



British Railways (No. 2) Act 1975

CHAPTER xxix

ARRANGEMENT OF SECTIONS

PART I

Section

PRELIMINARY

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of general Acts.
5. Application of Part I of Compulsory Purchase Act 1965.

PART II

WORKS

6. Power to make works.
7. Further works and powers.
8. As to Hillam Gates level crossing.
9. Use of sewers, etc., for removing water.
10. Incorporation of provisions of Acts of 1963, 1967 and 1968 relating to works.

PART III

LANDS

11. Power to acquire lands.
12. Power to acquire easements only in certain cases.
13. Easements only to be acquired in certain lands.
14. Period for compulsory purchase of lands and easements.
15. Incorporation of provisions of Acts of 1963, 1967 and 1969 relating to lands.

PART IV

HARBOUR BYELAWS

16. Interpretation of Part IV.
17. Application of section 83 of Act of 1847.
18. Power to Board to make byelaws.
19. Application of Board's byelaws.
20. General provisions as to byelaws.
21. Amendment of section 67 of Act of 1962.

PART V

PROTECTIVE PROVISIONS

22. Incorporation of provisions of Acts of 1963 and 1967.
23. For protection of Post Office.
24. For protection of British Waterways Board.
25. For protection of water authority.
26. Saving for water authorities.

PART VI

MISCELLANEOUS

27. As to Harwich Town Pier.
28. As to British Transport Commission (Male Wages Grades) Pension Scheme.
29. Display of advertisements by subsidiaries.
30. Saving for Town and Country Planning Acts 1971 and 1972.
31. Arbitration.
32. Costs of Act.

SCHEDULE—Lands referred to in subsection (2) of section 11 (Power to acquire lands) of this Act.

ELIZABETH II



1975 CHAPTER xxix

An Act to empower the British Railways Board to construct works and to acquire lands; to confer further powers on the Board and the Trinity House; and for other purposes. [7th August 1975]

WHEREAS by the Transport Act 1962 the British Railways Board (hereinafter referred to as "the Board") were established: **1962 c. 46.**

And whereas it is the duty of the Board under the Transport Act 1962 (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

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

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

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

And whereas during the progress of the Bill for this Act an alteration has been made in Work No. 3 authorised by this Act and a plan and section of the said work as so altered, on the same scale and containing the same particulars as the original plan and section of the said work, together with a book of reference to the said plan, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the proper officer of the county council of Nottinghamshire, which plan, section and book of reference are respectively referred to in this Act as the substituted plan, the substituted section and the substituted book of reference:

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

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the British Railways (No. 2) Act 1975.

Division of Act into Parts.

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

Part I—Preliminary.

Part II—Works.

Part III—Lands.

Part IV—Harbour byelaws.

Part V—Protective provisions.

Part VI—Miscellaneous.

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

PART I
—cont.

Interpreta-
tion.

- “ the Act of 1845 ” means the Railways Clauses Consolidation Act 1845; 1845 c. 20.
- “ the Act of 1863 ” means the Railways Clauses Act 1863; 1863 c. 92.
- “ the Act of 1963 ” means the British Railways Act 1963; 1963 c. xviii.
- “ the Act of 1967 ” means the British Railways Act 1967; 1967 c. xxx.
- “ the Act of 1968 ” means the British Railways Act 1968; 1968 c. xxxiv.
- “ the Act of 1969 ” means the British Railways Act 1969; 1969 c. xliii.
- “ the Board ” means the British Railways Board;
- “ enactment ” means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ the limits of deviation ” means the limits of deviation shown on the deposited plans;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878; 1878 c. 76.
- “ the tribunal ” means the Lands Tribunal;
- “ the water authority ” means the Severn-Trent Water Authority;
- “ the works ” means the works authorised by Part II (Works) of this Act.

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

(3) Any reference in this Act to the deposited plans, the deposited sections and the deposited book of reference shall, so far as those respective expressions are used in relation to Work No. 3, be construed as a reference to the substituted plan, the substituted section and the substituted book of reference respectively.

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

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

PART I
—cont.Incorporation
of general
Acts.

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

The Act of 1845, except sections 7, 8, 9, 19, 20, 22 and 23 thereof, and Part I (relating to construction of a railway) of the Act of 1863, except sections 13, 14, 18 and 19 thereof:

Provided that—

- (i) for the purposes of the provisions of the Act of 1845 and the Act of 1863, as incorporated with this Act, the expression “the company” where used in the said incorporated provisions means the Board;
- (ii) for the purposes of sections 16 and 30 to 44 of the Act of 1845, as incorporated with this Act, Work No. 2 shall be deemed to be a railway authorised by the special Act;
- (iii) the provisions of sections 18 and 21 of the Act of 1845, as incorporated with this Act, shall not extend to regulate the relations between the Board and any other person in respect of any matter or thing concerning which those relations are regulated in any respect—

1950 c. 39.

(a) by the provisions of Part II of the Public Utilities Street Works Act 1950;

(b) by the provisions of section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963, as incorporated with this Act; or

(c) by the provisions of section 45 (For further protection of gas, water and electricity undertakers) of the Act of 1967, as incorporated with this Act;

1968 c. 73.

