

ELIZABETH II



1966 CHAPTER i

An Act to make provision for the transfer of Covent Garden Market to a site in the London boroughs of Lambeth and Wandsworth; to empower the Covent Garden Market Authority to acquire lands and easements for that and other purposes; to confer further powers on that Authority; to amend the provisions of the Covent Garden Market Act 1961; and for other purposes. [10th March 1966]

WHEREAS the Covent Garden Market Authority (hereinafter referred to as "the Authority") were constituted by the Covent Garden Market Act 1961 (hereinafter referred to as "the Act of 1961"):

1961 c. 49.

And whereas certain lands in the city of Westminster forming part of the market commonly known as Covent Garden Market were by the Act of 1961 vested in the Authority:

And whereas the Authority were by the Act of 1961 placed under a duty to provide within an area in the city of Westminster and the London borough of Camden referred to in the Act of 1961 and hereinafter as "the Covent Garden Area" market facilities for the conduct of a market for dealing in bulk in horticultural produce and certain other commodities:

And whereas by the Act of 1961 the Authority were required in the first instance to discharge the duty thus imposed on them by providing facilities on the lands vested in them by that Act, but they were further required, as soon as practicable, to take all

practicable steps either to improve those facilities or to provide, in substitution therefor, better ones on other lands within the Covent Garden Area:

And whereas other duties were imposed upon the Authority by the Act of 1961, including a duty to provide storage facilities, so far as practicable outside the Covent Garden Area, and a duty to reduce the amount of land in the Covent Garden Area used for the purposes of that Act to as small and regular an area as may be:

And whereas the Authority are required by the Act of 1961 in the discharge of their duties under that Act to have regard to the public interest and the desirability of preserving and improving the amenities of the Covent Garden Area:

And whereas, during the passage through Parliament of the Bill for the Act of 1961, an assurance was given to Parliament on behalf of Her Majesty's Government that if the Authority, after examining all aspects of the problem and consulting all the interests concerned, should reach the conclusion that Covent Garden Market should be rebuilt outside the Covent Garden Area, and if this conclusion were generally accepted, consent to the promotion of a Bill to effect this purpose would not be withheld:

And whereas a site outside that area convenient for the transport thereto of horticultural produce by rail has become available and the Authority, after due consideration and after consulting all the interests concerned, have reached the conclusion that the market should be transferred to that site:

And whereas this conclusion has been accepted generally:

And whereas it would be in the public interest and enable provision to be made for the improvement of the amenities of the Covent Garden Area that the market should be transferred to the said site:

And whereas for that purpose it is expedient that the powers and duties in that behalf contained in this Act should be conferred and imposed upon the Authority:

And whereas the Authority are by the Act of 1961 required so to exercise and perform their powers and duties under that Act as to secure that their revenues are not less than sufficient to meet all sums properly chargeable to revenue account, taking one year with another:

And whereas it is expedient that the persons carrying on business by means of the facilities to be provided by the Authority should be enabled to compete on fair and equal terms with other persons carrying on in Greater London the business of selling horticultural produce by wholesale:

And whereas to secure this object it is expedient that any tolls, rents and charges levied, charged or made by the Authority under this Act should be as low as is consistent with the best business practices and the proper discharge of their duties under the Act of 1961 and this Act:

And whereas for the purpose aforesaid it is expedient that the Authority should make the best use of their property and assets in the Covent Garden Area and that the duties and powers in that behalf which are contained in this Act should be imposed and conferred on the Authority:

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

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

And whereas a plan showing the lands which may be acquired or used under the powers of this Act and also a book of reference to the said plan containing the names of the owners and lessees, or reputed owners or lessees, and of the occupiers of those lands have been duly deposited in the office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons, and with the respective clerks of the Greater London Council and the London County Council, which plan and book of reference are in this Act referred to respectively as the deposited plan 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, that is to say:—

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Covent Garden Market Act 1966. Short title,
construction
and collective
title.

(2) This Act shall be construed as one with the Act of 1961 and the Act of 1961 and this Act may be cited together as the Covent Garden Market Acts 1961 and 1966.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Duties and powers of the Authority.

Part IV.—Control and administration of marketing.

Part V.—Covent Garden Area.

Part VI.—Miscellaneous.

Division of
Act into
Parts.

PART I

—cont.

Incorporation
of Lands
Clauses Acts.
1845 c. 18.

3. The Lands Clauses Acts, except sections 92, 127 to 133, 150 and 151 of the Lands Clauses Consolidation Act 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.

Interpretation.

4.—(1) In this Act, unless the subject or context otherwise requires, words and expressions to which meanings are assigned by the Act of 1961 have the same respective meanings, and—

1961, c. 49.

“the Act of 1961” means the Covent Garden Market Act 1961;

“the appointed day” means the day appointed in pursuance of section 5 (The appointed day) of this Act;

“the council” means the Greater London Council;

“the day of discontinuance” has the meaning assigned to that expression by section 25 (Cesser of power to provide market facilities on 1961 lands) of this Act;

1949 c. 42.

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

1961 c. 33.

“the Nine Elms lands” means the lands in the London boroughs of Lambeth and Wandsworth comprised within the limits of land to be acquired shown on the deposited plan other than the lands excluded from compulsory acquisition under this Act by virtue of section 8 (Exclusion of certain lands from compulsory acquisition) of this Act;

“the 1961 lands” means the lands vested in the Authority by the Act of 1961;

“railway property” means property for the time being belonging to the British Railways Board or forming part of or used for the purposes of a railway of that board;

“the signed plan” means (except in and for the purposes of section 44 (For protection of British Railways Board) of this Act) the plan signed in quintuplicate by Fred Blackburn, the chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, of which plan one copy has been deposited in the office of the Clerk of the Parliaments, House of Lords, one copy in the Private Bill Office of the House of Commons, one copy with the Authority, one with Wandsworth Stonemasonry Works Limited and one with the Vauxhall Cake Supply Company Limited;

1959 c. 25.

“street” has the meaning assigned to that expression by the Highways Act 1959;

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ the tribunal ” means the Lands Tribunal.

PART I
—cont.

1878 c. 76.

(2) In this Act and in the Act of 1961 the expression “ market area ” means any area in which the Authority are for the time being providing market facilities.

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

5.—(1) Subject to the provisions of subsection (2) of this section the appointed day for the purposes of this Act shall be such day, not being later than 1st January, 1972, as the Authority may appoint for the commencement of the use as a market for dealing in bulk in horticultural produce of land within the Nine Elms lands: The appointed day.

Provided that a day later than the 1st January, 1972, may be appointed as the appointed day—

(a) by the Authority with the consent of the Minister; or

(b) by the Authority in pursuance of an agreement under subsection (2) of this section, or by the Minister under that subsection.

(2) (a) The Authority shall give to the council and each of the councils of the London boroughs of Lambeth and Wandsworth not less than six months' notice in writing of their intention to appoint a day for the purpose of subsection (1) of this section and of the day which they propose so to appoint.

(b) If within two months after the giving of the notice referred to in paragraph (a) of this subsection the council or either of the councils of the said London boroughs serve a counter-notice in writing on the Authority objecting to the day so proposed to be appointed the Authority shall appoint a day to be agreed between them and the council and the councils of the said London boroughs or in default of agreement the appointed day shall be such day as the Minister may appoint.

(3) Not later than one month before the appointed day, the Authority shall publish in the London Gazette and in such other manner as in the opinion of the Authority is necessary or convenient for the purpose of informing persons likely to be affected thereby a notice of the day appointed for the purposes of this section.

PART II

LANDS

6.—(1) Subject to the provisions of this Act, the Authority may enter upon, take and use such of the lands in the London Power to acquire Nine Elms lands.

PART II
—cont.

boroughs of Lambeth and Wandsworth delineated on the deposited plan and described in the deposited book of reference as they may require for the purpose of discharging any duty for the time being imposed, or exercising any power for the time being conferred, upon the Authority by any enactment.

(2) The powers of the compulsory acquisition of land under this section shall cease after the expiration of five years from 1st October, 1965.

(3) If at any time the Minister is satisfied that it is necessary in all the circumstances so to do, he may by order made by statutory instrument (which shall be subject to special parliamentary procedure) extend the period limited by subsection (2) of this section for the compulsory acquisition of land under this section.

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

7.—(1) In this section—

“land” means any land the time for the compulsory acquisition of which has been extended by virtue of an order made by the Minister under subsection (3) of section 6 (Power to acquire Nine Elms lands) of this Act and in respect of which a notice to treat has not been served;

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

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

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

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

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

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

(a) if the Authority—

(i) fail to comply with that subsection; or

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

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

the powers conferred by this Act for the compulsory purchase of his interest in the land specified in the notice served by the owner or the lessee shall cease;

PART II
—cont.

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

8. Notwithstanding anything in this Act or shown on the deposited plan the Authority shall not, under the powers of this Act, acquire compulsorily—

Exclusion of certain lands from compulsory acquisition.

(a) the lands specified in Schedule 1 to this Act;

(b) any lands in the London borough of Lambeth:

Provided that the Authority may acquire lands in that borough shown on the deposited plan in which the British Railways Board held a freehold interest on the 13th July, 1965, other than so much of the lands numbered in that borough 298 on the deposited plan as is coloured blue or red on the signed plan.

9.—(1) If the deposited plan 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 Authority, 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 or to two justices having jurisdiction in the place where the land is situated for the correction thereof.

Correction of errors in deposited plan and book of reference.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office of the House of Commons and with the clerk of the Greater London Council and with the town clerk of the London borough in which the land is situated and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Authority to enter upon, take and use the land 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.

Acquisition
of part only
of certain
properties.

10.—(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—

- (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 Authority that part of the house, building, factory, park or garden.

Power to
expedite
entry.

1845 c. 18.

11. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act but not less than three months after giving to the owner and occupier of the land notice in writing of their intention to exercise the powers of this section, the Authority may without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 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 such part thereof:

Provided that the Authority 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 those sections had been complied with.

Power to
enter for
survey or
valuation.

12.—(1) Any person acting on behalf of the Authority 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 the Authority are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Authority, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, shall have given notice in writing to the owner and occupier of the land in manner provided by section 50 (Provisions as to service of documents) of the Act of 1961.

(2) The power of survey conferred by the foregoing subsection includes power to search and bore for the purpose of ascertaining the nature of the subsoil:

PART II
—cont.

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention to do so was included in the notice required by the foregoing subsection.

(3) Where land is damaged in the exercise of a right of entry or survey conferred under this section, any person interested in the land may recover from the Authority compensation for the damage to be determined in case of dispute by the tribunal and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act 1961 shall apply.

1961 c. 33.

13. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act otherwise than by virtue of an order under section 16 (Provision of substituted sites) of this Act, the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvements, alterations or building commenced on or after 4th December, 1964; 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 commenced or created with a view to obtaining or increasing the compensation or purchase money.

14.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall be extinguished as from the date of the completion of the acquisition of the land, whether compulsorily or by agreement, or the date of the entry thereon under section 11 (Power to expedite entry) of this Act, whichever date shall be the earlier.

Extinction of private rights of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Authority compensation to be determined in case of dispute under and in accordance with the Land Compensation Act 1961.

15. Notwithstanding anything in this Act, the Authority may acquire such easements or rights in, over or under any railway or railway property within the limits of land to be acquired shown on the deposited plan as they may require for the purpose of constructing, maintaining, renewing and using means of access or of conveying horticultural produce from or to any part of any land for the time being belonging to the Authority or which may be acquired by them under this Act to or from any other part of any such land or to or from any other land without being obliged or compellable to acquire any greater interest in, under or over

Power to acquire easements only in certain cases.

PART II
—cont.

such railway or property, and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts.

Provision of
substituted
sites.

16.—(1) The power conferred on the Authority by subsection (2) of section 18 (Additional functions of the Authority) of the Act of 1961 of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Act.

(2) The Authority may, by means of an order made by them and submitted to the Minister of Housing and Local Government and confirmed by him, be authorised to purchase compulsorily any land in Greater London for the purposes aforesaid.

1946.c. 49.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946 and the Authority were a local authority within the meaning of the last-mentioned Act.

Power to
reinstate
owners or
occupiers of
property.

17.—(1) The Authority may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land, and for that purpose the Authority may pay or receive money for equality of exchange.

Stopping up
of streets.

18. The Authority may stop up the whole or such part or parts as they may think fit of so much of the streets mentioned in Schedule 2 to this Act as are within the limits of land to be acquired shown on the deposited plan and thereupon all public rights of way over the street or part of the street stopped up shall be extinguished:

Provided that the Authority shall not stop up any street or any part of a street under the powers of this section unless they are in possession of all buildings and lands on both sides of the street or the 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 Authority 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.

19. All lands acquired by the Authority under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

PART II
—cont.

Land laid into streets to form part thereof.

