Act shall cease on the 31st December, 1967.

Period for compulsory purchase of lands and easements.

18. The following provisions of the Act of 1963 are incorporated with and form part of this Part of this Act:—

Incorporation of provisions of Act of 1963 relating to lands.

- Section 21 (Power to enter for survey or valuation);
- Section 26 (Grant of easements by persons under disability);
- Section 28 (As to cellars under streets not referenced).

PART IV

PROTECTIVE PROVISIONS

19. The following provisions of the Act of 1963 are incorporated with and form part of this Part of this Act:—

Incorporation of protective provisions of Act of 1963.

- Section 31 (For protection of Postmaster General);
- Subsections (1) and (3) of section 32 (For further protection of Postmaster General);

PART IV
—cont.

Section 33 (As to works within city of London and Metropolitan Police District);

Section 40 (For protection of Corporation of London);

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

Provided that the provisions of the said section 31, as so incorporated, shall have effect as if for the references therein to Work No. 1 authorised by the Act of 1963 there were substituted references to Work No. 1 authorised by this Act:

Provided also that the provisions of the said section 40, as so incorporated, shall have effect as if—

(i) in paragraph (1) for the words “ Works Nos. 3 and 4 ” there were substituted the words “ Work No. 2 ” and for the words “ those works ” there were substituted the words “ that Work ”;

(ii) in paragraph (17) for the words “ of this Act ” there were substituted the words “ of the Act of 1963 as incorporated with this Act ”.

For protection of Middlesex County Council, Hendon Corporation and their successors.

20. For the protection of the council of the administrative county of Middlesex and of the mayor, aldermen and burgesses of the borough of Hendon the following provisions shall, unless otherwise agreed in writing between the Board and the appropriate authority, apply and have effect with reference to the exercise of the powers of this Act relating to the works to which this section applies:—

(1) (a) In this section—

“ the appropriate authority ”—

(i) with respect to the period between the passing of this Act and the 1st April, 1965, means the council of the administrative county of Middlesex and for the purposes of paragraphs (2), (7), (8), (9), (11), (12), (16) and (19) of this section includes the mayor, aldermen and burgesses of the borough of Hendon in relation to any of their property and (for the purposes only of paragraph (11)) any highway for which they are the highway authority; and

(ii) with respect to any period after the 1st April, 1965, means the highway authority;

“ the highway ” means Station Road, Edgware, in the borough of Hendon;

(b) The works to which this section applies are Work No. 1 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 appropriate authority such consent shall be in writing and may be given under the hand of the clerk or town clerk (as the case may be) of the authority subject to such reasonable terms and conditions as the authority 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 the highway, the Board shall consult the appropriate authority 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 Board 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 Board except at the time, to the extent and in accordance with conditions agreed between the Board and the appropriate authority or in default of agreement settled by arbitration:
- (4) In the construction of any part of the works to which this section applies under the highway, no part thereof shall (except with the consent of the appropriate authority) be so constructed as to interfere with the provision of proper means of drainage of the surface of the highway:
- (5) At least fourteen days before commencing any vertical borings from the surface of any part of the highway the Board shall serve notice in writing on the appropriate authority of their intention to commence the same, and such notice shall describe the place or places at which such borings are intended to be made, and if within fourteen days after the receipt of such notice any objection is made by the authority 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) The works to which this section applies so far as they involve any serious interference with the movement of traffic in the highway shall after the commencement thereof be carried on as expeditiously as possible:
- (7) The Board shall secure that so much of the works to which this section applies as is constructed under or so

PART IV
—cont.—

as to affect the highway shall be designed, constructed and maintained so as to carry the appropriate normal loading recommended by the Minister for highway bridges and the Board shall indemnify the appropriate authority against, and make good to the authority, all expenses which the authority may reasonably incur or be put to in the maintenance or repair of the highway or any tunnels, sewers, drains or apparatus therein by reason of any non-compliance by the Board with the provisions of this paragraph:

- (8) It shall be lawful for the engineer or surveyor or other officer of the appropriate authority 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 the highway or which may affect any property of the authority during the execution thereof, and the Board 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 the highway or to any refuge, sewer, drain, lamp column, traffic sign and apparatus connected therewith or work belonging to or under the jurisdiction or control of the appropriate authority the Board shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto:
- (9) The Board shall not alter, disturb or in any way interfere with any refuge, sewer, drain, lamp column, traffic sign or apparatus connected therewith, or other property or work of the appropriate authority or under the control of or repairable by the authority or the access thereto, without the consent of the authority and any alteration, diversion, replacement or reconstruction of any such 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 authority or the Board, as the authority shall think fit, and any costs and expenses reasonably incurred by the authority in so doing shall be repaid to the authority by the Board:
- (10) The Board shall not remove any soil or material from the highway except such as must be excavated in the carrying out of the works to which this section applies:
- (11) If any extra expense be incurred by the appropriate authority 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 Board shall repay the amount of such expenses to the authority:

PART IV
—cont.