- (iv) the provisions of section 46 of the Act of 1845, as incorporated with this Act, shall have effect subject to the provisions of sections 116 and 117 of the Transport Act 1968 as if any bridge to which the said section 46 applies and which carries a highway were in existence immediately before the appointed day referred to in the said section 116.

Application
of Part I of
Compulsory
Purchase Act
1965.

1965 c. 56.

5.—(1) Part I of the Compulsory Purchase Act 1965 (except sections 4, 24 (5) and 27 thereof and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

1946 c. 49.

(2) In section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on and take possession of land the subject of a notice to treat after giving not less than fourteen days' notice), as so applied, for the words "fourteen days" there shall be substituted the words "three months".

PART I
—cont.

1965 c. 56.

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

1845 c. 18.

PART II

WORKS

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

Power to
make works.

In the metropolitan county of West Midlands and the county of Hereford and Worcester—

Work No. 1 A railway (2,600 metres in length) commencing in the district of Birmingham by a junction with the railway between Birmingham and Gloucester at a point 25 metres south-west of the bridge carrying Longbridge Lane over the said railway and terminating in the parish of Frankley in the district of Bromsgrove at a point 102 metres east of the bridge carrying Holly Hill over the river Rea:

(Railway to
Frankley)

In the county of Hereford and Worcester—

Work No. 2 A widening (6,775 metres in length) of the Redditch branch railway on the west side thereof commencing in the parish of Alvechurch in the district of Bromsgrove at a point 200 metres east of the bridge carrying the said railway over Hewell Road, passing through the parish of Tutnall and Copley in the said district and terminating in the district of Redditch at a point 345 metres south of the bridge carrying the said railway over Windsor Road:

(Widening of
Redditch
branch
railway)

In the county of Nottinghamshire—

Work No. 3 A railway (2,240 metres in length) wholly in the district of Newark, being a deviation of the railway between Nottingham and Lincoln, commencing by a junction with the said railway at a point 740 metres south-west of the bridge carrying the said railway over the Newark branch of the river Trent

(Railway at
Newark)

PART II
—cont.

and terminating by a junction with the said railway at a point 20 metres south-west of the bridge carrying the A.1 trunk road over the said railway.

(2) Notwithstanding anything in the Act of 1845, as incorporated with this Act, the Board may construct the western approach road to the bridge for carrying Work No. 2 over the road known as Callow Hill Road in the parish of Alvechurch with the gradient shown on the deposited sections.

1961 c. 48.

(3) Section 31 of the Land Drainage Act 1961 shall apply to the construction of—

(a) so much of Work No. 1 as will be in, over or under or will be within a distance of 10 metres of any part of the river Rea;

(b) the viaduct over the river Trent forming part of Work No. 3;

but, although the water authority shall be entitled to attach reasonable conditions (including reasonable conditions requiring the demolition and removal of the existing bridge carrying the railway over the Newark branch of the river Trent) to the giving of their consent under that section, as applied by this section, they shall not refuse to give that consent.

Further works
and powers.

7. Subject to the provisions of this Act (and, in so far as the same are shown on the deposited plans and sections, in the lines or situations and according to the levels as shown) the Board may exercise the powers hereinafter mentioned, that is to say:—

(a) In the metropolitan county of West Midlands and the county of Hereford and Worcester—

stop up and discontinue so much of the roads known as Tessel Lane and Rubery Lane situate partly in the district of Birmingham and partly in the parish of Frankley in the district of Bromsgrove as lies between the points marked "A" and "B" on the deposited plans and provide a new road in substitution therefor between the said points;

(b) In the county of Hereford and Worcester—

stop up and discontinue so much of the footpath situate in the parish of Alvechurch in the district of Bromsgrove as lies between the points marked "E" and "F" on the deposited plans and substitute therefor a new footpath between the points marked "F" and "G" thereon.

As to Hillam
Gates level
crossing.

8. The vehicular gates at the level crossing in the parish of Monk Fryston in the district of Selby in the county of North Yorkshire known as Hillam Gates level crossing may be kept permanently closed to road traffic between 23.00 hours and 07.00 hours, but at all other times the Board shall employ proper persons to open and shut the gates.

9.—(1) The Board may use for the discharge of any water pumped or found by them during the construction of the works any available stream or watercourse, or any sewer or drain of any water authority, internal drainage board or local authority in or through whose area the works may be constructed or pass, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse, sewer or drain within the limits of deviation:

PART II
—cont.

Use of
sewers, etc.,
for removing
water.

Provided that—

(a) the Board shall not discharge any water into any sewer or drain vested in or under the control of a water authority, internal drainage board or local authority except with the consent of the water authority, internal drainage board or local authority and subject to such terms and conditions as the water authority, internal drainage board or local authority may reasonably impose; and

(b) the Board shall not make any opening into any such sewer or drain save in accordance with plans reasonably approved by, and under the superintendence (if given) of, the water authority, internal drainage board or local authority in whom the sewer or drain shall be vested.