20.—(1) In addition to the Nine Elms lands, the Authority may acquire by agreement, whether by way of purchase, lease, or exchange, any land in the London boroughs of Lambeth or Wandsworth for the purposes of or in connection with the exercise or performance by the Authority of the powers or duties conferred or imposed on them by this Act in relation to the Nine Elms lands:

Acquisition of additional lands.

Provided that the Authority shall not under the powers of this section acquire any land without the consent of the Minister.

(2) Any land acquired by the Authority by virtue of subsection (1) of this section shall for all purposes of this Act form part of and be included in the Nine Elms lands and accordingly the provisions of this Act relating to the Nine Elms lands (other than subsection (3) of section 21 (Repeal of section 16 of Act of 1961 and new provisions as to duty of Authority to provide market facilities, etc.), of this Act) shall extend and apply to the land so acquired.

(3) In this section, without prejudice to the provisions of section 3 of the Interpretation Act 1889, the expression "land" includes part of a building. 1889 c. 63.

PART III

DUTIES AND POWERS OF THE AUTHORITY

21.—(1) Section 16 (Duty of the Authority to provide market and storage facilities) of the Act of 1961 is hereby repealed and in lieu thereof the duties set out in the following subsections of this section shall be imposed on the Authority.

Repeal of section 16 of Act of 1961 and new provisions as to duty of Authority to provide market facilities, etc.

(2) It shall be the duty of the Authority on and after the appointed day to provide market facilities within the area comprising the Nine Elms lands and on any other lands acquired by them under section 20 (Acquisition of additional lands) of this Act for the purposes of a market.

(3) Development on the Nine Elms lands for the provision thereon of a market for dealing in bulk in horticultural produce or for purposes incidental thereto or in connection therewith shall be deemed to be permitted development within Class XII of Part I of Schedule 1 to the Town and Country Planning General Development Order 1963:

S.I. 1963 709.

Provided that in the application to such development of the provisions in Part I of Schedule 1 to the said Order which relate

PART III
—cont.

to the said Class XII those provisions shall be read and have effect as if there were inserted therein at the end of paragraph (b) thereof the words—

“ or the design, width or gradient of any means of access to any such highway as aforesaid ought to be and could reasonably be altered to meet the needs of the traffic using or likely to use the highway or the means of access thereto ”.

(4) Until the appointed day it shall be the duty of the Authority to continue to provide market facilities on the 1961 lands and on and after that day until the day of discontinuance the Authority may provide market facilities on those lands.

(5) It shall be the duty of the Authority to keep the market facilities provided by them under constant review and to carry out such alterations or improvements to those facilities as appear to them requisite and practicable.

(6) (a) In discharging the duty imposed on them by subsection (2) of this section the Authority shall secure that accommodation and facilities are provided thereunder and are available to every person who was immediately before the appointed day carrying on in the Covent Garden Area or in the Borough Market a business of selling horticultural produce by wholesale which will, so far as is reasonably practicable, satisfy the requirements of such person, and to ascertain those requirements the Authority shall serve a notice on every such person requesting him to submit a statement setting out his requirements:

Provided that—

- (i) no obligation shall be imposed on the Authority by this subsection in relation to any person carrying on in the Borough Market a business of selling horticultural produce by wholesale unless that person undertakes to transfer to the accommodation and facilities to be provided to him by the Authority the whole of any such a business as aforesaid as was carried on by him immediately before the appointed day in the Borough Market;
- (ii) no obligation shall be imposed on the Authority under this subsection in relation to any statement which is not made within such time, not being less than three months, as may be specified in that behalf by the Authority in the request for that statement.

(b) In this subsection “ the Borough Market ” means the market in the London borough of Southwark known as the Borough Market and carried on under the Borough Market (Southwark) Acts 1754 to 1930.

(7) In discharging the duty imposed on them by subsection (2) of this section, the Authority shall so exercise and perform their functions—

PART III
—cont.

- (a) as to secure the avoidance of traffic congestion in, and, so far as is reasonably practicable, in the vicinity of, the Nine Elms lands;
- (b) as to secure that the lands on which they provide market facilities are so laid out as to minimise danger from fire and that generally danger from fire on those lands is minimised.

(8) In discharging the duties imposed or in exercising the powers conferred on them by subsections (2) and (4) of this section the Authority shall secure that the facilities provided for the transaction of business by persons who sell by wholesale horticultural produce grown by them are relatively no less adequate than the facilities provided for the transaction of business by other classes of persons.

22.—(1) In addition to the powers conferred upon them by section 18 of the Act of 1961, the Authority shall have power in relation to the Nine Elms lands—

Development
of Nine
Elms lands.

- (a) to use, lay out and develop so much of those lands as for the time being belongs to them as a market for dealing in bulk in horticultural produce, and therein and thereon and in connection therewith to erect all buildings and do all works necessary or convenient for that purpose;
- (b) (consistently with the discharge of their duty under section 21 of this Act) to erect, extend, alter and maintain on those lands houses, flats, dwellings, shops, offices, garages, car parks, warehouses and any other buildings, structures and erections of whatsoever character which the Authority may think necessary or convenient to provide:

Provided that development carried out in the exercise of the powers of this paragraph for any purpose other than the provision of a market for dealing in bulk in horticultural produce or for other purposes incidental thereto or in connection therewith shall not be deemed to be permitted development within Class XII of Part I of Schedule 1 to the Town and Country Planning General Development Order 1963. S.I. 1963 709.

(2) In the exercise of their powers under subsection (1) of this section and without prejudice to the generality of those powers the Authority may—

- (a) on the Nine Elms lands, lay out, construct and maintain streets, ways and paths, whether on the level or over or under the surface of the ground, and any necessary sewers and drains in connection therewith;

PART III
—cont.

- (b) with the consent of the Minister of Transport, the council and of the highway authority concerned, divert, alter, widen, or otherwise interfere with any street, whether within or outside the Nine Elms lands, and with the like consent but without prejudice to their powers under section 18 (Stopping up of streets) of this Act, stop up, permanently or temporarily, any street within the Nine Elms lands;
- (c) on the said lands, provide, install, operate and maintain petroleum filling stations and service stations for the maintenance and repair of vehicles;
- (d) levy charges in respect of persons and vehicles entering the said lands (other than lands which form part of a highway maintainable at the public expense) or in respect of vehicles left at any parking place provided thereon by the Authority;
- (e) over any street on the said lands not being a highway maintainable at the public expense and, with the consent of the council and of the highway authority concerned, over any other street—
 - (i) construct, maintain, renew and use bridges for connecting any part or parts of the said lands severed by such street; and
 - (ii) construct, maintain, renew, use and operate any such machinery, plant and equipment as are referred to in paragraph (f) of this subsection;
- (f) in, under or over any railway or railway property on the said lands and, with the consent of the British Railways Board, in, under or over any other railway or railway property, construct, maintain, renew, use and operate roads, tunnels, subways, machinery, plant and equipment and do all such other acts and things as may be necessary or convenient for the purpose of providing means of access or of conveying horticultural produce from or to any part or parts of the said lands to or from any other part or parts of the said lands or any other lands for the time being belonging to the Authority or any railway or railway property:

Provided that—

- (i) the Authority shall not themselves manage or operate any petroleum filling station or service station provided under this subsection;
- (ii) any consent required under this subsection from the council or the highway authority shall not be unreasonably withheld and any question whether such consent is, or is not, unreasonably withheld, shall be referred to and determined by the Minister of Transport; and

(iii) before exercising the powers of paragraph (b) of this subsection with respect to any street which forms part of a public service vehicle route or stand the Authority shall consult the London Transport Board with regard to the proposal to exercise those powers and shall take into consideration any representations made by that board with regard thereto.

(3) The exercise by the Authority of the power conferred by this section to stop up temporarily any street 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 which may for the time being be under, in, upon, over, along or across the street; or

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that street.

PART IV

CONTROL AND ADMINISTRATION OF MARKETING

23.—(1) Subject to the provisions of this section it shall not on and after the expiration of the period of six months commencing on the appointed day be lawful for any land in the area to which this section applies to be used—

Prohibition on use for wholesale horticultural market and other purposes of certain premises.

(a) for any purpose of a business of selling (whether as principal or as agent) horticultural produce by wholesale; or

(b) for the storage of horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such produce; or

(c) for the storage of empty containers for horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such containers.

(2) If a person uses land in contravention of the provisions of this section, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

(3) Subsection (1) of this section shall not apply to land which belongs to the Authority or on which they are providing market facilities.

(4) Nothing in the said subsection (1) shall apply to the use of any land for any such purpose as is referred to in that subsection—

(a) if the land is for the time being registered in a register to be kept by the Authority for the purposes of this

PART IV
—cont.

subsection as a register of the land entitled to exemption from the operation of the said subsection (1) by virtue of the next following subsection; or

(b) where an application is made in respect of the land to a county court in accordance with subsection (3) of the next following section of this Act, until—

(i) the date by which proceedings on the application (including any proceedings on or in consequence of an appeal) have been determined and any time for appealing or further appealing has expired; or

(ii) if the application is withdrawn or any appeal is abandoned the date of the withdrawal or abandonment.

(5) For the purpose of paragraph (a) of the last foregoing subsection, land shall be entitled to be registered as being exempt from the operation of subsection (1) of this section if—

(a) the land is used for office purposes only or jointly for office purposes and for a purpose other than such a purpose as is mentioned in the said subsection (1); or

(b) the land is used for any purpose of a business of a wholesale grocer; or

(c) the land was used for such a purpose as is mentioned in the said subsection (1) on 4th December, 1964, and immediately before the appointed day and was not, in the meantime, used for any other purpose:

Provided that any land which is entitled to be exempt from the operation of the said subsection (1) by virtue of paragraph (c) of this subsection shall on the expiration of the period of two years beginning with the appointed day cease to be so exempt unless—

(a) the land is being at the expiration of the said period and thereafter continues to be used for any purpose of a business of selling horticultural produce by wholesale solely at a market or markets which do not comprise any market area; or

(b) the Authority do not offer to the occupier of the land reasonable alternative accommodation in any market area.

(6) Any such person as the following, namely:—

(a) a person who owns an interest in land in the area to which this section applies and suffers, in consequence of the operation of subsection (1) of this section, damage by reason of the depreciation of that interest;

(b) a person who owns an interest in land which is exempt from the operation of the said subsection (1) by virtue of paragraph (c) of the last foregoing subsection and, in consequence of the land ceasing to be so exempt, suffers damage by reason of his being disturbed in the enjoyment of land which was so exempt;

shall be entitled, on making a claim in writing in that behalf to the Authority before the expiration of six months beginning with the day next following the appointed day or the day on which the land ceases to be entitled to be exempt from the operation of that subsection, as the case may be, to recover from the Authority compensation for that damage of such amount as, in default of agreement, may be determined by the tribunal.

PART IV
—cont.

(7) The legal personal representatives of a deceased person shall have the like title to compensation under the last foregoing subsection as the deceased would have had if he had survived.

(8) The Minister may in any particular case, either before, on or after the day on which the time for claiming compensation would otherwise have expired, allow an extended, or further extended, period for making a claim for compensation under subsection (6) of this section.

(9) In this section the expression "land" has the same meaning as in section 20 of this Act.

(10) This section applies to the area enclosed by the circumference of a circle, whose centre is at the point of which the ordnance survey national grid co-ordinates are 529550 east and 177050 north, and the length of whose radius is one mile.

(11) For the purposes of this section a building intersected by the circumference of the circle referred to in the last foregoing subsection shall be treated as being outside the area to which this section applies.

(12) Nothing in this section shall apply to the distribution otherwise than by way of sale or storage of horticultural produce or empty containers for horticultural produce by the British Railways Board in connection with their business as carriers of such produce and containers.

24.—(1) An application to be registered for the purposes of subsection (4) of section 23 (Prohibition on use for wholesale horticultural market and other purposes of certain premises) of this Act shall be made in writing to the Authority within two months after the appointed day, shall identify the land to which the application relates and shall specify the grounds on which it is alleged that the land is entitled to exemption from the operation of subsection (1) of the said section 23.

Registration
of exemption
from preceding
section.

(2) Unless within three months after the receipt of an application under subsection (1) of this section the Authority serve notice in writing on the applicant that they do not agree that the land referred to in the application is so entitled as aforesaid, together with the grounds of their disagreement, they shall register details of the land in a register to be kept by them for the purpose.

(3) A person on whom notice is served under subsection (2) of this section may not later than one month after the receipt

PART IV
—cont.

of the notice apply to the county court for a declaration that the land is entitled to be registered under the provisions of the said section 23.

(4) The Authority shall comply with any such declaration of the county court or any appellate court and register the land accordingly in the register to be kept in accordance with the said section 23:

Provided that the Authority shall not be obliged to comply with this subsection until the time for appealing against the decision of the county court or the Court of Appeal, as the case may be, has expired, and if any appeal is entered within that time, unless and until such a declaration as aforesaid is made by the appellate court or the appeal is withdrawn or abandoned by the Authority.

