



London County Council (General Powers) Act 1964

CHAPTER xxviii

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ELIZABETH II



1964 CHAPTER xxviii

An Act to empower the London County Council to execute street and other works and to acquire lands, to confer further powers on the London County Council; and for other purposes. [16th July 1964]

WHEREAS—

(1) The London County Council (hereinafter referred to as “the Council”) were empowered by the London County Council (Tunnel and Improvements) Act 1938 to make a new street, street widenings and other works in connection with the southern approach to Wandsworth Bridge in the metropolitan borough of Wandsworth and to acquire lands for the purposes thereof:

(2) The Council were empowered by the London County Council (Improvements) Act 1962 to execute street and other works in the metropolitan borough of Hammersmith and the royal borough of Kensington and to acquire lands for the purposes thereof:

(3) The Council were empowered by the London County Council (Improvements) Act 1963 to execute street and other works in the royal borough of Kensington and to acquire lands for the purposes thereof:

(4) It is expedient that the powers of the Council with respect to the construction of the said works in the metropolitan borough of Wandsworth and certain of the said works in the metropolitan borough of Hammersmith and the royal borough of Kensington should be abandoned as provided by this Act and that in substitution therefor the Council should be authorised to execute the works described in Part III of this Act and to acquire the lands described or referred to in Part II of this Act:

(5) The time limited by the London County Council (General Powers) Act 1961 for the compulsory purchase of certain lands by the Council under that Act will shortly expire and it is expedient that the time so limited should be extended as by this Act provided:

(6) It is expedient that the Council should be authorised to acquire Crown interests in, and use, certain lands in the royal borough of Kensington for or in connection with the widening and improvement of Kensington High Street in the said royal borough:

(7) It is expedient that the other provisions contained in this Act should be enacted:

(8) The objects aforesaid cannot be attained without the authority of Parliament:

(9) Estimates have been prepared of the cost of carrying out the works to be executed by the Council under Part III of this Act and the acquisition by the Council of lands in connection therewith as provided for in Part II of this Act and such estimates amount to eight million and seven hundred and fifty thousand pounds and five million, three hundred and ninety-nine thousand and seven hundred pounds respectively:

(10) Plans and sections showing the lines or situations and levels of the works by this Act authorised and also showing the lands which may be acquired or used compulsorily by the Council for the purposes or under the powers of this Act, and also a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands and describing the same, 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 clerk of the Council, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, the deposited sections and the deposited book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and

with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1. This Act may be cited as the London County Council Short title. (General Powers) Act 1964.

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

Division of
Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Protective provisions.

Part V.—Miscellaneous.

Part VI.—Supplemental.

3.—(1) In this Act except as otherwise expressly provided or Interpretation. unless the context otherwise requires—

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

“ the Act of 1878 ” means the Telegraph Act 1878;

“ the Act of 1939 ” means the London Government Act 1939;

“ the Act of 1950 ” means the Public Utilities Street Works Act 1950;

“ the Act of 1961 ” means the Land Compensation Act 1961;

“ borough ” means a metropolitan borough, and “ the borough ” means the metropolitan borough in relation to which the expression is used;

“ borough council ” means the mayor, aldermen and councillors of a borough, and “ the borough council ” means the mayor, aldermen and councillors of the borough in relation to which the expression is used;

“ the Council ” means the London County Council;

“ the county ” means the county of London;

“ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

PART I
—cont.

“ the improvements ” means Works Nos. 1 to 33 (inclusive) or any of them or any part thereof respectively;

“ land ” or “ lands ” includes any interest in land, and any easement or right in, to or over land;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Lands Tribunal Act 1949 and by the Act of 1961;

“ the Minister ” means the Minister of Transport;

“ reserved area ” means any area for the time being set apart in the improvements for dividing lines of traffic or for separating footway and carriageway or, where no part of the improvements has been laid out as footway, for separating the carriageway from the adjoining lands but shall not include any lands separating the carriageway and footway and forming part of Wandsworth Common immediately before the passing of this Act;

“ street ” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893;

“ the tribunal ” means the Lands Tribunal;

“ Wandsworth Common ” means the open space known as Wandsworth Common and described in section 4 (Description of common) of the Wandsworth Common Act 1871, together with any land which, since the passing of that Act, has been added thereto.

(2) Where in this Act (except in section 25 of this Act) any distance or length is stated in any description of works or powers, the reference to that distance or length shall be construed as if the words “ or thereabouts ” were inserted after such distance or length.

(3) Any reference in this Act to an 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.

(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.

Incorporation
of Lands
Clauses Acts.

4. The Lands Clauses Acts, except sections 92, 127 to 133, 150 and 151 of the Act of 1845, so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act.

PART II
LANDS

5.—(1) Subject to the provisions of this Act, the Council may enter upon, take and use any of the lands delineated on the deposited plans and described in the deposited book of reference (except any of the said lands forming part of Wandsworth Common and the lands numbered 134 and 135 in the borough of Hammersmith on the said plans and in the said book of reference) for the purposes of or in connection with the improvements and for securing the improvement and development of, and providing space for the erection of houses and buildings on, lands adjoining or near to the improvements, and for the purposes of recoupment, reinstatement or exchange and for other purposes of this Act or for any of the aforesaid purposes: Power to acquire lands.

Provided that notwithstanding anything in this Act or shown on the deposited plans or described in the deposited book of reference the Council shall not under the powers of this Act enter upon, take or use the lands numbered on the deposited plans 353 in the borough of Wandsworth or any part of those lands.

(2) Subject to the provisions of this Act, the Council may enter upon, take and use any of the lands numbered 134 and 135 in the borough of Hammersmith on the deposited plans and in the deposited book of reference for the purposes of or in connection with the improvements authorised by the London County Council (Improvements) Act 1962.

(3) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to, and to authorise, the purchase by the Council by agreement of any other lands in the county which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by the Council for the purposes of, or in connection with, the improvements.

(4) The powers of compulsory acquisition of land under this section shall cease after the expiration of three years from 1st October, 1964.

6.—(1) Notwithstanding anything in any other Act, the Council may, for the purposes of the improvements, enter upon, appropriate and use, in accordance with the provisions of this Act, so much of any of the lands which are delineated on the deposited plans and described in the deposited book of reference and which form part of Wandsworth Common as will be incorporated in the improvements and the provisions of this Act relating to lands acquired by the Council thereunder shall apply to any lands appropriated by the Council under the powers of this section as if such lands had been so acquired. Power to appropriate or enclose lands.

(2) The Council shall not, under the powers of this section, appropriate so much of any of the lands forming part of

PART II
—cont.

Wandsworth Common and delineated on the deposited plans and described in the deposited book of reference as will not be incorporated in the improvements but during the construction of the improvements may enter upon and use such lands, together with any part of the lands to be added to Wandsworth Common in pursuance of subsection (4) of this section, for the purposes of or in connection with such construction or for any purpose subsidiary or ancillary thereto.

(3) Any lands which form part of Wandsworth Common and which are appropriated by the Council under the provisions of subsection (1) of this section for the purposes of the improvements shall cease for all purposes to form part of that common, and to be subject to any enactment for the management of the said common.

(4) In exchange for any lands which form part of Wandsworth Common and which are appropriated by the Council under the powers conferred by this section for the purposes of the improvements, there shall be added to Wandsworth Common such part of the lands in the borough of Wandsworth—

- (a) numbered on the deposited plans and in the deposited book of reference 397, 399, 401, 402 and 404 to 412 (inclusive) in that borough; and
- (b) forming the sites of any streets or parts of streets which are described in Schedule 2 to this Act and which are stopped up under section 30 of this Act;

as is not required to be incorporated in the improvements and the parts of the said lands referred to in the foregoing paragraphs (a) and (b) shall be subject to the like rights, trusts and incidents as attached to the lands so appropriated by the Council as aforesaid, and any byelaws and regulations made under any enactment for the management of the said common shall be enforceable as fully and effectually as if the said parts formed and had always formed part of the said common.

(5) Paragraph (b) of subsection (1) of section 5 (Power to Council to take lands) and section 23 (Certain lands to form part of Wandsworth Common) of the London County Council (General Powers) Act 1939 are hereby repealed.

Correction of errors in deposited plans and book of reference.

7.—(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 Council, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to a metropolitan stipendiary magistrate for the correction thereof.

(2) If on any such application it appears to the magistrate that the misstatement or wrong description arose from mistake, he shall certify the fact accordingly and shall in his 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 of the House of Commons and with the clerk of the Council and with every town clerk of a borough with whom a copy of the deposited plans, or of 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 Council to take the land and execute the improvements in accordance with the certificate.

PART II
—cont.

(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.

8.—(1) No person shall be required to sell a part only of any house, building or factory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, factory, park or garden unless the tribunal determines—

Acquisition
of part only
of certain
properties.

(a) in the case of a house, building or factory, that such part as is proposed to be taken can be taken without material detriment to the house, building or factory; or

(b) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(2) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part; and thereupon the person interested shall be required to sell to the Council that part of the house, building, factory, park or garden.

9.—(1) The Council may enter into and carry into effect agreements with any person being the owner of, or interested in, any land abutting on any portion either of the improvements or of land which may be acquired under this Act, with respect to the sale by the Council to him of any land acquired by, or any part of a street vested in, the Council under this Act and not required for the improvements.

Agreements
with adjoining
owners.

(2) The Council may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Council for the purposes of this Act or any easement or right so required.

PART II
—cont.Power to use
subsoil of
streets.

10. Subject to the provisions of this Act, the Council may enter upon, take, use and appropriate so much of the subsoil and under-surface of any public street within the limits of deviation shown on the deposited plans as shall be necessary for the purposes of the improvements without being required to purchase the same or any easement therein or thereunder.