(2) (a) Notwithstanding anything in section 11 (7) of the Rivers (Prevention of Pollution) Act 1951, the discharge of any water under the powers of this section into any stream as defined in that section shall be subject to the provisions of section 2 of that Act. 1951 c. 64.

(b) On the coming into force of section 31 of the Control of Pollution Act 1974 paragraph (a) of this subsection shall cease to have effect and the said section 31 shall apply to, or to the consequence of, a discharge under the powers of this section into any relevant waters for the purposes of the said section 31 as if this section were excluded from the reference to any provision of a local Act mentioned in subsection (2) (b) (ii) of the said section 31 and as if no matter so discharged were trade or sewage effluent or other matter mentioned in subsection (2) (e) of the said section 31. 1974 c. 40.

(c) In the exercise of their powers under this section the Board shall not damage or interfere with the bed of any watercourse forming part of the main river of a water authority or the banks thereof within the meaning of section 81 of the Land Drainage Act 1930 or forming part of a metropolitan watercourse as defined in paragraph 15 (1) of Schedule 14 to the London Government Act 1963. 1930 c. 44.
1963 c. 33.

PART II
—cont.

(3) The Board shall take all such steps as may reasonably be required to secure that any water discharged by them under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or matter in suspension.

(4) Any difference arising between the Board and a water authority, internal drainage board or local authority (as the case may be) under this section shall be settled by arbitration.

(5) In this section the expression “local authority” means a county council, the Greater London Council, a district council, a London borough council or the Common Council of the City of London.

Incorporation
of provisions
of Acts of
1963, 1967 and
1968 relating
to works.

10. Subject to the provisions of this Act, the following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 5 (Power to deviate);

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

Section 12 (Stopping up roads and footpaths in case of diversion or substitution);

Section 13 (Provision as to repair of roads and footpaths);
and

Section 14 (Power to make agreements with road authorities):

The Act of 1967—

Section 12 (Temporary stoppage of roads and footpaths)
except subsections (5) and (6) thereof:

The Act of 1968—

Section 11 (Underpinning of houses near works):

Provided that—

(i) the exercise by the Board of the powers of the said section 12 of the Act of 1967, as so incorporated, in relation to any road or footpath shall not prejudice or affect the right of the Post Office to maintain, inspect, repair, renew or remove telegraphic lines or break open that road or footpath for any of those purposes;

(ii) the Board shall, so far as is reasonably practicable, so exercise the powers conferred by the said section 11 of the Act of 1968 as not to obstruct or render less convenient the access to any telegraphic line belonging to, or used by, the Post Office.

PART III

LANDS

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

(2) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section, the Board may, subject to the provisions of this Act, enter upon, take and use for the purposes specified in column (3) of the Schedule to this Act all or any of the lands referred to in columns (1) and (2) of the said schedule.

(3) Subject to the provisions of this Act, the Board may enter upon, use and appropriate, so much of the subsoil and under-surface of any public street, road, footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes mentioned in subsection (1) of this section without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

12.—(1) Notwithstanding anything in this Act, the Board may, for the purposes of constructing, maintaining, altering, renewing and using the works, create and acquire such easements or rights as they may require in, under or over any of the lands delineated on the deposited plans and described in the deposited book of reference without being obliged to acquire any greater interest in, under or over the same respectively, and may give notice to treat in respect of the creation and acquisition of any such easements or rights, describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act and except as otherwise provided in this Act) the provisions of Part I of the Compulsory Purchase Act 1965, as applied by this Act, shall extend and apply in relation to the creation and acquisition of such easements or rights as if it were the purchase of lands within the meaning of those provisions. Power to acquire easements only in certain cases.

(2) If, in any case where the Board acquire an easement or right in or under any of the said lands, they also require to take, use and pull down or open any cellar, basement, vault, arch or other construction forming part of any such lands, they may enter upon, take and use such cellar, basement, vault, arch or other construction for the purposes of the works and (subject to the provisions of this Act) the provisions of the Compulsory Purchase Act 1965, as applied by this Act, shall extend and apply in relation to the purchase thereof as if such cellar, basement, vault, arch or other construction were lands within the meaning of those provisions:

PART III
—cont.

Provided that section 15 (Acquisition of part only of certain properties) of the Act of 1967, as incorporated with this Act, shall apply in respect of the acquisition by the Board under this subsection of any cellar, basement, vault, arch or other construction as if the same were a part of land to which that section applies.

(3) Nothing in this section shall prejudice or affect the provisions of subsection (3) of section 11 (Power to acquire lands) of this Act.

Easements
only to be
acquired in
certain lands.

13.—(1) Notwithstanding the provisions of subsections (1) and (2) of section 11 (Power to acquire lands) of this Act, the Board may create and acquire compulsorily under the powers of this Part of this Act in respect of the lands numbered on the deposited plans 20, 34 and 35 in the district of Newark within the lines marked “Limit of easement to be acquired” only such easements or rights as they may require for the purpose of constructing, maintaining, altering, renewing and using the works.