- (12) The Board shall not, except with the consent of the appropriate authority, deposit any soil, subsoil or materials or stand any vehicle or plant on the highway so as to obstruct the use of the highway by any person or, except with the like consent, deposit any soil, subsoil or materials on the highway except within a hoarding:
- (13) All reasonable costs, charges and expenses incurred by the appropriate authority in removing any soil deposited on the highway in contravention of this section shall be a debt due to the authority and shall on demand be paid by the Board to the authority:
- (14) Where any part of the highway shall have been temporarily broken up or disturbed by the Board the Board shall make good the subsoil foundations and surface of such part of the highway to the reasonable satisfaction of the appropriate authority:
- Provided that the reinstatement of such part of the highway shall in the first instance be of a temporary nature only and the permanent reinstatement thereof shall be carried out by the authority and the reasonable cost incurred by the authority in so doing shall be repaid by the Board to the authority:
- (15) It shall not be lawful for the Board to place any hoardings on any part of the highway except for such period as may be necessary for the carrying out of the works 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, 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:
- (16) The Board shall make compensation to the appropriate authority for any subsidence of, or damage to, the highway or any refuge, sewer, drain, lamp column, traffic sign and apparatus connected therewith, or other property or work of the authority or under their control or repairable by them, which may be caused by, or in consequence of, any act or default of the Board, their

PART IV
—cont.

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:

- (17) Within three months after the completion of any of the works to which this section applies or such longer period as the appropriate authority may agree the Board shall remove or to the reasonable satisfaction of the authority 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:
- (18) As soon as reasonably practicable after the completion of any part of the works to which this section applies, the Board shall furnish the appropriate authority with a plan and section showing the position and level of such part of the works as constructed:
- (19) Any difference arising between the Board and the appropriate authority under this section shall be settled by arbitration:
- (20) As from the 1st April, 1965, the references in this section to the borough of Hendon shall be construed as references to the London borough established by the London Government Act, 1963 which includes that borough and the references to the administrative county of London shall be construed as references to the Inner London Boroughs.

PART V

MISCELLANEOUS

Extension of
time.

21.—(1) The period now limited by the Act of 1961 for the compulsory purchase of the lands authorised to be acquired by section 27 (Power to acquire lands) of the Act of 1961 for the purposes of Works Nos. 1, 6 and 7 authorised by Part II (Works) of the said Act is hereby extended until the 31st December, 1967.

(2) In this section the word "lands" includes any easements or rights in, under or over land authorised to be acquired by the Act of 1961.

PART V
—cont.

22.—(1) In this section—

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

"the enabling Act" means the Act of 1961;

"the land" means any land which is for the time being authorised to be acquired compulsorily by the Board 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 at any time after the 31st December, 1964, any person being the owner or lessee of any of the land shall give notice in writing to the Board 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 Board shall within a period of three months after the receipt of such notice—

- (a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or
- (b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Board; 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 Board—

(i) fail to comply with that subsection; or

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

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

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

PART V
—cont.

(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 Board 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 land.

Amendment of section 54 of British Transport Commission Act, 1949.

23. In its application to the Board pursuant to the provisions of Part III of the Second Schedule to the Transport Act, 1962, subsection (3) of section 54 (Powers of police as to search and arrest) of the British Transport Commission Act, 1949, as amended by section 77 (Amendment of section 54 of Act of 1949) of the British Transport Commission Act, 1959, shall have effect as if the words “one thousand nine hundred and sixty-nine” were substituted for the words “one thousand nine hundred and sixty-four”.

Saving for town and country planning.

24. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Arbitration.

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

Costs of Act.

26. 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 Board and may in whole or in part be defrayed out of revenue.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845	8 & 9 Vict. c. 20.
Metropolis Management Act, 1855 ...	18 & 19 Vict. c. 120.
Railways Clauses Act, 1863 ...	26 & 27 Vict. c. 92.
British Transport Commission Act, 1949	12 & 13 Geo. 6 c. xxix.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
British Transport Commission Act, 1959	7 & 8 Eliz. 2 c. xliv.
British Transport Commission Act, 1961	9 & 10 Eliz. 2 c. xxxvi.
Town and Country Planning Act, 1962 ...	10 & 11 Eliz. 2 c. 38.
Transport Act, 1962 ...	10 & 11 Eliz. 2 c. 46.
London Government Act, 1963 ...	1963 c. 33.
London Transport Act, 1963 ...	1963 c. xxiv.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR

SIR PERCY FAULKNER, K.B.E., 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 1s. 3d. net

PRINTED IN ENGLAND