(5) On any land ceasing to be entitled to exemption from the operation of subsection (1) of the said section 23, the Authority shall remove the land from the said register.

Cesser or
power to
provide
market
facilities
on 1961 lands.

25.—(1) On such day (in this Act referred to as “the day of discontinuance”) as may be appointed for the purpose by an order made by the Minister by statutory instrument (not being later than three months after the appointed day), the power of the Authority under this Act to provide market facilities on the 1961 lands shall cease and determine.

(2) As from the day of discontinuance the provisions of the Act of 1961 specified in Part II of Schedule 5 to this Act shall be repealed to the extent specified in relation thereto in the third column of that Part.

Power of
Authority to
levy tolls.

26.—(1) On and after the coming into operation of this section the Authority may, in relation to any area to which this section for the time being applies, from time to time prescribe a table of the tolls to be payable in respect of horticultural produce brought into that area.

(2) Before prescribing any table of tolls the Authority shall seek the advice of the Market Management Advisory Committee (Fruit and Vegetables) and the Market Management Advisory Committee (Flowers) or such one of those committees as may be appropriate.

(3) The Authority shall, as soon as may be after the prescription under this section of a table of tolls relating to any area, send a copy thereof to the Minister.

(4) The Authority shall keep exhibited in conspicuous places in any area in relation to which a table of tolls has been prescribed under this section and is for the time being in force, printed tables stating in large and legibly printed characters the several tolls payable in respect of horticultural produce brought into that area.

(5) The Authority may demand, in respect of horticultural produce brought into any area in relation to which a table of tolls has been prescribed under this section and is for the time being in force, either the tolls specified in the table relating to that area or such less tolls as they may from time to time determine.

PART IV
—cont.

(6) The person liable to pay tolls under this section in respect of any produce shall be—

(a) where the produce is consigned or delivered to a person who, under any lease from or agreement with the Authority, occupies for the purpose of selling such produce any stand or place in the area in relation to which the tolls have been prescribed, the person to whom the produce is consigned or delivered; and

(b) where the produce is not so consigned or delivered, the person who brings the produce into that area.

(7) Toll payable under this section shall be paid from time to time on demand to an officer of the Authority authorised by them to collect tolls.

(8) If a person liable to pay a toll under this section does not pay it when lawfully demanded, the Authority may recover it as a simple contract debt in any court of competent jurisdiction.

(9) The Authority may, by notice in writing served on any person who, in their opinion, is liable under subsection (6) of this section to pay tolls, require him to make to them such returns and furnish to them such other information and to produce for examination by them such books or other documents (being books or documents of a description specified in the notice which are in the custody or under the control of that person) as may be necessary for ascertaining the amount of any toll payable under this section by him to them.

(10) This section applies to any market area within the Nine Elms lands.

(11) This section shall come into operation on 1st January, 1967.

27. Subject to the provisions of this Act, the provisions of section 29 (Power of the Authority to levy on Covent Garden wholesalers charges other than tolls) of the Act of 1961 shall apply in relation to the Nine Elms lands and any lands acquired by the Authority in connection therewith and accordingly the said section 29 shall be read and have effect as if the reference therein to the Covent Garden Area included a reference to any market area.

Application to
Nine Elms
lands of
section 29
of Act of 1961.

PART IV
—cont.

Power of
Authority to
require
information
and returns.

28.—(1) Subject to the provisions of this section the Authority may by notice in writing served on any person who, whether as principal or as agent, sells horticultural produce by wholesale in any market area, require him to furnish to them such information and to make such returns, including information and returns as to the number and value of packages of horticultural produce dealt in by him, and as to the places of origin of such packages, and to produce such books or other documents, being books or documents of a description specified in the notice which are in the custody or under the control of that person, as may be necessary for or incidental to the discharge or exercise by the Authority of their duties or powers, whether under the Act of 1961 or this Act:

Provided that nothing in this section shall enable the Authority to require any person to furnish information or to make returns or to produce books or other documents except information, returns, books or documents relating to the sale of horticultural produce in any market area.

(2) The Authority shall not exercise their powers under this section unless they shall have first sought the advice of the Covent Garden Market Management Committee.

(3) The powers of this section shall be in addition to and not in derogation of the powers of the Authority under subsection (9) of section 26 (Power of Authority to levy tolls) of this Act or under paragraph (f) of subsection (2) of section 29 of the Act of 1961 in relation to any scheme made by the Authority under subsection (1) of the said section 29.

(4) On and after 1st May, 1966, subsection (2) of this section shall be read and have effect as if for the reference therein to the Covent Garden Market Management Committee there were substituted a reference to the Market Management Advisory Committee (Fruit and Vegetables) and the Market Management Advisory Committee (Flowers), or such one of those committees as may be appropriate:

Provided that nothing in this section shall require the Authority to seek the advice of either of the two last-mentioned committees on a matter on which they have previously consulted or sought the advice of the Covent Garden Market Management Committee.

Market
byelaws.

29.—(1) The Authority may make byelaws (subject to confirmation by the Minister) for all or any of the following purposes, namely:—

(a) prohibiting or regulating the bringing into any market area or the keeping on land therein of horticultural

- produce intended for sale by wholesale, or of any specified description of horticultural produce intended for sale by wholesale;
- (b) prohibiting the bringing of horticultural produce into any market area except during specified hours and on specified days, and prohibiting the removal of horticultural produce from any market area except as aforesaid;
- (c) prohibiting or regulating the bringing or sending into, or the retention in, any market area of empty containers for horticultural produce or any specified description of such containers;
- (d) prohibiting (except as may be otherwise provided in the byelaws) the bringing into any market area for the purpose of sale by wholesale of any horticultural produce unless accompanied by a consignment note or other document or a statement in a form prescribed by the Authority, showing the weight, description and number of the packages thereof, together with the respective names and addresses of the consignor and consignee of the produce;
- (e) prohibiting or regulating the sale of horticultural produce or of horticultural produce of any specified description in any market area, except at specified places or during specified hours or on specified days or by sellers of any specified description;
- (f) prohibiting the erection of stands in any market area, except at specified places and prohibiting persons for the purpose of selling horticultural produce from stationing themselves in any area elsewhere than as aforesaid;
- (g) regulating the erection of stands in any market area and prohibiting the erection therein of stands of dimensions exceeding those specified or not made wholly of materials of a specified kind;
- (h) prohibiting or regulating the erection in any market area within the Nine Elms lands or in any of the approaches to that area (not being highways maintainable at the public expense) of signs, nameplates, fascia boards and advertisements;
- (i) preventing the outbreak and spreading of fire in or on any market area or any land in respect of which a licence is for the time being in force under section 21 (Restriction of use of premises in Covent Garden Area for certain purposes, and prohibition of use for those purposes of premises within a certain distance from that area)

PART IV
—cont.

of the Act of 1961, or any premises where accommodation or facilities are provided in pursuance of paragraph (d) of subsection (1) of section 18 of the Act of 1961 and, in particular, for that purpose—

- (i) imposing requirements with respect to the provision and maintenance of fire-fighting equipment;
- (ii) imposing prohibitions, restrictions or requirements with respect to the storage, or the depositing in any place (otherwise than for storage), of such descriptions of produce, containers or packing materials as appear to the Authority to be flammable;
- (iii) imposing prohibitions, restrictions or requirements with respect to the storage, the depositing in any place (otherwise than for storage) or the use of such descriptions of preservatives, accelerators or retarders as appear to the Authority to be flammable or any such specified preservative, accelerator or retarder as so appears;
- (iv) imposing prohibitions, restrictions or requirements with respect to the use of appliances for heating, cooling or lighting and fittings for such appliances;
- (v) imposing such prohibitions, restrictions or requirements as appear to the Authority requisite for securing that no articles of any description are stored in such manner as to obstruct the use of fire-fighting equipment;
- (j) preventing obstruction in any market area and regulating vehicular traffic therein and, in particular, imposing speed limits on vehicles within any market area and restricting or regulating the loading or unloading of vehicles therein;
- (k) restricting or regulating the parking of vehicles in any market area and, in particular, prescribing the times and places at, during and on which vehicles or vehicles of any particular class or description may park and the classes or descriptions of the vehicles which may so park;
- (l) prescribing the purposes for which vehicles or vehicles of a particular class or description may be brought into any market area;
- (m) prescribing the times at which vehicles or vehicles of a particular class or description may enter or leave any market area;
- (n) identifying vehicles entering or leaving any market area or the approaches thereto;
- (o) restricting or regulating the use of roads and approaches in or over the Nine Elms lands providing access to premises therein or thereon whether such premises are comprised in any market area or not;

- (p) securing the cleanliness of any market area and of any such land or premises as is or are mentioned in paragraph (i) of this subsection (including, in the case of any market area, shops, stands and other places where horticultural produce is sold or is exposed for sale or inspection) and preventing the accumulation on or in any such area, land or premises, and securing the removal therefrom, of refuse;
- (q) prohibiting (except as may be otherwise provided in the byelaws) the bringing into or keeping in any market area of any animal of whatsoever kind or species;
- (r) regulating the conduct of persons resorting to any market area and, in particular, preserving order therein and preventing damage to property therein.

(2) The following provisions of the Local Government Act 1933 c. 51, namely, subsections (2) to (7) of section 250 and sections 251 and 252 (which relate to the procedure for making, fines for offences against, and evidence of, byelaws) shall apply to byelaws made by the Authority under this section as if the Authority were a local authority and the secretary of the Authority were the clerk of the local authority.

(3) The Minister, before confirming byelaws under this section, may, if he thinks fit, cause a local inquiry to be held.

(4) Before submitting any byelaws under this section to the Minister for confirmation, the Authority shall seek consultation on the byelaws with the Greater London Council and the council of every London borough having jurisdiction in the area within which the byelaws are to operate.

(5) Before submitting any byelaws made under sub-paragraph (iv) of paragraph (i) of subsection (1) of this section to the Minister for confirmation, the Authority shall seek consultation on the byelaws with the appropriate undertakers supplying under statutory powers or otherwise electricity, gas or other fuel proposed to be used in connection with the appliances to which the byelaws relate.

(6) The Authority shall secure that there shall be kept prominently displayed in any market area, in such places and in such positions as will enable them to be easily seen and read by persons resorting to that area, copies of, or summaries of the effect of, such parts of byelaws in force under this section as appear to the Authority to be necessary to be brought to the attention of those persons.

(7) Nothing in any byelaw made under this section shall apply to—

- (a) a public service vehicle (as defined in section 117 of the Road Traffic Act 1960) or the driver or conductor thereof; or 1960 c. 16.
- (b) any other vehicle or the driver thereof;

PART IV
—cont.

while the vehicle is on a highway maintainable at the public expense.

(8) In this section—

- (a) “accelerators” means substances used for accelerating the ripening of horticultural produce;
- (b) “preservatives” means substances (including insecticides and fungicides) used for preventing deterioration in the condition of horticultural produce;
- (c) “retarders” means substances used for retarding the ripening of horticultural produce;
- (d) “specified” means specified in the byelaws.

Common law right of selling and buying not to apply to market area.

30. For the removal of doubts it is hereby declared that any right of a member of the public, whether under the common law or otherwise, to enter and frequent a market for the purpose of bringing there and exposing for sale and selling or of buying such commodities as are vendible in the market shall not apply to any market area within the Nine Elms lands.

Regulation of traffic in market area.

31.—(1) Any officer duly authorised by the Authority to regulate traffic in any market area may (on production, if required, of his authority) give directions as to the movement or stopping of any vehicle in that market area.

(2) If the driver of any vehicle in any such market area fails to comply with a direction given under the provisions of subsection (1) of this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) Nothing in this section shall—

- (a) apply to any vehicle or the driver thereof while the vehicle is on a highway maintainable at the public expense; or
- (b) affect the power of the Authority to make byelaws under section 29 (Market byelaws) of this Act.

PART V

COVENT GARDEN AREA

Development or disposal of land in Covent Garden Area.

32.—(1) It shall be the duty of the Authority to take such steps as may appear to them to be necessary and practicable—

- (a) to secure the expeditious and economic development or disposal of the 1961 lands, and of any lands acquired by the Authority under subsection (3) of this section; and
- (b) to preserve the value of any interest in any such lands as are referred to in the foregoing paragraph (a) notwithstanding anything in this Act or done thereunder.

(2) In the discharge of their duty under the foregoing subsection of this section, the Authority shall have regard to the public interest generally and to the desirability of improving the amenities of the Covent Garden Area.

PART V
—cont.

(3) For the purpose of enabling the Authority to discharge the duties imposed on them by the foregoing subsections of this section, the Authority may purchase or otherwise acquire by agreement such land in the Covent Garden Area as they may require for securing the proper development of the 1961 lands.