(2) The Board may give notice to treat in respect of the creation and acquisition of any such easements or rights, describing the nature thereof, and (subject to the foregoing provisions of this section and to the other provisions of this Act and except as otherwise provided in this Act) the provisions of Part I of the Compulsory Purchase Act 1965, as applied by this Act, shall extend and apply in relation to the creation and acquisition of such easements or rights as if it were the purchase of lands within the meaning of those provisions.

1965 c. 56.

14. The powers of the Board for the compulsory purchase of the lands and easements which they are authorised by this Act to acquire shall cease on 31st December, 1978.

15. The following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

The Act of 1963—

Section 19 (Correction of errors in deposited plans and book of reference); and

Section 28 (As to cellars under streets not referenced):

The Act of 1967—

Section 15 (Acquisition of part only of certain properties); and

Section 16 (Grant of easements by persons under disability):

The Act of 1969—

Section 12 (Disregard of recent improvements and interests); and

Section 13 (Extinction of private rights of way).

Period for
compulsory
purchase of
lands and
easements.
Incorporation
of provisions
of Acts of
1963, 1967
and 1969
relating to
lands.

PART IV

HARBOUR BYELAWS

16. In this Part of this Act, unless otherwise expressly provided or the contrary intention appears—
- Interpretation of Part IV.
- “ the Act of 1847 ” means the Harbours, Docks and Piers Clauses Act 1847 and words and expressions to which meanings are assigned by that Act have the same respective meanings; 1847 c. 27.
- “ the Act of 1959 ” means the British Transport Commission Act 1959; 1959 c. xliv.
- “ the Act of 1962 ” means the Transport Act 1962; 1962 c. 46.
- “ the harbour ” means any harbour, dock or pier from time to time owned, leased, worked or managed by the Board and includes all docks, quays, wharves, jetties, piers, lands, buildings, machinery, apparatus, works and conveniences forming part thereof or held or used by the Board in connection therewith; and the expression “ the Board’s harbours ” shall be construed accordingly;
- “ the harbour limits ” means the limits within which the powers of the harbour master for the regulation of the harbour are authorised to be exercised in the enactments relating to the harbour;
- “ the harbour master ” means the harbour master, dock master or pier master at any of the Board’s harbours and includes his authorised deputies and assistants and any person authorised by the Board to act in that capacity;
- “ harbour works and premises ” means any docks, quays, wharves, jetties, piers, lands, buildings, structures, equipment, works and conveniences forming part of the harbour;
- “ hovercraft ” has the meaning assigned thereto by the Hovercraft Act 1968; 1968 c. 59.
- “ hydrofoil vessel ” means a vessel, however propelled, designed to be supported on foils;
- “ vessel ” means every description of vessel, however propelled or moved, including a hovercraft, a hydrofoil vessel and anything constructed or used to carry persons or goods by water.
- 17.—(1) Notwithstanding anything in any Act or order relating to any of the Board’s harbours, section 83 of the Act of 1847 shall apply to each of the Board’s harbours as if the harbour had been originally authorised to be constructed, extended or improved by this Act. Application of section 83 of Act of 1847.

PART IV
—cont.

(2) For the purpose of the application of section 83 of the Act of 1847 to each of the Board's harbours the expression "the special Act" in that Act shall mean this Act, the expression "the harbour, dock or pier" shall mean the harbour, the expression "the prescribed limits" shall mean the harbour limits, and the expressions "the harbour master" and "vessel" shall have the meanings assigned thereto by this Part of this Act.

Power to
Board to
make byelaws.

18. In addition to the byelaws which may be made by the Board under any enactments from time to time relating to any of the Board's harbours, the Board may from time to time make, alter and repeal such byelaws as they think fit for all or any of the following purposes:—

- (a) Managing, controlling and regulating the harbour and goods, wares, merchandise and vehicles using or passing over or frequenting or resorting to the harbour;
- (b) Managing, controlling and regulating any services and facilities provided at the harbour or within the harbour limits;
- (c) Regulating the admission of persons and animals to the harbour or any part thereof;
- (d) Regulating the conduct of persons using the harbour or being within the harbour or the harbour limits;
- (e) Prescribing the safety precautions to be observed by persons on vessels being within the harbour limits or persons using the harbour or being within the harbour limits including (without prejudice to the generality of the foregoing) the control or prohibition of smoking, the lighting of fires and the use or exposure of naked lights by such persons;
- (f) Controlling and regulating vessels being within the harbour limits;
- (g) Controlling and regulating or prohibiting, in respect of the harbour works and premises or any part thereof set apart and appropriated by the Board for the exclusive, partial or preferential use and accommodation of any particular trade, person, vessel or goods or any class of trades, persons, vessels or goods, the entry therein of any persons, vessels, goods, wares, merchandise or vehicles not engaged or concerned in such use or accommodation, or the use thereof for any purposes so as to prevent or interfere with their use for the purpose for which they are so set apart or appropriated;
- (h) Preventing trespassing;
- (i) Preventing nuisances and other misuses of the harbour:

Provided that the proviso to subsection (1) of section 37 of the Act of 1959 shall apply to any byelaws made under this section in respect of the Board's harbour at Holyhead as if they were made under section 83 of the Act of 1847 as incorporated with the Act of 1959 and extended by the said section 37.