Power to
acquire
easements
only.

11.—(1) The Council may, instead of acquiring any land which they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights in or over the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the improvements or for the purpose of doing any thing necessary in connection with the improvements.

(2) Accordingly the Council may give notice to treat in respect of any such easement or right describing the nature thereof; and, subject to the provisions of this section, the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Council have acquired an easement or right only in or over any land under this section—

- (a) they shall not be required or, except by agreement or during the execution of the improvements, entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Council to acquire the land, the Council shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the Council may acquire the land compulsorily notwithstanding that the period mentioned in subsection (4) of section 5 of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

12.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may, if he thinks fit, subject to the provisions of those Acts, grant to the Council any easement or right required for the purposes of this Act in or over the lands, not being an easement or right of water in which some person other than the grantor has an interest.

PART II
—cont.
Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

13. All private rights of way over any land which may be acquired compulsorily under section 5 or appropriated under section 6 of this Act shall, as from the acquisition or appropriation of the land, whether compulsorily or by agreement, be extinguished.

Extinction of private rights of way.

14. Any person who suffers loss by the extinguishment of any private right of way under section 13, 21, 29 or 30 of this Act shall be entitled to be paid by the Council compensation to be determined in case of dispute under and in accordance with the Act of 1961.

Compensation for extinction of private rights of way.

15. Any person acting on behalf of the Council and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times enter on any land which may be acquired compulsorily under section 5 of this Act for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Council, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice in writing to the owner and occupier thereof.

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

Power to expedite entry.

PART II
—cont.

Provided that the Council shall pay the like compensation for land entered under this section, and the like interest on the compensation awarded, as would have been payable if the provisions of the said sections 84 to 90 had been complied with.

Disregard of recent improvements and interests.

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

- (a) any improvements or alteration made, or building erected, after 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 or created with a view to obtaining or increasing the compensation or purchase money.

As to disused burial ground in Wandsworth.

18.—(1) As from the date on which the Council acquire under the powers of this Act any part of the disused burial ground in the borough of Wandsworth known as either the Mount Nod (Huguenot) Burial Ground or the Wandsworth East Hill Burial Ground that part of the said burial ground shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the passing of this Act attached to the said part of the burial ground under ecclesiastical law and from all rights and interests of any person who is a personal representative or relative of any deceased person whose remains are interred in the said part of the burial ground and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before the passing of this Act attached thereto by reason of the said burial ground or any part thereof being a disused burial ground or otherwise.

(2) Notwithstanding anything contained in any enactment but subject to the provisions of this Act, it shall be lawful as from the date on which the Council acquire under the powers of this Act any part of the burial ground referred to in subsection (1) of this section to use, deal with or dispose of that part of the said burial ground for the purposes of or in connection with the improvements or for the erection of any building or for any other purpose in like manner as if no part thereof had ever been used or set apart for the purpose of the burial of human remains.

(3) Before the Council carry out under the powers of this Act any work on any part of the burial ground referred to in subsection (1) of this section they shall remove or cause to be removed the remains of all deceased persons interred in such part.

(4) (a) Before proceeding to remove any such remains the Council shall give notice of their intention so to do by publishing a notice in manner provided in paragraph (b) of this subsection in at least two newspapers circulating in the county and shall display a like notice in a conspicuous place in the part of the burial ground referred to in subsection (1) of this section, and such notice shall have embodied in it the substance of subsections (5) to (8) and (10) and (11) of this section.

(b) The notice referred to in paragraph (a) of this subsection shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(5) At any time within two months after the first publication of such notice any person who is a personal representative or relative of any deceased person whose remains are interred in the part of the burial ground referred to in subsection (1) of this section may give notice in writing to the Council of his intention to undertake the removal of such remains, and thereupon he shall be at liberty without any faculty for the purpose, but subject as hereinafter mentioned and to any regulations made by the Bishop of Southwark for the time being or during a vacancy in the see of Southwark the guardian of the spiritualities thereof, to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the benefice concerned, or to be removed to and cremated in any crematorium.

(6) If any person giving such notice as aforesaid fails to satisfy the Council that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of Southwark who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(7) The expense of a removal and reinterment or cremation (not exceeding, in respect of remains removed from any one grave, the sum of fifty pounds) shall be defrayed by the Council, such sum to be apportioned, if necessary, equally according to the number of remains in the grave.

(8) If—

(a) within the aforesaid period of two months no such notice as aforesaid shall have been given to the Council in respect of the remains in any grave; or

PART II
—cont.

(b) within two months after such notice has been given no application has been made under subsection (6) of this section and the person who gave the notice fails to remove the remains; or

(c) within two months after any order is made by the registrar under the said subsection the person, not being the Council, specified in the order fails to remove the remains;

the Council may, without any faculty for the purpose, cause the remains of the deceased person to be removed and reinterred in such other consecrated burial ground or cemetery in which burials may legally take place and which, subject to the consent of the said bishop, the Council think suitable for the purpose, or cremated in such crematorium as the Council think suitable for the purpose, but in the case of reinterment in a churchyard the previous consent of the incumbent of the benefice concerned shall also be required.

(9) Upon the reinterment or cremation of any remains under this section a certificate of reinterment or cremation shall be sent to the Registrar General by the Council, giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated.

(10) (a) Subject to the provisions of this subsection any monument or tombstone relating to the remains of any deceased person removed and reinterred under this section shall at the expense of the Council be removed and re-erected at the place of reinterment of such remains or at such other place as the said bishop may direct on the application either of such personal representative or relative as aforesaid or of the Council.

(b) Any monument or tombstone relating to the remains of any deceased person removed and cremated under this section shall at the request of such personal representative or relative as aforesaid or, if no such request is made, may at the discretion, and in either case at the expense, of the Council be removed and re-erected at such place as the said bishop may direct on the application either of such personal representative or relative or of the Council.

(c) Any monument or tombstone not re-erected in accordance with the provisions of paragraph (b) of this subsection shall be offered by the Council to the said bishop for re-erection, or disposal as he thinks fit, and—

(i) if accepted by him shall be so re-erected or disposed of at the expense of the Council;

(ii) if not accepted by him, shall be broken and defaced before being disposed of in such manner as the Council think fit.

(d) Where the Council consider that by reason of its ruinous condition any monument or tombstone removed under this subsection is unsuitable for re-erection it may be disposed of in such manner as the Council think fit.

(e) The amount required to be paid by the Council in respect of the cost of removal and re-erection or disposal of any monument or tombstone under this subsection by or at the request of the said personal representative or relative or the said bishop shall not exceed the sum of fifteen pounds.

(f) The Council shall cause a record to be made of each monument or tombstone removed under this subsection containing—

- (i) a copy of the inscription thereon; and
- (ii) a statement of the place, if any, where it has been re-erected;

and shall deposit a copy of the record with the Registrar General.

(11) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county.

19.—(1) Where the fee simple of any ecclesiastical property which may be acquired compulsorily under the powers of this Act is in abeyance, the fee simple shall for the purposes of the acquisition of that property under those powers be treated as being vested in the Church Commissioners, and any notice to treat in respect of that property shall be served accordingly.

(2) Any compensation payable under this Act in respect of ecclesiastical property which is so treated as aforesaid shall be paid to the Church Commissioners, to be applied for the purposes for which the proceeds of a sale by agreement of the property would be applicable under any enactment or measure authorising, or disposing of the proceeds of, such a sale.

(3) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice, or forming part of a burial ground subject to the jurisdiction of a bishop of any diocese.

PART III

WORKS

20.—(1) Subject to the provisions of this Act, the Council may, in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections, execute the works described in subsection (2) of this section.

Power to
execute
works.

PART III
—cont.

(2) The works referred to in subsection (1) of this section are—

In the borough of Wandsworth—

Work No. 1 A new street commencing by a junction with Wandsworth Bridge at the river wall on the south side of the river Thames and terminating at a point eighty-eight yards north of the junction of York Road with Jews Row;

Work No. 2 A new street to form a gyratory system of traffic operation commencing at a point eighty-eight yards north of the junction of York Road with Jews Row and thence proceeding in an easterly, southerly, westerly and northerly direction to and terminating at its point of commencement;

Work No. 3 A new street commencing in York Road at the junction of York Road with Petergate and terminating at a point fifty yards north of the junction of Eltringham Street with Coligny Street;

Work No. 4 A widening of York Road on both sides commencing at a point eight yards north-east of its junction with Podmore Road and terminating at a point twenty-three yards south of the junction of Eltringham Street with Bramford Road including a widening of the bridge carrying the British Railways Board (Southern Region) railway;

Work No. 5 A new street (to be constructed partly below the existing street levels) commencing at a point sixty-eight yards south of the junction of Eltringham Street with Coligny Street and terminating by a junction with Trinity Road at a point one hundred and fifteen yards south-east of the junction of Marcilly Road with Wandsworth Common West Side including new bridges carrying the British Railways Board (Southern Region) railway and East Hill and North Side Wandsworth Common;

Work No. 6 A new street commencing at a point thirty-seven yards south of the junction of Podmore Road with Elmsleigh Road and terminating by a junction with East Hill at a point seventeen yards north-east of the junction of East Hill with Elmsleigh Road;

Work No. 7 A new street commencing at a point in Flavell Road forty yards south of the junction of Flavell Road with Podmore Road and terminating by a junction with East Hill at a point twenty-seven yards south-west of the junction of East Hill with Elmsleigh Road;