(4) If and when the Authority enter into an agreement with the council or the council of the London borough of the city of Westminster or the council of the London borough of Camden or all or any of those councils or all or any of those councils together with any other authority, body or person with regard to the disposal of the 1961 lands and any lands acquired by the Authority under subsection (3) of this section, the foregoing provisions of this section shall cease to have effect.

PART VI

MISCELLANEOUS

33. The aggregate of the amounts which by virtue of the Act of 1961 may be outstanding by way of principal in respect of certain borrowing by and advances to the Authority under section 38 (Borrowing powers) of the Act of 1961 shall be increased from twenty million pounds to forty-five million pounds, and accordingly subsection (1) of section 39 (Restrictions on, and provisions supplementary to, borrowing powers) of the Act of 1961 shall have effect as if for the word "twenty" there were substituted the word "forty-five".

Increase of
borrowing
powers.

34.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the redemption of, and the payment of interest on, any Covent Garden Market stock and any Covent Garden Market debentures.

Treasury
guarantees.

(2) Any sums required by the Treasury for fulfilling any such guarantee as is provided for by subsection (1) of this section shall be charged on and issued out of the consolidated fund of the United Kingdom (in this section referred to as "the consolidated fund"), and any such sums shall be repaid, together with interest thereon at such rate as the Treasury may determine, by the Authority to the Treasury in such manner and over such period as the Treasury may, after consultation with the Minister, determine.

(3) Immediately after a guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.

PART VI
—cont.

(4) Where any sum is issued out of the consolidated fund under this section, the Treasury shall forthwith lay before each House of Parliament a statement that that sum has been issued.

Promotion of
future Bill
by Authority.

35. As soon as reasonably practicable after the passing of this Act but not later than in the 1967-68 Session of Parliament the Authority shall promote in Parliament, and use their best endeavours to secure the passing into law of, a Bill for the following purposes:—

- (a) to prohibit as from the day of discontinuance the use of land in the Covent Garden Area for dealing in bulk in horticultural produce or the storage of such produce or of empty containers therefor;
- (b) to provide for the disposal not later than the day of discontinuance of the lands of the Authority situated within the Covent Garden Area and of any lands situated within that area in respect of which or of part of which there is in force on such date as shall be specified in the said Bill a licence under section 21 of the Act of 1961;
- (c) to provide for the basis of compensation payable on such disposal.

Appointment
of chief
executive
officer.

36.—(1) As from such date as may be appointed by the Minister after consultation with the Authority, it shall be lawful for the Authority to appoint a chief executive officer to be known as “the general manager” in lieu of the managing director appointed by the Minister.

(2) As from the appointment of a general manager pursuant to subsection (1) of this section, the Act of 1961 shall have effect as if—

- (a) in subsection (2) of section 1 (The Covent Garden Market Authority) of that Act, the words “and a managing director” were omitted and for the word “three” there were substituted the word “four” and for the word “six” there were substituted the word “seven”;
- (b) in paragraph (a) of subsection (5) of the said section 1 the words “other than the managing director” and the words “and to the managing director such salary and allowances” were omitted;
- (c) in sub-paragraph (1) of paragraph 8 of Schedule 1 (Incidental provisions with respect to the Covent Garden Market Authority) to the Act of 1961 after the word “appoint” where that word first occurs in that sub-paragraph there were inserted the words “a general manager and”.

(3) As from the appointment of a general manager, all references to the managing director in this Act or the Act of 1961 shall be construed as a reference to the general manager appointed by the Authority under this section.

PART VI
—cont.

37.—(1) On and from 1st May, 1966, there shall in lieu of the Covent Garden Market Management Committee constituted by section 33 (The Covent Garden Market Management Committee) of the Act of 1961 be constituted two advisory committees concerned respectively with fruit and vegetables and with flowers.

Market
Management
Advisory
Committees.

(2) The said section 33 shall accordingly on and after the said 1st May have effect as if—

(a) for subsection (1) of that section there were substituted the following subsection:—

“(1) On 1st May, 1966, there shall be constituted two committees, to be called respectively ‘The Market Management Advisory Committee (Fruit and Vegetables)’ and ‘The Market Management Advisory Committee (Flowers)’ (each of whom is hereafter in this section referred to as ‘the Management Advisory Committee’);”

(b) in subsections (2), (3) and (4) for the words “the Management Committee” wherever they occur there were substituted the words “the Management Advisory Committee”;

(c) in subsection (3)—

(i) for the words “consultation with” in both places where those words occur, there were substituted the words “the advice of”;

(ii) for the words “on which consultation is sought” there were substituted the words “on which advice is sought”;

(d) subsection (5) thereof were omitted;

and as from the said 1st May the provisions of Schedule 3 to this Act shall be substituted for the provisions of Schedule 4 to the Act of 1961.

(3) The Authority shall from time to time as and when they consider it expedient so to do convene joint meetings of the said two advisory committees or of representatives of each of them.

(4) On the said 1st May, 1966, the then existing Covent Garden Market Management Committee shall be dissolved and cease to exist.

PART VI
—cont.

Amendmen-
of provisions
relating to
Covent
Garden
Traffic
Committee.

38.—(1) The name of the committee constituted by section 34 (The Covent Garden Traffic Committee) of the Act of 1961 shall be changed from “the Covent Garden Traffic Committee” to “the Market Traffic Advisory Committee” and accordingly in subsection (1) of that section for the words “the Covent Garden Traffic Committee” there shall be substituted the words “the Market Traffic Advisory Committee”, and for the words “the Traffic Committee” wherever they occur in that section there shall be substituted the words “the Traffic Advisory Committee”.

(2) In addition to the amendments of the said section 34 specified in subsection (1) of this section, the said section 34 shall be amended as follows:—

(a) in subsection (1) of the said section 34 after the words “the managing director of the Authority)” there shall be inserted the words “the secretary of the Authority”; and for the word “twelve” there shall be substituted the word “fourteen”;

(b) in subsection (2) for the words “the London County Council” there shall be substituted the words “the Greater London Council”; and for the words “the council of the metropolitan borough of Holborn” there shall be substituted the words “the councils of the London boroughs of Camden, Lambeth and Wandsworth”;

(c) in subsection (4) for the words “consultation with” there shall be substituted the words “the advice of”; and for the words from “attributable to the situation” to the end of subsection (4) there shall be substituted the following words:—

“and the Traffic Advisory Committee may of their own motion make to the Authority representations on any such problems; and it shall be the duty of the Authority to take into consideration any representations made to them by the Traffic Advisory Committee (whether on a matter on which advice is sought under this subsection or of the Traffic Advisory Committee’s own motion).”

Amendment
of provisions
relating to
Covent
Garden
Market
Workers
Committee.

39.—(1) The name of the committee constituted by section 35 (The Covent Garden Market Workers Committee) of the Act of 1961 shall be changed from “the Covent Garden Market Workers Committee” to “the Market Workers Advisory Committee”, and accordingly in subsection (1) of that section for the words “the Covent Garden Market Workers Committee” there shall be substituted the words “the Market Workers Advisory Committee” and for the words “the Workers Committee” wherever they occur in that section there shall be substituted the words “the Workers Advisory Committee”.

(2) In addition to the amendments of the said section 35 specified in subsection (1) of this section the said section 35 shall be amended as follows:—

PART VI
—cont.

- (a) in subsection (1) after the words “ the managing director of the Authority) ” there shall be inserted the words “ the secretary of the Authority ”;
- (b) in subsection (3) for the words “ consultation with ” there shall be substituted the words “ the advice of ”; for the words “ to affect or to be likely to affect ” where they first occur there shall be substituted the words “ to affect substantially or to be likely so to affect ”; the words “ and storage ” shall be omitted; and for the words “ on which consultation is sought ” there shall be substituted the words “ on which advice is sought ”.

40.—(1) As from the date on which the Authority acquire under the powers of this Act the burial ground in the London borough of Wandsworth forming part of the churchyard of the Church of Saint George the Martyr, the said burial ground shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before such acquisition attached thereto under ecclesiastical law and from all rights and interests of any person who is an executor, administrator or relative of any deceased person whose remains are interred in the said burial ground, and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before such acquisition attached thereto by reason of the said burial ground or any part thereof being a disused burial ground or forming the burial ground or enclosure of a church or otherwise.

As to burial
ground in
Wandsworth.

(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 Authority acquire under the powers of this Act the burial ground referred to in subsection (1) of this section, to use, deal with or dispose of the said burial ground or any part thereof 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 or had ever been or formed the burial ground or enclosure of a church.

(3) Before the Authority erect or cause to be erected any building on the burial ground referred to in subsection (1) of this section or use the said burial ground or cause it to be used for any purpose other than as a burial ground, the Authority shall remove or cause to be removed the remains of all deceased persons interred in the said burial ground.

PART VI
—cont.

(4) (a) Before proceeding to remove any such remains, the Authority 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 said London borough and shall display a like notice in a conspicuous place in the said burial ground, 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 an executor, administrator or relative of any deceased person whose remains are interred in the said burial ground may give notice in writing to the Authority 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, 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 Authority that he is such an executor, administrator 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 expenses of a removal and reinterment or cremation (not exceeding, in respect of remains removed from any one grave, the sum of twenty-five pounds) shall be defrayed by the Authority, such sum to be apportioned, if necessary, equally, according to the number of deceased persons whose remains are in the grave.

(8) If—

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

- (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 Authority, specified in the order fails to remove the remains;

the Authority 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 Authority think suitable for the purpose, or cremated in such crematorium as the Authority 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 Authority, 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 Authority 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 executor, administrator or relative as aforesaid or of the Authority.

(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 executor, administrator or relative as aforesaid or, if no such request is made, may at the discretion, and in either case at the expense of, the Authority be removed and re-erected at such place as the said bishop may direct on the application either of such executor, administrator or relative or of the Authority.

(c) Any monument or tombstone not re-erected in accordance with the provisions of paragraph (b) of this subsection shall be offered by the Authority 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 Authority;

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

(d) Where the Authority 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 Authority may direct.

(e) The amount required to be paid by the Authority 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 such an executor, administrator or relative as aforesaid or the said bishop shall not exceed the sum of fifteen pounds.

(f) The Authority 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 said London borough.

(12) (a) All moneys received by the incumbent for the time being of the benefice of Saint George with Saint Andrew Battersea in respect of proceeds of sale of the said burial ground to the Authority shall, after deduction of the amount of any costs, charges and expenses incurred by the said incumbent in connection therewith, be paid by the said incumbent to the Rochester and Southwark Diocesan Church Trust, to be applied by the said trust for such ecclesiastical purposes within the benefice of Saint George with Saint Andrew Battersea or elsewhere within the diocese of Southwark as may be charitable.

(b) The receipt of the said incumbent for the payment of the said proceeds shall be a sufficient discharge to the Authority for the payment thereof and the Authority shall be under no obligation or liability as to the application or non-application of the said proceeds whether in accordance with this subsection or otherwise.

41.—(1) In this section—

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“ the Act of 1960 ” means the Road Traffic Act 1960;

“ market road ” means any road which, or any land which, is for the time being vested in or the property of the Authority and is accessible to motor vehicles, not being a road to which the Act of 1960 applies;

Traffic offences on the market roads. 1960 c. 16.

“ motor vehicle ” has the same meaning as in the Act of 1960.

(2) The Act of 1960 shall have effect as if, in the sections thereof hereinafter mentioned, the expression “ road ” included a market road; and the provisions of the Act of 1960 relating to those sections, as extended by this section, shall apply accordingly.

(3) The sections of the Act of 1960 referred to in subsection (2) of this section are—

Section 1 (Causing death by reckless or dangerous driving);

Section 2 (Reckless, and dangerous, driving generally);

Section 3 (Careless and inconsiderate, driving);

Section 4 (Speeding);

Section 6 (Driving, or being in charge, when under influence of drink or drugs);

Section 9 (Reckless and dangerous, cycling);

Section 10 (Careless and inconsiderate, cycling);

Section 11 (Cycling when under influence of drink or drugs);

Section 77 (Duty to stop, and furnish particulars, in case of accident);

Section 201 (Users of motor vehicles to be insured or secured against third party risks);

Section 226 (Power of police constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates);

Section 230 (Duty of driver, in case of accident involving injury to another, to produce evidence of insurance or security or to report accident).

42.—(1) The provisions of the Act of 1961 specified in Schedule 4 to this Act shall have effect subject to the amendments and repeal of provisions of that schedule, being minor amendments and amendments consequential on the provisions of this Act or the London Government Act 1963.

1963 c. 33.

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(2) The provisions of the Act of 1961 specified in Part I of Schedule 5 to this Act shall to the extent specified in relation to those provisions in the third column of that schedule be repealed as from the passing of this Act.

For protection
of sewers of
council.