19.—(1) Any byelaws which may from time to time be made by the Board in exercise of the powers in that behalf conferred on them by section 83 of the Act of 1847 as applied by this Act and by section 18 (Power to Board to make byelaws) of this Act may apply to all or any one or more of the Board's harbours as may be prescribed in such byelaws. Application of Board's byelaws.

(2) (a) In any case of conflict between—

- (i) any such byelaws at any time applying within the limits of any of the Board's harbours within the harbour of another harbour authority; and
- (ii) any byelaws made by that other harbour authority and applying within the said limits or any directions given in pursuance of any enactment by that other harbour authority or the harbour master for that harbour and applying within the said limits;

the byelaws of that other harbour authority or those directions (as the case may be) shall prevail except in so far as provision to a contrary effect is made, with the express consent of that harbour authority, in the byelaws of the Board.

(b) In paragraph (a) of this subsection "harbour" and "harbour authority" have the same meanings as in the Harbours Act 1964 c. 40.

20.—(1) Notwithstanding anything in any enactment relating to any of the Board's harbours, byelaws made by the Board after the passing of this Act in respect of the Board's harbours shall be subject to the provisions of this section. General provisions as to byelaws.

(2) Byelaws may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding fifty pounds for each offence and, in the case of a continuing offence, a fine not exceeding ten pounds for each day on which the offence is continued after conviction thereof.

(3) Byelaws shall not come into operation until they have been confirmed by the Secretary of State.

(4) (a) At least twenty-eight days before application for confirmation of any byelaws is made the Board shall publish in such manner as may be approved by the Secretary of State a notice of their intention to apply for confirmation and of the place at which

PART IV
—cont.

and the time during which a copy of the byelaws will be open for public inspection; and any person affected by any of the byelaws shall be entitled to make representations thereon to the Secretary of State within a period of not less than twenty-eight days specified in the notice.

(b) In the case of an application for confirmation of byelaws applicable within the limits of any of the Board's harbours within the harbour of another harbour authority (as defined in subsection (2) of section 19 (Application of Board's byelaws) of this Act) the Board shall, not later than the date on which the notice under paragraph (a) of this subsection is first published, send a copy of the notice to the harbour master for that harbour.

(5) For at least twenty-eight days before application for confirmation of any byelaws is made under this section, a copy of the byelaws shall be kept at the office of the harbour master at the harbour or at each of the harbours to which the byelaws relate and shall at all reasonable hours be open to public inspection without payment.

(6) The Board shall supply a copy of any such byelaws to any person who applies for a copy thereof on payment of a reasonable charge.

(7) The Secretary of State may confirm, with or without modification, or may refuse to confirm, any of the byelaws submitted under this section for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws shall come into operation; and if no date is so fixed the byelaws shall come into operation after the expiration of twenty-eight days after the date of confirmation:

Provided that where the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Board and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Board and by other persons who have been informed of it.

(8) A copy of the byelaws when confirmed shall be printed and deposited at the office of the harbour master at the harbour or at each of the harbours to which the byelaws relate and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such byelaws to any person who applies for a copy thereof on payment of a reasonable charge.

(9) The production of a printed copy of byelaws confirmed under this section on which is endorsed a certificate purporting to be signed by the secretary of the Board or by some person authorised by the Board to act in his stead in that behalf, stating—

PART IV
—cont.

- (a) that the byelaws were made by the Board;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
- (d) the date when the byelaws come into operation;

shall be prima facie evidence of the facts stated in the certificate.

(10) Byelaws may vary or repeal any byelaws previously made by the Board or their predecessors.

21. Notwithstanding the provisions of subsection (3) of section 67 (Byelaws for railways and railway shipping services) of the Act of 1962 any byelaws made by the Board pursuant to subsection (2) of the said section 67 may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding fifty pounds for each such offence, and, in the case of a continuing offence, a fine not exceeding ten pounds for each day on which the offence is continued after conviction thereof.

Amendment
of section 67
of Act of
1962.

PART V

PROTECTIVE PROVISIONS

22. The following provisions of the under-mentioned Acts are incorporated with, and form part of this Part of, this Act:—

Incorporation
of provisions
of Acts of
1963 and
1967.

The Act of 1963—

Section 33 (For protection of gas, water and electricity undertakers):

The Act of 1967—

Section 35 (Crown rights) (except paragraph (b) of subsection (1) and subsection (2) thereof); and

Section 45 (For further protection of certain gas, water and electricity undertakers):

Provided that—

- (i) the definition of “undertakers” in paragraph (1) of the said section 33 of the Act of 1963, as so incorporated, shall be construed as including the water authority as being authorised by an enactment not only to carry on an undertaking for the supply of water within their area but also to exercise within that area their functions as the authority responsible for water conservation,

PART V
—cont.

sewerage and sewage disposal and paragraph (b) of the definition of “apparatus” shall be construed accordingly;

(ii) in the said section 45 of the Act of 1967, as so incorporated—

(a) the reference in paragraph (2) thereof to section 11 (Underpinning of houses near works) of the Act of 1967 shall be construed as a reference to section 11 (Underpinning of houses near works) of the Act of 1968, as incorporated with this Act; and

(b) for the reference in paragraph (4) thereof to section 13 (Incorporation of provisions of Act of 1963 relating to works) of the Act of 1967 there shall be substituted a reference to section 10 (Incorporation of provisions of Acts of 1963, 1967 and 1968 relating to works) of this Act.