- Work No. 8 A new street commencing by a junction with North Side Wandsworth Common at a point seventy-eight yards south-west of the junction of North Side Wandsworth Common with Spanish Road and terminating at a point one hundred and fifteen yards south-east of the junction of Marcilly Road with Wandsworth Common West Side;
- Work No. 9 A new street commencing by a junction with North Side Wandsworth Common at a point fifteen yards east of the junction of North Side Wandsworth Common with Woodwell Street and terminating at a point one hundred and fifteen yards south-east of the junction of Marcilly Road with Wandsworth Common West Side;
- Work No. 10 A widening of Trinity Road on both sides commencing at a point one hundred and fifteen yards south-east of the junction of Marcilly Road with Wandsworth Common West Side and terminating by a junction with Alma Terrace including a widening of the bridge carrying Trinity Road over the British Railways Board (Southern Region) railway;
- Work No. 11 A widening of East Hill on both sides commencing at its junction with Marcilly Road and terminating at its junction with Dempster Road;
- Work No. 12 A widening of North Side Wandsworth Common on both sides commencing at its junction with Spencer Park and terminating at its junction with Wandsworth Common West Side;
- Work No. 13 A new street commencing by a junction with East Hill at a point twenty-two yards south-west of the junction of East Hill with Birdhurst Road and terminating by a junction with Huguenot Place at a point fifty-five yards west of the junction of Huguenot Place with Woodwell Street;
- Work No. 14 A diversion of Wandsworth Common West Side commencing at a point one hundred and ten yards south-east of the junction of Wandsworth Common West Side with North Side Wandsworth Common and terminating at a point fifty-five yards north of the junction of Wandsworth Common West Side with Jessica Road;
- Work No. 15 A new street commencing by a junction with Petergate at a point thirty-seven yards south-east of the junction of Petergate with York Road and terminating by a junction with Eltringham Street at a point forty yards south-east of the junction of Eltringham Street with York Road;

PART III
—cont.

Work No. 16 A new street commencing at a point fifty-seven yards south-east of the junction of Bridgend Road with Wandsworth Bridge at the river wall and terminating by a junction with Jews Row at a point fifty-eight yards south-east of the junction of Pier Terrace with Jews Row;

Work No. 17 A new street commencing at the junction of Warple Road with Marl Street and terminating by a junction with York Road at a point fifty-eight yards south-west of the junction of York Road with Jews Row:

In the borough of Hammersmith and the royal borough of Kensington—

Work No. 18 A new street (to be raised above the existing street levels) commencing at a point in Westway twenty-seven yards east of the junction of Westway with Terrick Street and terminating at a point in Maxilla Gardens one hundred and ten yards south of the junction of Maxilla Gardens with Cambridge Gardens;

Work No. 19 A new street (to be raised above the existing street levels) to form a gyratory system of traffic operation commencing at a point twenty-eight yards east of the junction of Walmer Road with Silchester Road and thence proceeding in a north-easterly, south-easterly, south-westerly and north-westerly direction to and terminating at its point of commencement;

Work No. 20 A new street (to be raised for part of its length above the existing street levels) commencing at a point thirty yards north of the junction of Westway with Wood Lane and terminating at a point twenty-eight yards east of the junction of Walmer Road with Silchester Road:

In the borough of Hammersmith—

Work No. 20A A new street (to be raised above the existing street levels) commencing at a point one hundred yards south-west of the junction of Latimer Road with Walmer Road and terminating at a point forty-three yards south-west of the junction of Latimer Road with Walmer Road;

Work No. 21 A new street (to be raised for part of its length above the existing street levels) commencing at a point one hundred and thirty yards west of the junction of Westway with Wood Lane and terminating at a point thirty yards north of the junction of Westway with Wood Lane;

Work No. 22 A new street (to be raised for part of its length above the existing street levels) commencing at a point one hundred and twenty-five yards west of the junction of Westway with Wood Lane and terminating at a point fourteen yards south-east of the junction of Westway with Wood Lane;

Work No. 23 A widening of Wood Lane on the east side commencing at a point one hundred and seven yards north of the junction of Westway with Wood Lane and terminating at a point one hundred and thirty-two yards south of the junction of Westway with Wood Lane;

Work No. 24 A new street commencing by a junction with Bentworth Road at a point seventy-five yards north-west of the junction of the eastern end of Bentworth Road with Westway and terminating at a point sixty-eight yards north-east of the junction of Westway with Terrick Street;

Work No. 25 A new street commencing by a junction with Bentworth Road at a point twenty-one yards north of the junction of the eastern end of Bentworth Road with Westway and terminating in Wood Lane at a point thirty-seven yards north of the junction of Wood Lane with Westway;

Work No. 26 A new street (to be raised for part of its length above the existing street levels) commencing at a point fourteen yards south-east of the junction of Westway with Wood Lane and terminating at a point eighty-seven yards south-east of the junction of Walmer Road with Silchester Road;

Work No. 26A A new street (to be raised above the existing street levels) commencing at a point one hundred and twelve yards south-west of the junction of Latimer Road with Walmer Road and terminating at a point sixty-seven yards south-west of the junction of Latimer Road with Walmer Road;

Work No. 27 A new street commencing in Blechynden Street at a point fifteen yards north-east of the junction of Blechynden Street with Latimer Road and terminating in Latimer Road twenty-two yards south of the junction of Blechynden Street with Latimer Road;

Work No. 28 A new street commencing at the southern end of Bard Road and terminating at a point twenty-eight yards south of its commencement;

PART III
—cont.

Work No. 29 A new street (to be raised above the existing street levels) commencing at a point twenty-two yards north-west of the junction of Oldham Road with East Mews Road and terminating at a point forty-three yards south of the junction of Bard Road with Pring Street;

Work No. 30 A new street (to be raised above the existing street levels) commencing at a point sixty-five yards north-west of the junction of Oldham Road with East Mews Road and terminating at a point forty-seven yards south-west of the junction of Bard Road with Pring Street;

Work No. 31 A new street commencing at a point forty-two yards south of the junction of Bard Road with Pring Street and terminating at a point thirty-eight yards west of the southern end of Bard Road:

In the royal borough of Kensington—

Work No. 32 A new street (to be raised above the existing street levels) commencing at a point thirty yards south-west of the junction of Walmer Road with Pamber Street and terminating at a point ten yards south-east of the junction of Walmer Road with Bramley Road;

Work No. 33 A new street (to be raised above the existing street levels) commencing at a point fifty-six yards north-east of the junction of East Mews Road with Oldham Road and terminating at a point forty yards south of the junction of Walmer Road with Bramley Road.

(3) In executing the works authorised by this section, and in addition to and not in derogation of any of the powers conferred by this Act, the Council may exercise the like powers in all respects as if the works were being carried out by the Council in the exercise of their powers under section 144 of the Metropolis Management Act 1855 of making, widening or improving streets.

(4) In the construction of any bridge carrying a public carriage road to be incorporated in Works Nos. 5 and 10 the Council shall erect on each side of such bridge a good and sufficient fence.

Power to
make
subsidiary
works, etc.

21.—(1) Subject to the provisions of this Act, and within the limits of deviation shown on the deposited plans, the Council, in connection with or for the purposes of this Act and as part of

the improvements (in addition to the works described or referred to in any other provision of this Act), may execute or do any of the following works or things, that is to say:—

PART III
—cont.

- (a) make junctions and communications (including the provision of steps and ramps) with any existing street intersected or interfered with by or contiguous to the improvements, and divert or widen or alter the line or alter the level of any existing street for the purposes of the improvements;
- (b) stop up any part of a street which they may consider unnecessary to retain or to throw into the improvements;
- (c) raise, sink or otherwise alter the position of any of the steps, areas, cellars, cellar-flaps, pavement lights, gratings, boundary walls, railings, fencings, windows, sewers, drains, watercourses, pipes, spouts or wires belonging to any house or building and remove all other obstructions so as to cause in so doing as little delay and inconvenience to the inhabitants as the circumstances of the case will admit, and the Council shall make compensation to any person who suffers damage by any such alterations, such compensation to be determined in case of dispute by the tribunal;
- (d) execute any works for the protection or improvement of any adjoining land or buildings;
- (e) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;
- (f) construct any embankments or retaining walls for supporting the improvements.

(2) The Council may, on any lands abutting on the improvements and outside the limits of deviation shown on the deposited plans, execute or do, by agreement with the owners and occupiers of the said lands, any of the works or things referred to in paragraphs (c), (d) and (e) of subsection (1) of this section and any works necessary or convenient for the purpose of providing or facilitating access to or from the said lands or for preserving the amenities thereof.

22. Subject to the provisions of this Act, the Council may, for the purposes of or in connection with the improvements and within the limits of deviation shown on the deposited plans, construct and execute all such bridges, arches, piers, viaducts, embankments, aprons, tunnels, abutments, wing walls and other works as they may deem necessary or expedient for carrying the improvements over or under any railway, any stream or water-course, or any land, and may for the purpose of and during

Power to construct bridges, etc., and to execute temporary works on railways.

PART III
—cont.

the execution of the improvements over or under any railway erect, place or execute and maintain upon, over or under such railway all such temporary structures, erections, works, apparatus and appliances as may be necessary or convenient and as will not prevent the safe use of such railway or interfere to any greater extent than is reasonably necessary with the traffic thereon.

Carriageway,
footway and
other works.

23.—(1) Subject to the provisions of this Act, the Council may cause such parts of the improvements to be laid out for carriageway and such parts thereof for footway and such parts thereof for reserved area as they may think proper, and may, upon the lands acquired or appropriated by them under the powers of this Act and within the limits of deviation of works and of lands to be acquired shown on the deposited plans, construct, erect and provide all such works and conveniences as they may think proper for the purposes of or in connection with and as part of the improvements.