43. For the protection of the council the following provisions shall, unless otherwise agreed in writing between the Authority and the council, apply and have effect:—

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

“the council’s engineer” means the Director of Public Health Engineering of the Council or other officer duly authorised to exercise the functions of that officer;

“the sewers” means the South Western Storm Relief Sewer, the Old Heathwall Sewers, the New Heathwall Sewers and others the sewers of the council;

“specified work” means a building, structure, tunnel, subway or street constructed or to be constructed by the Authority under the powers of this Act which will or may pass over or under, or within a distance of 25 feet measured in any other direction to the nearest point of any of the sewers:

(2) The Authority shall not commence the construction of any specified work until they shall have given to the council twenty-eight days’ notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with plans as described in paragraph (10) of this section (in this section referred to as “the said plans”), and until the council shall have signified their approval of the same (unless the council do not signify their approval, disapproval or other directions within twenty-eight days after service of the said plans):

(3) The Authority shall comply with, and conform to, all reasonable orders, directions and regulations of the council in the execution of a specified work and shall provide new, altered or substituted works in such manner as the council shall reasonably require for the proper protection of, and for preventing injury or impediment to, the sewers by reason of the specified work and shall save harmless the council against all expenses to be occasioned thereby:

- (4) All such new, altered or substituted works shall where reasonably so required by the council be done by, or under the direction, superintendence and control of, the council's engineer at the cost in all respects of the Authority, and all costs, charges and expenses which the council may reasonably incur by reason of such works, whether in the execution of works, the preparation or examination of plans, or designs, superintendence or otherwise, shall be paid to the council by the Authority:
- (5) When any such new, altered or substituted works, or any protective works connected therewith, shall be completed by, or at the cost of, the Authority under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the council as any sewers now or hereafter may be:
- (6) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested, or to be vested, in the council in relation to the sewers, but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (7) The council may require the Authority, in constructing a specified work, to make any reasonable variations in the said plans for the purpose of avoiding injury or risk of injury to the sewers, and the Authority shall construct the specified work in accordance with such reasonable variations as may be required by the council in the said plans:
- (8) It shall not be lawful for the Authority in the exercise of the powers of subsection (2) of section 12 (Power to enter for survey or valuation) of this Act to bore so as to interfere with any of the sewers:
- (9) The council's engineer may from time to time enter upon and inspect any specified work upon giving, except in case of emergency, not less than twenty-four hours' notice in writing to the Authority:
- (10) The plans to be submitted to the council for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, the specified work is proposed to be constructed and shall accurately describe the position of the portion of the sewers affected by the specified work (for which

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—cont.

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purpose the council shall allow the Authority access to plans in their possession in order to enable the Authority to obtain reliable information) and shall comprise detailed drawings of every alteration which the Authority may propose to make in any of the sewers:

- (11) The council may require such modifications to be made in the said plans as may be reasonably necessary to secure the London main drainage system against interference or risk of damage and to provide and secure proper and convenient means of access to the sewers:
- (12) The Authority shall be liable to make good all injury or damage caused by, or resulting from, the construction of any specified work to any of the sewers or to any drains or works vested in the council other than any injury or damage attributable to negligence on the part of the council or of any person in their employ or of their contractors or agents:
- (13) The approval by the council of any plans, or the superintendence by them of any work, under the provisions of this section shall not exonerate the Authority from any liability or affect any claim for damages for which they may be liable under the preceding provisions of this section:
- (14) If the Authority, in the construction of a specified work, alter, damage or in any way interfere with any of the sewers the Authority shall—

(a) from time to time pay to the council any additional cost to which the council may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of such alteration, damage or interference; and

(b) give to the council full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof.

For protection
of British
Railways
Board.

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 Authority and the board, apply and have effect:—

- (1) In this section—

"the works" means so much of any works constructed or to be constructed by the Authority under

the powers of this Act as may be situated upon, across, under or over or within 20 feet of any railway property;

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

“ plans ” includes sections, drawings and specifications;

“ the signed plan ” means the plan signed on behalf of the Authority by Norman Robert Culmore Dockeray and on behalf of the board by Archibald Paterson:

- (2) (a) The Authority shall not under the powers of this Act acquire compulsorily any of the railway property shown edged red on the signed plan but they may, in accordance with the provisions of section 15 (Power to acquire easements only in certain cases) of this Act, acquire such easements and rights in, under or over the said property as they may reasonably require for the construction, maintenance, renewal and user of the works;
- (b) Notwithstanding the provisions of sub-paragraph (a) of this paragraph the board shall if and when required by the Authority grant to the Authority a lease for ninety-nine years of so much of the lands shown edged red and hatched brown on the signed plan on such terms as may be agreed but in particular providing that no part of the railway viaduct constructed on or over the said lands shall be included in the lease and reserving to the board full rights of access over the said lands for the purpose of maintaining, altering, renewing or reconstructing the said viaduct;
- (c) The Authority shall not acquire the railway property edged blue on the signed plan before the 1st October, 1967, unless the board agree that any part of the said property can be released before that date in which case the Authority may acquire that part on such date as the board shall agree:
- (3) The Authority shall, before commencing to construct any of the works (other than works of maintenance or repair), furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:

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Provided that if, within twenty-eight days after such plans have been furnished to the board, the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

- (4) If, within twenty-eight days after such plans have been furnished to the board, the board shall give notice to the Authority that the board desire themselves to construct any part of the works which in the opinion of the engineer will or may affect the stability of railway property then, if the Authority desire such part of the works to be constructed, the board shall construct the same with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the Authority in accordance with the plans approved or deemed to be approved or settled as aforesaid:
- (5) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent, which in his opinion should be carried out before the commencement of the works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the Authority shall not commence the construction of the works until the engineer shall have notified the Authority that the protective works have been completed:
- (6) The Authority shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any works for the repair or maintenance of the works:
- (7) The works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free, uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property and if any damage to railway property or any such interference or obstruction shall be caused or take place the Authority shall, notwithstanding any such approval as aforesaid, make good such damage and shall on demand pay to

the board all reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:

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

- (8) The Authority 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:
- (9) The board shall at all times afford reasonable facilities to the Authority and their agents, officers or servants for access to any works carried out by the board under this section during their construction and shall supply the Authority with such information as they may reasonably require with regard to such works or the method of construction thereof:
- (10) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the works or during the period of twelve months after the completion thereof in consequence of the construction of the works such alterations and additions may be effected by the board after not less than twenty-eight days' notice (or in case of emergency such notice as may be reasonably practicable) has been given to the Authority and the Authority shall pay to the board on demand the reasonable cost thereof including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing 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 Authority to the board under this section:

- (11) The Authority shall repay to the board all costs, charges and expenses reasonably incurred by the board—
 - (a) in constructing any part of the works on behalf of the Authority as provided by paragraph (4)

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of this section or in constructing any protective works under the provisions of paragraph (5) of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works:

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

(b) in respect of the employment of any inspectors, signalmen, 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, maintenance, repair or failure of the works;

(c) in respect of any special traffic working resulting from any speed restrictions which are reasonably necessary as a result of the construction, maintenance, repair or failure of the works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

(d) in respect of any additional temporary 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 or the failure thereof;

(e) in respect of the approval by the engineer of plans submitted by the Authority and the supervision by him of the works:

- (12) If at any time after the completion of the works, not being works vested in the board, the board shall give notice to the Authority informing them that the state of repair of the works appears to be such as to affect prejudicially railway property, the Authority shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the works in such state of repair as not to affect prejudicially railway property and, if and whenever the Authority fail to do so, the board may make and do in and upon the lands of the board or of the Authority all such works and things as shall be requisite to put

the works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the Authority:

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—cont.

- (13) All temporary machinery, plant and equipment erected or placed by the Authority under the powers of section 22 (Development of Nine Elms lands) of this Act upon, over or under any railway of the board shall as soon as reasonably practicable be removed by the Authority 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 railways 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 machinery, plant or equipment the Authority 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:
- (14) Before providing any illumination or illuminated road traffic sign on or in connection with the works or in the vicinity of the railway the Authority shall consult with the board and comply with any reasonable requirements of the board in regard thereto with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:
- (15) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the Authority 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 Authority to the board:
- (16) The Authority 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—
 - (a) by reason of the failure of the works; or
 - (b) by reason of any act or omission of the Authority or of any persons in their employ or of their contractors or others whilst engaged upon the works;

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—cont.

and the Authority shall effectively indemnify and hold harmless the board from and against all claims and demands arising by reason of the failure of the works or any such act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the Authority or in accordance with plans approved by the engineer or in accordance with any requirement of 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 agents) excuse the Authority from any liability under the provisions of this section:

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

- (17) Any difference arising between the Authority and the board under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either of them (after notice in writing to the other) by the President of the Institution of Civil Engineers.

For protection
of certain
statutory
undertakers.

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

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

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

“ apparatus ” means—

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

(b) in the case of the North Thames Gas Board and the South Eastern Gas Board, 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, as the case may be; and

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

and includes any works for the lodging therein of apparatus;

“ specified work ” has the meaning assigned to that expression by paragraph (3) of this section;

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

“ position ” includes depth;

“ the undertakers ” means—

the Central Electricity Generating Board;

the London Electricity 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 means the undertakers by whom the apparatus is maintained:

(2) Notwithstanding anything in this Act or shown on the deposited plan the Authority shall not under the powers of this Act—

(a) acquire, otherwise than by agreement, any apparatus; or

(b) without the consent of the undertakers, which consent shall not be unreasonably withheld, extinguish any rights of the undertakers in respect of any apparatus (including rights of access thereto);

unless and until that apparatus has been replaced by alternative apparatus or has been abandoned or is deemed to have been abandoned or has become derelict, useless or otherwise unnecessary:

(3) (a) Except as may be otherwise agreed between the Authority and the undertakers, the Authority shall before carrying out under the powers of this Act any work (other than a work which by its nature will not interfere with, damage or endanger any apparatus) give to the undertakers not less than two months' notice in writing

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- of their intention to carry out the work together with a statement of the nature and mode of execution of the work and such further particulars thereof as the undertakers may reasonably require for the purposes of this paragraph;
- (b) The undertakers shall, within one month from the receipt of the notice referred to in sub-paragraph (a) of this paragraph or the receipt of such further particulars as are mentioned in that sub-paragraph, whichever is the later, by counter-notice in writing to the Authority—
- (i) give to the Authority full particulars of any apparatus in the land, in, under or over which the work will be executed; and
 - (ii) specify the apparatus, if any, which will or may be interfered with, damaged or endangered by the execution of the work; and
 - (iii) specify in relation to which of any apparatus mentioned in the foregoing head (ii) plans, sections and a description of the work to be executed are to be submitted under paragraph (10) of this section;
- (c) Any work in respect of which a counter-notice specifies under head (iii) of sub-paragraph (b) of this paragraph the apparatus in relation to which plans, sections and a description of the work are to be submitted as aforesaid shall, so long as the apparatus specified in relation thereto has not been removed or abandoned or required to be removed or is deemed to have been abandoned, be a specified work for the purposes of this section:
- (4) (a) The Authority may, if it is reasonably necessary for the purpose of the exercise of any of their powers under this Act, require the undertakers to remove any apparatus. If the Authority require the undertakers to remove any apparatus they shall give to the undertakers written notice of such requirement;
- (b) If the Authority require the undertakers to remove any apparatus or if in consequence of the exercise by the Authority of any of their powers under this Act the undertakers shall reasonably require to remove any apparatus, and if in either case it is reasonably necessary to provide alternative apparatus in lieu of the apparatus to be removed, the Authority shall if reasonably practicable afford to the undertakers the necessary facilities and rights to construct in other lands of the Authority alternative apparatus and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Authority and the Authority are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed the undertakers shall, on receipt of a written notice to that effect from the Authority, forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

- (5) (a) Any alternative apparatus to be constructed in lands of the Authority in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line and position as may be agreed between the undertakers and the Authority or, in default of agreement, settled by arbitration;
- (b) The undertakers shall, after the manner of construction and the line and position of the alternative apparatus to be constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Authority or the undertakers to be removed under the provisions of this section:
- (6) Where in accordance with the provisions of this section the Authority afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Authority 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 Authority and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed in or through any lands of the Authority, the arbitrator shall give effect to all reasonable requirements of the Authority for ensuring the safety and efficient use of any buildings or works of the Authority and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such building or work; and

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—cont.