For protection
of Post Office.

23. For the protection of the Post Office the following provisions shall, unless otherwise agreed in writing between the Board and the Post Office, apply and have effect:—

(1) As soon as practicable after the whole or part of a road has been stopped up and discontinued by the Board under the powers conferred by section 7 (Further works and powers) of this Act, the Board shall send by post to the Post Office a notice informing it of such stopping up and discontinuance:

(2) Where in pursuance of the said section 7 the Board stop up or discontinue the whole or any part of a road the following provisions of this paragraph shall have effect in relation to so much of any telegraphic line belonging to or used by the Post Office as is under, in, upon, over or across the land which by reason of the stopping up and discontinuance ceases to be a road (in this paragraph referred to as “the affected line”):—

(i) the power of the Post Office to remove the affected line shall be exercisable notwithstanding the stopping up and discontinuance so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in paragraph (1) of this section unless before the expiration of that period the Post Office has given notice to the Board of its intention to remove the affected line or that part thereof, as the case may be, within such reasonable period as may be specified in the said notice given to the Board;

(ii) the Post Office may by notice in that behalf to the Board abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period the Post Office has removed it or given notice of its intention to remove it;

(iii) the Post Office shall be entitled to recover from the Board 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 it may reasonably require;

(iv) where under sub-paragraph (ii) of this paragraph the Post Office has abandoned the whole or any part of the affected line it shall vest in the Board and the provisions of the Telegraph Acts 1863 to 1916 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

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

For protection
of British
Waterways
Board.

(1) In this section—

“the canals” means the Worcester and Birmingham Canal and the Trent Navigation owned or managed by the waterways board, and any works connected therewith for the maintenance of which the waterways board are responsible and includes any lands held or used by the waterways board for the purposes of the canals;

“construction” includes reconstruction and for the purposes of paragraphs (9) and (10) of this section includes the maintenance and repair of the works;

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

“plans” includes sections, drawings and particulars, including method of construction;

“the works” means so much of the works authorised by section 6 (Power to make works) of this Act as may be situated upon, across, under or over or may in any way affect the canals:

PART V
—cont.

- (2) The Board shall not under the powers of this Act acquire compulsorily any land of the waterways board, except the land delineated on the deposited plans and described in the deposited book of reference and therein numbered 26 in the parish of Alvechurch in the district of Bromsgrove in the county of Hereford and Worcester and except so much of the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 18, 19, 21, 23, 24, 25 and 26 in the district of Newark in the county of Nottinghamshire as may be required for the foundations and footings of the piers and abutments of the viaduct for carrying Work No. 3 over the Trent Navigation and the river Trent, but they may in accordance with the provisions of section 12 (Power to acquire easements only in certain cases) of this Act acquire such easements and rights in, under or over any land of the waterways board as they may reasonably require for the purposes of the works:
- (3) The Board shall, before commencing the construction of the works, including temporary works, furnish to the waterways 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:
- Provided that, if within twenty-eight days after such plans have been furnished to the waterways 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) 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 the canals and such protective works as may be reasonably necessary for those purposes shall be constructed by the Board with all reasonable dispatch:
- (5) The Board shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works and also (except in emergency when they shall give such notice as may be reasonably practicable) of their intention to carry out any works for the repair or maintenance of the works in so far as such works of repair or maintenance affect or interfere with the canals:

(6) The Board shall provide and maintain at their cost any temporary lighting of the canals and signal lights in the vicinity of the works, being lighting which the engineer may reasonably require during the construction or failure of the works:

(7) The works shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer, and in such manner as to cause as little damage to the canals as may be and as little interference as may be with the passage of vessels using the canals. If any damage to the canals or any stoppage thereof or any interference with the passage of vessels using the canals shall be caused by the carrying out of the works the Board shall, notwithstanding any such approval as aforesaid, make good such damage and on demand pay to the waterways board all reasonable expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage, stoppage or interference:

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

(8) The Board 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 repay to the waterways board all costs, charges and expenses reasonably incurred by the waterways board—

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

(b) in respect of the supervision by the engineer of the works;

(c) in bringing the works to the notice of users of the canals:

PART V
—cont.

(10) The Board shall be responsible for and make good to the waterways board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the waterways board—

(a) by reason of the works or the failure thereof;
or

(b) by reason of any act or omission of the Board or of any persons in their employ or of their contractors or others whilst engaged upon the construction of the works;

and the Board shall effectively indemnify and hold harmless the waterways board from and against all claims and demands arising out of or in connection with the construction of the works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done 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 waterways board) excuse the Board from any liability under the provisions of this section:

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

(11) Any difference arising between the Board and the waterways board under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection
of water
authority.