(2) The provisions of the London County Council (Subways) Act, 1893, and all byelaws for the time being in force thereunder, shall extend and apply to any subway for the accommodation of mains, pipes or wires constructed by the Council under the powers of this Act as well during as after the construction thereof as if any such subway had been included in the expression “subway” in the said Act of 1893, and for the purposes of the application of the said Act of 1893 to any such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

Vesting and
disposal of
materials.

24. There shall by virtue of this Act be vested in the Council—

- (a) all materials and apparatus in, under, upon or over any lands acquired by them under the powers of this Act;
- (b) all lamp-posts, paving, metalling and other materials in, over or under any street or part of a street stopped up, altered or diverted; and
- (c) all materials obtained in the alteration of or interference with any street, sewer or drain in connection with the improvements;

and the Council may appropriate and use or sell or dispose of the same or any of them:

Provided that as regards any matter or thing referred to in this section, where a person, not being a borough council or a person from whom the Council has acquired any interest in the said land, within six months from the date of the vesting as aforesaid proves to the reasonable satisfaction of the Council that immediately before the vesting as aforesaid he was the owner thereof, he shall be entitled to resume ownership thereof and shall comply in such manner and within such period as the Council may

specify with any direction of the Council concerning the removal of the said matter or thing and if he fails so to comply the Council may appropriate and use or sell or dispose of the said matter or thing in like manner as if they were the owner thereof.

PART III
—cont.

25. In executing the improvements the Council may deviate laterally from the lines or situations thereof to any extent within the limits of deviation shown on the deposited plans relating thereto respectively, and vertically from the levels thereof defined on the deposited sections to any extent not exceeding ten feet upwards or ten feet downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Minister.

Deviation
from lines and
levels.

26. The Council may pump any water found by them in the execution of the improvements and may use for the discharge of any such water any available stream or watercourse or any sewer or drain, and for that purpose may, within the limits of deviation shown on the deposited plans, lay down, take up and alter conduits, pipes and other works and make any convenient connections with any such stream, watercourse, sewer or drain:

Power to
pump water
and use
sewers for
removing
water.

Provided that the Council shall not without the consent of the undertakers (as defined in section 41 of this Act) lay down, take up and alter any conduit, pipe or other work in such position or in such manner as to affect injuriously any apparatus as defined by the said section.

27. Subject to the provisions of this Act, the Council may cause to be removed or filled up all such sewers, drains or watercourses or parts thereof as shall be in or near the streets to be interfered with for the purposes of the improvements and as shall become unnecessary.

Sewers, etc.,
to be
removed, or
filled up.

28. Subject to the provisions of this Act, the Council may, for the purposes of and in connection with the improvements, stop up the whole or such part or parts as they may from time to time think fit of the streets and parts of streets mentioned in Schedule 1 to this Act:

Power to
stop up
streets.

Provided that the Council shall not stop up a street or any part of a street under the powers of this section unless they are in possession of all buildings and lands (other than lands forming part of any street) on both sides of the street or part of the street, as the case may be, to be stopped up, or unless, in the case of buildings or lands abutting on and having access to the street which or part of which, as the case may be, is to be stopped up, the Council have maintained or provided reasonable access thereto or therefrom, except so far as the owners, lessees and occupiers of such buildings and lands may otherwise agree.

PART III.
—cont.
Vesting of
sites of
streets
stopped up.

29. On the stopping up (otherwise than temporarily) of a street or any part of a street under the powers of the last foregoing section of this Act all rights of way over the same and other rights in respect thereof shall be extinguished and the site and soil thereof shall vest in the Council so far as such site and soil shall not be already vested in the Council, subject to the payment of compensation, if any, by the Council to any person in respect of the value, if any, of his interest in the site and soil of any part of a street vested in the Council by virtue of this section, such compensation to be determined in case of dispute under and in accordance with the provisions of the Act of 1961, but in assessing such compensation no regard shall be had to any enhancement in the value of any interest in such part due to such stopping up.

Power to
stop up streets
and parts
of streets on
Wandsworth
Common
and vesting
of sites
thereof.

30. The Council may, for the purposes of and in connection with the improvements, stop up the whole or so much as they may from time to time think fit of the streets and parts of streets which are mentioned in Schedule 2 to this Act and which are not required to be incorporated in the improvements, and on the stopping up of any street or part of a street as aforesaid the site and soil thereof shall, to the extent (if any) to which such site and soil shall not be already vested in the Council, vest in the Council and shall for all purposes form part of Wandsworth Common, and all rights of way over the said street or part of a street, and other rights in respect thereof which are inconsistent with such site and soil so forming part of Wandsworth Common, shall thereupon be extinguished.

Power to
stop up ways
temporarily.

31.—(1) Subject to the provisions of this Act, the Council may for the purposes of and during the execution of the improvements stop up, open, break up, interfere with, alter or divert temporarily all or any part of the carriageway or footway of any street or part of a street or of any subway within the limits of deviation shown on the deposited plans, and may execute and do all necessary works and things for or in connection with such stopping up, opening, breaking up, interference, alteration or diversion, and for keeping such carriageway or footway open for traffic, and may remove or alter any drinking-troughs, lamp-posts, street refuges, lavatories, posts and other erections upon the lands so affected.

(2) The Council shall provide reasonable access for all persons bona fide going to or returning from any premises in any streets of which the carriageway or footway is stopped up, opened, broken up, interfered with, altered or diverted under the powers of this section.

Prohibition
of persons,
vehicles, etc.,
on reserved
area.

32. Where the Council lay out any part of the improvements as a reserved area and the highway authority, being satisfied that it is expedient in the interests of public safety, indicate by notices

conspicuously placed on such reserved area or in proximity thereto or by the erection of fences that the use by pedestrians, horses, cattle and vehicles or any of them of such reserved area or any part thereof is prohibited, any person who shall wilfully walk or otherwise proceed or lead, ride or drive any horse or cattle or vehicle on, over or across any such reserved area or part thereof in contravention of the terms of any such notice or in disregard of any such fence, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds.

PART III
—cont.

33.—(1) For the purpose of facilitating the movement of vehicular traffic along, or the safety of the public on, the route of any of the improvements, the Minister, on the application of the Council or the council of the borough in which the improvement is situate, may from time to time authorise the applicant, whether the Council or a borough council, at or in the vicinity of the junction of any street with the improvement to erect or remove—

Power to prevent access to or from improvements.

- (i) barriers for the prevention, prohibition or limitation of access by vehicular or pedestrian traffic to or from such route from or to any such street;
- (ii) notices prohibiting or limiting such access.

(2) The Council or the borough council concerned, as the case may be, shall give public notice of the making of an application under subsection (1) of this section in such manner as the Minister may direct.

(3) Any person removing or interfering with any such barrier, or removing, defacing or failing to comply with any such notice, shall be liable on summary conviction to a fine not exceeding five pounds.

34.—(1) Notwithstanding anything in any other Act to the contrary, it shall not be lawful after the completion of any part of the specified works for any person to enter upon, break up or interfere with such part of the specified works for the purpose of laying down any main, pipe, wire or other apparatus or executing any work whatsoever therein, thereon or thereunder except with the consent of the Council in writing.

Prohibiting interference with certain works.

(2) In this section the expression “ the specified works ” means Works Nos. 5, 18, 19, 20, 20A, 21, 22, 26, 26A, 29, 30, 32 and 33.

35.—(1) When any of the improvements is completed a certificate thereof shall be issued under the seal of the Council, and any duly authenticated copy of such certificate shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and that the improvement to which such certificate relates has been completed, and from the date of such certificate so much of the improvement to which such certificate relates as has been laid out as carriageway,

Improvements to form public streets and as to vesting and repair thereof.

PART III
—cont.

reserved area or footway shall, subject to the provisions of this Act, form part of or constitute the street and may, subject as aforesaid, be used by the public accordingly.

(2) From the date of any certificate issued under subsection (1) of this section—

- (a) so much of the land acquired or appropriated by the Council for or in connection with the improvements as is laid out as carriageway, reserved area or footway shall (subject to the enjoyment by the council of the borough in which the land is situate of all such rights in such land as are usually enjoyed in respect of a street by the highway authority) be and remain vested in the Council;
- (b) the maintenance, repair, paving, draining, cleansing and lighting of so much of the improvements as has been laid out as aforesaid (including unless otherwise agreed any subways or footbridges constructed in connection therewith) and of any retaining walls, embankments or fences constructed in connection with the improvements shall be under the care, management, control and jurisdiction of the council of the borough in which the same is situate;
- (c) the structure of any viaduct or bridge, including the retaining walls, bridges, parapet walls and railings connected therewith (other than a footbridge to which paragraph (b) of this subsection applies) forming part of any of the improvements shall vest in and be maintained by the Council, so however that by agreement between the Council and the council of the borough in which such part of the improvements is situate the said structure may be vested in, or the maintenance thereof may be transferred to, the said council.

(3) If within a period of five years after the issue by the Council pursuant to the provisions of this Act of a certificate of the completion of any part of the improvements, any subsidence of that part of the improvements shall occur, the Council may, in their discretion, contribute towards the costs and expenses incurred by the council of the borough in which the same is situate in making good that part of the improvements, but nothing in this subsection shall affect any claim which may lawfully be made in respect of such subsidence.

Application
of Act
of 1950.

36.—(1) In relation to any of the improvements and to any other works and conveniences authorised by this Part of this Act to which, apart from this section, the provisions contained in Part II of, and Schedule 4 to, the Act of 1950 (which regulate

the relations between an authority executing a road alteration and undertakers within the meaning of the Act of 1950 whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the said improvements, works and conveniences were mentioned in paragraph (a) of subsection (1) of section 21 of the Act of 1950, and the undertakers' apparatus affected thereby was in a street.