- (b) if the facilities and rights to be afforded by the Authority 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 less favourable on the whole to the undertakers than the facilities and rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation by the Authority to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:
- (7) No apparatus in respect of which it is reasonably necessary to provide alternative apparatus shall be removed under this section until alternative apparatus has been provided and is in operation to the reasonable satisfaction of the undertakers:
- (8) Any apparatus which the Authority or the undertakers have required to be removed and for which it is not reasonably necessary to provide alternative apparatus shall be removed within one month or such other time as may be agreed between the Authority and the undertakers or, in default of agreement, determined by arbitration:
- (9) If the undertakers fail to remove any apparatus pursuant to paragraph (5) or (8) of this section, the undertakers shall be deemed to have abandoned such apparatus:
- (10) (a) Not less than twenty-eight days before commencing to execute any specified work the Authority shall submit to the undertakers a plan, section and description of the work to be executed;
- (b) The specified work shall be executed substantially in accordance with the plan, section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of apparatus or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

- (i) all such alterations of, or works for the protection of, apparatus shall if so required by the undertakers be executed by the undertakers or under the direction and superintendence of their engineer or other officer of the undertakers;

(ii) if the undertakers within fourteen days after the submission to them of any such plan, section and description shall in consequence of the specified work reasonably require the removal of any apparatus and give written notice to the Authority of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Authority under paragraph (4) hereof;

(iii) nothing in this sub-paragraph shall preclude the Authority from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of the specified work a new plan, section and description in lieu of the plan, section and description previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan, section and description:

(11) The Authority shall not be required to comply with paragraph (3) of this section or sub-paragraph (a) of paragraph (10) of this section in a case of emergency, but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of the said paragraph (10) so far as reasonably practicable in the circumstances:

(12) The undertakers shall, if so required by the Authority, cut off and if necessary adequately seal at both ends or otherwise make safe any apparatus which is situated in the Nine Elms lands and which has been abandoned or deemed to have been abandoned or which has become derelict, useless or otherwise unnecessary:

(13) Any apparatus which by reason or in consequence of the stopping up of any street under the powers of this Act is rendered derelict, useless or unnecessary shall become the property of the Authority and the Authority shall pay to the undertakers the then value of such apparatus and the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason of or in consequence of such apparatus being so rendered derelict, useless or unnecessary:

Provided that the Authority shall not under the provisions of this paragraph be required to pay to the

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—cont.

undertakers the value of any apparatus rendered derelict, useless or unnecessary if to the reasonable satisfaction of the undertakers other apparatus shall at the expense of the Authority have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict, useless or unnecessary:

(14) The Authority shall repay to the undertakers the expenses reasonably incurred by the undertakers in or in connection with—

(a) the removal of any apparatus, the relaying or replacing of any apparatus, the provision and construction of any new apparatus, and the alteration or protection of any apparatus under the foregoing provisions of this section; and

(b) the subsequent alteration or adaptation of apparatus required under the provisions of proviso (a) to paragraph (6) of this section; and

(c) the cutting off and the sealing of any apparatus under the foregoing provisions of this section or in consequence of any work executed thereunder;

and the reasonable costs of and incidental to—

(i) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph; and

(ii) the employment of watchmen and inspectors during the execution of any specified work and alterations of and works for the protection of apparatus:

Provided that—

(i) if in the course of the relaying of any apparatus or the provision and construction of any new apparatus under the foregoing provisions of this section—

(a) apparatus of better type or of greater capacity is provided in substitution for existing apparatus of worse type or of smaller capacity; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a greater depth than the existing apparatus was;

and the provision of apparatus of that type, or capacity or the placing of apparatus at that depth, as the case may be, had not been agreed or settled by arbitration under this section to be reasonably necessary by

reason or in consequence of the exercise by the Authority of any of their powers under this Act and involves expenses or costs exceeding those which would have been involved if the apparatus provided had been of the existing type or capacity or had been placed at the existing depth, as the case may be, the amount which apart from this proviso would be payable to the undertakers by virtue of this paragraph shall be reduced by the amount of that excess;

(ii) the amount which apart from this proviso would be payable to the undertakers under this paragraph in respect of the provision and construction of new apparatus in substitution for apparatus provided and constructed more than seven and a half years earlier shall be reduced by the amount of any financial benefit which may be derived by the undertakers from the deferment of the time for the renewal of the existing apparatus in the ordinary course:

PART VI
—cont.

(15) The Authority shall make compensation to the undertakers—

(a) for any damage which may be caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment in accordance with the provisions of this section) by reason or in consequence of the execution, use or failure of any work carried out by the Authority under the powers of this Act and for which the Authority would have been liable if the work had been carried out otherwise than under statutory powers; and

(b) for any other expenses, loss, penalty or costs incurred by the undertakers by reason or in consequence of such damage:

Provided that nothing in this paragraph shall impose any liability on the Authority which may be attributable to the act, neglect or default of the undertakers or their contractors or workmen:

(16) Notwithstanding the stopping up of any street under the powers of section 18 (Stopping up of streets) or section 22 (Development of Nine Elms lands) of this Act, the undertakers, their engineers or workmen and others in their employ shall at all times have such powers and rights (including rights of access) in respect of any apparatus situate in any such street as they had immediately before such stopping up and shall be at liberty to execute or do all such works and things in, upon or

PART VII
—cont.

under such street as may be necessary for inspecting, repairing, maintaining, renewing or removing such apparatus, but nothing in this paragraph shall prejudice or affect any right of the Authority, or of the undertakers, to require removal of such apparatus under this section:

Provided that this paragraph shall not apply in any case in which any street is stopped up and the apparatus therein is replaced by alternative apparatus by or at the cost of the Authority or has been abandoned or deemed to have been abandoned or has become derelict, useless or otherwise unnecessary:

(17) (a) Any difference which may arise between the Authority and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of either party (after notice in writing to the other party) by the President of the Institution of Civil Engineers;

(b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may if he thinks fit require the Authority to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

For further protection of Central Electricity Generating Board.

46. For the further protection of the board the provisions of this section shall, unless otherwise agreed in writing between the Authority and the board, apply and have effect:—

(1) In this section—

“the board” means the Central Electricity Generating Board;

“the existing roads” means Battersea Park Road, Kirtling Street and the private road leading from the generating station to Kirtling Street all in the London borough of Wandsworth;

“the generating station” means the generating station of the board in the said borough known as the Battersea Power Station;

(2) Notwithstanding anything in this Act, the Authority shall not under the powers of this Act temporarily or permanently stop up, divert, alter or otherwise interfere

with the existing roads or any part thereof so as materially to interfere with access for vehicles going to or from the generating station unless and until there is provided to the reasonable satisfaction of the board alternative means of access, whether permanent or temporary, to and from the generating station for such vehicles and in particular, but without prejudice to the generality of the foregoing provisions, for vehicles conveying ash, clinker or other material or heavy or bulky plant and equipment or for vehicles of the fire, ambulance or other public services:

PART VI
—cont.

(3) Notwithstanding anything in section 22 of this Act, the Authority shall not levy charges in respect of persons or vehicles entering any part of so much of—

(a) the private road referred to in the definition of “the existing roads” in paragraph (1) of this section; or

(b) any such alternative means of access as aforesaid; as may for the time being be part of the Nine Elms lands and not a highway maintainable at the public expense:

(4) The Authority shall so exercise their functions under this Act as, so far as is reasonably practicable, to prevent obstruction on any such part as is referred to in paragraph (3) of this section of the said private road or of such alternative means of access as aforesaid to vehicles going to or from the generating station:

(5) Any difference which may arise between the Authority and the board under the provisions of this section, other than a difference as to the meaning or construction thereof, shall be referred to and determined by an arbitrator to be agreed upon between them or in default of agreement to be appointed on the application of either of them, after notice in writing to the other of them, by the President of the Institution of Civil Engineers.

47. For the protection of the mayor, aldermen and burgesses of the London borough of Lambeth and the mayor, aldermen and burgesses of the London borough of Wandsworth, the following provisions shall, unless otherwise agreed in writing between the Authority and the said corporations, apply and have effect:—

For protection of Lambeth and Wandsworth corporations.

(1) In this section—

“apparatus” means any sewer of the corporation situate within the Nine Elms lands and any drains, gullies, sewer vent columns and other apparatus of the corporation connected therewith;

PART VI
—cont.

“corporation” means in relation to the London borough of Lambeth the mayor, aldermen and burgesses of that London borough, and in relation to the London borough of Wandsworth the mayor, aldermen and burgesses of that London borough:

- (2) Subject to the provisions of this section hereinafter contained, notwithstanding the stopping up of the whole or any part or parts of any street by the Authority under the powers of this Act—

(a) the Authority shall not interfere with any apparatus in or under such street or part or parts thereof so stopped up;

(b) the corporation shall at all times have such rights of access to the apparatus situate in or under any such street or part or parts thereof as they had immediately before such stopping up; and

(c) the corporation shall be at liberty to execute and do all such works and things in, upon or under such street or part or parts thereof as may be necessary for inspecting, repairing, maintaining, renewing, altering, enlarging or removing such apparatus or laying new apparatus;

unless and until the apparatus is removed or abandoned or deemed to have been abandoned:

- (3) (a) As soon as reasonably practicable after the stopping up (otherwise than temporarily) or diversion of any street under the powers of this Act, the Authority shall serve on the corporation a notice in writing of such stopping up or diversion;
- (b) The corporation may within two months after the service of a notice under sub-paragraph (a) of this paragraph serve on the Authority a counter-notice in writing stating either—
- (i) that they propose to remove the apparatus situate in or under the street stopped up or diverted; or
- (ii) that they have abandoned such apparatus; or
- (iii) that they intend to retain such apparatus;
- (c) If the corporation do not serve a counter-notice under sub-paragraph (b) of this paragraph or if within two months after the service under that sub-paragraph of a counter-notice of their intention to remove the apparatus the corporation do not remove the apparatus, they shall be deemed to have abandoned it;

(d) If the corporation serve a counter-notice under sub-paragraph (b) of this paragraph of their intention to retain any apparatus the corporation may if reasonably necessary and if so required by the Authority shall divert or alter the position of any such apparatus in such manner as may be agreed between the corporation and the Authority or, in default of agreement, determined by arbitration as hereinafter provided, or provide and construct in such altered position as may be agreed or determined as aforesaid new apparatus in substitution for the apparatus in the street as existing before such stopping up or diversion:

Provided that the Authority may request the corporation to cut off or remove such apparatus;

(e) If within two months after being requested under sub-paragraph (d) of this paragraph to remove, cut off, divert, alter or provide and construct any apparatus the corporation do not remove, cut off, divert, alter or provide and construct the apparatus, they shall be deemed to have abandoned it;

(f) Upon the abandonment of any apparatus the apparatus shall become the property of the Authority and the corporation shall within one month after such abandonment take all such steps as may be necessary to cut off the apparatus abandoned from any other apparatus;

(g) The reasonable expense incurred by the corporation in or in connection with the removal, cutting off, diversion or alteration of any apparatus under this paragraph or the provision and construction of new apparatus (as the case may be) shall be repaid to the corporation by the Authority:

Provided that the amount which apart from this proviso would be payable to the corporation under this sub-paragraph in respect of the provision and construction of new apparatus in substitution for apparatus provided and constructed more than seven and a half years earlier shall be reduced by the amount of any financial benefit which may be derived by the corporation from the deferment of the time for the renewal of the existing apparatus in due course:

(4) (a) The Authority shall not under the powers of this Act acquire any columns, equipment or other installations belonging to the corporation and used by them for the purpose of lighting any street (hereinafter referred to as "street lighting equipment"), paving, kerbs or setts:

PART VI
—cont.

Provided that the corporation shall within one month after being requested so to do by the Authority remove all such street lighting equipment, paving, kerbs or setts which may be situate in or under any street permanently stopped up or diverted by the Authority under the powers of this Act, and in default of such compliance the Authority may themselves remove any such street lighting equipment, paving, kerbs or setts which thereupon shall become the property of the Authority;

- (b) The Authority shall bear and pay to the corporation the amount of any expenses reasonably incurred by the corporation under this paragraph in or in connection with the removal of any such street lighting equipment, paving, kerbs or setts:
- (5) Before incurring any expense for the repayment of which the Authority may become liable under the provisions of this section the corporation shall supply to the Authority particulars of the works to be executed or things to be done together with an estimate of the expense to be incurred:
- (6) Before commencing to lay out and construct in the London borough of Wandsworth or the London borough of Lambeth any street which the Authority propose to dedicate as a highway or to divert, alter or widen any existing street in the said borough which is a highway maintainable at the public expense and which after such diversion, alteration or widening will continue to be so maintainable the Authority shall submit to the corporation for their reasonable approval such plans, sections and particulars (including details of the level, width and construction of the proposed street and the provision for the drainage thereof) as they may reasonably require:
- (7) If the corporation do not within twenty-eight days after the receipt of such plans, sections and particulars give notice in writing to the Authority signifying their disapproval thereof they shall be deemed to have approved thereof:
- (8) Such street shall be laid out, constructed, diverted, altered or widened in accordance with such plans, sections and particulars as may be approved (or are deemed to be approved) or if the corporation have signified their disapproval thereof as may be settled by arbitration as hereinafter provided:

- (9) The Authority shall give reasonable notice to the corporation of the time at which such street is to be laid out and constructed, diverted, altered or widened:
- (10) The work of laying out, constructing, diverting, altering or widening such a street shall be carried out to the reasonable satisfaction of the corporation, and the Authority shall at all reasonable times afford to the borough engineer and his duly authorised representatives access to such street for the purpose of inspecting the carrying out of such work:
- (11) (a) Without prejudice to section 19 (Land laid into streets to form part thereof) of this Act, it is hereby declared that the provisions of so much of paragraphs (6), (7), (8), (9) and (10) of this section as relate to the laying out and construction of a street and the provisions of sub-paragraph (b) of this paragraph shall constitute an agreement under section 40 (Power of highway authorities to adopt by agreement) of the Highways 1959 c. 25. Act 1959;
- (b) If the Authority shall decide to dedicate a street after it has been laid out, constructed and completed in accordance with the requirements of the said paragraphs (6), (7), (8), (9) and (10) and shall give notice to the corporation to that effect then, at the expiration of the period of twelve months from the date of such notice, during which period the Authority shall keep such street in repair, the corporation shall adopt such street and the same shall become, for the purposes of the said Act of 1959, a highway maintainable at the public expense:
- (12) The Authority shall make compensation to the corporation—
- (a) for any damage which may be caused to any apparatus or street lighting equipment (other than apparatus or street lighting equipment the repair of which is not reasonably necessary in view of its intended removal or abandonment in accordance with the provisions of this section) by reason or in consequence of the execution, use or failure of any work carried out by the Authority under the powers of this Act and for which the Authority would have been liable if the work had been carried out otherwise than under statutory powers;
- (b) for any other expenses, loss or costs incurred by the corporation by reason or in consequence of such damage:

PART VI
—cont.