25. For the protection of the water authority the following provisions shall, unless otherwise agreed in writing between the Board and the water authority, apply and have effect:—

(1) In this section—

“ authorised work ” means so much of Work No. 3 or any work (whether temporary or permanent) forming part of or constructed in connection with the said work under the powers of this Act as will or may interfere with or affect (either directly or indirectly) the sewage works and includes the maintenance or renewal of any authorised work;

“ construction ” includes execution, placing and altering and in relation to temporary works also includes removal and “ construct ” and “ constructed ” have corresponding meanings;

“existing” means existing at the passing of this Act;

“the existing access” means the access road to the sewage works shown coloured brown on the signed plan;

“the new access” means the means of access to the sewage works to be provided by the Board on the lands in the district of Newark in the county of Nottinghamshire numbered on the deposited plans 31, 32, 33 and 34 (in so far as the same comes within the lines marked “Limit of land to be acquired”) and under Work No. 3;

“plans” includes sections, particulars and descriptions (including descriptions of the method of construction);

“the sewage works” means the Crankley Point Sewage Works of the water authority and includes the buildings, plant and apparatus whether existing or projected forming part of those works but does not include any apparatus (as defined in section 33 (For protection of gas, water and electricity undertakers) of the Act of 1963 (as incorporated with this Act));

“the signed plan” means the plan signed in duplicate by Harold Ormiston on behalf of the Board and by John Stevenson on behalf of the water authority:

- (2) Notwithstanding anything in this Act or shown on the deposited plans the Board shall not acquire compulsorily under this Act any land or interest in land of the water authority in the area coloured pink on the signed plan:
- (3) (a) The new access shall be constructed in accordance with such specifications and requirements as may be reasonably prescribed by the water authority and to their reasonable satisfaction;
- (b) The new access shall, when completed, be maintained and repaired by, and at the expense of, the Board for a period of one year after the completion thereof and at the expiration of that period the new access shall without payment vest in, and be maintainable by, the water authority;
- (c) The water authority shall grant to the Board a permanent right of way over the new access for workmen, plant, materials and vehicles for the purpose of inspecting, maintaining, repairing and renewing Work No. 3 for which right the Board shall pay to the water authority the sum of £100 representing the commuted cost of repairing the new access due to its use by the Board, their employees, agents and contractors;

PART V
—cont.

- (d) The Board shall not interfere with access to the sewage works by means of the existing access until the new access has been completed in accordance with the provisions of this paragraph:
- (4) Not less than two months before commencing an authorised work the Board shall, subject as hereinafter in this paragraph provided, submit plans of such work to the water authority at the office of the Divisional Manager of the Lower Trent Division of the water authority for their reasonable approval:
- Provided that, if the water authority do not, within two months after the receipt of any such plans, signify to the Board their approval or disapproval thereof they shall be deemed to have approved thereof:
- (5) (a) An authorised work shall not be constructed except in accordance with such plans as may be approved or be deemed to be approved by the water authority as aforesaid or settled by arbitration, subject however to any modification of those plans from time to time agreed upon between the engineer of the Board and the engineer of the water authority and shall be constructed to the reasonable satisfaction of the engineer of the water authority who shall be given reasonable notice of the date and time on and at which the authorised work is to be commenced;
- (b) The Board shall at all reasonable times afford to the engineer of the water authority and his duly authorised representatives access to such authorised work for the purpose of inspection and shall comply with any reasonable directions given by such engineer:
- (6) If by reason of the construction, maintenance or renewal of any authorised work or if by reason of the failure of that work or of the Board to maintain it any part of the sewage works shall at any time be injured or damaged, the water authority may make good such injury or damage and restore it to its former standard of efficiency and recover the reasonable cost thereof (including a proper proportion of the overhead charges of the water authority) from the Board:
- (7) If the water authority have reasonable grounds for believing that any part of the sewage works is likely to be damaged in any of the circumstances mentioned in the last foregoing paragraph, they may carry out such protective works as may be agreed between the water authority and the Board or as, in default of agreement, may be settled by arbitration:

- (8) The Board shall indemnify and hold harmless the water authority from all claims, demands, costs, expenses, damages or loss which may be made on or against them or which they may incur or have to pay or which they may sustain in consequence of the construction, maintenance or renewal of an authorised work or of the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Board, their contractors, agents, workmen or servants, whilst engaged upon the authorised work:

PART V
—cont.

Provided that—

- (a) the water authority shall give to the Board reasonable notice of any such claim or demand as aforesaid and no settlement or compromise thereof shall be made without the agreement of the Board; and
- (b) nothing in this paragraph shall impose any liability on the Board with respect to any claim, demand, costs, expenses, damage or loss which is attributable to the act, neglect or default of the water authority or their servants or agents:
- (9) The fact that any work or thing has been executed or done in accordance with a plan approved or not objected to by the water authority or to their satisfaction or in accordance with any directions or award of an arbitrator shall not relieve the Board from any liability under the provisions of this section:
- (10) Any difference arising between the Board and the water authority under this section (other than a difference as to the construction of this section) shall be settled by arbitration.