PART III
—cont.

(2) In this section "apparatus" has the meaning assigned to it in section 41 of this Act.

37. If the improvements are not completed within five years from 1st October, 1964, then, as from the expiration of that period, the powers of the Council under this Part of this Act shall cease except so far as any works are then completed.

Period for completion of improvements.

38. The Council shall abandon the construction of the following works and portions of works:—

Abandonment of certain authorised works.

(a) authorised by the London County Council (Tunnel and Improvements) Act 1938—

Works Nos. 1, 2, 2A, 3, 4, 4A and 5 in the borough of Wandsworth;

(b) authorised by the London County Council (Improvements) Act 1962—

(i) Work No. 15, so much of Work No. 16 as lies between its commencement and a point thirty-eight yards west of the southern end of Bard Road and Work No. 17, in the borough of Hammersmith and the royal borough of Kensington;

(ii) Works Nos. 19, 20, 21, 22, 23, 24, 25 and 26, so much of Work No. 27 as lies between its termination and a point forty-two yards south of the southern end of Bard Road and Work No. 29, in the borough of Hammersmith; and

(c) authorised by the London County Council (Improvements) Act 1963—

so much of Work No. 1 as lies between its commencement and a point in Maxilla Gardens one hundred and ten yards south of the junction of Maxilla Gardens with Cambridge Gardens, in the royal borough of Kensington.

PART III
—cont.
Byelaws

39.—(1) The Council may make and enforce byelaws for the regulation, control and protection of Works Nos. 5, 18, 19, 20, 20A, 21, 22, 26, 26A, 29, 30, 32 and 33, and of persons resorting to or using the same and for the management, regulation, direction and control of traffic of every description using any of the said works, with power to prohibit the passage of particular traffic, including pedestrians, either generally or during particular hours.

(2) For the purposes of section 147 of the Act of 1939 the Minister shall be the confirming authority as respects byelaws made under this section.

PART IV

PROTECTIVE PROVISIONS

Crown rights.

40.—(1) Except as is provided in section 47 of this Act, nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Council to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of the Council—

- (a) to carry out code-regulated works within the meaning of the Act of 1950, in any highway vested in or maintained by the Minister; or
- (b) to carry out any works by reason only that such works involve or are likely to involve an alteration in any telegraphic line of the Postmaster General in relation to which paragraphs (1) to (8) of section 7 of the Act of 1878 apply.

41. For the protection of certain undertakers the following provisions shall, unless otherwise agreed in writing between the Council and the undertakers concerned, apply and have effect:—

PART IV
—cont.

For protection
of certain
undertakers.

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

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the London Electricity Board or the Central Electricity Generating Board;

(b) mains, pipes, valves, siphons, stopcocks, pillars or other apparatus belonging to or maintained by the North Thames Gas Board or the South Eastern Gas Board;

(c) mains, pipes, valves, hydrants, stopcocks or other apparatus belonging to or maintained by the Metropolitan Water Board;

and includes any works constructed for the lodging therein of apparatus;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ the undertakers ” means—

the London Electricity Board;
the Central Electricity Generating Board;
the North Thames Gas Board;
the South Eastern Gas Board; and
the Metropolitan Water Board;

or any of them and in relation to any apparatus or property means the undertakers by whom the apparatus is maintained and in relation to the supply of electricity, gas or water means the undertakers by whom the supply is provided:

- (2) Notwithstanding anything in this Act or shown on the deposited plans or contained in the deposited book of reference, the Council shall not under the powers of this Act acquire any apparatus compulsorily:
- (3) The provisions of Part II of, and Schedule 4 to, the Act of 1950 shall apply in relation to the carrying out of the improvements and any other works and conveniences authorised by Part III of this Act—
- (a) so as to impose on the Council an obligation before commencing any of the improvements or any

PART IV
—cont.

of the said works or conveniences to give notice to the undertakers concerned under paragraph 2 of Schedule 4 to the Act of 1950 together with plans, sections and particulars of the improvements, works or conveniences to be commenced; and

(b) as if the words in parenthesis in paragraph 3 of the said schedule relating to a road alteration were omitted from that paragraph:

(4) Where in accordance with section 6 of this Act any lands are added to Wandsworth Common, the undertakers shall be entitled to exercise the same rights and powers in respect of any apparatus remaining in such lands as they enjoyed immediately before the passing of this Act:

(5) Where a street in which any apparatus is situated has been permanently stopped up or diverted by the Council under the powers of section 21 or section 28 of this Act, the undertakers shall, notwithstanding such stopping up or diversion, continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up or diversion has ceased to be a street as they would have if it had remained a street, and no such rights shall be extinguished by virtue of section 29 of this Act, but the undertakers may and, if reasonably required by the Council, shall—

(a) remove the apparatus and relay or replace it in the street, if any, substituted for the street so stopped up or diverted or in such other position as the undertakers may reasonably determine; or

(b) provide and lay or place in the street, if any, so substituted or in such other position as aforesaid other apparatus in place of the existing apparatus:

(6) The Council shall repay to the undertakers the reasonable expenses incurred by the undertakers in or in connection with the carrying out of such works as are referred to in sub-paragraphs (a) or (b) of the last foregoing paragraph (whether or not the Council have required those works to be carried out) including expenses so incurred in cutting off any apparatus from any other apparatus and in doing any work rendered necessary in consequence of carrying out the said works:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which impose limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Council under this paragraph as if the works in respect of which the payment is to be made were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act" there were substituted the words "agreed or settled by arbitration under section 41 of the London County Council (General Powers) Act 1964":

- (7) The temporary stopping up or diversion of the whole or any part of the carriageway or footway of any street or part of a street under the powers of section 31 of this Act shall not prejudice or affect any right of the undertakers—

(a) to maintain, operate, inspect, repair, renew or remove any apparatus which at the time of the stopping up or diversion is in the carriageway or footway, as the case may be; or

(b) for the purpose of such maintenance, operation, inspection, repair, renewal or removal to enter upon, break open or carry out works in that carriageway or footway, as the case may be:

- (8) Notwithstanding anything contained in section 32 of this Act, the undertakers, their officers, engineers, workmen and contractors shall be at liberty, at all times, to enter upon any reserved area for the purpose of inspecting, placing, repairing, maintaining, renewing or removing any apparatus in, or adjoining, the reserved area:
- (9) The Council or a borough council, as the case may be, in the case of powers conferred by section 33 of this Act shall so far as is reasonably practicable so exercise those powers as not to obstruct or render less convenient the access to any apparatus:
- (10) If by reason or in consequence of the execution by the Council of any works under the powers of this Act any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of the

PART IV
—cont.

undertakers or any interruption in the supply of electricity, gas or water, as the case may be, by the undertakers shall be caused, the Council shall bear and pay the cost reasonably incurred by the undertakers in making good such damage and shall—

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose any liability on the Council with respect to any damage or interruption which may be attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the Council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Council:

- (11) The expenses of all repairs and renewals of any apparatus which may be rendered necessary by reason or in consequence of the construction of any works under the powers of this Act or any subsidence resulting from those works shall be borne by the Council and paid by them to the undertakers:
- (12) The Council shall bear and pay any cost reasonably incurred by the undertakers in the reasonable employment of watchmen and inspectors during the execution under the powers of this Act of any work which will or may interfere with or affect any apparatus:
- (13) (a) The consent of the Council under section 34 of this Act shall not be required for—
- (i) the execution of undertakers' works (within the meaning of the Act of 1950 but excepting the placing of new apparatus) in relation to any apparatus for the time being laid in any of the works to which this paragraph applies;
- (ii) the placing of new apparatus in any of the works to which this paragraph applies if the apparatus

is to be laid along a line crossing the work by the route which is as short as is reasonably practicable and not along the route of the work;

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(b) This paragraph applies to those parts of the specified works within the meaning of the said section 34 which are not constructed at a level substantially above or below the level of the adjoining land:

(14) Any difference arising between the Council and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

42. For the further protection of the Central Electricity Generating Board and the London Electricity Board (in this section referred to severally or collectively as "the board"), the following provisions shall, unless otherwise agreed in writing between the Council and the board, apply and have effect:—

For further protection of Central Electricity Generating Board and London Electricity Board.