Provided that nothing in this paragraph shall impose any liability on the Authority which may be attributable to the act, neglect or default of the corporation or their contractors or their workmen:

- (13) Any difference arising between the Authority and the corporation under this section shall be referred to a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed by the President of the Institution of Civil Engineers.

For protection
of Express
Dairy
companies.

48. For the protection of Express Dairy Company Limited and two of its wholly owned subsidiaries, namely, Express Dairy Property Company Limited and Express Dairy Company (London) Limited (which companies are in this section collectively referred to as "the companies"), the following provisions shall, unless otherwise agreed in writing by the companies, apply and have effect:—

- (1) (a) Notwithstanding the provisions of section 6 of this Act or anything shown upon the deposited plan the Authority shall not enter upon, take or use any part of the lands numbered on the deposited plan 35 in the London borough of Wandsworth (in this section referred to as "the protected lands") until there is available for occupation and use by Express Dairy Company (London) Limited such alternative accommodation and plant and equipment as shall be reasonably necessary to enable them to continue without material interruption the operations carried on by them on the protected lands in the manner in which those operations are so carried on including in connection with, or as part of, such alternative accommodation space for expansion of those operations not less than that available to the said company on the protected lands;
- (b) The references in sub-paragraph (a) of this paragraph to the operations carried on by Express Dairy Company (London) Limited on the protected lands and to the manner in which those operations are so carried on shall not include any operations so carried on, or any manner of carrying on such operations, begun since the 4th December, 1964, with a view to obtaining or increasing the compensation or purchase money or the obligations of the Authority under the said sub-paragraph (a):
- (2) So long as Express Dairy Company (London) Limited remain in occupation of the protected lands, no order

shall be made under section 16 of this Act to authorise the Authority to purchase compulsorily any part of those lands:

PART VI
—cont.

- (3) So long as Express Dairy Company (London) Limited remain in occupation of the protected lands the Authority shall not under the powers of this Act prevent or render unreasonably inconvenient the access to and egress from those lands:
- (4) In the foregoing paragraphs of this section reference to Express Dairy Company (London) Limited includes reference to the successors of that company as operators of the milk processing depot on the protected lands:
- (5) Any difference arising between the Authority and the companies or any of them under this section shall be referred to and settled by a single arbitrator to be agreed between the parties in difference or, failing agreement, to be appointed on the application of any or either of them (after notice in writing to the other or others of them) by the President of the Royal Institution of Chartered Surveyors.

49. For the protection of Downs Paper Company Limited and Blackfriars Re-wind Company Limited (which companies are in this section collectively referred to as "the companies") the following provisions shall, unless otherwise agreed in writing between the Authority and the companies, apply and have effect:—

For protection
of Downs
Paper
Company
Limited
and
Blackfriars
Re-wind
Company
Limited.

- (1) (a) Notwithstanding the provisions of section 6 of this Act or anything shown upon the deposited plan the Authority shall not enter upon, take or use any part of the lands numbered on the deposited plan 157, 159 and 160 in the London borough of Wandsworth (in this section referred to as "the protected lands") until there is made available by the Authority for occupation and use by the companies such alternative accommodation and plant and equipment as shall be reasonably necessary to enable them to continue without material interruption the operations carried on by them on the protected lands in the manner in which those operations are so carried on, including in connection with or as part of such alternative accommodation space for expansion of those operations not less than that available to the companies on the protected lands;
- (b) The reference in sub-paragraph (a) of this paragraph to the operations carried on by the companies on the

PART VI
---cont.

protected lands and to the manner in which those operations are so carried on shall not include any operations so carried on, or any manner of carrying on such operations, begun since the 4th December, 1964, with a view to obtaining or increasing the compensation or purchase money or the obligations of the Authority under the said sub-paragraph (a):

- (2) So long as either of the companies remains in occupation of the protected lands, no order shall be made under section 16 of this Act to authorise the Authority to purchase compulsorily any part of those lands:
- (3) So long as either of the companies remains in occupation of the protected lands the Authority shall not under the powers of this Act prevent or render unreasonably inconvenient the access to and egress from those lands:
- (4) Any difference arising between the Authority and the companies under this section shall be referred to and settled by a single arbitrator to be agreed between the parties in difference or, failing agreement, to be appointed on the application of any or either of them (after notice in writing to the other or others of them) by the President of the Royal Institution of Chartered Surveyors:
- (5) In the foregoing paragraphs of this section references to the companies include references to the successors of the companies or of either of them as operators of the business of processing and rewinding newsprint paper on the protected lands.

For protection
of
Wandsworth
Stonemasonry
Works
Limited.

50. For the protection of Wandsworth Stonemasonry Works Limited (in this section referred to as "the company") the following provisions shall, unless otherwise agreed in writing between the Authority and the company, apply and have effect:—

- (1) So long as the company or their assigns shall remain in possession of the lands coloured blue on the signed plan or the lands of the company abutting on Wandsworth Road the Authority shall grant to the company all such rights of way over the lands coloured brown on the signed plan and any other lands of the Authority as may be reasonably necessary for the purpose of securing means of access by road for the company, their officers, servants and vehicles to and from the lands for the time being occupied by the company:

- (2) Any difference between the Authority and the company under this section shall be referred to and determined by a single arbitrator to be agreed upon between the Authority and the company or, in default of agreement, to be appointed by the President of the Royal Institution of Chartered Surveyors.

PART VI
—cont.

51. For the protection of the Vauxhall Cake Supply Company Limited (in this section referred to as "the company") the following provisions shall, unless otherwise agreed in writing between the Authority and the company, apply and have effect:—

For protection
of Vauxhall
Cake Supply
Company
Limited.

- (1) So long as the company or their assigns remain in possession of the lands coloured red on the signed plan the Authority shall grant to the company all such rights of way over the lands coloured brown on the signed plan as may be reasonably necessary for the purpose of securing means of access for the company, their officers, servants and vehicles to and from the said lands:
- (2) Any difference between the Authority and the company under this section shall be referred to and determined by a single arbitrator to be agreed upon between the Authority and the company or, in default of agreement, to be appointed by the President of the Royal Institution of Chartered Surveyors.

52.—(1) Where in pursuance of the powers conferred by section 18 or section 22 of this Act the Authority permanently stop up or divert the whole or any portion of a highway the following provisions of this subsection shall, unless otherwise agreed in writing between the Authority 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 highway (in this subsection referred to as "the affected line"), that is to say:—

For protection
of Postmaster
General.

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion of the highway or part of the highway 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 one month from the date of the sending of the notice referred to in the next following subsection, unless before the expiration of that period the Postmaster General has given notice to the Authority of his intention to remove the affected line or that part thereof as the case may be;

PART VI
—cont.

- (b) The Postmaster General may by notice in that behalf to the Authority 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 one month, 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 Authority 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) If the Postmaster General gives notice under paragraph (a) or paragraph (b) of this subsection, as the case may be, of his intention to remove the affected line or any part thereof and within the period of three months from the date of giving such notice he has not removed the affected line or that part, the Postmaster General shall be deemed to have abandoned the affected line or that part;
- (e) Where under paragraph (b) or paragraph (d) of this subsection the Postmaster General has abandoned or is deemed to have abandoned the whole or any part of the affected line it shall vest in the Authority 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.

(2) As soon as practicable after the whole or any portion of a highway has been permanently stopped up or diverted in pursuance of the powers referred to in subsection (1) of this section the Authority shall send by post to the Postmaster General a notice informing him of such stopping up or diversion.

(3) Any electrical works or equipment constructed, maintained, renewed, used or operated in pursuance of the powers conferred by the Act of 1961 or by this Act shall be so constructed, maintained, renewed, used and operated as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

53. Subject to the provisions of subsection (3) of section 21 (Repeal of section 16 of Act of 1961 and new provisions as to duty of Authority to provide market facilities, etc.) of this Act, the provisions of the Town and Country Planning Act 1962

and 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.

PART VI
—cont.

54.—(1) The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Authority. Costs of Act.

(2) The payment of the costs, charges and expenses referred to in subsection (1) of this section shall be a purpose for which the Authority may borrow or raise money, and sections 38, 39, 40 and 41 of the Act of 1961 shall accordingly apply as if that purpose had been one of the purposes mentioned in subsection (2) of the said section 38.

SCHEDULES

Section 8.

SCHEDULE 1

EXCLUSION OF CERTAIN LANDS FROM COMPULSORY PURCHASE

In the London borough of Wandsworth—

The lands numbered on the deposited plan 3, 5, 6, 7, 11 and 12
and 204 to 244A (inclusive).

Section 18.

SCHEDULE 2

DESCRIPTION OF STREETS OR PARTS OF STREETS TO BE STOPPED UP

In the London borough of Wandsworth—

Ceylon Street;

Tweed Street;

Cherwell Street;

Arden Street;

Foot's Row;

So much of Wadhurst Road as lies to the north-east of the junction
of that road with Thessaly Road;

Thessaly Square.

SCHEDULE 3

Section 37.

PROVISIONS SUBSTITUTED FOR SCHEDULE 4 TO THE ACT OF 1961

Fourth Schedule

Part I

Constitution of the Market Management Advisory Committee (Fruit and Vegetables)

1. The Market Management Advisory Committee (Fruit and Vegetables) (hereafter in this Part of this schedule referred to as "the Committee") shall consist of a chairman (who shall be the person who is for the time being the managing director of the Authority), the secretary of the Authority and eighteen other persons appointed by the Authority.

2.—(1) Of the members of the Committee other than the managing director and secretary of the Authority—

(a) nine shall be persons appearing to the Authority to be capable of representing the interests of persons carrying on in a market area the business of selling, whether as principals or as agents, fruit and vegetables by wholesale;

(b) nine shall be persons appearing to the Authority to be capable of representing the interests of persons who, in the course of business carried on in the United Kingdom, sell fruit and vegetables to, or through the agency of, such persons as are mentioned in head (a) of this sub-paragraph and persons who, in the course of business so carried on, buy, whether as principals or as agents, fruit and vegetables from, or through the agency of, such persons as are so mentioned.

(2) Of the nine persons mentioned in head (a) of the foregoing sub-paragraph, one shall be a person appearing to the Authority to be capable of representing the interests of those who grow what they sell.

(3) Of the nine persons mentioned in head (b) of the foregoing sub-paragraph, two shall be persons appearing to the Authority to be capable of representing the interests of persons carrying on in the United Kingdom business which consists of, or includes, the sale of fruit and vegetables otherwise than by wholesale.

(4) The appointment under this Part of this schedule of a person as capable of representing the interests of any persons shall not be made except after consultation with such bodies as appear to the Authority to represent the interests of those persons.

Part II

Constitution of the Market Management Advisory Committee (Flowers)

1. The Market Management Advisory Committee (Flowers) (hereafter in this Part of this schedule referred to as "the Committee") shall consist of a chairman (who shall be the person who is for the time being the managing director of the Authority), the secretary of the Authority and ten other persons appointed by the Authority.

SCH. 3
—cont.

2.—(1) Of the members of the Committee other than the managing director and secretary of the Authority—

- (a) five shall be persons appearing to the Authority to be capable of representing the interests of persons carrying on in a market area the business of selling, whether as principals or as agents, flowers by wholesale;
- (b) five shall be persons appearing to the Authority to be capable of representing the interests of persons who, in the course of business carried on in the United Kingdom, sell flowers to, or through the agency of, such persons as are mentioned in head (a) of this sub-paragraph and persons who, in the course of business so carried on, buy, whether as principals or as agents, flowers from, or through the agency of, such persons as are so mentioned.