26. No byelaw made by the Board under section 18 (Power to Board to make byelaws) of this Act shall interfere with any of the powers or obligations of a water authority under the Control of Pollution Act 1974 or any byelaw made thereunder.

Saving for water authorities.
1974 c. 40.

PART VI

MISCELLANEOUS

27.—(1) In this section—

“the pier” means the pier known as Harwich Town Pier situate in the parish of Harwich in the district of Tendring in the county of Essex authorised by the Harwich Improvement, Quays, and Pier Act 1851 and includes the bed of the river Stour appurtenant thereto and all works and conveniences belonging to or held or used in connection therewith; and

As to
Harwich
Town Pier.
1851 c. xlii.

PART VI
—cont.

“the Trinity House” means the Master, Wardens and Assistants of the Guild Fraternity or Brotherhood of the Most Glorious and Undivided Trinity and of Saint Clement in the Parish of Deptford Strond in the County of Kent.

(2) As from the passing of this Act, the Trinity House shall, to the exclusion of the Board, be entitled to the benefit of, and to exercise, all rights, powers and privileges and be subject to all obligations of the Board, whether statutory or otherwise, for the time being in force in respect of the pier and, without prejudice to the generality of the foregoing, the restrictions and provisions set out in sections 16, 17 and 18 of the Eastern Union and Harwich Railway and Pier Act 1847, as having effect in accordance with section 8 of the Harwich Harbour Act 1863, shall continue to apply to, and in respect of, the pier.

1847 c. ccxxv.
1863 c. 71.

As to British
Transport
Commission
(Male Wages
Grades)
Pension
Scheme.

28.—(1) In this section—

“the scheme” means the British Transport Commission (Male Wages Grades) Pension Scheme established by the British Transport Commission pursuant to the regulations;

“the regulations” means the British Transport Commission (Male Wages Grades Pensions) Regulations 1954; and

“the rules” means the rules of the scheme established by the regulations and subsequently amended.

(2) The rules may be amended by resolution of the central committee from time to time appointed under the rules passed pursuant to this section with the consent of the Board, but no amendment shall be made which would have the effect of altering the main purpose of the scheme from that of providing pensions or which would have the effect of decreasing any pension being paid at the date of such amendment.

(3) Any amendment of the rules may consist of any alteration, deletion or addition thereto.

(4) Regulation 4 of the regulations (which provides that the rules shall not be amended or added to otherwise than by regulations made by the Secretary of State) shall cease to have effect.

(5) The provisions of this section are without prejudice to the powers of the Secretary of State to make orders under section 74 of the Transport Act 1962 with respect to the scheme.

1962 c. 46.

Display of
advertisements
by subsidiaries.
1968 c. 73.

29. A wholly-owned subsidiary or joint subsidiary of any of the authorities to which section 51 of the Transport Act 1968 applies (each such authority being hereafter in this section referred to as “a transport authority”) is hereby authorised whilst such subsidiary is carrying on the business of agents and contractors for the display of advertisements on the premises,

ships, vessels or vehicles of a transport authority to carry on also the business of agents and contractors for the display of advertisements—

PART VI
—cont.

(a) on the premises, ships, vessels or vehicles of a Passenger Transport Executive established by virtue of section 9 of the said Act; and

(b) on any premises provided by or in conjunction with a local authority as defined in section 270 of the Local Government Act 1972 for the purpose of a trade exhibition. 1972 c. 70.

30.—(1) Section 289 of the Town and Country Planning Act 1971 (which for the avoidance of doubt declares that the provisions of that Act and any restrictions or powers thereby imposed or conferred in relation to land apply to land notwithstanding that provision is made by any local Act passed before or during the session 10 & 11 Geo. 6 for authorisation or regulation of development of the land) shall apply to this Act as if it had been passed during that session; and accordingly the Town and Country Planning Acts 1971 and 1972 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act. Saving for Town and Country Planning Acts 1971 and 1972. 1971 c. 78.

(2) In their application to development authorised by this Act, Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Act were limited to development begun within ten years after the passing of this Act.

(3) In this section the reference to Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1973 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971 or any corresponding provision of an Act repealing that section.

31. Where under this Act any difference (other than a difference to which the provisions of the Compulsory Purchase Act 1965, as applied by this Act, apply) is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers. Arbitration. 1965 c. 56.

32. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Board and may in whole or in part be defrayed out of revenue. Costs of Act.

Section 11.

SCHEDULE**LANDS REFERRED TO IN SUBSECTION (2) OF SECTION 11 (POWER TO ACQUIRE LANDS) OF THIS ACT**

Area (1)	No. on deposited plans (2)	Purposes for which the lands may be used (3)
In the county of Nottinghamshire— Parish of Tuxford in the district of Bassetlaw	1	To carry out alterations and improvements to the railway between Newark and Retford.
District of Newark	31, 32, 33 and 34	To provide means of access under Work No. 3 to Crankley Point Sewage Works and adjoining land.

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