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

"apparatus" means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882), belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus;

"adequate alternative apparatus" means alternative apparatus adequate to enable the board to fulfil their statutory functions in a manner not less efficient than previously;

"in" in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land;

"works" means the improvements and any other works or things done under the powers conferred by Part III of this Act:

(2) The following provisions of this paragraph shall notwithstanding paragraph (i) of the proviso to subsection (2) of section 22 of the Act of 1950 (which prohibits the making of a requirement under that section with respect to the permanent removal of apparatus from a street or controlled land) apply where, in consequence of the execution of any works, any apparatus is required to be removed permanently from the land in which it is situated, that is to say:—

(a) If the Council in the exercise of the powers of this Act acquire any interest in any lands in which

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any such apparatus is placed, that apparatus shall not be removed nor shall any right of the board to maintain, repair, renew or inspect that apparatus in those lands be extinguished until any necessary adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the board;

(b) If the Council for the purpose of executing any works in any lands acquired under this Act require any apparatus to be removed permanently from those lands they shall give to the board written notice of such requirement, together with a plan and section of the work proposed and of the proposed position of the alternative apparatus (if any) to be provided;

(c) If the Council require the board to remove any apparatus permanently from any land, or if of consequence of the exercise of any of the powers in this Act the board shall reasonably require to remove any apparatus permanently, the Council shall, if practicable, afford to the board the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Council and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the Council are unable to afford such facilities and rights as aforesaid the board shall on receipt of a written notice to that effect from the Council forthwith use their best endeavours to obtain the necessary facilities and rights;

(d) Any alternative apparatus to be constructed in lands of the Council in pursuance of this paragraph shall be constructed in such manner and in such line or situation as may be agreed between the board and the Council or, in default of agreement, settled by arbitration;

(e) The board shall after the alternative apparatus to be provided or constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the board of such facilities and rights as are referred to in the preceding paragraphs proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Council to be removed under the provisions of this paragraph;

(*f*) Notwithstanding anything in the preceding provisions of this paragraph, if the Council give notice in writing to the board that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as will be situate in any lands of the Council, such work in lieu of being executed by the board shall be executed by the Council with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the board:

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Provided that nothing in this sub-paragraph shall authorise the Council to execute the actual placing, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus;

(*g*) Where in accordance with the provisions of this paragraph the Council afford to the board facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Council of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Council and the board or, in default of agreement, determined by arbitration:

Provided that if the facilities and rights to be afforded by the Council in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator more or less favourable on the whole to the board than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation to or by the Council by or to the board in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case;

(*h*) The Council shall pay to the board the costs, charges and expenses reasonably incurred by the board in or in connection with—

(*i*) the removal, relaying, replacing, alteration or protection of any apparatus and the provision

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and construction of any new apparatus which may be required in consequence of the execution of any works, less the value of any apparatus removed in pursuance of the provisions of this paragraph (such value being calculated after removal);

(ii) the cutting off of any apparatus from any other apparatus; and

(iii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this sub-paragraph:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which impose limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Council under this paragraph as if the works in respect of which payment is to be made were such undertakers' works as are referred to in the said subsection (3), and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act" there were substituted the words "agreed or settled by arbitration under section 42 (For further protection of Central Electricity Generating Board and London Electricity Board) of the London County Council (General Powers) Act 1964":

- (3) Any question or difference arising between the Council and the board under this section shall be settled by arbitration.

For protection
of Postmaster
General.

43.—(1) As soon as practicable after a street has been permanently stopped up or diverted by the Council under the powers conferred by this Act, the Council shall send by post to the Postmaster General a notice informing him of such stopping up or diversion.

(2) Where in pursuance of section 21, section 28 or section 30 of this Act the Council stop up or divert the whole or any part of a street, the following provisions of this subsection shall, unless otherwise agreed in writing between the Council and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion ceases to be a street or part of a street (in this subsection referred to as "the affected line") that is to say:—

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the

stopping up or diversion so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (1) of this section unless before the expiration of that period the Postmaster General has given notice to the Council of his intention to remove the affected line or that part thereof, as the case may be;

- (b) The Postmaster General may by notice in that behalf to the Council abandon the affected line or any part thereof and shall be deemed as respects the affected 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 Council the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may require;
- (d) Where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Council and the provisions of the Telegraph Acts 1863 to 1962 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) The Council shall not, under the powers conferred by section 26 of this Act, alter any telegraphic line belonging to or used by the Postmaster General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Act of 1878.

(4) The exercise by the Council of the powers conferred by section 31 of this Act in relation to any street or subway shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, in, upon, over, along or across that street or subway; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon that street or subway or break open that street.

(5) Nothing in section 34 of this Act shall alter, prejudice or affect any of the rights and powers of the Postmaster General under the provisions of the Telegraph Acts 1863 to 1962.

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(6) (a) The Council shall in executing so much of Work No. 5 as consists in constructing the new bridges carrying East Hill and North Side Wandsworth Common and so much of Work No. 10 as consists of the widening of the bridge carrying Trinity Road over the British Railways Board (Southern Region) railway, provide in such bridges accommodation for the telegraphic lines of the Postmaster General as specified in paragraph (b) of this subsection and shall provide also means whereby the Postmaster General may have access to such telegraphic lines after the same have been laid.

(b) The accommodation to be provided in each such bridge in pursuance of the foregoing paragraph of this subsection shall be for ducts having an external diameter of five inches each, as follows:—

- (i) in the new bridge carrying East Hill (part of Work No. 5) sufficient accommodation for thirteen ducts (including seven ducts by way of replacement of existing ducts);
- (ii) in the new bridge carrying North Side Wandsworth Common (part of Work No. 5) sufficient accommodation for twenty-six ducts (including nineteen ducts by way of replacement of existing ducts);
- (iii) in the widened bridge carrying Trinity Road over the British Railways Board (Southern Region) railway (part of Work No. 10) sufficient accommodation for twenty-three ducts (including five ducts by way of replacement of existing ducts).

(c) The accommodation and means of access thereto shall be of such nature and in such position or positions as may be agreed between the Council and the Postmaster General, taking into account the requirements of other undertakers.

(d) The cost of providing so much of the accommodation and means of access as is required for ducts which will replace existing ducts shall be borne by the Council. The additional cost reasonably incurred by the Council of providing the remainder of the said accommodation and means of access shall be paid to the Council by the Postmaster General in a single payment or in such other manner as may be agreed between the Council and the Postmaster General.

(e) Any question or difference which may arise between the Council and the Postmaster General under this subsection (other than a question or difference as to the meaning or construction of this subsection) shall be settled by arbitration.

(7) Subject to the foregoing provisions of this section, subsection (1) of section 36 of this Act shall apply in relation to

telegraphic lines belonging to or used by the Postmaster General as it applies in relation to apparatus as defined by subsection (2) of that section.

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(8) In this section “ telegraphic line ” and in subsection (3) of this section “ alter ” have the same meanings respectively as in the Act of 1878.

44. For the protection of the British Railways Board (in this section referred to as “ the board ”), the following provisions shall, unless otherwise agreed in writing between the Council and the board, apply and have effect:—

For protection
of British
Railways
Board.

(1) In this section—

“ railway property ” means any lands or premises belonging to or occupied by the board shown on the deposited plans, and the railways of the board and works connected therewith belonging to the board or for the maintenance of which they are responsible;

“ the works ” means so much of the works authorised by Part III of this Act as may be situated upon, across, under or over or within fifty feet measured in any direction from railway property, and includes the construction of such works as herein defined;

“ construction ” includes reconstruction and for the purposes of paragraphs (9), (10), (14) and (16) of this section includes maintenance and repair on or over railway property, but does not include maintenance or repair of the surface of a highway;

“ the engineer ” means an engineer to be appointed by the board;

“ plans ” includes sections and particulars:

(2) The Council shall not under the powers of this Act (except as provided in this section or in accordance with a requirement of the board under subsection (4) of section 11 of this Act), acquire compulsorily the interest of the board in any railway property, but they may, in accordance with the said section 11, acquire such easements and rights in any railway property delineated on the deposited plans as they may reasonably require for the purposes of the works, as if such property were land which the Council were authorised to acquire compulsorily under this Act:

(3) Paragraph (2) of this section shall not apply to so much of the lands of the board numbered on the deposited plans 72 and 76 in the borough of Hammersmith and

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- 61A, 63, 87, 88, 89 and 113 to 115 (inclusive) in the borough of Wandsworth, as may be reasonably required for the purposes of the works and such lands shall cease to be railway property for the purposes of this section upon the service of a notice to treat for the acquisition thereof under section 5 of this Act:
- (4) The Council shall at all times after the acquisition by them under the provisions of this Act of any land belonging to the board secure that such acquisition shall not deprive the board of such access as is reasonably required by them for the purpose of maintaining railway property:
 - (5) The Council shall, before commencing the works (other than works of maintenance and repair), furnish to the board proper and sufficient plans thereof for the approval of the engineer, which approval shall not be unreasonably withheld, and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:
Provided that if, within twenty-eight days after such plans have been furnished to the board, the engineer has not intimated his approval or disapproval thereof, he shall be deemed to have approved them:
 - (6) If within twenty-eight days after such plans have been furnished to the board, the board give notice to the Council that, in consequence of the nature of the works, it is reasonably necessary that the board should themselves construct any part of the works then, if the Council desire such part of the works to be constructed, the board shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Council in accordance with the plans approved or deemed to be approved or settled as aforesaid (hereinafter in this section called "the approved plans"), and may recover the reasonable cost of so doing from the Council:
 - (7) Upon signifying his approval or disapproval of the said plans, the engineer may specify any temporary or permanent protective works which should be carried out before the commencement of or during the execution of the works to ensure the safety or stability of railway property or protect it from injury or to avoid delay or inconvenience to railway passengers or to traffic on the railways of the board and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the reasonable cost of such protective works shall

be paid by the Council, and the Council shall not commence or continue, as the case may be, the construction of the works until the engineer has notified the Council that the protective works have been completed:

- (8) (a) Except with the consent of the board the Council shall not, in the construction of the works, interfere with any railway station, or station or goods depot entrance or other railway work, or with the means of access to any of such works, or any premises of the board until alternative facilities of the like nature have been provided at the cost of the Council and to the reasonable satisfaction of the board;
- (b) On the completion of the construction of such alternative facilities as aforesaid (other than such as are of a temporary nature only for the purposes of the construction of the works and except where any alternative means of access provided are situate within the boundaries of the improvements), the same shall by virtue of this Act, without any payment or other consideration and without any further assurance, be transferred to and vest in the board;
- (c) Subject to the provisions of sub-paragraph (a) of this paragraph, the Council may for the purposes of the works acquire, or take possession compulsorily of, the site of railway property in respect of which alternative facilities have been provided as aforesaid:

Provided that if any benefit accrues to the board by reason of the provision of any such alternative facilities as aforesaid, being facilities afforded by means of mains, pipes, cables or other similar apparatus, there shall be taken into account in assessing the amount of compensation or purchase money to be paid by the Council to the board for the acquisition of the site of the railway property in respect of which the alternative facilities are provided the benefit so accruing:

- (9) The Council shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works, except in cases of emergency, when they shall give such notice as may be reasonably practicable:
- (10) The works (or so much thereof as shall be carried out by the Council) shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such

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manner as to cause as little damage as may be to railway property and as little interference as may be with the conduct of traffic on the railways of the board and the use by passengers of any railway property, and if any damage to railway property or any such interference shall be caused by the construction of the works, the Council shall notwithstanding any such approval as aforesaid, forthwith make good such damage and pay to the board the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Council with respect to any damage, costs, expenses or loss which is attributable to the act, neglect or default of the board or their servants or agents:

- (11) The Council shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (12) The board shall at all times afford reasonable facilities to the Council for access to any works carried out by the board under this section and shall supply the Council with all such information as they may reasonably require with regard to such works or the method of construction thereof:
- (13) If any alterations or additions, either permanent or temporary, to railway property are reasonably necessary during the construction of the works or during a period of twelve months after the completion thereof in consequence of the construction of the works by the Council such alterations and additions may be effected by the board after notice has been given to the Council and the Council shall repay to the board the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing railway property in consequence of any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving may be set off against any sum payable by the Council to the board under this section:

(14) The Council shall repay to the board all costs, charges and expenses reasonably incurred by the board by reason of the works—

(a) in respect of the employment of any inspectors, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing, as far as may be reasonably practicable, interference, obstruction, danger, or accident arising from the construction of the works;

(b) in respect of any special traffic working resulting from any speed restriction which may in the opinion of the engineer require to be imposed and which may be due to the construction of the works or from the substitution or diversion of services; and

(c) in additional lighting of railway property in the vicinity of the works, being lighting made reasonably necessary during and by reason of the construction of the works:

(15) All temporary structures, erections, works, apparatus and appliances erected or placed by the Council under the powers of section 22 of this Act upon, over or under any railway of the board shall as soon as reasonably practicable be removed by the Council to the reasonable satisfaction of the engineer and in such a way as to cause as little damage to railway property and as little interference with, or interruption to, the traffic on the railway of the board as may be and if any damage to railway property or such interference, delay or interruption shall be caused by any such failure to remove any such temporary structures, erections, works, apparatus or appliances the Council shall forthwith make good such damage and pay to the board the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage, interference, delay or interruption:

(16) The Council shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the board by reason of any act or omission of the Council or any persons in their employ or of their contractors or others whilst engaged upon the construction of the works and the Council shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the construction of the works or any act or omission

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as aforesaid and the fact that any work or thing may have been done by the board on behalf of the Council or in accordance with any plans approved by the engineer or in accordance with any requirement by the engineer or under his supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or others whilst engaged upon the construction of the works) excuse the Council from any liability under the provisions of this section:

Provided that the board shall give to the Council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Council:

- (17) Any additional expense which the board shall reasonably incur after giving one month's notice thereof to the Council in altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Council to the board:
- (18) Notwithstanding anything in this Act, the Council shall not without the consent of the board, which shall not be unreasonably withheld, deviate upwards from the levels of the works as shown on the deposited sections in the lands numbered on the deposited plans 62 and 160 in the borough of Wandsworth or downwards from those levels in the lands numbered on the deposited plans 73 and 77 in the borough of Hammersmith and 395 in the borough of Wandsworth:
- (19) Any pier or other support for the works constructed within the lands of the board numbered on the deposited plans 73 and 77 in the borough of Hammersmith and 395 in the borough of Wandsworth, shall be placed in such position as may be reasonably required by the engineer:
- (20) Any difference arising between the Council and the board under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection
of London
Transport
Board.

45. For the protection of the London Transport Board (in this section referred to as "the board"), the following provisions shall, unless otherwise agreed in writing between the Council and the board, apply and have effect:—

(1) In this section—

"transport property" means any lands or premises (including railways and works connected therewith)

belonging to or occupied by the board within the limits of deviation shown on the deposited plans or within fifty feet thereof;

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“ the works ” means so much of the works authorised by Part III of this Act as may be situated upon, across, under or over or within fifty feet measured in any direction from transport property, and unless the context otherwise requires, includes the construction of such works as therein defined;

“ construction ” includes reconstruction and for the purposes of paragraphs (7), (8), (13) and (15) of this section includes maintenance and repair on or over transport property, but does not include maintenance or repair of the surface of a highway;

“ the engineer ” means an engineer to be appointed by the board;

“ plans ” includes sections and particulars:

- (2) The Council shall not under the powers of this Act, except in accordance with a requirement of the board under subsection (4) of section 11 of this Act or in accordance with sub-paragraph (c) of paragraph (6) of this section, acquire compulsorily the interest of the board in any transport property which is used or required for the purpose of carrying on the undertaking of the board, but they may, in accordance with the said section 11, acquire such easements and rights in any transport property within the limits of deviation shown on the deposited plans as they may reasonably require for the purposes of the works, as if such property were land which the Council were authorised to acquire compulsorily under this Act:
- (3) The Council shall, before commencing the works (other than works of maintenance and repair), furnish to the board proper and sufficient plans thereof for the approval of the engineer, which approval shall not be unreasonably withheld, and shall not commence the works until plans thereof have been approved in writing by the engineer or deemed to have been so approved as hereinafter provided or settled by arbitration:

Provided that, if within twenty-eight days after such plans have been furnished to the board, the engineer has not intimated his approval or disapproval thereof, he shall be deemed to have approved them:

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- (4) If, within twenty-eight days after such plans have been furnished to them, the board give notice to the Council that, in consequence of the nature of the works it is reasonably necessary that the board should themselves construct any part of the works then, if the Council desire such part of the works to be constructed, the board shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Council in accordance with the plans approved or deemed to be approved or settled as aforesaid (hereinafter in this section called "the approved plans") and may recover the reasonable cost of so doing from the Council:
- (5) Upon signifying his approval or disapproval of the said plans, the engineer may specify any temporary or permanent protective works which should be carried out before the commencement, or during the execution, of the works to ensure the safety or stability of transport property or protect it from injury or to avoid delay or inconvenience to railway passengers or to traffic on the railways of the board and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the reasonable cost of such protective works shall be paid by the Council, and the Council shall not commence or continue, as the case may be, the construction of the works until the engineer has notified the Council that the protective works have been completed:
- (6) (a) Except with the consent of the board, the Council shall not, in the construction of the works, interfere with any railway work of the board or with the means of access to any such railway work until alternative facilities of the like nature have been provided at the cost of the Council and to the reasonable satisfaction of the board;
- (b) On the completion of the construction of such alternative facilities as aforesaid (other than such as are of a temporary nature only for the purposes of the construction of the works and except where any alternative means of access provided are situate within the boundaries of the improvements), the same shall by virtue of this Act, without any payment or other consideration and without any further assurance, be transferred to and vest in the board;
- (c) Subject to the provisions of sub-paragraph (a) of this paragraph, the Council may for the purposes of the

works acquire, or take possession compulsorily of, the site of transport property in respect of which alternative facilities have been provided as aforesaid:

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Provided that if any benefit accrues to the board by reason of the provision of any such alternative facilities as aforesaid, being facilities afforded by means of mains, pipes, cables or other similar apparatus, there shall be taken into account in assessing the amount of compensation or purchase money to be paid by the Council to the board for the acquisition of the site of the transport property in respect of which the alternative facilities are provided the benefit so accruing:

- (7) The Council shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works, except in cases of emergency, when they shall give such notice as may be reasonably practicable:
- (8) The works (or so much thereof as shall be carried out by the Council) shall, when commenced, be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage as may be to transport property and as little interference as may be with the conduct of traffic on the railways of the board and the use by passengers of any transport property of the board, and if any damage to transport property or any such interference shall be caused by the works the Council shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the board the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage or interference:

Provided that nothing in this paragraph shall impose any liability on the Council with respect to any damage, costs, expenses or loss which is attributable to the act, neglect or default of the board or their servants or agents:

- (9) The Council shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (10) The board shall at all times afford reasonable facilities to the Council for access to any works carried out by

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the board under this section and shall supply the Council with all such information as they may reasonably require with regard to such works or the method of construction thereof:

- (11) If at any time during the construction of the works by the Council the safety of the railways of the board or railway works is in the opinion of the engineer endangered thereby, the Council shall immediately on being notified thereof by the engineer, stop the construction of those works and not recommence the same until after the engineer shall have notified the Council that such remedial works as he shall reasonably require to ensure the safety of the railways of the board or railway works have been carried out at the expense of the Council either by the Council or, if it is necessary, by the board:
- (12) If any alterations or additions, either permanent or temporary, to transport property other than such alternative facilities as may be provided at the cost of the Council under paragraph (6) of this section are reasonably necessary during the construction of the works or during a period of twelve months after the completion thereof in consequence of the construction of the works by the Council, such alterations and additions may be effected by the board after notice has been given to the Council and the Council shall repay to the board the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing transport property in consequence of any such alterations or additions:

Provided that if the cost of maintaining, working or renewing transport property is reduced in consequence of any such alterations or additions, a capitalised sum representing such saving may be set off against any sum payable by the Council to the board under this section:

- (13) The Council shall repay to the board all costs, charges and expenses reasonably incurred by the board by reason of the works—

(a) in respect of the employment of any inspectors, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling transport property and for preventing, as far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction of the works;