(2) Of the five persons mentioned in head (a) of the foregoing sub-paragraph, one shall be a person appearing to the Authority to be capable of representing the interests of those who grow what they sell.

(3) Of the five persons mentioned in head (b) of the foregoing sub-paragraph, two shall be persons appearing to the Authority to be capable of representing the interests of persons carrying on in the United Kingdom business which consists of, or includes, the sale of flowers otherwise than by wholesale.

(4) The appointment under this Part of this schedule of a person as capable of representing the interests of any persons shall not be made except after consultation with such bodies as appear to the Authority to represent the interests of those persons.

SCHEDULE 4

Section 42.

AMENDMENTS OF THE ACT OF 1961 TO HAVE EFFECT AS ON AND FROM
THE PASSING OF THIS ACT

Number of section or schedule (1)	Marginal note or heading (2)	Amendment (3)
Section 1 ...	The Covent Garden Market Authority	In subsection (1) there shall be added at the end thereof the words " and the Covent Garden Market Act 1966 ".
Section 18 ...	Additional functions of the Authority	In subsection (1) for paragraph (a) there shall be substituted the following paragraph:— “(a) to provide such vehicles, plant, containers, pallets, equipment and machinery as the Authority may think neces- sary or convenient for the transport or handling of horti- cultural produce within any market area or from or to any market area to or from any other market area or any place outside any market area or for any other purposes of or in con- nection with the discharge or performance of any duties or powers imposed or conferred upon the Authority by the Covent Garden Market Acts 1961 and 1966;”; and in paragraph (d) after the words “ rest rooms ” there shall be inserted the words “ sleeping accommodation, restaurants ”; and in subsection (2) for the words “ the foregoing provisions of this section ” there shall be substituted the words “ the provisions of the Covent Garden Market Acts 1961 and 1966 ”.
Section 27 ...	Power of the Authority to seize and dispose of articles in certain cases	In subsection (1) in paragraph (a) for the words “ paragraph (f) of sub- section (1) of the last foregoing section ” there shall be substituted the words “ paragraph (i) of sub- section (1) of section 29 (Market byelaws) of the Covent Garden Market Act 1966 ”, and in para- graph (b) for the words “ para- graph (g) of that subsection ” there shall be substituted the words “ paragraph (j) of subsection (1) of the said section 29 ”.
Section 30 ...	Power to enter premises	In subsection (1) in paragraph (a) after the words “ this Act ” where those words first occur there shall be inserted the words “ or the Covent Garden Market Act 1966 ”; after

SCH. 4
—cont.

Number of section or schedule (1)	Marginal note or heading (2)	Amendment (3)
Section 30 (<i>cont.</i>)		<p>the word “regulations” there shall be inserted the words “made under this Act”; and for the word “thereunder” there shall be substituted the words “under the said Act of 1966”.</p> <p>In subsection (2) after the words “the Covent Garden Area” there shall be inserted the words “any market area,”; and after the words “the prohibited area” there shall be inserted the words “or the area to which section 23 (Prohibition on use for wholesale horticultural market and other purposes of certain premises) of the Covent Garden Market Act 1966 applies”.</p>
Section 31 ...	Penalisation of failure to comply with requirements as to making returns, registration, keeping books, &c.	<p>In subsection (1) after the words “section twenty-eight of this Act” there shall be inserted the words “or subsection (9) of section 26 (Power of Authority to levy tolls) or subsection (1) of section 28 (Power of Authority to require information and returns) of the Covent Garden Market Act 1966”, and in subsection (2) in paragraph (a) after the words “the said subsection (7)” there shall be inserted the words “or the said subsection (9) or the said subsection (1)”.</p>
Section 32 ...	Restriction of disclosure of information	<p>In subsection (1) after the words “section twenty-nine of this Act” there shall be inserted the words “or subsection (9) of section 26 or subsection (1) of section 28 of the Covent Garden Market Act 1966”, and for the word “thereof” there shall be substituted the words “of this Act”; and in subsection (2) the references in paragraph (b) to the Act of 1961 shall include references to this Act.</p>
Section 33 ...	The Covent Garden Market Management Committee	<p>In subsection (3) for the words “the interests of persons of any of the classes mentioned in sub-paragraphs (i) to (iii) of paragraph (b) of subsection (1) of section twenty-five of this Act” there shall be substituted the words “any such interests as are referred to in heads (a) and (b) of sub-paragraph (1) of paragraph 2 of Part I or in heads (a) and (b) of sub-paragraph (1) of paragraph 2 of Part II of Schedule 3 to the Covent Garden Market Act 1966”; and in subsection (4) for the words “section twenty-six thereof” there shall be</p>

SCH. 4
—cont.

Number of section or schedule (1)	Marginal note or heading (2)	Amendment (3)
Section 33 (cont.)		substituted the words "section 29 (Market byelaws) of the Covent Garden Market Act 1966".
Section 38 ...	Borrowing powers ...	<p>In subsection (1) in paragraph (a) after the word "chargeable" there shall be inserted the words "or in respect of the next succeeding accounting period", and in paragraph (b) after the word "subsection" there shall be inserted the words "or the taking of an advance under subsection (3) of this section".</p> <p>In subsection (2) at the end of paragraph (a) there shall be inserted the words "or under any of the provisions of the Covent Garden Market Act 1966"; and for paragraph (b) there shall be substituted the following paragraph: "(b) the payment of the purchase money or compensation payable in respect of the acquisition by the Authority whether compulsorily or by agreement of any interest in land under or by virtue of the provisions of this Act or the said Act of 1966"; and in paragraph (d) after the word "plant" there shall be inserted the words "containers, pallets, equipment".</p> <p>In subsection (4) in paragraph (a) for the words "by section sixteen of this Act to improve market facilities on the market lands or to provide better ones elsewhere" there shall be substituted the words "whether by section 16 of this Act as originally enacted or by the Covent Garden Market Act 1966 to provide or improve market facilities on any lands".</p>
Section 48 ...	Registration of restrictions under sections 21 and 25	<p>In subsection (1) after the words "this Act" where those words first occur in that subsection there shall be inserted the words "or section 23 of the Covent Garden Market Act 1966".</p> <p>In subsection (3) for the words "the last foregoing subsection" there shall be substituted the words "this section".</p> <p>In subsection (4) for the words "county borough, county district or metropolitan" in both places where those words occur there shall be substituted the word "London" and the words "or district" in the definition of "local authority" shall be omitted.</p>

SCH. 4
—cont.

Number of section or schedule (1)	Marginal note or heading (2)	Amendment (3)
Section 50 ...	Provisions as to service of documents	In subsection (1) after the words "this Act" there shall be inserted the words "or the Covent Garden Market Act 1966".
Section 55 ...	General interpretation provisions	<p>In subsection (1) after the definition of "the deposited plans" there shall be inserted the following definitions:—</p> <p>" 'flowers' means—</p> <ul style="list-style-type: none"> (a) cut flowers; (b) dried flowers; (c) decorative foliage; (d) Christmas trees; (e) pot plants, bedding plants and herbaceous plants; (f) flowering trees and shrubs (whether flowering or not); (g) seeds, bulbs, corms and tubers; and (h) other goods commonly known as 'horticultural and florists' sundries';" <p>" 'fruit and vegetables' means—</p> <ul style="list-style-type: none"> (a) fresh fruit, dried fruit, frozen fruit and fruit preserved in airtight containers; (b) fresh vegetables, dried vegetables, frozen vegetables and vegetables preserved in airtight containers; (c) fresh herbs and dried herbs; (d) fresh edible fungi, dried edible fungi and edible fungi preserved in airtight containers; (e) nuts; (f) fruit trees, fruit bushes and fruit plants; and (g) seed potatoes;"; <p>for the definition of "horticultural produce" there shall be substituted the following definition:—</p> <p>" 'horticultural produce' means—</p> <ul style="list-style-type: none"> (a) fruit and vegetables; and (b) flowers;"; <p>after the definition of "the Letters Patent" there shall be inserted the following definition:—</p> <p>" 'market area' means any area in which the Authority are for the time being providing market facilities;";</p> <p>for the definition of "market facilities" there shall be substituted the following definition:—</p> <p>" 'market facilities' means all facilities which, in the opinion of</p>

SCH. 4
—cont.

Number of section or schedule (1)	Marginal note or heading (2)	Amendment (3)
Section 55 (cont.)		<p>the Authority, are necessary or desirable for the conduct of a market for the dealing in bulk in horticultural produce, including facilities for the storage of horticultural produce and empty containers therefor and facilities for the loading and unloading and the parking of vehicles;"; and the definition of "storage facilities" shall be omitted.</p>
First Schedule	Incidental provisions with respect to the Covent Garden Market Authority	<p>In paragraph 6, after the word "Authority" where that word occurs for the third time, there shall be inserted the words "and shall appoint such a committee to represent the interests of persons selling horticultural produce by wholesale in any market area".</p>
Fifth Schedule	Incidental Provisions with respect to the Committees constituted by Sections 33 to 35	<p>After paragraph 4 there shall be inserted the following paragraph:— "4A. The Committee may co-opt such number of persons, not exceeding three, to be members of the Committee as the Committee may from time to time determine. A person so co-opted shall hold office in accordance with such terms as the Committee may at the time of his co-option determine, but notwithstanding anything in those terms he may at any time resign his office by notice in writing".</p>

Section 42.

SCHEDULE 5

Part I

PROVISIONS OF THE ACT OF 1961 REPEALED AS ON AND FROM THE PASSING OF THIS ACT

Number of section (1)	Marginal note (2)	Extent of repeal (3)
Section 16 ...	Duty of the Authority to provide market and storage facilities	The whole section.
Section 17 ...	Duty of the Authority to have regard to public interest and objects to be attained by them	The whole section.
Section 18 ...	Additional functions of the Authority	In subsection (1) in paragraph (c) the words "or that where they are providing storage facilities", in paragraph (d) the words "and storage", and in paragraph (e) the words "and such other commodities as are mentioned in subsection (1) of section sixteen of this Act".
Section 19 ...	Power of the Authority to acquire land compulsorily under Town and Country Planning Act, 1947	The whole section.
Section 21 ...	Restriction of use of premises in Covent Garden Area for certain purposes, and prohibition of use for those purposes of premises within a certain distance from that area	In subsection (4) in paragraph (a) the words "or storage".
Section 26 ...	Market byelaws ...	The whole section.
Section 33 ...	The Covent Garden Market Management Committee	In subsection (5) the words "and storage".
Section 40 ...	Advances by the Minister	Subsections (2) and (3).
Section 51 ...	Limitation of exercise outside Covent Garden Area, of Authority's powers	The whole section.

Part II

SCH. 5
—cont.PROVISIONS OF THE ACT OF 1961 REPEALED AS FROM THE DAY OF
DISCONTINUANCE

Section 25.

Number of section (1)	Marginal note (2)	Extent of repeal (3)
Section 21 ...	Restriction of use of premises in Covent Garden Area for certain purposes and prohibition of use for those purposes of premises within a certain distance from that area	The whole section.
Section 22 ...	Grant duration and revocation of licences under preceding section	The whole section.
Section 23 ...	Power of court to restrain revocation of licences under section 21	The whole section.
Section 24 ...	Compensation for damage due to operation of sections 21 and 22	The whole section.
Section 25 ...	Power of the Authority to control transport and storage of horticultural produce and containers therefor	The whole section.
Section 28 ...	Power of the Authority to levy tolls	The whole section.
Section 30 ...	Power to enter premises	In subsection (1) the words "or regulations made under this Act"; and in subsection (2) the words "the prohibited area" and the words "or any area wherein the use of land is for the time being restricted by virtue of a provision of regulations having effect by virtue of paragraph (c) of subsection (1) of section twenty-five of this Act".
Section 31 ...	Penalisation of failure to comply with requirements as to making returns, registration, keeping books, &c.	In subsection (1) the words "subsection (7) of section twenty-eight of this Act or"; and in subsection (2) the words "the said subsection (7) or".
Section 32 ...	Restriction of disclosure of information	In subsection (1) the words "under subsection (7) of section twenty-eight of this Act or".

SCH. 5
—cont.

Number of section (1)	Marginal note (2)	Extent of repeal (3)
Section 33 ...	The Covent Garden Market Management Committee	In subsection (4) the words “ regulations under section twenty-five of this Act or,” and the words “ regulations or ” in both places in which they occur.
Section 48 ...	Registration of restrictions under sections 21 and 25	In subsection (1) the words “ section twenty-one of this Act, or ”, and the words “ or by regulations having effect by virtue of paragraph (c) of subsection (1) of section twenty-five of this Act ”; and subsection (2).
Section 54 ...	Meaning of “ the Covent Garden Area ” and “ the prohibited area ” and proof of extent of first-mentioned area	In subsection (1) paragraph (b).
Section 55 ...	General interpretation provisions	Subsection (2).

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