(b) in respect of any special traffic working resulting from any speed restriction which may in the opinion of the engineer require to be imposed and which may be due to the construction of the works or from the substitution or diversion of services; and

(c) in additional lighting of transport property in the vicinity of the works, being lighting made reasonably necessary during and by reason of the construction of the works:

- (14) All temporary structures, erections, works, apparatus and appliances erected or placed by the Council under the powers of section 22 of this Act upon, over or under any railway of the board shall as soon as reasonably practicable be removed by the Council to the reasonable satisfaction of the engineer and in such a way as to cause as little damage to transport property and as little interference with, or interruption to, the traffic on the railways of the board as may be, and if any damage to transport property or such interference, delay or interruption shall be caused by failure to remove any such temporary structures, erections, works, apparatus or appliances in accordance with this paragraph, the Council shall forthwith make good such damage and pay to the board the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of such damage, interference, delay or interruption:
- (15) The Council shall be responsible for and make good to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the board by reason of any act or omission of the Council or any persons in their employ or of their contractors or others whilst engaged upon the construction of the works and the Council shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of or in connection with the construction of the works or any act or omission as aforesaid, and the fact that any work or thing may have been done by the board on behalf of the Council or in accordance with any plans approved by the engineer or in accordance with any requirement by the engineer or under his supervision shall not, if it was done without negligence on the part of the board or of any person in their employ or of their contractors or others whilst engaged upon the construction of the works, excuse the Council from any liability under the provisions of this section:

PART IV
—cont.

Provided that the board shall give to the Council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Council:

- (16) Any additional expenses which the board shall reasonably incur after giving one month's notice thereof to the Council in altering, reconstructing or maintaining transport property in pursuance of any powers existing at the passing of this Act by reason of the existence of the works, shall be repaid by the Council to the board:
- (17) Any pier or other support for the works constructed on any lands of the board shall be placed in such position as may be reasonably required by the engineer:
- (18) Before constructing any part of the improvements which will involve interference with a stopping place for public service vehicles, the Council shall consult the board with regard to the provision of a lay-by or other convenient alternative stopping place for such vehicles as part of the improvements:
- (19) Any difference arising between the Council and the board under this section, other than a difference as to the meaning or construction of this section, shall be settled by arbitration.

PART V**MISCELLANEOUS**

Extension of
time for
compulsory
purchase of
lands by
Council.

46.—(1) The period now limited by the London County Council (General Powers) Act 1961 for the exercise by the Council of powers for the compulsory purchase of lands in the boroughs of Hampstead and Wandsworth for the purposes of section 5 (Power to acquire lands) of that Act is hereby extended until 1st October, 1967.

(2) Notwithstanding anything in subsection (1) of this section, if, at any time before 1st January, 1967, the owner or lessee of any land to which that subsection relates gives to the Council notice in writing requiring them forthwith to decide whether or not they will proceed with the purchase of his estate or interest in any such land which is specified in the notice, the powers referred to in the said subsection shall not extend so as to enable the Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified, or in any part of such land, in pursuance of a notice to treat served later than six months after the receipt by the Council of the first-mentioned notice.

(3) If the Council give notification in writing to the owner or lessee of any land, being land to which this section relates and which is specified in the notification, that they do not intend to proceed with the purchase of the estate or interest of such owner or lessee in the land so specified, the powers referred to in this section, so far as they authorise the compulsory purchase of such estate or interest, shall cease forthwith.

PART V
—cont.

47.—(1) For or in connection with the carrying out of any works for the widening or improvement of Kensington High Street, the Council may, with the consent of the Minister of Public Building and Works, enter upon and use the lands and premises situate in the royal borough of Kensington and comprising—

Power to acquire and use Crown land for widening or improvement of Kensington High Street.

(a) No. 2A Kensington High Street; and

(b) part of the roadway known as Palace Avenue;

being the lands and premises more particularly shown in green colour hatched black on the signed plan; and the Council are hereby authorised to acquire by agreement any interest, being an interest vested in the Crown, in such lands and premises.

(2) In this section “the signed plan” means the plan signed in triplicate by the Right Honourable the Lord Cawley, the chairman of the committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one copy in the Private Bill Office, House of Commons, and one copy with the clerk of the Council.

PART VI

SUPPLEMENTAL

48. 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.

Saving for town and country planning.

49.—(1) Before commencing the construction of any works forming part of the improvements so as to involve the temporary closing to vehicular traffic of any street or part of a street either absolutely or to the extent of one-third or more of the width of the carriageway, the Council shall give not less than twenty-one days' notice in writing to the commissioner of police of the metropolis of their intention so to do and such notice shall specify the works to which the notice relates and the streets or parts of streets which will be closed in the course of the execution of the works.

Notice to commissioner of police.

PART VI
—cont.

(2) The Council shall make such arrangements with the said commissioner as shall be reasonably necessary so as to cause as little interference with vehicular traffic as may be reasonably practicable during the execution of the works.

Arbitration.

50. Any question or difference which pursuant to this Act is to be settled by arbitration (other than a question or difference to which the provisions of the Lands Clauses Acts apply) shall, except as otherwise provided by this Act, be referred to and determined by an arbitrator to be agreed upon between the parties in difference or, failing such agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

Costs of Act.

51. All costs and expenses of the Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the Act of 1939 as the Council may decide.

SCHEDULES

Section 28.

SCHEDULE 1

STREETS AND PARTS OF STREETS WHICH MAY BE STOPPED UP

In the borough of Wandsworth—

Bridgend Road.

So much of Eltringham Street as lies within the lines of Works Nos. 2 and 3 and between Coligny Street and Bramford Road.

York Road between Petergate and a point thirty-three yards south-west of the junction of York Road with Warple Road.

So much of Warple Road as lies between York Road and Marl Street.

So much of Jews Row as lies within the lines of Work No. 2.

Coligny Street.

Cotman Street.

So much of Bramford Road as lies within the limits of deviation of works and of lands to be acquired shown on the deposited plans.

So much of Podmore Road as lies between Elmsleigh Road and a point thirty-seven yards west of the junction of Podmore Road with Flavell Road.

So much of Elmsleigh Road as lies between Huntsmoor Road and East Hill.

Elmsleigh Terrace.

Flavell Road.

So much of Dighton Road as lies between Flavell Road and Birdhurst Road.

So much of Wandsworth Common West Side as lies within the lines of Works Nos. 5, 9 and 14.

So much of Trinity Road as lies within the lines of Work No. 5.

So much of Trefoil Road as lies within the lines of Work No. 9.

So much of Cicada Road as lies within the lines of Work No. 9.

In the borough of Hammersmith—

So much of Westway as lies between the commencement of Work No. 18 and Wood Lane.

So much of Bentworth Road as lies within the lines of Work No. 18.

So much of Latimer Road as lies within the limits of deviation of works and of lands to be acquired shown on the deposited plans.

So much of Silchester Road as lies between Walmer Road and Oldham Road.

So much of Oldham Road as lies between Silchester Road and East Mews Road.

SCH. 1
—cont.

So much of Blechynden Street as lies within the limits of deviation of works and of lands to be acquired shown on the deposited plans.

So much of Bard Road as lies within the lines of Works Nos. 29, 30 and 31.

So much of Pring Street as lies within the lines of Work No. 29.

In the royal borough of Kensington—

So much of Silchester Road as lies between Walmer Road and a point thirteen yards east of the junction of Silchester Road with Calverley Street.

So much of Walmer Road as lies between Silchester Road and Pamber Street and between Bramley Road and a point ninety-three yards east of the junction of Walmer Road with Bramley Road.

So much of Oldham Road as lies between Walmer Road and East Mews Road.

Silchester Street.

So much of Silchester Mews as lies within the limits of deviation of works and of lands to be acquired shown on the deposited plans.

Calverley Street.

So much of East Mews Road as lies within the limits of deviation of works and of lands to be acquired shown on the deposited plans.

So much of Maxilla Gardens as lies within the limits of deviation of works and of lands to be acquired shown on the deposited plans.

(References in this schedule to the lines of a particular work shall be construed as references to the limits of that work as it will finally be constructed in accordance with the powers conferred by this Act.)

SCHEDULE 2

Section 30.

STREETS AND PARTS OF STREETS ON WANDSWORTH COMMON WHICH
MAY BE STOPPED UP

In the borough of Wandsworth—

Marcilly Road between Wandsworth Common West Side and North Side Wandsworth Common.

Heathfield Gardens, and an unnamed way at rear of houses fronting on Heathfield Gardens.

So much of the eastern footway of Trinity Road as lies between Windmill Road and a point two hundred and sixty-seven yards north-west of the junction of Windmill Road with Trinity Road.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Metropolis Management Act 1855	18 & 19 Vict. c. 120.
Wandsworth Common Act 1871	34 & 35 Vict. c. clxxxi.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
London County Council (Subways) Act 1893	56 & 57 Vict. c. ccii.
London County Council (Tunnel and Improvements) Act 1938	1 & 2 Geo. 6 c. lxxxi.
London Government Act 1939	2 & 3 Geo. 6 c. 40.
London County Council (General Powers) Act 1939	2 & 3 Geo. 6 c. c.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Land Compensation Act 1961	9 & 10 Eliz. 2 c. 33.
London County Council (General Powers) Act 1961	9 & 10 Eliz. 2 c. xliii.
Town and Country Planning Act 1962 ...	10 & 11 Eliz. 2 c. 38.
London County Council (Improvements) Act 1962	10 & 11 Eliz. 2 c. xlix.
London County Council (Improvements) Act 1963	1963 c. xxxv.

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